

Land Use and Development Handbook



Town of Dover



Revised Through 8/01/2010

[Click on a Zoning District in the list to link to the District Regulations](#)

MAP LEGEND

-  MUNICIPAL BOUNDARY
-  ZONING DISTRICT BOUNDARY
-  BLACKWELL STREET HISTORIC DISTRICT AREA
-  PROPERTY LINES
-  WATERBODIES

ZONING DISTRICTS

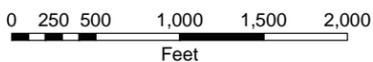
- R-1 SINGLE FAMILY (7,500 S.F.)
- R-1S SINGLE FAMILY/STEEP SLOPE (30,000 S.F. /10,000 S.F.)
- R-2 SINGLE FAMILY (5,000 S.F.)
- R-3 DOUBLE FAMILY
- R-3A DOUBLE FAMILY / ROOMING HOUSE
- R-4 MULTI-FAMILY
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-3 LIGHT INDUSTRIAL-COMMERCIAL
- D1 STATION AREA
- D2 BLACKWELL STREET HISTORIC
- D3 EAST BLACKWELL BUSINESS
- D4 SOUTH DOWNTOWN
- IND INDUSTRIAL
- IND/OP INDUSTRIAL-OFFICE PARK
- RAD REDEVELOPMENT AREA DISTRICT
- BHRPA BASSETT HIGHWAY REDEVELOPMENT PLAN AREA

NOTES:

1. THE "BLACKWELL STREET HISTORIC DISTRICT AREA" BOUNDARIES DEPICTED ON THIS MAP ARE FOR INFORMATIONAL PURPOSES ONLY FOR SHOWING ITS RELATIONSHIP TO THE SURROUNDING AND CONTAINING ZONING DISTRICTS. FOR ACTUAL REGULATORY DELINEATION, SEE THE "BLACKWELL STREET HISTORIC DISTRICT MAP" AS REFERENCED IN CHAPTER 236, ARTICLE VIIIA OF THE CODE OF THE TOWN OF DOVER.

2. THE "WATERBODIES" DEPICTED ON THIS MAP ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT REGULATORY IN NATURE.

[Click on a Zoning District Label on the Map to link to the District Regulations](#)



Reduced Scale Print



ZONING MAP
TOWN OF DOVER
 MORRIS COUNTY, NEW JERSEY

TOWN OF DOVER
 Engineering & Planning Department
 37 N. Sussex Street
 Dover, NJ 07801

Michael A. Hantson, PE, PP, CME
 Town Engineer & Planner

November, 2009

Town of Dover Zoning Table

Click on a Zoning District Title in the Table
to link to the District Regulations

Item	Requirement for Zone										D1, D2, D3 & D4	C-1	C-2	C-3	IND	IND/OP	RAD	BHRPA
	R-1	R-1S	R-2	R-3		R-3A		R-4										
Zone Description	Single family	Steep Slope (6)	Single family	Double family		Double Family / Rooming House		Multi-Family			Retail Commercial	General Commercial	Light Industrial - Commercial	Industrial	Industrial / Office Park			
				Single Family Dwelling	Two Family or Duplex Dwelling	Single Family Dwelling	Two Family or Duplex Dwelling	Two Family or Duplex Dwelling	Garden Apartments, Hotels & Motels									
Lot Area - min. (SF unless noted)	7,500	30,000	5,000	5,000	7,500	5,000	7,500	7,500	5 Acres									
Width at Street Line - min. (feet)	75	100	50	50	75	50	75	75	200									
Yards - min. (feet)																		
Front	20 (1)	35	20 (1)	20 (1)	20 (1)	20 (1)	20 (1)	20 (1)	50									
Rear	30	50	30	30	30	30	30	30										
Side (one) (principal structures built on or after 4/28/98)	10	10	10	10	10	10	10	10	See §236-35 through 42									
Side (one) (principal structures built before 4/28/98)			7	7		7												
Side (total of both) (principal structures built on or after 4/28/98)			17	17	25	17	25	25										
Side (total of both) (principal structures built before 4/28/98)	25	30	15	15	15	15												
Other Setback Requirements	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		Min. 75 feet setback to any R-1, R-2 or R-3 District Line								
Lot Coverage - max. (% / SF - whichever is smaller) (7)	65 / 4,300	30 / 20,000	65 / 4,300	65 / 4,300	65 / 4,300	65 / 4,300	65 / 4,300	N/A		See §236-35 through 42								
Lot Disturbance - max. (% / SF - whichever is smaller)	N/A	50 / 20,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A									
Building Coverage - max. (%) (7)	25	N/A	25	25	25	25	25	N/A										
Height - max. (feet / stories above grade)	30 / 2.5	35	30 / 2.5	35 / 2.5	35 / 2.5	35 / 2.5	35 / 2.5	35 / 2.5	35 / 2.5									
Floor Area - min. (SF per Unit)	1,000	1,000	1,000	800	800	1,000	800	800	N/A									
Floor Area Ratio (FAR) - max. (%)	55	N/A	55	N/A	N/A	N/A	N/A	N/A	N/A									
Off-street parking - min. (spaces) (8)	2 (2)	2 (2)	2 (2)	2 (2)	4 (2)	2 (2)	4 (2)	4 (2)	(2)									

See "§ 236-17.1. Downtown Districts"

See the "North Sussex Street Landfill Redevelopment Plan"

See the "Bassett Highway Redevelopment Plan"

This Table is prepared as an aid and is to be used in conjunction with Chapter 236 of the Code of the Town of Dover.

Reference Notes

- (1) In Blocks where more than 50% of the properties abutting a common street line are developed, the front yard of a principal building may be the average of all the existing setbacks but in no case less than 10 feet.
- (2) For uses other than Single Family, Two Family or Duplex Dwelling Units, see §236.
- (3) The minimum lot depth shall be 300 feet.
- (4) No side yard shall be less than the height of the building or structure.
- (5) Value represents a minimum for any side yard
- (6) The cluster development option exists in the R-1S Zone. See §236-21.1.I for requirements.
- (7) See the "Steep Slope" Ordinance for various adjustments to Lot Coverage and Building Coverage.
- (8) Parking Requirements for Residential Uses before the Planning Board or Board of Adjustment shall be in accordance with the "Residential Site Improvement Standards - NJAC 5:21 et. seq. (RSIS).

Chapter 236, LAND USE AND DEVELOPMENT

[HISTORY: Adopted by the Mayor and Board of Aldermen of the Town of Dover 4-12-1994 by Ord. No. 10-1994. Amendments noted where applicable.]

GENERAL REFERENCES

- Numbering of buildings -- See Ch. 133.
- Uniform construction codes -- See Ch. 150.
- Housing standards -- See Ch. 217.
- Property maintenance -- See Ch. 285.
- Signs -- See Ch. 319.
- Streets and sidewalks -- See Ch. 337.

ARTICLE I, Title, Purpose and Interpretation

§ 236-1. Short title.

This chapter shall be known and may be cited as the "Town of Dover Land Use Ordinance."

§ 236-2. Purpose.

It is the intent and purpose of this chapter to:

- A. Encourage municipal action to guide the appropriate use or development of all lands in this municipality, in a manner which will promote the public health, safety, morals and general welfare.
- B. Secure safety from fire, flood, panic and other natural and man-made disasters.
- C. Provide adequate light, air and open space.
- D. Ensure that the development of the municipality does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- E. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- F. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of the citizens.
- H. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.

- I. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- J. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the municipality and to prevent urban sprawl and degradation of the environment through improper use of land.
- K. Encourage planned unit development which incorporates the best features of design and relates the type, design and layout of residential, commercial, industrial and recreational development of the particular site.
- L. Encourage senior citizen community housing construction.
- M. Encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- N. Promote utilization of renewable energy sources.
- O. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to compliment municipal recycling programs.
- P. Provide rules, regulations and standards to guide land subdivision and site development in the Town of Dover in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

§ 236-3. Interpretation of standards.

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this chapter shall control.

ARTICLE II, Definitions and Word Usage

§ 236-4. Word usage.

The words "used for" include "designed for" and vice versa. The word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used." The word "dwelling" includes the word "residence." The word "shall" is mandatory and not directory.

§ 236-5. Terms defined.

For the purpose of this chapter, certain terms and words are herein defined as follows:

ACCESSORY BUILDING OR USE -- A use or structure customarily incidental and subordinate to the principal use of land or buildings and located on the same lot with such principal use or building. See § 236-22 for standards.

ADMINISTRATIVE OFFICER -- The Town Engineer and referred to hereinafter as the "Engineer," "Town Engineer" or "Municipal Engineer."

ADULT BOOKSTORE -- An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this chapter, "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the depiction of covered male genitals in a discernibly turgid state, and "sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

ADULT CABARET -- A cabaret which features go-go dancers, exotic dancers, strip dancers or other similar entertainers, dancers or employees.

ADULT ENTERTAINMENT ESTABLISHMENT -- Any building or structure which is used for commercial entertainment, whether for profit or nonprofit, whether a place where musical entertainment is carried out consisting of a series of unrelated episodes and dances, all with the purpose of depicting or suggesting sex-centered subjects or objects or a place where the patron is charged a fee to dance or view a series of dance routines, strip performance or other gyrational choreography provided by the establishment that depict or suggest sex-centered subjects or objects. Nothing herein defined shall in any way or form legitimize any activity prohibited by state law or Town ordinance. [Amended 11-22-1994 by Ord. No. 38-1994]

ADULT MINI-MOTION-PICTURE THEATER

- A. An enclosed building with a capacity for fewer than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity or sexual conduct. As used within this chapter, "nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering or the depiction of covered male genitals in a discernibly turgid state, and

"sexual conduct" means acts of masturbation, homosexuality, sodomy, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic areas, buttocks, or if such person be female, breast.

- B. An enclosure wherein coin- or slug-operated or electrically or mechanically controlled adult amusement machines are maintained or where mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to depict nudity or sexual conduct, as heretofore defined.

ADULT MOTION-PICTURE THEATER -- An enclosed building with a capacity for 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity and sexual conduct, as heretofore defined under this chapter, for observation by patrons therein.

ALTERATION, NONSTRUCTURAL -- Any alteration not defined as structural.

ALTERATION, STRUCTURAL -- Any change in a supporting member of a building such as load-bearing walls, columns, beams and girders.

APPLICANT -- A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT -- The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to Section 25 (N.J.S.A. 40:55D-34) or Section 27 (N.J.S.A. 40:55D-36) of the Municipal Land Use Law.

APPROVING AUTHORITY -- The Planning Board of the municipality unless a different agency is designated by ordinance when acting pursuant to the authority of the Municipal Land Use Law.^{1EN}

AUTOMOBILE SALES LOT -- An open area, other than a street, which is used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done and the site is licensed pursuant to N.J.S.A. 39:10-19 for use for the display, sale or rental of new or used motor vehicles or trailers.

BASEMENT -- That portion of a building which is partly or completely below grade and not a story above grade. [Added 4-28-1998 by Ord. No. 15-1998]

BILLBOARD OR SIGNBOARD -- Any structure or portion thereof situated on private premises on which lettered or pictorial matter is displayed for advertising purposes other than those signs on a building or its grounds giving the name and occupation of the user of the premises, the nature of the business conducted thereon or the products primarily sold or manufactured thereon.

BOARDINGHOUSE AND ROOMING HOUSE -- As per N.J.S.A. 55:13B-3, any building, together with any related structure, accessory building, any land appurtenant thereto and any part thereof, which contains two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel or established guesthouse wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only, any foster home as defined in Section 1 of P.L. 1962, c. 137 (N.J.S.A. 30:4C-26.1), any community residence for the developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students, any building arranged for

single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the Department of Higher Education and any facility or living arrangement operated by, or under contract with, any state department or agency, upon the written authorization of the Commissioner.

BOARD OF ADJUSTMENT -- The board established pursuant to Section 56 (N.J.S.A. 40:55D-69) of the Municipal Land Use Law.

BUILDING -- A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING, AREA OF -- The area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above. [Added 4-28-1998 by Ord. No. 15-1998]

BUILDING COVERAGE -- The percentage of the lot area that is occupied by all buildings. [Added 4-28-1998 by Ord. No. 15-1998]

BUILDING, HEIGHT OF -- The vertical distance from the grade plane to the average height of the highest roof surface. [Added 4-28-1998 by Ord. No. 15-1998]

CAPITAL IMPROVEMENT -- A governmental acquisition of real property or major construction project.

CELLAR -- See the definition of "basement." [Added 4-28-1998 by Ord. No. 15-1998]

CIRCULATION -- Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

COMMON OPEN SPACE -- An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMMUNITY BUILDING OR CENTER -- A building for civic, social, educational, cultural and recreational activities of a neighborhood or community not operated primarily for monetary gain.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES -- A community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.), providing food, shelter and personal guidance under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include but not be limited to group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health-care facility within the meaning of the Health Care Facilities Planning Act, P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.). [Added 6-13-1995 by Ord. No. 17-1995]

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED -- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (N.J.S.A. 30:11B-1 et seq.), providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or

permanently, in order to live in the houses, intermediate-care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health-care facility within the meaning of the Health Care Facilities Planning Act, P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23,^{iiEN} but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge. [Added 6-13-1995 by Ord. No. 17-1995]

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE -- Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare. [Added 6-13-1995 by Ord. No. 17-1995]

CONDITIONAL USE -- A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance,^{iiiEN} and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL -- Development other than planned development.

COUNTY MASTER PLAN -- A composite of the Master Plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

COUNTY PLANNING BOARD -- The County Planning Board, as defined in Section 1 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.1), of the county in which the land or development is located.

COURT -- An open, unoccupied space, other than a yard, on the same lot with a building or a group of buildings and which is bounded on two or more sides by such building or buildings.

DAYS -- Calendar days.

DECK -- A platform installed above grade level attached to a building or structure and having no roof and no enclosed sides. [Added 4-28-1998 by Ord. No. 15-1998]

DENSITY -- The permitted number of dwelling units per gross area of land to be developed.

DEVELOPER -- The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT -- The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any

building or other structure or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law.^{ivEN}

DEVELOPMENT REGULATION -- A zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to the Municipal Land Use Law.^{vEN}

DISTRICT -- Any part of the territory of the Town of Dover to which certain uniform regulations and requirements of this chapter shall apply.

DRAINAGE -- The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY -- The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the Revised Statutes.^{viEN}

DUPLEX -- A structure containing two dwelling units separated by a common vertical wall.

DWELLING, MULTIFAMILY -- A building containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other with their own cooking and sanitary facilities, excluding boarding- and rooming houses.

DWELLING, SEMIDETACHED -- A two-family dwelling with one dwelling unit beside the other, separated therefrom by a party or common wall with no openings therein.

DWELLING, SINGLE-FAMILY -- A building containing one dwelling unit only and occupied or intended to be occupied exclusively for residence purposes by one family or one housekeeping unit, excluding boarding- and rooming houses.

DWELLING, TWO-FAMILY -- A building containing two dwelling units only and occupied or intended to be occupied exclusively for residence purposes by two families or two housekeeping units, living independently of each other and each with their own cooking and sanitary facilities, excluding boarding- and rooming houses.

DWELLING UNIT -- A building or part thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EFFICIENCY UNITS -- Apartment dwelling units consisting of a bath, one large room without permanent separations to be used for living, dining and bedroom facilities and with cooking facilities separated from the main room by a permanent wall or a sliding or some other temporary partitions.

ENVIRONMENTAL COMMISSION -- A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).

EROSION -- The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FAMILY -- One or more persons customarily living together as a single housekeeping unit,

whether or not related to each other by birth or marriage, as distinguished from a group occupying a boardinghouse, lodging house, hotel or motel.

FINAL APPROVAL -- The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FINAL PLAT -- The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer.

FIRST FLOOR AREA -- The floor area measured by using the outside dimensions of the residential portion of a building, excluding the area of an attached garage. For a split level or trilevel dwelling, the area shall be considered to be the sum of the areas of two adjoining levels.

FLOOR AREA RATIO -- The sum of the area of all floors of buildings or structures compared to the total area of the site.

GARAGE, PARKING -- A building, or part thereof, other than an accessory of repair garage, used for the off-street storage of passenger vehicles free of charge or at hourly, daily or monthly rates which may also include keeping any such vehicles for hire.

GARAGE, PRIVATE -- A detached accessory building or portion of a principal building for the parking or temporary storage of motor vehicles of the occupants of the principal building to which the garage is accessory and wherein not more than one space is either rented to persons not residents of the lot rented to or not more than one commercial vehicle not to exceed two tons in net weight.

GARDEN APARTMENTS -- A multifamily dwelling of three or fewer stories in height.

GENERAL DEVELOPMENT PLAN -- A comprehensive plan for the development of a planned development, as provided by the Municipal Land Use Law.^{vii}EN

GOVERNING BODY -- The Mayor and Board of Aldermen of the Town of Dover.

GRADE PLANE -- A reference plane representing the average of finished ground level adjoining the building or structure at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than eight feet from the building, between the building and a point eight feet from the building. [Added 4-28-1998 by Ord. No. 15-1998]

GUESTHOUSE -- See the definition of "hotel."

HABITABLE ROOM -- A room or enclosed floor space used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces. [Added 3-26-2002 by Ord. No. 8-2002]

HIGH-RISE APARTMENTS -- Multifamily dwellings of more than three stories in height.

HISTORIC DISTRICT -- One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

HISTORIC SITE -- Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which have been formally designated in the Master Plan as being of historical, archaeological, cultural, scenic or of architectural significance.

HOME OCCUPATION -- An occupation for gain or support conducted only by members of a family residing in the dwelling, provided that the character of the building is not changed, the occupation is conducted entirely within either the dwelling or accessory building, but not both, and the area of the "home occupation" will not exceed 50% of the first floor area. "Home occupations" may exist on any floor of the dwelling. No sounds are audible outside the building, no display is visible from outside of the building, no article is sold or offered for sale on the premises and provided further that no machinery or equipment is used which will cause electrical or other interference with radio and television reception in adjacent residences. No more than one commercial vehicle associated with the "home occupation" shall be permitted on site, and said vehicle shall be garaged. No import or export of material by a vehicle of more than four tons or two axles shall be permitted. In addition to the off-street parking required for the residential use, additional parking shall be provided in an amount equal to one space/200 square feet or part thereof of "home occupation" use. A "home occupation" shall not include automobile repair, welding or any occupation causing a nuisance as defined herein or includes any hazardous or toxic or dangerous substances as defined by the New Jersey Department of Environmental Protection. No "home occupation" shall be conducted without a zoning permit. Any "home occupation" use shall require site plan approval.

HOSPITAL -- Unless otherwise specified, includes sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and hospice, any other premises containing beds for four or more patients and used for the diagnosis, treatment or other care of ailments and shall be deemed to be limited to place for diagnosis, treatment or care of human ailments.

HOTEL -- As defined in N.J.S.A. 55:13A-3(j), any building, including but not limited to any related structure, accessory building and land appurtenant thereto, and any part thereof, which contains 10 or more units of dwelling space or sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as or held out to be a place where sleeping or dwelling accommodations are available to transient or permanent guests. This definition shall also mean and include any motor hotel, motel or established guesthouse which is commonly regarded as a motor hotel, motel or established guesthouse, as the case may be, in the community in which it is located; provided that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this chapter, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided and occupied or intended to be occupied as such.

INTERESTED PARTY

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- B. In the case of civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under the Municipal Land Use Law,^{viii}EN or whose rights to use, acquire or enjoy property under the Municipal Land Use Law or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law.

LAND -- Includes improvements and fixtures on, above or below the surface.

LIGHT MANUFACTURING -- Manufacturing which deals with the fabrication or assembly of standardized parts of limited size that might be handled by hand, excluding processing activities

which would involve a physical or chemical process which would change the nature or character of the raw material or product.

LIMOUSINE -- Includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the, maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition shall be construed to include taxicabs, hotel buses or buses employed solely in transporting school children or teachers or autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or state law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death. [Added 5-8-2001 by Ord. No. 9-2001]

LIMOUSINE SERVICE BUSINESS -- Includes the business of carrying passengers for hire by limousines along with the associated offices, garages and/or parking areas. [Added 5-8-2001 by Ord. No. 9-2001]

LOADING SPACE -- An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT -- A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT, CORNER -- A lot at the junction of and abutting on two or more intersecting streets when the interior angle of intersection does not exceed 135°. On a "corner lot," the owner shall have the privilege of selecting any abutting street line as the front lot line, provided that such designation is clearly shown on the building plans and subdivision map, if applicable, filed with and approved by the Town construction official. On a "corner lot," the rear yard shall be opposite the designated front yard. For developed lots that are the subject of resubdivision, the front yard shall be that yard designated by the Planning Board as the front yard upon consideration of building setbacks and orientation of the subject and neighboring lots in the same block. However, each portion of a "corner lot" abutting a street line shall have sufficient length to meet the minimum lot area requirement and shall have met the minimum lot width and depth requirements. [Amended 12-13-1994 by Ord. No. 39-1994]

LOT DEPTH -- The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINE -- The legal boundaries of a lot as shown on a filed map in the County Clerk's office or as shown on a survey prepared, signed and sealed by a licensed land surveyor.

LOT WIDTH -- The horizontal distance between the side lot lines, measured at the required front yard setback.

MAINTENANCE GUARANTY -- Any security, other than cash, which may be accepted by the municipality for the maintenance of any improvements required by this chapter.

MAJOR SUBDIVISION -- Any subdivision not classified as a minor subdivision.

MASTER PLAN -- A composite of one or more written or graphic proposals for the development

of the municipality as set forth in and adopted pursuant to the Municipal Land Use Law.^{ixEN}

MAYOR -- The chief executive of the municipality.

MINOR SITE PLAN -- A development plan of one or more lots which proposes new development within the scope of development specifically permitted by this chapter as a "minor site plan;" does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to the Municipal Land Use Law;^{xEN} and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

MINOR SUBDIVISION -- A subdivision of land for the creation of three or fewer lots, including the remainder of tract, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant the Municipal Land Use Law.^{xiEN}

MOBILE HOME PARK

- A. A parcel of land, or two more parcels of land, containing no fewer than 10 sites equipped for the installation of manufactured homes, where these sites are under common ownership and control for the purpose of leasing each site to the owner of a manufactured home for the installation thereof, and where the owner or owners provide services, which are provided by the municipality in which the park is located for property owners outside the park, which services may include but shall not be limited to:
- (1) The construction and maintenance of streets.
 - (2) Lighting of streets and other common areas.
 - (3) Garbage removal.
 - (4) Snow removal.
 - (5) Provisions for the drainage of surface water from home sites and common areas.
- B. A parcel, or any contiguous parcels, of land which contain, on the effective date of this chapter, no fewer than three sites equipped for the installation of manufactured homes, and which otherwise conform to the provisions of this chapter, shall qualify as a "mobile home park" for the purpose of this chapter.

MOTOR VEHICLE BODY REPAIR SHOP -- A building or premises in which or upon which is conducted a business involving the repair of body and fender work and/or painting of motor vehicles, excluding motor vehicle service stations and repair garages as herein defined.

MOTOR VEHICLE REPAIR GARAGE -- A building or premises in which or upon which is conducted a business involving the mechanical or electrical repair or reconditioning of motor vehicles, including motor vehicle service stations, but excluding motor vehicle body repair shops, as herein defined.

MOTOR VEHICLE SALES LOT -- An outdoor open area, other than a street, which is used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done and the site is licensed pursuant to N.J.S.A. 39:10-19 for use for the display, sale or rental of new or used motor vehicles or trailers. [Added 3-9-1999 by Ord. No. 1-1999]

MOTOR VEHICLE SERVICE STATION -- A building or premises in which or upon which is conducted a business involving the retail sale and direct delivery of gasoline or other motor vehicle fuel and oil, and other lubricating substances to motor vehicles. [Amended 6-13-1995 by

Ord. No. 17-1995]

MULTIPLE FAMILY -- See the definition of "dwelling, multifamily."

MUNICIPAL AGENCY -- The Municipal Planning Board or Board of Adjustment, or the governing body of the Town of Dover when acting pursuant to the Municipal Land Use Law.^{xii}EN

NONCONFORMING LOT -- A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance,^{xiii}EN but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE -- A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance,^{xiv}EN but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE -- A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance,^{xv}EN but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NUISANCE

A. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristics or activity or use across a property line which can be perceived by or effects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to:

- (1) Noise.
- (2) Dust.
- (3) Smoke.
- (4) Fumes.
- (5) Odor.
- (6) Glare.
- (7) Flashes.
- (8) Vibration.
- (9) Shock waves.
- (10) Heat.
- (11) Electronic or nuclear radiation.
- (12) Objectionable effluent.
- (13) Noise of congregation of people, especially at night.
- (14) Passenger traffic.
- (15) Transportation of things by truck, rail or other means.
- (16) Invasion of nonabutting street frontage by parking.

B. The standards used to determine if one or more nuisance factors exist shall be those as established under or pursuant to applicable local, county, state and federal laws.

OFFICIAL COUNTY MAP -- The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the County of Morris.

OFFICIAL MAP -- A map adopted by ordinance pursuant to the Municipal Land Use Law.^{xvi}EN

OFF-SITE -- Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

OFF-TRACT -- Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE -- Located on the lot in question.

ON-TRACT -- Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE -- Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such "open space," provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OWNER -- Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PARKING AREA, PRIVATE -- An open area, other than a street, for the same use as a private garage.

PARKING AREA, PUBLIC -- An open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

PARKING SPACE -- An area either within a structure or garage or in the open, exclusive of driveways or access drives for the parking of motor vehicles.

PARTY IMMEDIATELY CONCERNED -- For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under the Municipal Land Use Law and the ordinances of the Town of Dover.

PATIO -- An area within six inches of grade level, covered with masonry, stone, wood or similar material without benefit of column supports, open to the sky and which may not be attached to a building or structure. [Added 11-14-2000 by Ord. No. 23-2000]

PERFORMANCE GUARANTY -- Any security which may be accepted by a municipality, including cash, provided that not more than 10% of the total "performance guaranty" shall be in cash.

PERMITTED USE -- Any use of the land as permitted in a zoning district according to this chapter.

PLANNED COMMERCIAL DEVELOPMENT -- An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED DEVELOPMENT -- Unit development, planned unit, residential development, residential cluster, planned commercial development or planned industrial development.

PLANNED INDUSTRIAL DEVELOPMENT -- An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more

structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

PLANNED UNIT DEVELOPMENT -- An area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Ordinance.^{xvii}EN

PLANNED UNIT RESIDENTIAL DEVELOPMENT -- An area with a specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses, all primarily for the benefit of the residential development.

PLANNING BOARD -- The Municipal Planning Board established pursuant to the Municipal Land Use Law.^{xviii}EN

PLAT -- A map or maps of a subdivision or site plan.

PRELIMINARY APPROVAL -- The conferral of certain rights pursuant to the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS -- Architectural drawings prepared during early and introductory stages of the design of a project illustrating, in a schematic form, its scope, scale and relationship to its site and immediate environs.

PROFESSION OR PROFESSIONAL OCCUPATIONS -- Refers to businesses and offices in conformance with the provisions of this chapter without generating a nuisance to the surrounding neighborhood or inferring a changing character to residential areas such as those uses depending on heavy vehicular or pedestrian traffic in order to attract customers as opposed to businesses utilizing appointments.

PUBLIC AREAS

- A. Public parks, playgrounds, trails, paths and other recreational areas.
- B. Other public spaces.
- C. Scenic and historic sites.
- D. Sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL -- A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGEWAY -- The land reserved or dedicated for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground, where practical, and to lessen nonpoint pollution.

PUBLIC OPEN SPACE -- An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency or other public body for recreational or conservation uses.

QUORUM -- The majority of the full authorized membership of a municipal agency.

RESIDENTIAL CLUSTER -- An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY -- The number of dwelling units per gross acre of residential land area, including streets, easements and open space portion of a development.

RESIDENTIAL SITE IMPROVEMENT STANDARDS -- Rules promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of P.L. 1993, c. 32 (N.J.S.A. 40:55D-40.1 et seq.) as N.J.A.C. 5:21 et seq. [Added 11-10-2003 by Ord. No. 39-2003]

RESTAURANT -- Any establishment, however designated, at which food is prepared and sold for consumption on the premises. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a "restaurant."

RESTAURANT, DRIVE-IN -- A restaurant at which any food or refreshments are prepared and sold and customarily served to or consumed by any patrons while seated in automobiles, regardless of whether or not, in addition thereto, seats or other accommodations are provided for patrons.

REST HOME -- See the definition of "hospital."

RESUBDIVISION

- A. The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or
- B. The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

ROOMING UNIT -- Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living but not cooking purposes. [Added 2-8-2005 by Ord. No. 2-2005]

SATELLITE ANTENNA -- Any apparatus which is designed for the purpose of transmitting television, radio, microwave, satellite or similar signals with the exception of conventional television antennas.

SEDIMENTATION -- The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SETBACK LINE -- A line drawn parallel to the street or lot line from which the "setback line" is measured and running through that point of a building lying nearest to the street or lot line. The term "required setback" shall mean the minimum distance between a setback line and a street or lot line beyond which a building is not permitted to extend under the provisions of this chapter in order to establish minimum depths and widths of yards.

SIDEWALK -- A way for carrying pedestrian traffic, and may be located within the right-of-way provided for a street or may be located adjacent to a property line, between lots, and laid out so that it may provide pedestrian traffic along a street or road or within a subdivision connecting two streets.

SIGN -- Any device used to attract the attention of the public for advertising purposes. The word "sign" includes letters, figures, drawings, lines, trademarks, photographs and other markings encompassed within the sign area. "Signs" shall be further differentiated one from the

other as follows:

- A. BANNER SIGN -- Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, which is made of lightweight fabric or similar material that is mounted to a pole, building or structure at one or more edges. [Added 6-13-1995 by Ord. No. 17-1995 ^{xi}EN]
- B. DIRECTORY SIGN -- A sign which directs attention to a business conducted on the premises or to a product sold or service supplied by such business.
- C. GROUND SIGN -- A sign which is supported by one or more uprights or braces in or upon the ground. The words "freestanding sign" shall be synonymous with "ground sign."
- D. ILLUMINATED SIGNS -- Any sign having a source of light for illumination either externally or internally or a combination of both. An "illuminated sign" includes reflectorized, glowing and radiating signs.
- E. NEON SIGN -- A sign illuminated by the means of neon or other gases which produce a glowing sign.
- F. OFFICIAL SIGN -- Any sign erected and maintained by a federal, state, county or local governmental agency for the purpose of informing, guiding or protecting the public.
- G. PROJECTING SIGN -- A sign affixed to any building beyond the building wall or parts thereof, structure, building line or property line more than eight inches.
- H. PROPERTY LINE -- The side line of any street, road or highway in which the public has acquired rights of use, which side line marks the division line between such street, road or highway and lands privately owned.
- I. PYLON SIGN -- A structure in the form of a tower or pier, the chief purpose of which is to attract attention and display a message for use, activity or product not offered at the site location. "Pylon sign" shall be synonymous with "billboard."
- J. ROOF SIGN -- A sign erected, constructed and maintained above the roof of any building.
- K. SIGN AREA -- The area of a sign shall be computed by multiplying the greatest vertical dimension by the greatest horizontal dimension of the sign space. The framing or edging shall be considered part of the "sign area." Posts or supporting devices shall not be considered part of the "sign area."
- L. SIGN FACE -- The surface area used or to be used for each advertisement. A double-faced sign shall be considered as having two faces.
- M. STOREFRONT -- Defined as 15 feet of building frontage.
- N. SURFACE -- The total area of the space used or to be used for advertising purposes.
- O. TEMPORARY SIGN -- A sign displayed for a short period of time. "Temporary signs" shall not be illuminated.
- P. WALL SIGN -- A sign which is affixed or painted on an exterior wall of any building that projects not more than eight inches from the building wall or parts thereof, structure, building line or property line.
- Q. WINDOW SIGN -- Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. [Added 6-13-1995 by Ord. No. 17-1995]

SITE PLAN -- A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to the ordinance requiring review and approval of site plans by the Planning Board^{xxEN} adopted pursuant to the Municipal Land Use Law.^{xxiEN}

SITE PLAN COMMITTEE -- A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of reviewing site plans in accordance with the provisions of this chapter and any such other duties relating to land subdivision which may be conferred on this committee by the Planning Board.

SKETCH PLAT -- A sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

STANDARDS OF PERFORMANCE -- Standards adopted by ordinance pursuant to the Municipal Land Use Law^{xxiiEN} regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality; or standards required by applicable federal or state laws or municipal ordinances.

STORY -- That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

STORY ABOVE GRADE -- Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is: [Added 4-28-1998 by Ord. No. 15-1998; amended 7-10-2007 by Ord. No. 22-2007]

- A. More than four feet above grade plane;
- B. More than four feet above the finished ground level for more than 50% of the total building perimeter; or
- C. More than six feet above the finished ground level at any point.

STORY, HALF -- A space under a sloping roof which has the line of intersection of the interior faces of the roof structure and main building wall not more than three feet above the top floor level and in which space the floor area with a headroom of five feet or more occupies at least 60% of the total area of the story directly beneath. [Added 4-28-1998 by Ord. No. 15-1998]

STORY, HEIGHT OF -- The vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. [Added 4-28-1998 by Ord. No. 15-1998]

STREET -- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or which is shown upon a plat theretofor approved pursuant to law; or which is approved by official action as provided by the Municipal Land Use Law;^{xxiiiEN} or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of

the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE -- The dividing line between the street right-of-way and a lot. Where title to land extends to the center of a road easement or right-of-way, the side line of such road, easement or right-of-way shall be deemed to be the "street line" of a street.

STRUCTURE -- A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land.

STRUCTURE, HEIGHT OF -- The vertical distance from the grade plane to the highest point of the structure. [Added 4-28-1998 by Ord. No. 15-1998]

SUBDIVIDER -- Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION

A. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered

"subdivisions" if no new streets are created:

- (1) Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size.
- (2) Divisions of property by testamentary or interstate provisions.
- (3) Divisions of property upon court order, including but not limited to judgments of foreclosure.
- (4) Consolidation of existing lots by deed or other recorded instrument.
- (5) The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

B. The term "subdivision" shall include the term "resubdivision."

SUBDIVISION COMMITTEE -- A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of this chapter and any such other duties relating to land subdivision which may be conferred on this Committee by the Planning Board.

TAXICAB -- Includes any automobile or motor car, commonly called "taxi," engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this state, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the state. [Added 5-8-2001 by Ord. No. 9-2001]

TAXICAB SERVICE BUSINESS -- Includes the business of carrying passengers for hire by taxicabs along with the associated offices, garages and/or parking areas. [Added 5-8-2001 by Ord. No. 9-2001]

TRAILER -- A recreational vehicle, travel trailer, camper or other transportable, temporary

dwelling unit, with or without its own motor power, designed and constructed for travel and recreational purposes to be installed on a nonpermanent foundation if installation is required.

TRANSCRIPT -- A typed or printed verbatim record of the proceedings or reproduction thereof.

USABLE RECREATION SPACE -- An open space developed and designed to be utilized for the purpose of recreation whether it be parkland, ball field or playgrounds.

USE -- The specific purpose for which a parcel of land or a building or portion of a building is designed, arranged, intended, occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use. A change of "use" shall mean a change from a category of use to an entirely different category of use. Categories are listed as follows: residential, office, retail, commercial, industrial, recreational, government buildings, libraries and museums.

USE, ACCESSORY -- A use which is customarily associated with and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

VARIANCE -- Permission to depart from the literal requirements of the Zoning Ordinance^{xxiv}EN pursuant to the Municipal Land Use Law.

WALKWAY -- A sidewalk.

YARD, FRONT -- An open space, extending across the full width of the lot, the depth of which is the minimum horizontal distance between the nearest point on the street line and the nearest part of the prime or accessory building.

YARD, REAR -- An open space extending the full width of the lot between the prime building and the rear lot line. The depth of the required "rear yard" shall be measured horizontally from the nearest part of the prime building toward the nearest point of the rear line.

YARD, SIDE -- An open space, extending from the front yard to the rear yard between the main building and the side lot line. The width of the required "side yard" shall be measured horizontally from the nearest point on the side lot line toward the nearest part of the main building.

ZONING PERMIT -- A document signed by the Zoning Officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or alteration of a structure or building; and which acknowledges that such use, structure or building complies with the provisions of the Municipal Zoning Ordinance^{xxv}EN or variance therefrom duly authorized by a municipal agency pursuant to the Municipal Land Use Law.^{xxvi}EN

ARTICLE III, Planning Board and Zoning Board of Adjustment

§ 236-6. Planning Board membership, organization, powers and duties.

- A. Establishment. There is hereby established a Planning Board pursuant to N.J.S.A. 40:55D-1 et seq., of nine members, consisting of the following four classes:
- (1) Class I: the Mayor.
 - (2) Class II: one of the officials of the Town other than a member of the Board of Aldermen to be appointed by the Mayor, provided that, if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
 - (3) Class III: a member of the Board of Aldermen to be appointed by it.
 - (4) Class IV: six other citizens of the Town to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment, and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.
- B. Terms.
- (1) The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member, who is also a member of the Environmental Commission, shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
 - (2) The term of a Class IV member, who is also a member of the Board of Adjustment or Board of Education, shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
 - (3) The terms of all Class IV members first appointed, pursuant to this section, shall be so determined that, to the greatest practicable extent, the expiration of such shall be evenly distributed over the first four years after their appointment, provided that no term of any member shall exceed four years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four years except as

- otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.
- C. Alternate members. There shall be two alternate members. Alternate members shall be appointed by the appointing authority for Class IV members and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.
 - D. Vacancies. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.
 - E. Organization of Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and shall select a Secretary, who may be either a member of the Planning Board or a municipal employee designated by it.
 - F. Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney as it shall deem necessary, not exceeding the amount appropriated by the Board of Aldermen for its use. The Planning Board Attorney shall not be the Town Attorney.
 - G. Experts and staff. The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Board of Aldermen for its use.
 - H. Powers and duties generally. The Planning Board is authorized to adopt bylaws governing the procedural operation. It shall also have the following powers and duties:
 - (1) To make and adopt and from time to time amend a Master Plan for the physical development of the Town, including any areas outside its boundaries, which, in the Board's judgment, bear essential relation to the planning of the Town, in accordance with the provisions of the N.J.S.A. 40:55D-28.
 - (2) To administer the provisions of Article V of this chapter and the Municipal Land Use Law.^{xxvii}EN
 - (3) To participate in the preparation and review of progress or plans required by state or federal law or regulations.
 - (4) To assemble data on a continuing basis as part of a continuous planning process.
 - (5) To annually prepare a program of municipal capital improvement projects, if requested and authorized by the Board of Aldermen, projected over a term of six years, and amendments thereto, and recommend the same to the Board of Aldermen, pursuant to N.J.S.A. 40:55D-29.
 - (6) To consider and report to the Board of Aldermen within 35 days after referral to any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26, Subdivision a, and also pass upon other matters specifically referred to the Planning Board by the Board of Aldermen, pursuant to the provisions of N.J.S.A. 40:55D-26, Subdivision b.

- (7) Relief.
 - (a) When reviewing applications for approval of subdivision plans, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:
 - [1] Variances, pursuant to N.J.S.A. 40:55D-70, Subdivision c, from lot area, lot dimensional setback and yard requirements, provided that such relief from lot area requirements shall not be granted for more than one lot.
 - [2] Direction, pursuant to N.J.S.A. 40:55D-34, for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved, pursuant to N.J.S.A. 40:55D-32.
 - [3] Direction, pursuant to N.J.S.A. 40:55D-36, for issuance of a permit for a building or structure not related to a street.
 - (b) Whenever relief is requested, pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.
 - (8) To perform such other advisory duties as are assigned to it by ordinance or resolution of the Board of Aldermen for the aid and assistance of the Board of Aldermen or other agencies or officers.
- I. Time; subdivision approval.
- (1) Minor subdivision. Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless, within such period, a plat in conformity with such approval and the provisions of the Map Filing Law^{xxviiiEN} or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Town Engineer and the Tax Assessor. Any such plat or deed shall be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.
 - (2) Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.
 - (3) Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers pursuant to N.J.S.A. 40:55D-60, the Planning Board shall grant or deny approval of the application within 120 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the

Planning Board to act shall be issued on request of the applicant.

(4) Final approval.

(a) Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the prescribed period shall constitute approval.

(b) Final approval of a major subdivision shall expire 95 days from the date of the signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

- J. Applications; procedures for filing. Applications for development within the jurisdiction of the Planning Board shall be filed with the Secretary of the Planning Board. The applicant shall file at least 14 days before the date of the monthly meeting of the Board three copies of a sketch plat, three copies of applications for minor or major subdivision approval, site plan review, conditional use approval or planned development. At the time of filing the application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file 12 copies of all plot plans, maps or other documents required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.
- K. Advisory committee. The Mayor may appoint one or more persons as a citizens advisory committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.
- L. Environmental Commission. Whenever the Environmental Commission does prepare and submit to the Planning Board an index of the natural resources of the Town, the Planning Board shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.
- M. Rules and regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this section. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., shall apply.

§ 236-7. Zoning Board of Adjustment membership, organization, powers and duties.

A. Establishment; composition; term.

- (1) There is hereby established a Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven members appointed by the Mayor and Board of Aldermen to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that, to

- the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter the term of each member shall be four years. Nothing in this section, however, shall be construed to effect the term of any present member of the Zoning Board of Adjustment, each of whom shall continue in office until the completion of the term for which he was appointed. All members shall be residents of the Town of Dover. [Amended 11-10-1998 by Ord. No. 34-1998]
- (2) No member of the Zoning Board of Adjustment may hold any elective office or position under the Town of Dover.
 - (3) A vacancy occurring other than by expiration of term shall be filled for the unexpired term only.
- B. Alternate members. There shall be two alternate members of the Board of Adjustment, who shall be appointed by the Mayor. The term of alternate members shall be for two years. The Chairman of the Board of Adjustment shall designate the alternate members as "Alternate No. 1" and "Alternate No. 2;" alternate members shall serve in rotation during the absence or disqualification of any regular members.
- C. Officers. The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall select a Secretary who may be either a Board member or a municipal employee.
- D. Board of Adjustment Attorney. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney as it shall deem necessary, not exceeding the amount appropriated by the Board of Aldermen for its use. The Board of Adjustment Attorney shall not be the Town Attorney.
- E. Experts and staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Board of Aldermen for its use.
- F. Rules and regulations. The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this section. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
- G. Powers of the Zoning Board of Adjustment.
- (1) The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-70 et seq., and amendments and supplements thereto, and with the provisions of this section.
 - (2) It is the intent of this section to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including, not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this section, or any term, clause, sentence or word hereof, and the Zoning Map, in accordance with the general rules of construction applicable to legislative enactment.
 - (3) The board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variance from the terms of this section in accordance with the

general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this section would work undue hardship. The powers and duties of the Board, having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in N.J.S.A. 40:55D-1 et seq., or subsequent statutes, in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

H. Appeals and applications.

- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved, or by an officer, department, board or bureau of the Town affected by any decision of the administrative officer. Each appeal shall be taken within the 20 days prescribed by N.J.S.A. 40:55D-72a by filing a notice of appeal with the office from whom the appeal was taken, together with three copies of such notice, with the Secretary of the Board of Adjustment. Such notice of appeal shall specify the grounds for appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - (2) Applications addressed to the original jurisdiction of the Board of Adjustment without prior application to an administrative officer shall be filed with the Secretary of the Zoning Board of Adjustment. Three copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall file all plot plans, maps or other documents required by virtue of any provisions of this section or any rules of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.
 - (3) An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal has been filed with him, that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.
- I. Power to reverse or modify decisions. In exercising the above-mentioned power, the Board of Adjustment may, in conformity with applicable law, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as ought to be made and to that end have all the powers of the administrative officer from whom the appeal was taken.
- J. Expiration of variance. Any variances from the terms of this chapter hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration has been actually commenced on each and every structure permitted by such variance or unless such permitted use has actually been commenced within 12 months from the date of entry of the judgment or determination of the Board of

Adjustment, except that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the Mayor and Board of Aldermen, or to a court of competent jurisdiction, until the termination in any manner of such appeal.

- K. Powers granted by law. The Board of Adjustment shall have such powers as are granted by N.J.S.A. 40:55D-70, as may from time to time be amended or supplemented.
- L. Additional powers. The Zoning Board of Adjustment shall, in addition to the powers specified, have power granted by law to:
 - (1) Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-34, for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
 - (2) Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-36, for a building or structure not related to a street.
 - (3) To grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval, pursuant to N.J.S.A. 40:55D-37, or conditional use approval, pursuant to N.J.S.A. 40:55D-67, whenever the Board is reviewing an application for approval of a use variance, pursuant to Subsection K.
- M. Time for decision. The Board of Adjustment shall render its decision no later than 120 days after the date an appeal is taken from the decision of an administrative officer or the submission of a complete application for development to the Board. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
- N. Effect of denial. Any application which is denied by the Board of Adjustment shall not be again considered by the Board except as provided herein and until two years' time lapses from the date of the Board's resolution of denial.

§ 236-8. Provisions applicable to both the Planning Board and Zoning Board of Adjustment.

- A. Conflicts of interest. No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member disqualifies himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- B. Meetings.
 - (1) Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
 - (2) Special meetings may be held at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
 - (3) No action shall be taken at any meeting without an appropriate quorum being present.
 - (4) All actions shall be taken by majority vote of a quorum except as otherwise required by law.

- (5) All regular meetings and all special meetings shall be open to the public. Notice of all such meeting shall be given in accordance with the requirements of the Open Public Meetings Law, N.J.S.A. 10:4-7 et seq. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.
- C. Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Town Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.
- D. Fees. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board, and copies of such rules or of the separate fee schedule shall be available to the public.
- E. Hearings.
 - (1) Rules. The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with applicable law or this chapter.
 - (2) Oaths. The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 et seq., shall apply.
 - (3) Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
 - (4) Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
 - (5) Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript of duplicate recording in lieu thereof on request to any interested party at his expense.
- F. Notice requirements for hearing. Whenever a hearing is required on an application for development, the applicant shall give notice thereof in accordance with N.J.S.A. 40:55D-12 as may from time to time be amended or supplemented.
 - (1) When notice required. [Amended 11-14-2000 by Ord. No. 21-2000]
 - (a) Notice shall be required for:
 - [1] Minor and preliminary major site plan review.

- [2] Minor and preliminary major subdivision review.
- [3] Variance relief.
- [4] Conditional use permits.
- (b) Notice shall not be required for:
 - [1] Final major site plan review.
 - [2] Final major subdivision review.
 - [3] Waiver of site plan, including expedited waiver of site plan review.
 - [4] Informal review of concept development plans.
 - [5] An appeal of the decision of the administrative officer per N.J.S.A. 40:55D-70a.
 - [6] Map or ordinance interpretation or special questions per N.J.S.A. 40:55D-70b.
- (2) All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- (3) Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- (4) All notices required to be given, pursuant to the terms of this section, shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
- G. List of property owners furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor shall, within seven days after receipt of a request therefor, and upon receipt of payment of a fee of \$10, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice.
- H. Decisions.
 - (1) Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon.
 - (2) A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, then to the attorney without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Town Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Town.
- I. Publication of decision. A brief notice of every final decision shall be published in the official newspaper of the Town. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. Such notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.
- J. Payment of taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of

Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the Town will be adequately protected.

§ 236-9. Appeals.

- A. Appeals to the Zoning Board of Adjustment. An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the administrative officer of the Town based on or made in the enforcement of Article IV, Zoning, or the Official Map. Such appeal shall be taken within 65 days by filing a notice of appeal in the manner set forth in § 236-7H herein and in accordance with the provisions of N.J.S.A. 40:55D-69 et seq.
- B. Appeals from Zoning Board of Adjustment to Board of Aldermen. An appeal from any decision of the Zoning Board of Adjustment granting a use variance pursuant to the provisions of N.J.S.A. 40:55D-70d may be taken to the Mayor and Board of Aldermen, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Zoning Board of Adjustment. Such appeal shall be conducted in accordance with N.J.S.A. 40:55D-17.

§ 236-10. Definitions; pending applications.

- A. Definitions of terms. Whenever a term is used in this article which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning set forth in the definition of such term found in such statute, unless a contrary intention is clearly expressed from the context of this article.
- B. Pending applications. All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of § 236-9B.

ARTICLE IV, Zoning

§ 236-11. Zoning districts and Zoning Map.

A. Zoning districts. For the purpose of this chapter, the Town of Dover is hereby divided into zoning districts as follows: [Amended 11-13-1995 by Ord. No. 28-1995; 7-9-1996 by Ord. No. 22-1996; 12-29-2009 by Ord. No. 18-2009]

R-1	Single-Family
R-1S	Steep Slope Single-Family
R-2	Single-Family
R-3	Double-Family
R-3A	Double-Family/Rooming House
R-4	Multifamily
C-1	Retail Commercial
C-2	General Commercial
C-3	Light Industrial-Commercial
D1	Station Area
D2	Blackwell Street Historic
D3	East Blackwell Business
D4	South Downtown
IND	Industrial
IND/OP	Industrial-Office Park
RAD	Redevelopment Area District
BHRPA	Bassett Highway Redevelopment Plan Area

B. Zoning Map.^{xxixEN} The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, Town of Dover, Morris County, New Jersey," prepared by Michael A. Hantson, PE, PP, CME, Town Engineer and Planner, dated November 2009, which accompanies and is hereby made part of this chapter. [Amended 7-9-1996 by Ord. No. 22-

1996; 12-29-2009 by Ord. No. 18-2009]

- C. Interpretation of boundaries. District boundary lines are intended to follow street center lines, watercourses and lot or property lines as they exist at the time of enactment of this chapter unless otherwise indicated by dimensions of the Zoning Map. The exact location of any disputed district boundary line shall be determined by the Board of Adjustment.
- D. Division of a lot in single ownership. Where a district boundary line divides one or more lots which are in a single ownership at the time of the passage of this chapter, any use authorized in either district on such lot or lots may extend not more than 50 feet beyond the boundary line of the district in which such use is authorized. The uses so extended shall be deemed to be conforming.
- E. Vacation of streets or other public ways. Where a vacated right-of-way was bounded on either side by more than one district, the former center line of such right-of-way shall determine the extension of each district. Hence the zoning districts adjoining the side of such districts of such public way shall be extended to the center line to include the right-of-way thus vacated.

§ 236-12. General district regulations.

- A. The restrictions and controls intended to regulate development in each zoning district are herein set forth. [Amended 5-9-1995 by Ord. No. 16-1995; 11-13-1995 by Ord. No. 28-1995]
- B. Prohibited uses. All uses not expressly permitted in this chapter are prohibited uses.

§ 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. [Amended 2-8-2005 by Ord. No. 2-2005]
 - (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. [Added 6-13-1995 by Ord. No. 17-1995]
- 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. [Added 3-26-2002 by Ord. No. 8-2002]
- (2) Accessory buildings and structures shall meet the following conditions and be limited to the following stated uses: [Added 3-26-2002 by Ord. No. 8-2002]
 - (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 buildings, 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. [Added 6-13-1995 by Ord. No. 17-1995]
- 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. [Amended 4-15-2000 by Ord. No. 9-2000]
 - (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. [Amended 4-28-1998 by Ord. No. 15-1998; 4-15-2000 by Ord. No. 9-2000]
 - (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.
 - (5) Building coverage shall not exceed 25%. [Added 4-28-1998 by Ord. No. 15-1998]
 - 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. [Amended 4-28-1998 by Ord. No. 15-1998; 7-10-2007 by Ord. No. 22-2007]
 - 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. [Added 7-10-2007 by Ord. No. 22-2007^{xxxEN}]
 - H. Off-street parking.
 - (1) All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 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. [Amended 4-15-2000 by Ord. No. 9-2000]
 - (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. [Added 4-28-1998 by Ord. No. 15-1998]
- (5) Building coverage shall not exceed 25%. [Added 4-28-1998 by Ord. No. 15-1998]
- 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. [Amended 4-28-1998 by Ord. No. 15-1998]
- 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. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-15. R-3A Double-Family/Rooming House District.

- A. Principal uses: same as R-3 District.
- B. Accessory uses: same as R-3 District.
- C. Conditional uses as stipulated in § 236-40. Conditional uses as stipulated in § 236-40 shall be as follows:
 - (1) Same as R-3 District.
 - (2) Boardinghouses and rooming houses for more than two roomers, boarders or lodgers.
- D. Bulk requirements: same as R-3 District.
- E. Height limits: same as R-3 District.
- F. Minimum floor area: same as R-3 District.
- G. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-16. R-4 Multifamily District.

- A. Principal uses. Principal uses shall be as follows:
 - (1) Two-family dwellings and duplex dwellings.
 - (2) Garden apartments.
 - (3) Funeral homes.
 - (4) Public or private parking lots and parking garages.
 - (5) 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. [Added 6-13-1995 by Ord. No. 17-1995]
- B. Accessory uses: same as R-1 and R-2 Districts.
- C. Conditional uses. Conditional uses shall be as follows:
 - (1) Hotels and motels.
 - (2) Same as R-1 and R-2 Districts.
- D. Bulk requirements.
 - (1) Two-family dwellings and duplex dwellings in the R-4 District shall conform to the area

- and yard requirements for two-family and duplex dwellings as set forth in the R-3 District.
- (2) Garden apartments and hotel and motel buildings shall be set back from all street lines a minimum of 50 feet, except that none shall be erected or constructed within 75 feet of any R-1, R-2 or R-3 District lines. Garden apartments shall be constructed on lots a minimum of 200 feet in width at the street line and a minimum lot area of five acres and shall more particularly conform to the additional standards as set forth under §§ 236-35 through 236-42 of this chapter.
 - (3) No building in the R-4 District shall be closer than 40 feet to any rear lot line.
- E. Height limits: same as R-1 and R-2 Districts.
 - F. Minimum floor area. All single- and two-family or duplex dwellings in the R-4 District shall conform to the minimum residential floor areas as established in the R-2 District.
 - G. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-17. C-1 Retail Commercial District.

- A. Principal uses. Principal uses shall be as follows:
 - (1) The following types of establishments:
 - (a) Food stores.
 - (b) Markets.
 - (c) Clothing and apparel stores.
 - (d) Book stores (excluding adult book stores).
 - (e) Sporting goods stores.
 - (f) Department stores.
 - (g) Banks.
 - (h) Drugstores.
 - (i) Barbershops.
 - (j) Beauty salons.
 - (k) Cleaners which do not perform cleaning on the premises.
 - (l) Stationery stores.
 - (m) Jewelry stores.
 - (n) Office supply stores.
 - (o) furniture stores.
 - (p) Luncheonettes.
 - (q) Restaurants.
 - (r) Bus depots or other transportation centers.
 - (s) Hotels.
 - (t) High-rise apartments.
 - (u) Government buildings.
 - (v) Offices.
 - (w) Libraries.
 - (x) Museums and community centers.
 - (y) Photographers' studios.

- (z) Music and dance studios.
- (aa) Package goods stores.
- (bb) Computer, audio and video electronic sales and repair shops.
- (cc) Florists.
- (dd) Taverns.
- (ee) Newspaper publishers.
- (2) Parks and playgrounds.
- (3) Buildings used exclusively by federal, state, county or local government.
- (4) Shopping centers containing the type of retail and service establishments permitted as principal uses.
- (5) Automobile parking lots and parking garages, provided that no more than two points of ingress/egress are placed along the same street within the limits of one block.
- (6) Flea markets as defined, regulated and licensed in accordance with Chapter 196, Flea Markets and Concessionaires. [Added 5-9-1995 by Ord. No. 16-1995]
- B. Accessory uses and buildings permitted. Accessory uses and buildings permitted shall be private garages for commercial vehicles associated with permitted principal uses.
- C. Conditional uses as stipulated in § 236-40 shall be as follows: [Amended 5-8-2001 by Ord. No. 9-2001]
 - (1) Same as R-1 and R-2 Districts.
 - (2) Fraternal organizations, clubs, lodges and meeting rooms of nonprofit organizations.
 - (3) Apartment units.
 - (4) Limousine service businesses.
 - (5) Taxicab service business.
- D. Bulk requirements.
 - (1) There shall be no minimum lot size or yard requirements in the C-1 District.
 - (2) All buildings in the C-1 District may be attached. In the event that buildings are not attached, the separation shall be a minimum of 15 feet in order to provide access to the rear of the property by fire apparatus. Such opening or alley shall be lighted and kept free of debris and may serve as pedestrian access to parking areas and streets.
 - (3) The roof line of all floors above the second shall be set back from the side building line a horizontal distance equivalent to 1/2 the vertical height of the respective roof line.
- E. Height limits. All buildings in the C-1 District may be erected up to 14 stories, except that no building shall exceed 160 feet in height above the street line.
- F. Minimum floor area: same as the R-4 District.
- G. Off-street parking requirements.
 - (1) All residential uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]
 - (2) For all other uses, the following requirements shall be met:
 - (a) For new development of a vacant lot, off-street parking shall be in accordance with § 236-43.
 - (b) For redevelopment of a lot which the cost of redevelopment exceeds 50% of the value of existing improvements, as determined by the Construction Official, and site plan review is required, off-street parking shall be in accordance with § 236-43.

- (c) For all other permitted nonresidential uses, there shall be no off-street parking requirements.

§ 236-17.1. Downtown Districts.

This section of the Land Development Ordinance establishes the Downtown District and provides a Form-Based Code (code) for Town of Dover's downtown area (Downtown). Where the provisions of the Land Use and Development Code and § 236-17.1 are inconsistent, the regulations of § 236-17.1 shall apply. Any graphical reference to District boundaries shown in § 236-17.1 shall be superseded by the boundaries adopted by the Zoning Map - Town of Dover^{xxxiiEN} as they may be lawfully changed from time to time. A companion document entitled "Form Based Code - Town of Dover," prepared by Heyer, Gruel & Associates, dated November 2009, contains graphical and pictorial examples of the application of this code and is encouraged to be used for reference not regulatory purposes.

A. Intent.

- (1) The primary intent of this section of the Land Development Ordinance is to establish the Downtown District and create a regulatory framework to implement the 2006 Transit Oriented Development Plan (TOD Plan) for the downtown area.
- (2) The downtown districts comprise subareas 1, 3 and 5 of the TOD Plan and include the train station and its surrounding properties, retail uses on Blackwell Street, and the surface parking lots owned by the Town and NJ Transit. The zone boundaries of the downtown districts generally follow the subarea boundaries established in the TOD Plan (see Zoning Map^{xxxiiEN}) and the Dover Historic District boundary. The key principles of each subarea, and the character defining elements of the Historic District, are translated into district goals of the respective downtown district.
- (3) The Downtown District is composed of the D1 Station Area District, D2 Blackwell Street Historic District, D3 East Blackwell Business District, and D4 South Downtown District, which form the basis of a comprehensive change to the zoning within the Downtown. The land development regulations for the downtown districts are "form-based" and place greater emphasis on the form of a building, rather than the use of a development site (or sites), and are meant to achieve predictable physical outcomes. They regulate the form, placement and design of private buildings in order to shape the public realm - the space between buildings. These form-based regulations will facilitate new development in Dover while remaining respectful of the historic integrity of the Town.
- (4) Specific objectives of the downtown districts are:
 - (a) To create a framework for the construction of new buildings and renovation of existing buildings with a form-based approach and to reinforce the positive elements of the downtown area.
 - (b) To define distinctive street profile specifications considering the needs of various groups of users - businesses, pedestrians, motorists, bicyclists, and transit riders -- while creating a public realm that is active, comfortable and attractive.
 - (c) To provide design standards for enhancing the downtown and guide the form and architecture of new development to be complementary to its historic character and context.

- B. Organization. This section of the Land Development Ordinance regulates development by the provision of District Regulating Map - Designated Districts (Regulating Map 1), District Regulating Map - Designated Overlays (Regulating Map 2), Height Regulating Map, downtown districts, building types, frontage types, street profile specifications, architectural standards, and definitions.
- (1) District Regulating Map 1 - Downtown Districts (Regulating Map 1).^{xxxiiiEN}
 - (a) The Downtown District boundaries are established by Zoning Map but are indicated herein for reference by District Regulating Map 1 - Downtown Districts (Regulating Map 1), Figure 236-17.1A. Future boundaries may change therefore the Zoning Map should be referred to for regulatory purposes.
 - (b) The following downtown districts are established:
 - [1] D1 Station Area District.
 - [2] D2 Blackwell Street Historic District.
 - [3] D3 East Blackwell Business District.
 - [4] D4 South Downtown District.
 - (2) District Regulating Map 2 - Civic Spaces and Public/Quasi-Public Overlays (Regulating Map 2).^{xxxivEN} The designated overlays are established by the District Regulating Map 2 - Civic Spaces and Public/Quasi-Public Overlays (Regulating Map 2), Figure 236-17.1B. Regulating Map 2 shows the location of designated civic buildings, civic spaces, new rights-of-way, and public parking. The purpose of this map is to reserve specific areas within the downtown for the creation of public improvements including civic spaces, civic buildings, new rights-of-way and public parking. Development within these overlays shall be limited to the creation of civic spaces and public/quasi-public buildings, irrespective of the provisions of downtown districts. Development in the designated overlays is regulated as follows:
 - (a) Designated civic space: The primary use of land within this overlay shall be park, plaza, greenway or other types of public space. No building or parking may be constructed within the overlay.
 - (b) Designated civic building: provides for the conservation and construction of civic buildings. The primary use of land within this overlay shall be a civic building. The only building type permitted within the overlay shall be the civic building.
 - (c) Designated new right-of-way: The primary use of land within this overlay shall be a public right-of-way, designed in accordance with the street type specifications of this code. The New Right-Of-Way Overlay along the Dover Train Station frontage shall be designed in accordance with the recommendations of the TOD Plan and shall incorporate enhanced pedestrian improvements and a "kiss-n-ride" amenity.
 - (d) Designated public parking: The primary use of land within this overlay shall be surface or structured parking facilities for the provision of public parking. Liner buildings, as defined in the building type regulations of this Code, may be provided to shield parking areas from view.
 - (3) District Regulating Map 3 - Building Heights.^{xxxvEN} The District Regulating Map 3 - Building Heights, Figure 236-17.1C, illustrates the maximum building height in stories and feet permitted in each Downtown District. The height regulations shall apply to

- new construction as well as the future demolition and replacement. The height regulations shall not apply to any existing buildings within the Historic District. Any deviation from the Height Regulating Map requires a variance either from N.J.S.A. 40:55D-70c or 40:55D-70d in accordance with the Municipal Land Use Law.
- (4) Downtown districts. This subsection establishes the primary goals and the general development regulations, including permitted uses, lot sizes, setbacks, building heights, and the location of parking in each downtown district. Permitted uses are provided by downtown district and building type, in the Permitted Uses by Building Type Summary Table. Any deviation from the principal permitted uses requires a "d" variance.
- (5) Building types.
- (a) Based on the predominant character and anticipated development patterns, as detailed in the TOD Plan, building types are specified for each of the downtown districts. Building types are either allowed or prohibited based on the intended character of a district; they are the character-defining elements of a district. Hence, any deviation from the permitted building types requires a "d" variance.
- (b) Building type regulations, which focus on achieving the desired and essential characteristics, are specified in this subsection. This layer of regulation is designed to maintain the rich variety of buildings and streetscapes in the Downtown. The permitted uses, lot sizes, setbacks, building heights, and the location of parking are specified in the Downtown District regulations. The building type regulations do not apply to any existing buildings within the Historic District. A Zone Application Key Map is provided as a convenience for each building type. This key map shows the downtown districts or portions of downtown districts where the building type is permitted.
- (c) In case of a conflict between regulations for downtown districts and the specific requirements of a building type, the building type requirements shall take precedence.
- (6) Frontage types. The permitted frontage types include shopfront and awning; stoop; terrace; and arcade. Building frontage essentially defines the way a building relates to the public realm. Frontage types are intended to regulate the ground-level frontage of a building, along a public street or a public space and to ensure that its interface with the public realm and the transition between the two are detailed properly. In this code, frontage types are permitted by downtown district, building type as well as the building use provided at the street level. Any deviation from the design requirements of a permitted frontage type shall constitute a "c" variance.^{xxxvi}EN
- (7) Street profile specifications and District Regulating Map 4 - street types.^{xxxvii}EN Streets within the Downtown are classified as Blackwell Street, Avenue "A," and Avenue "B," based on the function and width of right-of-way. The District Regulating Map 4 - street types, Figure 236-17.1-D, illustrates the primary street types within the Downtown. The Street Profile Specifications illustrate the typical configuration of streets and street segments within the Downtown. These specifications address vehicular lane widths, sidewalks, on-street parking, tree planting areas, bike lanes, and placement of street furniture and lighting. The respective street profile diagrams guide the street types.

- (8) Architectural standards. The Architectural Standards regulate the architectural elements of a building and set the parameters for configurations, styles, construction techniques, and desired materials. The standards also regulate the design of various elements of the buildings within the districts, including facades, roofs, fences, walls, and awnings. From a regulatory perspective, they shall be considered design standards, and deviations shall be considered design standard waivers.
 - (9) Sustainability/"green design" regulations for downtown districts. This section of the code provides the necessary steps in creating a sustainable, mixed-use, pedestrian-friendly environment that protects and enhances natural resources while providing individuals and families with safe, healthy and comfortable places to live, work, and recreate.
 - (10) Streetscape standards. The Streetscape Standards are meant to guide public investment in streetscape improvements and to assist property owners and developers in designing their own building's relation to the public realm. These standards specify the allowable planters, trash cans, bike racks, bus stops, lighting, and paving materials.
 - (11) Definitions. This section contains a glossary of technical terms that are specific to the downtown districts.^{xxxviii}EN Article II, Definitions and Word Usage, shall be the primary source of all other definitions. In case of a conflict in usage of words, the definitions in this code shall supersede Article II.
- C. Code navigation.
- (1) The code for the Downtown has been designed to be user friendly. The provisions of the downtown districts can be verified in seven simple steps:
 - (a) Locate your parcel on the District Regulating Map 1 - Downtown Districts (Figure 236-17.1-A) and identify the downtown district in which it is located. Also, determine if your parcel is situated in the Historic District (as defined by § 236-96.7 in Article VIIIA of the Land Development Ordinance).
 - (b) Locate your parcel on the District Regulating Map 2 - Civic Spaces and Public/Quasi-Public Overlays (Figure 236-17.1-B) and determine if your parcel is situated in a designated overlay.
 - (c) Review the downtown districts subsection (§ 236-17.1D) to identify the permitted uses, lot sizes, setbacks, building heights, and the location of parking.
 - (d) Use the District Regulating Map 3 - Building Heights (Figure 236-17.1-C), to determine the maximum building height for the parcel.
 - (e) Review the building types subsection (§ 236-17.1E) to determine the building types that can be built on the parcel. Once a building type is identified determine the requirements that are specific to the building type.
 - (f) Review the frontage types subsection (§ 236-17.1F) to determine the frontage types allowed. Once a frontage type is identified, determine the requirements that are specific to the frontage type.
 - (g) Review the general regulations for downtown districts (§ 236-17.1H) to determine if any additional regulations may be applicable.
 - (h) Review the architectural standards (§ 236-17.1I) to determine the applicable architectural regulations.
 - (i) If the parcel is located within the Historic District, refer to Historic District

requirements specified in § 236-96.7 in Article VIIIA of the Land Development Ordinance.

(2) Table 236-17.1-1 is a list of regulatory maps and summary tables:

Table 236-17.1-1 Regulatory Maps & Summary Tables			
		Section #	Table / Figure No.
MAP	District Regulating Map 1 – Downtown Districts Note: Refer to Zoning Map for Boundaries	Regulating Maps	Figure 236-17.1- A
	District Regulating Map 2 – Civic Spaces and Public/Quasi-Public Overlays	Regulating Maps	Figure 236-17.1- B
	District Regulating Map 3 – Building Heights	Regulating Maps	Figure 236-17.1- C
	District Regulating Map 4 – Street Types	Regulating Maps	Figure 236-17.1- D
SUMMARY TABLE	Building Types By Downtown District Summary Table	Downtown Districts	Table 236-17.1- 1
	Permitted Uses by Building Type Summary Table	Downtown Districts	Table 236-17.1- 2
	Allowable Frontage Types	Frontage Types	Table 236-17.1- 3

D. Downtown districts.

(1) D1 Station Area District.

(a) District purpose/goal.

- [1] To create a civic core of the Town with the Dover Train Station as its focus.
- [2] To create a public plaza and an outdoor dining space at the train station.
- [3] To continue the presence of multifamily residential housing close to the train station.
- [4] To create an opportunity for public and commuter parking.

(b) Permitted uses.

- [1] Principal uses: in accordance with the Permitted Uses By Building Type Summary Table.^{xxxix}EN
- [2] Accessory uses: uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
- [3] Additional use regulations:
 - [a] Public parking lots (and structures) are permitted as the primary use of property in the "public parking" overlay areas shown on District Regulating Map 2.^xEN
 - [b] Multifamily residential housing is permitted as a principal use only in Block 1213, Lot 3.

- (c) Placement of accessory uses with respect to principal building. Parking, loading, trash and on-site storage shall be located in the rear or interior only.
- (d) Building form standards.
 - [1] The maximum wall plane width (vertical rhythm) shall be 50 feet.
 - [2] The maximum single tenant commercial area shall be 10,000 square feet.
 - [3] The minimum residential unit size shall be 800 square feet.
- (e) Setbacks.
 - [1] Setbacks shall be regulated by building type.
- (f) Building height.
 - [1] The minimum building height shall be regulated by building type.
 - [2] The maximum building height shall be as indicated in the District Regulating Map 3 - Building Heights.^{xlii}EN
 - [3] There is no vertical setback requirement from a public street.
- (g) Coverage requirements.
 - [1] Maximum building coverage shall not exceed 85%.
 - [2] Maximum impervious coverage shall not exceed 90%.
- (h) Permitted building types. Only the following building types are permitted:
 - [1] Commercial block.
 - [2] Liner building.
 - [3] Townhouse.
 - [4] Civic building.
 - [5] Multifamily building.
- (2) D2 Blackwell Street Historic District.
 - (a) District purpose/goal.
 - [1] To provide for the renovation and conservation of historic buildings within the Dover Historic District.
 - [2] To create a strong street edge of mixed-use buildings with retail on the ground floor with residential and commercial uses permitted by right in the upper floors.
 - [3] To create opportunities for retail, office, theaters, and eating/dining establishments.
 - (b) Permitted uses.
 - [1] Principal uses. Permitted uses within existing structures shall be in accordance with the permitted uses provided in the Permitted Uses by building type Summary Table (All Existing Buildings).^{xliii}EN
 - [2] Accessory uses: Uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
 - (c) District regulations.
 - [1] All buildings within the Historic District shall be retained and restored as required by Article VIIIA, Historic Preservation.
 - [2] Where existing buildings are restored or reused in their current state, the principal structure of all existing buildings within the district shall be

considered a conforming structure. No bulk requirements are provided within this district.

- [3] In case of new construction or demolition (where existing buildings are replaced by new structures), the district, use, building type, and frontage regulations of D3 East Blackwell Business District shall apply.
 - [4] In case of new construction or demolition (where existing buildings are replaced by new structures), the architectural standards of this code shall apply.
 - [5] The provisions of Article VIII A, Historic Preservation, shall apply to all lots within D2 Blackwell Street Historic District.
- (3) D3 East Blackwell Business District.
- (a) District purpose/goal.
 - [1] To build upon the characteristic elements of the Town's Historic District and function as an extension of the D2 Blackwell Street Historic District.
 - [2] To create a strong street edge of mixed-use buildings with retail on the ground floor with residential and commercial uses permitted by right in the upper floors.
 - [3] To create opportunities for retail, office, theaters, and eating/dining establishments.
 - (b) Permitted uses.
 - [1] Principal uses: in accordance with the Permitted Uses by Building Type Summary Table.^{xliii}EN
 - [2] Accessory uses: uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
 - (c) Placement of accessory uses with respect to principal building. Parking, loading, trash and on-site storage shall be located in the rear or interior only.
 - (d) Building Form Standards.
 - [1] The maximum wall plane width (vertical rhythm) shall be 50 feet.
 - [2] The maximum single tenant commercial area shall be 10,000 square feet.
 - [3] The minimum residential unit size shall be 800 square feet.
 - (e) Setbacks.
 - [1] Setbacks shall be regulated by building type.
 - (f) Building height.
 - [1] The minimum building height shall be regulated by building type.
 - [2] The maximum building height shall be as indicated in the District Regulating Map 3 - Building Heights.^{xliiv}EN
 - [3] There is no vertical setback requirement from a public street.
 - (g) Coverage requirements.
 - [1] Maximum building coverage shall not exceed 70%.
 - [2] Maximum impervious coverage shall not exceed 70%.
 - (h) Permitted building types. Only the following building types are permitted:
 - [1] Commercial block.

- [2] Corner buildings.
- [3] Civic building.
- (4) D4 South Downtown District.
 - (a) District purpose/goal.
 - [1] To create mixed-use development that capitalizes on its proximity to the train station and is a complementary extension of the existing downtown.
 - [2] To capitalize on the existing park/recreation space (Crescent Field).
 - [3] To create new multifamily residential housing close to the train station.
 - [4] To preserve and enhance the public and commuter parking facilities.
 - (b) Permitted uses.
 - [1] Principal uses: in accordance with the Permitted Uses by Building Type Summary Table.^{xlvEN}
 - [2] Accessory uses: uses accessory and incidental to principal permitted uses such as parking, loading, on-site storage, apartment common areas, and trash recycling areas.
 - [3] Additional use regulations:
 - [a] Multifamily and townhouse building types are only permitted west of Orchard Street.
 - [b] With respect to the New Jersey Transit maintenance facility in Block 510, Lot 6, should New Jersey Transit choose to change or relocate this facility, it must be relocated to a suitable location outside the downtown districts.
 - (c) Placement of accessory uses with respect to principal building: parking, loading, trash and on-site storage shall be storage shall be located in the rear or interior only.
 - (d) Building form standards.
 - [1] The maximum wall plane width (vertical rhythm) shall be 50 feet.
 - [2] The maximum single tenant commercial area shall be 20,000 square feet.
 - [3] The minimum residential unit size shall be 800 square feet.
 - (e) Setbacks.
 - [1] Setbacks shall be regulated by building type. Buildings with property lines adjoining a residential zone or a residential use shall have a vertical setback of 10 feet at every three stories along the property line.
 - (f) Building height.
 - [1] The minimum building height shall be regulated by building type.
 - [2] The maximum building height shall be as indicated in the District Regulating Map 3 - Building Heights.^{xlviEN}
 - [3] Vertical setback from public street shall be a minimum of five feet for after the fourth story.
 - (g) Coverage requirements.
 - [1] Maximum building coverage shall not exceed 85%.
 - [2] Maximum impervious coverage shall not exceed 90%.
 - (h) Permitted building types. Only the following building types are permitted:
 - [1] Liner building.

- [2] Courtyard building; only east of Orchard Street.
 - [3] Multifamily building; only west of Orchard Street.
 - [4] Corner building.
 - [5] Townhouse; only west of Orchard Street.
 - [6] Civic building.
 - [7] Commercial block.
- (5) Allowable building types.
- (a) The allowable building types are defined by downtown district.
 - (b) Any existing building within the D2 Blackwell Street Historic District shall be considered a conforming structure. In case of new construction or demolition, the regulations of the D3 East Blackwell Business District shall apply.

Table 236-17.1-2				
Building Types By Downtown District Summary Table				
	D1 Station Area District	D2 Blackwell Street Historic District	D3 East Blackwell Business District	D4 South Downtown District
Commercial Block (CO)	YES	See Note Below	YES	YES
Liner Building (LB)	YES		NO	YES
Townhouse (TH)	YES		NO	YES*
Courtyard Building (CY)	NO		NO	YES**
Corner Building (CR)	NO		YES	YES
Civic Building (CI)	YES		YES	YES
Multi-Family Building (MF)	YES		NO	YES*
<p>* Only permitted West of Orchard Street</p> <p>** Only permitted East of Orchard Street</p> <p>Note: Any existing building within the D2 Blackwell Street Historic District shall be considered a conforming structure. In case of new construction or demolition the regulations of D3 East Blackwell Business District shall apply.</p>				

- (6) Permitted uses by building type. The permitted uses within downtown districts are defined by building type. Table 236-17.1-3 summarizes the permitted uses.

Table 236-17.1-3											
Permitted Uses By Building Type Summary table											
Building Types	Permitted Uses										
	Dwelling Unit	Hotel	Business/Professional Office	Bank	Retail Sales and Service	Drive-Through Uses	Restaurant	Theater	Music & Dance Studios, And Fitness Centers	Club /Fraternal Organization	Civic Use/Community Center
Commercial Block (CO)	Pu	P	Pu	P	P	N	P	P	Pu	Pu	P
Liner Building (LB)	Pu	Pu	P	P	P	N	P	P	P	Pu	P
Townhouse (TH)	P	N	N	N	N	N	N	N	N	N	N
Courtyard Building (CY)	Pu	Pu	P	P	P	N	P	P	P	Pu	P
Corner Building (CR)	Pu	P	Pu	P	P	N	P	P	Pu	Pu	P
Civic Building (CI)	N	N	N	N	N	N	N	N	P	P	P
Multi-Family Building (MF)	P	N	N	N	N	N	N	N	N	N	N
All Existing Buildings	Pu	P	Pu	P	P	N	P	P	Pu	Pu	P
P	Permitted (All Floors) Principal Use – Use may be provided on all floors in this Building Type										
Pu	Permitted (Upper Floors) Principal Use – Use may only be provided on the upper floors of this Building Type										
N	Not Permitted – Use is prohibited in this Building Type										

E. Building types.

(1) Commercial block (CO). The commercial block is the most predominant building type found on Blackwell Street. It is typically a mixed-use building with retail uses at the street level and residential uses in the upper floors. These buildings are generally built up to the street without any side yard. The three predominant variants of the commercial block among existing buildings in Downtown are the twenty-five-foot- to thirty-foot-wide building, fifty-foot- to sixty-foot-wide building, and one-hundred-foot- to one-hundred-twenty-five-foot-wide building.

(a) Setback.

- [1] The build-to-line distance shall be zero.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than five feet shall be permitted for pedestrian access only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be five feet.

(b) Building height.

- [1] The minimum number of stories shall be two.
- [2] The minimum building height shall be 30 feet.
- [3] The minimum height of the ground floor shall be 12 feet.
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.

(c) Building size.

- [1] The maximum width of a building shall be 90% of the lot width, but not to exceed a maximum of 125 feet.
- [2] The minimum depth of ground floor commercial space shall be 40 feet.

(d) Permitted configuration of parking.

- [1] Both structured and surface parking shall only be permitted in the rear of the building.

(e) Maximum building encroachment.

- [1] The maximum building encroachment for a signature building entrance shall be five feet.
- [2] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
- [3] The maximum building encroachment for an awning shall be five feet.

(f) Additional regulations.

- [1] The upper-story storage, internal circulation areas, and staircases shall not be visible from the public street.
- [2] Upper-story residential and office entrance lobbies are permitted at the street level.
- [3] Pitched and mansard roofs are not permitted.
- [4] Continuous "glass walls" are not permitted.
- [5] Upper-story balconies are not permitted on facades visible from a public street.
- [6] The height of a parking structure shall not exceed the height of principal building.

(2) Liner buildings (LB). A liner building is a mixed-use structure which is generally parallel to the street and designed to enclose a functional core such as a parking garage and shield the visibility of such structures from a public street, plaza or park. A liner building may include commercial, office, and/or residential uses. Entrances to liner buildings are provided in the form of a common lobby at the ground floor for access to upper-story residential and office spaces and as private front doors to access ground-level unit and street-level entrances to retail spaces. If the liner building encloses a parking structure, the rooftop space of the parking structure may be designed as a green roof, which would serve as residential amenity.

(a) Setback.

- [1] The build-to-line distance shall be zero. A build-to-line distance of 10 feet shall be permitted when terrace or stoop frontages are provided.
- [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access only.
- [3] There shall be no minimum side rear setback distance.
- [4] The setback distance for surface parking shall be five feet.

(b) Building height.

- [1] The minimum number of stories shall be three.
- [2] The minimum building height shall be 40 feet.
- [3] The minimum height of the ground floor shall be 12 feet.
- [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
- [5] The maximum height of a corner architectural element shall be 20 feet.

(c) Building size.

- [1] The maximum width of a building shall be 250 feet.
- [2] The minimum depth of a building shall be 40 feet.
- [3] The building frontage at the build-to-line shall not exceed 90% of the lot frontage.

(d) Permitted configuration of parking.

- [1] Both structured and surface parking shall only be permitted in the rear of the building.
- [2] Structured parking may be under habitable space or a green roof.

(e) Maximum building encroachment.

- [1] The maximum building encroachment for a signature building entrance shall be five feet.
- [2] The maximum building encroachment for an upper-story balcony shall be four feet.
- [3] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
- [4] The maximum building encroachment for an awning shall be five feet.

(f) Additional regulations.

- [1] The upper-story storage, internal circulation areas, and staircases shall not be visible from the public street.
- [2] Upper-story residential and office entrance lobbies are permitted at the street

- level.
 - [3] Rooftop of parking structures may be occupied by a green roof or habitable space.
 - [4] Pitched roofs, except mansard, are not permitted for buildings taller than four stories.
 - [5] Internal access to parking from the mixed-use liner building may be provided at every floor.
 - [6] The maximum footprint area of corner architectural elements shall be 300 square feet.
- (3) Townhouse (TH). A townhouse is one in a series of one-family dwelling units that are attached vertically by common fire- and sound-resistant walls. Parking for a townhouse may be provided within the unit and accessed from a rear alley or as a common surface lot or parking structure within the townhouse development.
- (a) Setback.
 - [1] The build-to-line distance shall be no more than 10 feet.
 - [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access and landscaping only.
 - [3] There shall be no minimum side rear setback distance.
 - [4] The setback distance for surface parking shall be five feet.
 - (b) Building height.
 - [1] The minimum number of stories shall be three.
 - [2] The minimum building height shall be 40 feet.
 - [3] There shall be no minimum height of the ground floor.
 - [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
 - (c) Building size.
 - [1] The minimum width of a building shall be 20 feet. The maximum width of a building shall be 30 feet.
 - [2] The minimum depth of a building shall be 40 feet.
 - [3] The building frontage at the build-to-line may equal 100% of the lot frontage.
 - (d) Permitted configuration of parking.
 - [1] Both structured and surface parking shall only be permitted in the rear of the building.
 - [2] Structured parking may be under habitable space or a green roof.
 - (e) Maximum building encroachment.
 - [1] The maximum building encroachment for an upper-story balcony shall be four feet.
 - [2] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
 - (f) Additional regulations.
 - [1] The maximum eave to roofline height of a mansard roof shall be five feet.
 - [2] The roofline of a pitched roof shall be parallel to the street.
 - [3] Continuous "glass walls" are not permitted.

- [4] Townhouse buildings may be provided as a liner development for a parking structure on blocks west of Orchard Street. In such a case, the height of a parking structure may not exceed the height of the townhouse building.
- [5] No more than six townhouse buildings may be attached by common walls.
- (4) Courtyard building (CY). A courtyard building, as permitted by this code, is a mixed-use residential building with dwelling units arranged around an internal courtyard. The internal courtyard is a residential park area/green roof built on top of an embedded or underground parking deck and is designed to be an extension of Crescent Field. This building type is permitted only east of Orchard Street, and the internal courtyards within these buildings may only front onto Crescent Field.
 - (a) Setback.
 - [1] The build-to-line distance shall be zero. A build-to-line distance of 10 feet shall be permitted when terrace or stoop frontages are provided.
 - [2] Side yard setback distance shall be a maximum of 10 feet.
 - [3] There shall be no minimum side rear setback distance.
 - (b) Building height.
 - [1] The minimum number of stories shall be three.
 - [2] The minimum building height shall be 40 feet.
 - [3] The minimum height of the ground floor shall be 12 feet.
 - [4] The maximum height of parking structures shall be 25 feet.
 - [5] The maximum height of a corner architectural element shall be 20 feet.
 - (c) Building size.
 - [1] The maximum width of a building shall be 250 feet.
 - [2] The minimum depth of a building shall be 100 feet.
 - [3] The maximum depth of a retail or residential space shall be 40 feet.
 - [4] The building frontage at the build-to-line shall not exceed 90% of the lot frontage.
 - (d) Permitted configuration of parking.
 - [1] Structured parking may be under habitable space or a green roof.
 - (e) Maximum building encroachment.
 - [1] The maximum building encroachment for a signature building entrance shall be five feet.
 - [2] The maximum building encroachment for an upper-story balcony shall be four feet.
 - [3] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
 - [4] The maximum building encroachment for an awning shall be five feet.
 - (f) Additional regulations.
 - [1] A courtyard building is only permitted east of Orchard Street.
 - [2] Street-level entrance lobbies for upper-story office and residential uses are permitted.
 - [3] The maximum footprint area of corner architectural elements shall be 300 square feet.
 - [4] Courtyards shall be well lit and landscaped.

- [5] Courtyards shall only front on Crescent Field.
 - [6] The minimum building height on the Crescent Field frontage may be reduced to two stories and 25 feet.
 - [7] Ground-level building frontage on Crescent Field shall be occupied by residential amenities, restaurants, cafes, or other types of assembly uses such as bookstores with outdoor seating.
- (5) Corner building (CR). This is a variant of the commercial block designed to create signature buildings on corner lots at prominent intersections. This building type is allowed a greater height and a larger building footprint than the commercial block. It is typically a mixed-use building with retail uses at the street level and residential uses in the upper floors.
- (a) Setback.
 - [1] The build-to-line distance shall be zero.
 - [2] Side yard setback distance shall be zero. A side yard setback of no more than 15 feet shall be permitted for access only.
 - [3] There shall be no minimum rear setback distance.
 - [4] The setback distance for surface parking shall be five feet.
 - (b) Building height.
 - [1] The minimum number of stories shall be two.
 - [2] The minimum building height shall be 35 feet.
 - [3] The minimum height of the ground floor shall be 12 feet.
 - [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
 - [5] The maximum height of a corner architectural element shall be 20 feet.
 - (c) Building size.
 - [1] The minimum width of a building shall be 50 feet. The maximum width of a building shall be 100 feet.
 - [2] The minimum depth of a building shall be 40 feet. The maximum depth of a building shall be 100 feet.
 - [3] The building frontage at the build-to-line may equal 100% of the lot frontage.
 - (d) Permitted configuration of parking.
 - [1] Both structured and surface parking shall only be permitted in the rear of the building.
 - [2] Structured parking may be under habitable space.
 - [3] Shared parking lots with other buildings are permitted.
 - (e) Maximum building encroachment.
 - [1] The maximum building encroachment for a signature building entrance or theater marquee shall be five feet.
 - [2] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
 - [3] The maximum building encroachment for an awning shall be five feet.
 - (f) Additional regulations.
 - [1] The upper-story storage, internal circulation areas, and staircases shall not be visible from the public street.

- [2] The height of this building type may be ten-percent greater than allowed in the Height Regulating Map.^{xlvii}EN
 - [3] Continuous "glass walls" are not permitted.
 - [4] The maximum footprint area of corner architectural elements shall be 300 square feet.
 - [5] Mezzanine floors are permitted with a minimum ground floor height of 18 feet.
 - [6] Upper-story balconies are not permitted on facades visible from a public street.
 - [7] The height of a parking structure may not exceed the height of principal building.
- (6) Civic building (CI). This is a building type designed to accommodate public and quasi-public uses. Civic buildings are intended to accommodate community service uses such as a place of worship, a library, a community hall, a historical (or other) society building, etc. These buildings are intended to become identifiable landmarks within the Town, and hence the quality and style of architecture shall be of great importance.
- (a) Setback.
 - [1] The maximum build-to-line distance shall be 25 feet.
 - [2] Side yard setback distance shall be zero. A side yard setback of no more than 15 feet shall be permitted for access only.
 - [3] There shall be no minimum rear setback distance.
 - [4] The setback distance for surface parking shall be five feet.
 - (b) Building height.
 - [1] The maximum number of stories shall be three.
 - [2] The minimum building height shall be 18 feet. The maximum building height shall be 40 feet.
 - [3] The minimum height of the ground floor shall be 14 feet.
 - [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
 - [5] The maximum height of a corner architectural element shall be 20 feet.
 - (c) Building size.
 - [1] The maximum width of a building shall be 100 feet.
 - [2] The maximum depth of a building shall be 100 feet.
 - [3] The building frontage at the build-to-line shall not exceed 80% of the lot frontage.
 - (d) Permitted configuration of parking.
 - [1] Both structured and surface parking shall only be permitted in the rear of the building.
 - [2] Structured parking may be under habitable space.
 - [3] Shared parking lots with other buildings are permitted.
 - (e) Maximum building encroachment.
 - [1] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
 - [2] The maximum building encroachment for an awning shall be five feet.
 - (f) Additional regulations.

- [1] The scale of entrance shall mimic the proportions of some of the existing public building such as the Town Hall building.
 - [2] High-quality building materials shall be used, and the scale of architectural elements shall be proportioned to create an iconic building.
 - [3] The maximum footprint area of corner architectural elements shall be 300 square feet.
- (7) Multifamily building (MF). This is a multifamily residential building type designed to provide housing opportunities within the Downtown and close to mass transit. The street frontages of these buildings shall be characterized by quality landscaping along the street edge and multiple street-level entries to create opportunities for social interaction.
- (a) Setback.
 - [1] The build-to-line distance shall be a minimum of three feet and a maximum of 15 feet.
 - [2] Side yard setback distance shall be zero. A side yard setback of no more than 25 feet shall be permitted for access and landscaping only.
 - [3] There shall be no minimum side rear setback distance.
 - [4] The setback distance for surface parking shall be five feet.
 - (b) Building height.
 - [1] The minimum number of stories shall be three.
 - [2] The minimum building height shall be 40 feet.
 - [3] There shall be no minimum height of the ground floor.
 - [4] The maximum height of parking structures shall be equivalent to the maximum permitted building height.
 - [5] The maximum height of a corner architectural element shall be 20 feet.
 - (c) Building size.
 - [1] The maximum width of a building shall be 150 feet.
 - [2] The minimum depth of a building shall be 70 feet. The maximum depth of a building shall be 100 feet.
 - [3] The building frontage at the build-to-line shall not exceed 90% of the lot frontage.
 - (d) Permitted configuration of parking.
 - [1] Both structured and surface parking shall only be permitted in the rear of the building.
 - [2] Structured parking may be under habitable space or a green roof.
 - (e) Maximum building encroachment.
 - [1] The maximum building encroachment for a signature building entrance shall be five feet.
 - [2] The maximum building encroachment for an upper-story balcony shall be four feet.
 - [3] The maximum building encroachment for a cornice, signage or other architectural element shall be two feet.
 - (f) Additional regulations.
 - [1] Pitched roofs are not permitted for buildings taller than four stories.

- [2] The maximum distance between street-level building entries shall be 35 feet.
- [3] Continuous "glass walls" are not permitted.
- [4] The build-to-line distance shall be extensively landscaped to create a usable semipublic space.

F. Frontage types.

(1) Allowable frontage types. Street-level building frontages are closely related to the building type, the building use at the street level, and the desired characteristics of a specific downtown district. Hence, the allowable frontage types are provided as a combination of these three parameters. The permitted frontage types are mutually exclusive: no two frontage types can be combined. Table 236-17.1-4 summarizes the allowable frontage types by downtown district, building type, and building use at the street level.

Table 236-17.1-4 Allowable Frontage Types Summary Table															
Frontage Types	Downtown District			Building Type							Street-Level Building Use				
	D1 Station Area Mixed Use District	D3 East Blackwell Business District	D4 South Downtown District	Commercial Block (CO)	Liner Building (LB)	Townhouse (TH)	Courtyard Building (CY)	Corner Building (CR)	Civic Building (CI)	Multi-Family Building (MF)	Retail Sales and Service/ Bank	Restaurant	Office	Dwelling Unit	Civic
Shopfront & Awning	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	N
Stoop	Y	N	Y	N	Y	Y	Y	N	N	Y	N	N	Y	Y	N
Terrace	Y	N	Y	N	Y	N	Y	N	Y	N	N	Y	Y	N	Y
Arcade	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	N	Y
Y	Frontage Type Permitted														
N	Frontage Type Not Permitted														
Note:	As an example of identifying permitted Frontage Types, civic uses at the street level are permitted in the D3 District, but the frontage may only be a terrace, and not an arcade or a gallery. However, if the same civic building use is located within D1 or D4 Districts, terrace and arcade frontage types are permitted.														

- (2) Shopfront and awning.
 - (a) Description.
 - [1] A building frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.
 - [2] It has a substantial glazing on the sidewalk level and may have an awning that may encroach onto the sidewalk.
 - (b) Height of finished first floor from sidewalk. The first floor shall be no more than two feet above the sidewalk.
 - (c) Clearance height of all projections from finished first floor (awnings, etc.). The clearance height of all projections from finished first floor (awnings, etc.) shall be a minimum of eight feet and a maximum of 12 feet.
 - (d) Depth of awning. Awnings shall have a minimum depth of three feet and a maximum depth of five feet.
 - (e) Width of frontage.
 - [1] The maximum width of an awning shall be 12 feet.
 - [2] The maximum width of display windows shall be 12 feet.
 - (f) Landscaping. Planters and street trees are permitted landscaping along shopfronts.
 - (g) Building interface.
 - [1] The maximum distance between doors shall be 35 feet.
 - [2] Window types shall be fixed or display type.
 - [3] The minimum glazing shall be 60%.
- (3) Stoop.
 - (a) Description.
 - [1] A building frontage wherein the building entrance is set back from the edge of the sidewalk and the first story is sufficiently elevated from the sidewalk to secure privacy for the windows.
 - [2] The stairs of a stoop shall be perpendicular to the sidewalk.
 - [3] Stoops may be roofed or unroofed but may not be screened or otherwise enclosed.
 - (b) Height of finished first floor from sidewalk.
 - [1] The first floor shall be a minimum of two feet above the sidewalk.
 - [2] The first floor shall be no more than four feet above the sidewalk.
 - (c) Clearance height of all projections from finished first floor (awnings, etc.). There is no minimum or maximum clearance height of all projections from the finished first floor.
 - (d) Depth of frontage.
 - [1] The minimum depth of a stoop shall be four feet.
 - [2] The maximum depth of a stoop shall be to the build-to-line.
 - (e) Width of frontage.
 - [1] The maximum width of a stoop shall be eight feet.
 - [2] The minimum width of a stoop shall be four feet.
 - (f) Landscaping. Street trees and foundation plantings are permitted landscaping.
 - (g) Building interface.
 - [1] The maximum distance between doors shall be 35 feet.

- [2] Window types shall be fixed residential type.
- [3] The minimum glazing shall be 25%.
- (4) Terrace.
 - (a) Description.
 - [1] A building frontage wherein the facade is set back from the frontage line by an elevated terrace. For street-level commercial uses such as restaurants, the terrace is suitable for conversion to outdoor cafes. In civic uses, a terrace can function as a strong base for the building and also as an outdoor waiting/entrance area.
 - [2] A terrace shall be paved, and only temporary outdoor furniture and landscaping may be provided on a terrace.
 - (b) Height of finished first floor and terrace from sidewalk.
 - [1] The first floor and terrace shall be a minimum of one foot above the sidewalk.
 - [2] The first floor and terrace shall be no more than four feet above the sidewalk.
 - (c) Clearance height of all projections from finished first floor (awnings, umbrellas, etc.).
 - [1] The minimum clearance height of all projections from the finished first floor shall be eight feet.
 - [2] The maximum clearance height of all projections from the finished first floor shall be 12 feet.
 - (d) Depth of frontage.
 - [1] The minimum depth of a terrace shall be six feet.
 - [2] The maximum depth of a terrace shall be to the build-to-line.
 - (e) Width of frontage.
 - [1] The minimum width of a terrace shall be 15 feet.
 - [2] The maximum width of a commercial window shall be 12 feet.
 - (f) Landscaping. Planters and street trees are permitted landscaping.
 - (g) Building interface.
 - [1] The maximum distance between doors shall be 35 feet.
 - [2] Window types for commercial uses shall be fixed/vertical shutter.
 - [3] The minimum glazing for commercial uses shall be 60%.
- (5) Arcade.
 - (a) Description.
 - [1] A building frontage wherein the first floor (or the first two floors) facade is set back from the frontage line, and a permanent roof supported by a series of arches on columns or piers (or a colonnade) extends up to the frontage line. The upper floors of the building are built up to the frontage line.
 - [2] A double story (first and second floors) arcade is permitted.
 - (b) Height of finished first floor and terrace from sidewalk. The first floor shall be no more than two feet above the sidewalk.
 - (c) Clearance height of arcade from finished first floor.
 - [1] The minimum clearance height of arcade from the finished first floor shall be equal to the height of the first floor.

- [2] The maximum clearance height of arcade from the finished first floor shall be equal to the height of the first two floors.
- (d) Depth of frontage.
 - [1] The minimum depth of arcade shall be 10 feet.
 - [2] The maximum depth of arcade shall be 15 feet.
- (e) Width of frontage. The maximum distance between columns shall be 35 feet.
- (f) Landscaping. Planters and street trees are permitted landscaping.
- (g) Building interface.
 - [1] The maximum distance between doors shall be 35 feet.
 - [2] Window types for commercial uses shall be fixed/vertical shutter.
 - [3] The minimum glazing for commercial uses shall be 60%.
- G. Street type specifications. This section of the code for downtown districts provides design specifications for public streets. Streets in the Downtown are classified as Blackwell Street, Avenue "A" and Avenue "B" (Street Types Classification Map).^{xlviii}EN In addition to these three street types, nonvehicular ways are provided for midblock connections and other nonvehicular pathways. The design standards ensure that the streetscape improvements on these streets are coordinated, and a uniform character of the downtown districts is maintained.
 - (1) Blackwell Street.
 - (a) Blackwell Street represents the Town's downtown commercial area and contains an assortment of unique shopping venues. It has a mixed-use environment that can be enhanced by pedestrian and streetscape improvements.
 - (b) The width of the right-of-way throughout this stretch of Blackwell Street is 75 feet. The street profile for Blackwell Street shall generally consist of sidewalks on both sides of the street, two eight-foot-wide parallel parking aisles, and two travel lanes. Bulb-outs shall be provided at intersections that are pedestrian intensive.

Table 236-17.1-5	
Blackwell Street – Specifications	
Right-of-Way Width	75'
Pavement Width	45'
Vehicular Movement	Two-way
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	2 parallel parking lanes, 8' wide (one on each side)
Curb Radius	10'
Pedestrian Provision Type	Sidewalk, 13' wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Median	None
Landscape Type	Street trees at 30'-50' on center
Lighting	Street lights at 30'-50' on center
Intersection Improvements	Curb ramps; Brick pavement and crosswalks at all intersections with 'Avenue A'

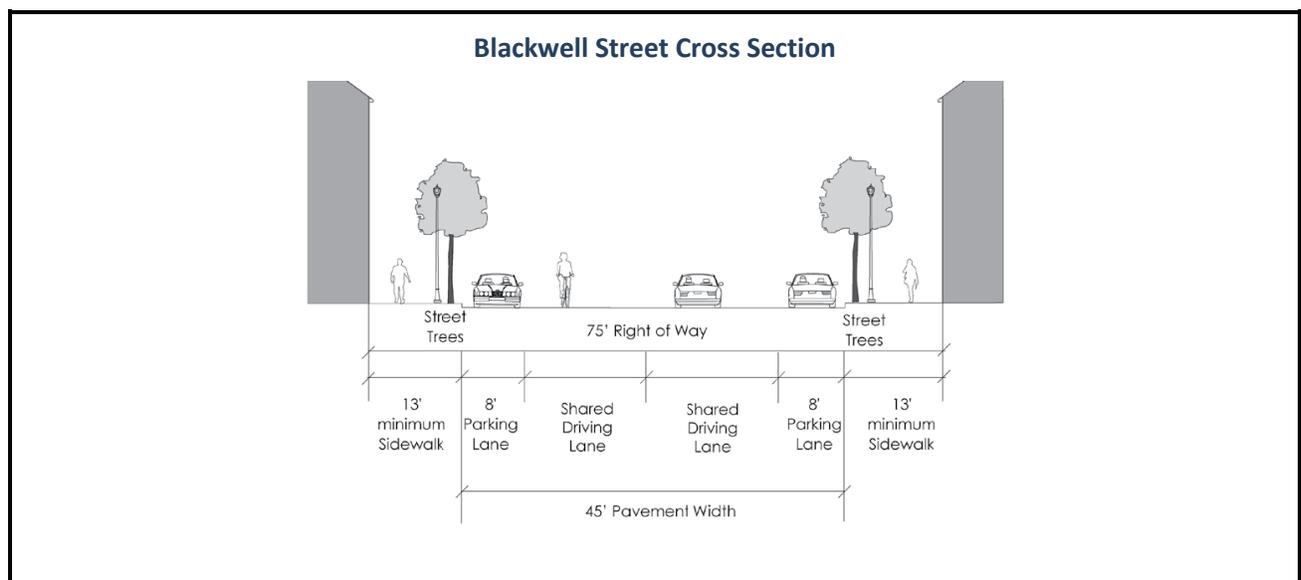


Figure 236-17.1-E

- (2) Avenue "A."
 - (a) The Avenue "A" classification includes sixty-foot- to sixty-six-foot-wide streets that are perpendicular to and north of Blackwell Street. These streets intersect Blackwell Street to the north and traverse over the Rockaway River and the Dover and Rockaway Railroad, while extending north toward Route 46.
 - (b) The right-of-way width of the streets ranges between 60 feet and 66 feet. The

street profile for these streets shall generally consist of sidewalks on both sides of the street, two eight-foot-wide parallel parking aisles, and two travel lanes. Bulb-outs shall be provided at intersections that are pedestrian intensive.

Table 236-17.1-6	
Avenue 'A' – Specifications	
Right-of-Way Width	60' - 66'
Pavement Width	38'
Vehicular Movement	Two-Way, except for N. Morris St., which is one-way.
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	2 parallel parking lanes, 8' wide (one each side)
Curb Radius	10'
Pedestrian Provision Type	Sidewalk, 9' wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Landscape Type	Street trees at 30'-50' on center
Lighting	Street lights at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

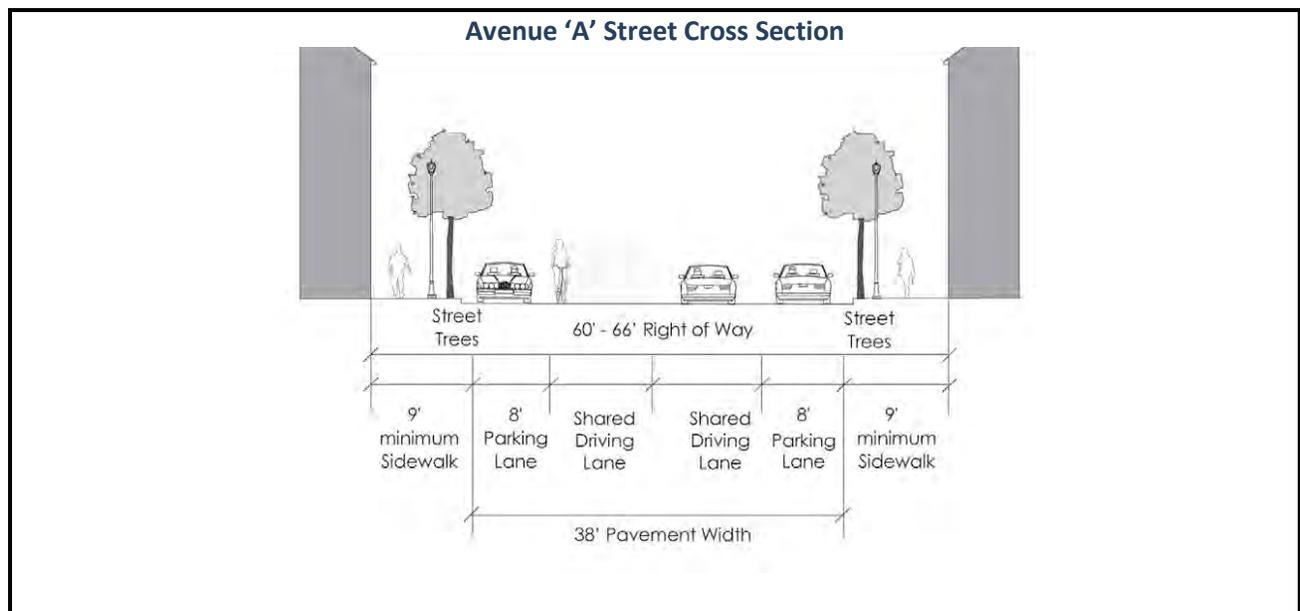


Figure 236-17.1-F

- (3) Avenue "B."
 - (a) The Avenue "B" classification includes W. Dickerson Street, S. Morris Street, Prospect Street, Thompson Street, and Legion Place. In addition, any newly constructed streets south of the Norfolk Southern Morris & Essex Railroad shall fall

into this street classification.

- (b) The right-of-way width of these streets ranges between 40 feet and 50 feet. The street profile for these streets shall generally consist of sidewalks on both sides of the street, parallel parking aisles, and two travel lanes. Landscaping along the railroad right-of-way on Dickerson Street shall be coordinated with the New Jersey Transit. Bulb-outs shall be provided at intersections that are pedestrian intensive.

Table 236-17.1-7	
Avenue 'B' – Specifications	
Right-of-Way Width	40' - 50' for existing streets 50' minimum for all new streets
Pavement Width	30' - 38'
Vehicular Movement	Two-Way
Number of Traffic Lanes	2
Number of Parallel Parking Lanes	At least 1 side, 8' wide
Curb Radius	10'
Pedestrian Provision Type	Sidewalk, 5' wide minimum (including curb)
Bicycle Provision Type	Within shared vehicle right-of-way
Landscape Type	Street trees at 30'-50' on center
Lighting	Street lights at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

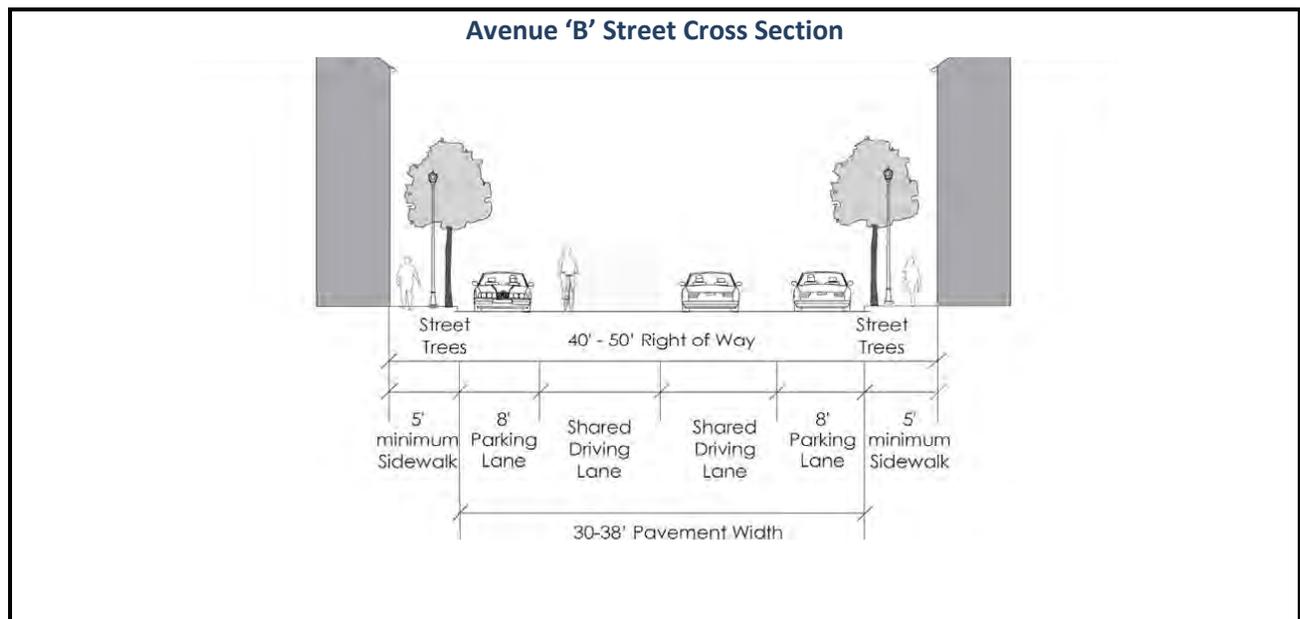


Figure 236-17.1-G

- (4) Nonvehicular ways.

- (a) The nonvehicular ways classification is provided as a template for all nonvehicular pathways and midblock connections.
- (b) The right-of-way width of these nonvehicular pathways shall be no less than 14 feet. The street profile for nonvehicular ways shall generally consist of a two-foot buffer for optional landscaping buffer and street furniture on both sides, and pavement for shared pedestrian and bike travel.

Table 236-17.1-8	
Non Vehicular Ways – Specifications	
Right-of-Way Width	14'
Pavement Width	10'
Vehicular Movement	Two bike/ped lanes
Number of Lanes	2, 5' wide
Number of Parallel Parking Lanes	n/a
Curb Radius	10'
Pedestrian Provision Type	Shared pedestrian and bike travel
Bicycle Provision Type	Shared pedestrian and bike travel
Landscape Type	2' landscaping strip with street trees and Low shrubs
Lighting	Pedestrian scaled lighting at 30'-50' on center
Intersection Improvements	Curb ramps; Brick paved crosswalks

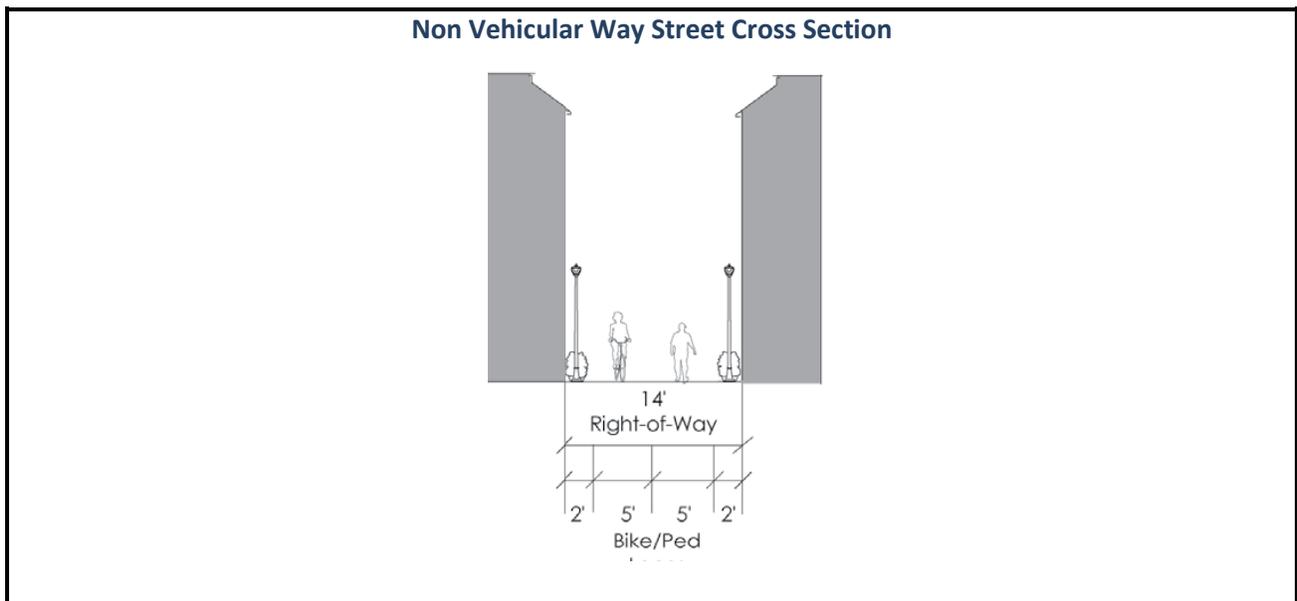


Figure 236-17.1H

H. General regulations for downtown districts. The following regulations represent a general

set of standards that apply to all of the downtown districts:

- (1) Building frontage.
 - (a) For properties fronting on key open space assets (i.e., the Rockaway River and Crescent Field), the required building frontage percentage may be reduced up to 35%, provided that the reduced frontage allows open views and/or capitalizes on access to these assets.
 - (b) For buildings facing key view sheds (i.e., the Rockaway River and Crescent Field), it is encouraged that restaurants and cafes be provided at the ground level, to enhance the visual appeal and activity.
- (2) Public parking.
 - (a) Parking garages. Designated locations for parking garages that serve the commuter and public parking needs within the downtown are indicated on the District Regulating Map 2.^{xlix}EN Liner buildings, articulated facades, art walls or advertising windows shall be provided to integrate the parking garages into the built environment.
 - (b) Downtown and commuter parking. Any redevelopment of existing public surface parking lots within the downtown area must accommodate commuter and downtown parking needs in addition to the parking needs of such redevelopment. Table 236-17.1-9 shows the number of parking spaces, and the figure below indicates the location of the parking lots, as of the date of adoption of this code. The determination of the actual number of spaces to be accommodated shall be made by the applicant based on a study of the availability and need of commuter and downtown parking at the time of redevelopment. Such determination shall be subject to review and approval by the Planning Board. Town Lot "A" is purposely not shown since it is reserved exclusively for public parking.

Table 236-17.1-9	
Parking Lot	Existing Number of Spaces
Lot "B" – Crescent Field	350
Lot "C" – Orchard Street & Legion Place	58
Lot "D" – Prospect Street	181
Lot "E" – Sussex /Dickerson East Side	40
Lot "G" – Sussex /Dickerson West Side	45
Lot "H" – Dickerson West of Warren	18

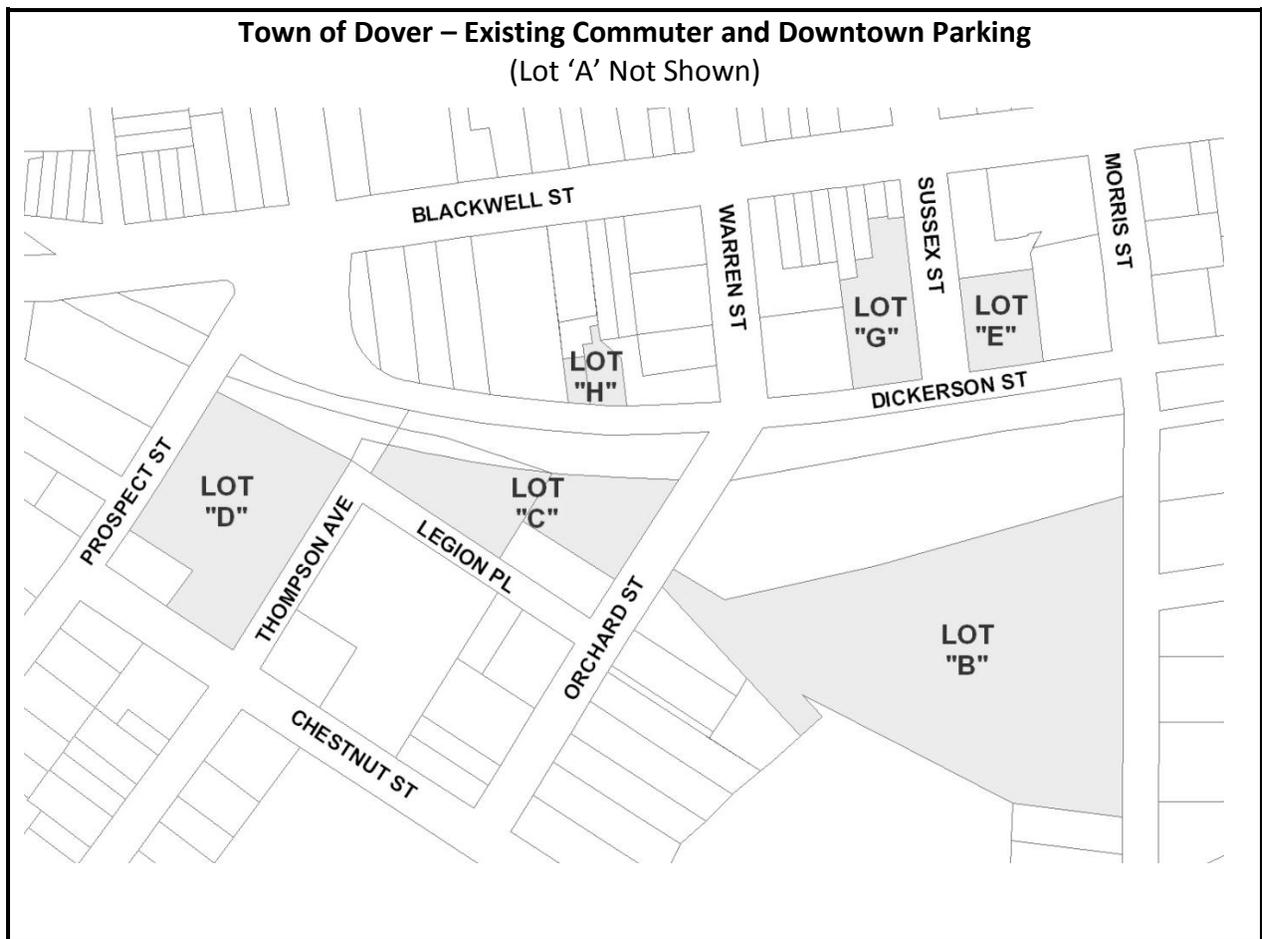


Figure 239-17.1-I

- (3) Parking requirements.
 - (a) Off-street parking provisions. The downtown districts are planned as "park-once" districts, wherein people are expected to park in one place and then make stops on foot rather than driving from one destination to another, with preference given to pedestrian movement within the districts. For this reason, substantial reductions are allowed in the off-street parking requirements.
 - [1] All existing buildings shall be regulated as follows:
 - [a] All residential uses shall be required to provide off-street parking in accordance with the parking ratios for new construction (see below).
 - [b] For redevelopment of a lot, for which the cost of redevelopment exceeds 50% of the value of existing improvements, as determined by the Tax Assessor, and for which site plan review is required, off-street parking shall be in accordance with the parking ratios for new construction (see below).
 - [c] For all other permitted nonresidential uses, there shall be no off-street parking requirements.
 - [2] The following ratios shall apply to determine the off-street parking space requirements for all new construction:
 - [a] Residential:
 - [i] Average of 1.3 spaces per unit. Further broken down by unit type:
 - [A] 1.0/unit: one bedroom.
 - [B] 1.5/unit: two bedrooms.
 - [C] 1.75/unit: three bedrooms.
 - [ii] When an applicant does not specify the number of bedrooms per unit, the average of 1.3 spaces per unit shall apply.
 - [b] Office:
 - [i] 1 space/1,000 square feet.
 - [ii] 1.5 spaces/1,000 square feet for buildings over 50,000 square feet.
 - [c] Retail:
 - [i] All retail, including restaurants, shall be exempt from the parking standard.
 - [ii] Retail is meant to utilize on-street parking as well as spaces unoccupied within the commuter or public parking lots.
 - [3] Any deviation from the off-street parking requirements stated above will require a "c" variance.^{1EN}
 - (b) Shared use of off-street parking areas.
 - [1] Parking areas of new developments shall be interconnected across lot lines to facilitate shared use of parking and eliminate or minimize driveway cuts. To ensure the effective use of these connections, the first property 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] 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 through reciprocal arrangements with the Town of Dover Parking Utility.

- [3] All new development that relies on shared parking must demonstrate the adequacy of parking based on established standards/methodology such as those prescribed in "Shared Parking," authored by Mary S. Smith et al. and published by the Urban Land Institute (ULI). This book contains the information needed to accurately estimate parking requirements for a mixed-use setting where parking is shared among the uses.
- [4] Any deviation from these requirements shall require a waiver.
- (c) Driveway connections.
 - [1] For existing buildings within D2 and D3 Districts, relocation of all existing access driveways to parking and loading areas from Blackwell Street is encouraged. New driveways shall connect only to Avenue "A" street type, except where this would prohibit all reasonable access to a property.
 - [2] The following shall apply to all new development:
 - [a] To the extent possible, driveways shall be shared between adjoining developments.
 - [b] Where feasible, driveways shall front on streets that are less pedestrian intensive, on existing easements, or on alleys.
 - [c] Driveways and other vehicular access shall not be provided from or adjacent to public plazas.
 - [d] Any deviation from these requirements shall require a waiver.
- (d) Parking design. Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact. Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through traffic, obstruction to pedestrian walks and vehicular thoroughfares. Shared parking among mixed uses is encouraged.
 - [1] All parking and loading areas shall be screened from view with walls, shrubs, and/or trees.
 - [2] All ninety-degree parking spaces that are long term in usage shall be a minimum of 8.5 feet in width and 18 feet in depth. Aisles shall be a minimum of 22 feet in width. Ten percent of required parking spaces may be provided as compact spaces measuring eight feet in width and 15 feet in depth.
 - [3] All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally screened, so that lights and vehicles are not individually visible.
 - [4] No blank walls of parking structures shall front the streetscape. All facades shall provide pedestrian interest at the street level either through retail uses and/or architectural details.
 - [5] All permanent parking spaces shall be in structures or screened from street view.
 - [6] Surface parking shall include decorative street lighting to be compatible with public lighting.

- [7] All pedestrian pathways across and along parking areas shall be well lit with pedestrian-scaled lighting fixtures.
 - [8] Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide "fish eye" mirrors or alarms to manage the interaction between pedestrians and vehicles.
 - [9] Parking signage shall be consistent with signage standards of this code.
 - [10] Residential garages facing the public right-of-way and parking within front yard setbacks are prohibited.
 - [11] The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
 - [12] To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
 - [13] Landscaping, fencing and/or low walls shall be provided to screen trash receptacles and dumpsters in loading areas.
 - [14] Any deviation from these requirements shall require a waiver.
- (4) Open space and buffers.
- (a) Portions of properties adjacent to Crescent Field. The courtyard buildings shall have their private open space oriented towards Crescent Field to maximize the perception of open space and minimize the building mass in proximity to Crescent Field. Such private open space should be fully integrated into the design of new development while enhancing surrounding areas.
 - (b) Properties adjacent to the Rockaway River and the adjoining Dover Rail right-of-way shall provide a landscaped buffer consisting of shrubs and/or trees along this edge.
 - (c) Any deviation from these requirements shall require a variance.
- (5) Outdoor uses.
- (a) Outdoor service and sale of food is permitted as follows:
 - [1] 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 eight inches in height.
 - [2] Tables and carts shall be placed so that they do not block pedestrian movement along the sidewalk.
 - [3] Tables and chairs shall be moved indoors during nonbusiness hours.
 - [4] A minimum depth of six feet of unobstructed sidewalk must remain.
 - (b) Sale of merchandise is not permitted other than restaurants.

I. Architectural standards.

- (1) Exterior walls. All exterior walls shall be clad with 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 be complementary to the historic buildings within the Downtown.
 - (a) The following materials are encouraged for exterior walls, columns, arches, and piers:
 - [1] Natural stone or brick.
 - [2] Wood, pressure-treated or naturally decay-resistant species.
 - (b) Fastenings that are required to dry floodproof the first story of commercial buildings shall be integrated into the design of principal facades or be visually unobtrusive.
 - (c) Building walls shall be consistent in detail and quality on all elevations visible from public streets.
 - (d) Trim elements and visible window framing shall be painted or sealed.
- (2) Principal facade walls.
 - (a) Facade elements. Principal facades are the facades facing a primary street, plaza, or public park. 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 sidewall facades where entrances are not required).
 - [2] Principal facades may not have blank walls (without doors or windows) for more than 15 feet of facade length.
 - [3] Expression lines or decorative molding shall be provided for horizontal definition and shall project at least three inches to six inches out from the principal facade.
 - [4] Provision of antennas, air-conditioning units or other similar equipment on the principal facade walls is prohibited.
 - [5] Awnings may not hide or substitute for required features such as expression lines and cornices.
 - [6] The foundation walls of stoops must be consistent with the foundation treatment of the building.
 - (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 front on a public street.
 - [2] Corner buildings shall have their primary entrance face on either the intersection or the street of greater importance.
 - (c) Windows. Every principal facade must contain transparent windows on each story.
 - [1] Residential windows and doors.
 - [a] Openings for windows and windowpanes must have a vertical dimension greater than or equal to the horizontal dimension.
 - [b] Window openings shall cover at least 30% of the wall area below the expression line.

- [c] Triangular, circular or other unusually shaped windows are not permitted.
 - [d] All lintels must extend a minimum of four inches beyond the edge of the opening.
 - [e] Windowsills shall project a minimum of two inches from the building face.
 - [f] Glazing shall be set back at least three inches from the surface plane of the wall or set back at least two inches when wood frame construction is used.
 - [g] If exterior shutters are used, they shall be sized and mounted appropriately to fit their window (with appropriate hardware even if actually nonoperable).
 - [h] Glass in windows and doors, whether integrally tinted or with applied film, must transmit at least 50% of visible daylight.
 - [i] Glass blocks are not permitted.
 - [j] Doors, except garage doors, shall be or appear to be constructed of planks or raised panels (not flush with applied trim.)
- [2] Street-level retail fenestration. 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] Glazing must be at least seventy-percent transparent.
 - [c] The maximum percentage of glass that may be blocked with interior fixtures or paper signs shall be 25%.
 - [d] The height of the windowsill above the sidewalk shall not be more than three feet.
 - [e] 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.
 - [f] Exterior security grates are prohibited. Interior security grates must be as inconspicuous as possible and of open mesh to allow interior visibility from the street.
 - [g] Glass blocks are not permitted.
- [3] 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.
- [a] Awnings and canopies. Awnings and canopies shall be provided in accordance with § 236-38.1, Signage, awnings and canopies in C-1 and C-3 Districts.
 - [b] Balconies (where permitted).
 - [i] Balconies are not permitted in the D2 and D3 Districts.
 - [ii] No balconies may be located within 10 feet of a shared lot line. Glass parapets or railings are prohibited.
 - [iii] Balconies cannot exceed the following dimensions:
 - [A] Height: minimum clear height of 10 feet from the sidewalk.

- [B] Length: a maximum of 60% of the upper-story building frontage.
- [C] Depth: a minimum of three feet.
- [iv] Balconies may have roofs but are required to be open and may not be screened or otherwise enclosed.
- [c] Bay windows.
 - [i] Bay windows are only permitted in the townhouse building type.
 - [ii] Bay windows may not encroach on the public right-of-way.
 - [iii] Windows extending from the first story cannot exceed the following dimensions:
 - [A] Depth: three feet maximum.
 - [B] Height: 10 feet maximum.
 - [C] Length: six feet maximum.
 - [iv] Bay windows shall have the same details required for principal facades: sills, lintels, cornices, and expression lines.
- (3) Roofs.
 - (a) All flat roofs must have their edges along all streets concealed with parapets and trimmed with decorative cornice.
 - (b) All hip roofs and gable roofs, and any shed roof with a slope of more than two inches vertical rise per 12 inches horizontal run, must have a minimum roof overhang of 18 inches.
 - [1] Exposed rafter ends (or tabs) are encouraged.
 - [2] Wide overhangs are encouraged and can be supported with decorative brackets.
 - (c) Small towers, cupolas, and similar architectural elements are encouraged.
 - (d) Roof penetrations, except stucco or brick chimneys, shall be placed so as not to be easily visible from streets and painted to match the color of the roof.
 - (e) Dormers are permitted and encouraged on sloped roofs.
 - (f) Visibility of skylights must be minimal. Skylight glazing must be flat to the pitch of the roof if the skylight is visible from a primary street, plaza, or public park.
 - (g) Roofs shall be constructed of building materials that are durable and appropriate to the local climate and visual environment.
- (4) Plazas and courtyards. New commercial buildings are generally oriented to public sidewalks. This subsection addresses other public open spaces that also can affect the orientation of commercial buildings.
 - (a) Plazas.
 - [1] The width of the plaza cannot exceed 25% of a building's frontage.
 - [2] The plaza shall be 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.
 - (b) Courtyards. The following standards shall apply for interior courtyards designed for public or private usage:
 - [1] Courtyards are encouraged to have clear visual linkages between the courtyard

and public sidewalks.

- [2] Courtyards are encouraged to provide passive and active recreational amenities for their residents, such as play areas and lawn areas.
- (c) Pedestrian passages. Pedestrian pathways may be provided on private property as midblock connections; to connect a courtyard to the sidewalk system; to provide walkways to parking lots behind buildings; or to provide additional retail frontage. Such pedestrian pathways shall utilize the specifications for nonvehicular ways, detailed in the street type specifications subsection of this code.^{1EN}
- (5) Signage. Signage shall be provided in accordance with § 236-38.1, Signage, Awnings and Canopies in C-1 and C-3 Districts.
- J. Sustainability; "green design." The following regulations apply to all new construction and concentrate on necessary steps in creating a sustainable, mixed-use, pedestrian-friendly environment that protects and enhances natural resources while providing individuals and families with safe, healthy and comfortable places to live, work, and recreate.
 - (1) Energy efficient building design (where applicable).
 - (a) Appliances and fixtures must meet U.S. EPA's Energy Star[®] standards. Projects must include Energy Star compliant clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs.
 - (b) Project must install at least two of the following Energy Star components: programmable thermostats; fluorescent or light-emitting diode (LED) light fixtures; high-performance windows and doors; and efficient HVAC systems.
 - (2) Transportation emissions. Transportation generates approximately 31% of total carbon emissions. Facilities are encouraged to increase use of alternative modes such as walking, biking, transit, and carpooling and thereby reduce vehicle use and carbon emissions. Where feasible:
 - (a) For buildings with institutional, commercial and office uses, provide the following:
 - [1] Secure bike racks and/or storage for at least 5% of building users, located no more than 200 yards from the building entrance.
 - [2] Shower and changing facilities in the building, or within 200 yards of a building entrance, for at least 0.5% of building users.
 - [3] For multifamily residential buildings, provide secure bike racks and/or storage for at least 15% of building occupants.
 - (b) Provide designated preferred parking spaces to carpool users to encourage shared vehicle use and reduce trip generation.
 - (c) Provide designated preferred parking spaces to low-emission and fuel-efficient vehicles.
 - (3) Renewable energy. Where feasible, solar panels shall be provided on rooftops to capture renewable energy. Such rooftop installations shall be screened from view.
 - (4) Energy efficient infrastructure. To the extent feasible:
 - (a) Any outdoor lighting fixtures shall use light-emitting diode (LED) technology.
 - (b) Design or purchase water and wastewater pumps and treatment systems to achieve a fifteen-percent annual energy reduction beyond baseline energy use for similar infrastructure.

- (c) Design and implement a district heating and/or cooling system for multiple buildings within a development.
- (5) Reflectivity and heat island effects. To the extent feasible:
 - (a) Use roofing materials having a solar reflectance index (SRI) of 78 for low-sloped roofs (less than 2:12) or 29 for steep-sloped roofs (greater than or equal to 2:12) for a minimum of 75% of the roof surface. The cooler roof (roofing material with a high solar reflective index) reduces the heat transferred into the building, thereby reducing the amount of air conditioning needed. The Energy Star® program features product specifications for "cool roofs."
 - (b) Provide a combination of any of the following strategies for 50% of the site's hardscape:
 - [1] Shade: trees or man-made structures.
 - [2] Paving materials with an SRI of 29 or greater.
 - [3] Open grid pavement.
- (6) Landscaping.
 - (a) Where feasible, use captured rainwater or other recycled and properly treated nonpotable water for landscape irrigation.
 - (b) Landscaping materials must include only:
 - [1] Noninvasive species.
 - [2] Drought-tolerant species.
 - [3] Native or adapted species.
 - (c) Landscaped areas shall be mulched to conserve moisture and prevent water loss from evaporation.
- K. Streetscape standards. The following streetscape standards are meant to guide public investment in streetscape improvements and to assist property owners and developers in designing their own building's relation to the public realm. These standards specify the allowable planters, trash cans, bike racks, bus stops, lighting, and paving materials.
 - (1) Street trees.
 - (a) Street tree layout will be based upon final engineered streetscape layout.
 - (b) Street trees shall be placed on property lines (between properties) so as not to block storefronts.
 - (c) Street trees shall be at least 1 3/4 inches to two inches in trunk caliper measured six inches above the ground and meet specifications set forth in American Standard for Nursery Stock (ANSI Z60.1-2004).
 - (d) No more than 10% of all trees in the entire downtown area or 50% of all trees on a single block may be of the same species.
 - (e) Plant materials and irrigation techniques that require less water should be considered.
 - (f) Columnar shaped trees are perhaps the best at fitting into the urban environment where narrow sidewalks and awnings restrict the growth of a larger canopy.
 - (g) Smaller-leafed, spreading forms allow better visibility to building facades and signage. Smaller leaves generally are dispersed by the wind, require less fall cleanup and are less apt to clog storm sewers.
 - (2) Shade trees. The shade trees listed in § 236-96, Schedule A: Preferred Tree List,

prepared by the Dover Shade Tree Commission are permitted by right. Other trees may be submitted as an alternative if the alternative accomplishes the stated purpose.

- (3) Tree grates.
 - (a) Tree grates and coordinated tree guards are required for all street trees.
 - (b) Tree grates shall be set parallel and flush with the curblin.
 - (c) Tree grates shall be made of heavy-grade cast iron or cast aluminum of black finish. Cast-iron Model R-8757, four inches by four inches square, as produced by Neenah Foundry Company, or equivalent shall be used.
 - (d) The center hole of the tree grate shall be expandable to accommodate tree growth. The initial center hole shall be a minimum of 12 inches in diameter.
 - (e) Electrical outlets should be provided in the tree grate area.
- (4) Planters.
 - (a) Flowering plants and decorative shrubs should be planted in raised freestanding planters (not in ground at grade level). Seasonal plantings may be used from November 1 to January 10. Annual flowers or ground covers may also be planted in planters.
 - (b) Planters shall be "Rosa Planter," 30 inches by 18 inches or 36 inches by 23 inches, granite finish, as manufactured by Landscape Forms, or equivalent.
 - (c) Provisions must be made for ensuring adequate watering and drainage.
 - (d) Planters should not block other elements such as streets, signs, meters, or streetlights.
 - (e) Planters should be located at corners of intersections, focal points, and other locations where space permits and shall be generally placed at the end of a parking space.
- (5) Benches.
 - (a) Benches shall be "Plainwell Bench," seventy-two-inch-length wooden seat, black color, as manufactured by Landscape Forms, or equivalent.
 - (b) Benches located along the curb shall face the sidewalk and be set back from areas of on-street parking to accommodate auto door swing and shall generally be placed at the end of a parking space. Seating should not interfere with plant materials or pedestrian circulation.
 - (c) Benches may also be placed adjacent to building walls subject to approval by the owner.
 - (d) Seating should be secured permanently to paved surfaces for safety and to avoid vandalism.
 - (e) Comfortable seating should provide a sense of having protection from behind and something interesting to look at such as shop fronts or other pedestrians.
- (6) Bicycle racks.
 - (a) Bicycle racks shall be "Hoop Rack Heavy Duty," as manufactured by Dero Bike Racks, or equivalent.
 - (b) Bicycle racks shall be black in color and galvanized (electro polished to reduce maintenance).

- (c) Bicycle racks shall be placed near entrances or gathering places. Placement shall be avoided that creates a tripping hazard. If possible, place the racks where the parked bicycles will be visible from inside the adjacent building, Ideally, bicycle parking should be more convenient than automobile parking.
 - (d) Bicycle racks shall be securely fastened to the sidewalk.
 - (e) Bicycle rack locations shall not interfere with pedestrian circulation or endanger the safety of pedestrians or cyclists; they shall be sensitive to accessible requirements.
- (7) Trash cans.
- (a) Trash and recycling receptacles, at a minimum, are required at each corner of all intersections. They should be conveniently placed near benches, bus stops and other activity nodes, arranged with other streetscape elements into functional compositions and, where feasible, placed at the end of parking spaces. Trashcans may be left freestanding or surface mounted on site.
 - (b) The trash receptacles shall be Steelsites Series Model RB-36 with forty-five-gallon total capacity as manufactured by Victor Stanley, or equivalent.
 - (c) Trash and recycling receptacles should be designed in two pieces. The inner container should ensure easy trash pickup and removal, and an outer shell should blend aesthetically with the other streetscape elements.
- (8) Bus shelters.
- (a) The location of bus stops would be as prescribed by New Jersey Transit, in coordination with the Town of Dover.
 - (b) The bus shelters shall be "Kaleidoscope," black color, as manufactured by Landscape Forms, or equivalent.

L. Definitions. As used in this section, the following terms shall have the meanings indicated:

ARCADE -- A building frontage wherein the first-floor (or the first two floors) facade is set back from the frontage line, and a permanent roof supported by a series of arches on columns or piers (or a colonnade) extends up to the frontage line. The upper floors of the building are built up to the frontage line. A double story (first and second floors) arcade is permitted.

AWNING -- A flexible rooflike cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.

BALCONY -- An elevated plat form that forms the outdoor area of a habitable space within the building. A balcony may extend beyond the property line.

BAY WINDOW -- A window which projects beyond the wall of a building to form an alcove within.

BUILDING ENCROACHMENT -- An entry feature, balcony, architectural element, or awning that extends outward from a building.

BUILDING FRONTAGE -- The length of a building's primary facade that faces a street or a public plaza.

BUILDING TYPE -- The principal structure.

BUILD-TO-LINE -- Identifies the distance from the street line that the front of all primary structures must be built to in order to create a fairly uniform line of buildings along streets. Where a build-to line is specified as a range (the minimum and maximum distance from the street line), this means that building fronts may fall within that range of distances from the street line. Where there is a range, the front facade does not have to be in a single plane, as

long as the front facade remains within the range.

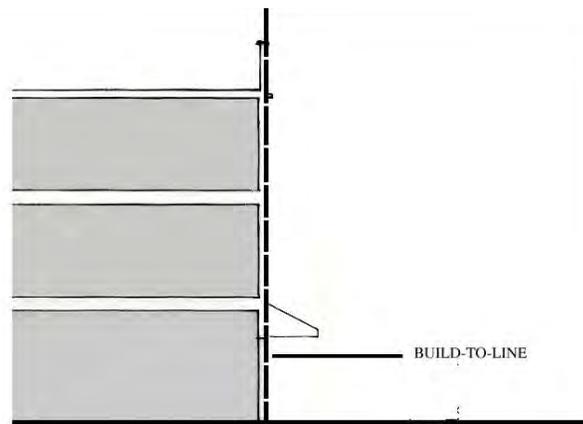


Figure 236-17.1-J

CIVIC BUILDING -- A building type in the downtown districts that is designed to accommodate public and quasi-public uses. Civic buildings are intended to accommodate community service uses such as a place of worship, a library, a community hall, an historical (or other) society building, etc. These buildings are not operated primarily for profit or monetary gain.

CIVIC USE -- A public or quasi-public use, including but not limited to a house of worship, library, school, municipal use, or public open space.

CLUB OR FRATERNAL ORGANIZATION -- A community organization that is not operated primarily for financial gain and consists of a group of people formally organized for a common interest, usually service, cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

COLONADE -- Similar to an arcade, except that it is supported by vertical columns without arches.

COMMERCIAL BLOCK -- A multistory building in the downtown districts, with multiple dwelling units or offices in the upper stories and retail uses on the ground floor. Typically, these buildings are separated by common walls on the side lot lines.

CORNER ARCHITECTURAL ELEMENT -- A cupola or a similar structure provided on top of a building or ventilation for aesthetic purposes. Such structures shall not contain habitable spaces.

CORNER BUILDING -- A building type in the downtown districts. It is a variant of the commercial block designed to create signature buildings on corner lots at prominent intersections. This building type is allowed a greater height and a larger building footprint than the commercial block.

CORNICE -- A decorative horizontal feature that projects outward near the top of an exterior wall.

COURTYARD -- An unroofed area surrounded by buildings.

COURTYARD BUILDING -- A building type in the downtown districts, in which a mixed-use residential building with dwelling units is arranged around an internal courtyard. The internal courtyard is a residential park area/green roof built on top of an embedded underground parking deck.

DORMER -- A projection from a sloping roof that contains a window and its own roof.

EXPRESSION LINE -- A decorative horizontal architectural detail that projects outward from an exterior wall to delineate the top of the story of a building.

FACADE -- The exterior face of a building, including but not limited to walls, windowsills, doorways, and such traditional design elements as horizontal lines, cornice, and parapet.

FRONTAGE LINE -- The property line along a public street.

GABLE ROOF -- A ridged roof forming a gable at both ends.

GROUND FLOOR -- The floor of a building at or nearest to ground level.

HIP ROOF -- A roof with pitched ends and sides.

LINER BUILDING -- A mixed-use structure which is generally parallel to the street and constructed in front of and designed to enclosed a functional core (e.g., a parking garage) and shield its visibility of such structure from a public street, plaza or park.

LINTEL -- A structural or merely decorative horizontal member spanning a window opening.

LOT FRONTAGE -- The length of a property that is adjacent to any street, excluding alleys.

MANSARD ROOF -- A roof having two slopes, with the lower slopes 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.

MULTIFAMILY BUILDING -- A residential building type in the downtown districts that is designed to provide housing opportunities within the Downtown and close to mass transit.

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

PLAZA -- An unroofed public open space designed for pedestrians that is open to public sidewalks on at least one side.

PRINCIPAL FACADE -- A facade facing a primary street, plaza, or public park and containing the main building entrance.

PUBLIC REALM -- The space between buildings, including publicly owned streets, sidewalks, rights-of-ways, parks and other publicly accessible open spaces, and public and civic buildings and facilities.

RETAIL SALES AND SERVICE -- A use category that includes retail sales and service establishments, excluding drive-through facilities such as clothing and apparel stores, bookstores, sporting goods stores, drugstores, barbershops, beauty salons, cleaners who do not perform cleaning on the premises, stationers stores, jewelry stores, and office supply stores.

SHOPFRONT AND AWNING -- A building frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. It has a substantial glazing on the sidewalk level and may have an awning that may encroach on to the sidewalk.

SIGNATURE BUILDING ENTRANCE -- A theater marquee or a similar cantilevered projection provided at the street level to mark a residential or hotel entrance. Such projection shall have a clear height of at least 10 feet from the sidewalk level.

SILL -- A horizontal member beneath a window opening, constructed of wood, stone, concrete, or similar material.

STOOP -- A building frontage wherein the building entrance is set back from the edge of the sidewalk and the first story is sufficiently elevated from the sidewalk to secure privacy for the windows. The stairs of a stoop shall be perpendicular to the sidewalk.

STREETSCAPE -- A representation of a street and its surrounding environment.

TERRACE -- A building frontage wherein the facade is set back from the frontage line by an elevated terrace. For street-level commercial uses such as restaurants, the terrace is suitable for conversion to outdoor cafes. In civic uses, a terrace can function as a strong base for the building and also as an outdoor waiting/entrance area.

TOWNHOUSE BUILDING -- One in a series of one-family dwelling units that are attached together by common fire- and sound-resistant walls. Parking for a townhouse may be provided within the unit and accessed from a rear alley or as a common surface lot or parking structure within the townhouse development.

VERTICAL SETBACK -- A building height setback along its frontage on a public street. Vertical setbacks are used to reduce the appearance of building mass on a public street and thereby reduce the visual impact of taller buildings.

VERTICAL RHYTHM or FACADE WIDTH -- The perceived width of a building facade measured along a public street. Longer buildings may be designed to read as multiple buildings by the change of material, color, or other architectural elements.

§ 236-18. C-2 General Commercial District.

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

- (1) Motor vehicle repair garages.
- (2) Tire sales, the indoor sales of motor vehicles and motor vehicle parts, hardware stores, retail lumber yards for the storage, sale and minor milling of materials. [Amended 3-9-1999 by Ord. No. 1-1999]
- (3) Motor vehicle service stations.
- (4) Restaurants and drive-in restaurants.
- (5) Computer, audio and video electronic stores.
- (6) Funeral homes.
- (7) Parks and playgrounds.
- (8) Buildings used exclusively by federal, state, county or local government.
- (9) Hotels and motels.
- (10) Offices.

B. Accessory uses. Same as the C-1 Retail Commercial District. [Amended 6-13-1995 by Ord. No. 17-1995]

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

- (1) Same as R-1 and R-2 Districts.
- (2) Motor vehicle sales lot, both new and used. [Amended 3-9-1999 by Ord. No. 1-1999]
- (3) Apartments.

- (4) Adult entertainment establishments, adult bookstores, adult picture theaters, adult mini-motion picture theaters and adult cabarets. [Added 11-22-1994 by Ord. No. 38-1994]
- (5) Limousine service businesses. [Added 5-8-2001 by Ord. No. 9-2001]
- (6) Taxicab service business. [Added 5-8-2001 by Ord. No. 9-2001]
- D. Bulk requirements.
 - (1) Every lot in the C-2 District shall have a minimum width of 100 feet at the street line and a minimum area of 10,000 square feet. Every principal building shall be provided with a side yard of not less than 10 feet, a front yard of not less than 20 feet and a rear yard of not less than 20 feet.
 - (2) Every lot in the C-2 District shall be developed with not more than 80% impervious lot coverage nor more than 50% building coverage.
- E. Height limits. All buildings in the C-2 District may be erected up to 65 feet in height.
- F. Minimum floor area. There shall be no minimum floor area in the C-2 District.
- G. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-19. C-3 Light Industrial-Commercial District.

- A. Principal uses. Principal uses shall be as follows:
 - (1) Motor vehicle repair garages.
 - (2) Tire sales, sales of automobile parts, hardware stores, retail lumberyards for the storage, sale and minor milling of materials.
 - (3) Offices.
 - (4) Motor vehicle service stations.
 - (5) Restaurants and drive-in restaurants.
 - (6) Computer, audio and video electronic stores.
 - (7) Funeral homes.
 - (8) Parks and playgrounds.
 - (9) Buildings used exclusively by federal, state, county or local government.
 - (10) Apartment buildings.
 - (11) Hotels and motels.
 - (12) Light manufacturing.
 - (13) Indoor recreation uses limited to indoor tennis courts, skating rinks, handball courts, paddleball courts, bowling alleys and swimming pools.
- B. Accessory uses. Accessory uses shall be as follows:
 - (1) Garages to house delivery trucks or other commercial vehicles.
 - (2) Restaurants, meeting place facilities and retail stores accessory to hotels and motels.
 - (3) Warehousing accessory to permitted principal uses, provided that:
 - (a) If the basement and the first floor or second floor are occupied by the same occupant, all of the basement, plus 25% of the first or second floor, may be used for warehousing.
 - (b) If the first floor or second floor alone are occupied, then only 40% of the first floor or second floor may be used for warehousing.

- (c) The storage of highly flammable material necessary in the manufacturing process shall be limited to 10% of the total square footage of the business.
- C. Conditional uses. Conditional uses shall be as follows:
 - (1) Public utility buildings, structures or facilities.
 - (2) Adult entertainment establishments, adult bookstores, adult picture theaters, adult mini-motion picture theaters and adult cabarets. [Added 11-22-1994 by Ord. No. 38-1994]
- D. Bulk requirements. The minimum area for a lot shall include provisions for off-street parking, and such parking lot may be considered as part of the yard space.
- E. Height limits. All buildings in the C-3 District may be erected up to 80 feet in height.
- F. Minimum floor area. There shall be no minimum floor area in the C-3 District.
- G. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-20. IND Industrial District.

- A. Principal uses. Principal uses shall be as follows:
 - (1) Nonnuisance industrial plants and offices which carry on processes within completely enclosed buildings, including:
 - (a) The manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as canvas, cloth, cork, fur, wood, glass, leather, paper, metals or stone, shell and wax.
 - (b) The manufacture of toys, novelties, rubber or metal stamps and other molded products.
 - (c) The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - (2) Laboratories of an experimental research or testing nature.
 - (3) Lumber, coal, fuel storage and distribution yards, warehouses, wholesale distribution centers, machine repair shops and public utility storage yards, garages and other warehouses and workshops.
 - (4) Parks and playgrounds.
 - (5) Buildings used exclusively by federal, state, county or local government.
 - (6) Billboards.
 - (7) Motor vehicle service stations, motor vehicle repair garages and motor vehicle body repair shops.
- B. Accessory uses. Accessory uses shall be storage buildings for materials, liquids, chemicals and similar items not permitted within the main building under Fire Underwriters Standards, provided that they are not closer than 50 feet to any lot line.
- C. Conditional uses. Conditional uses shall be as follows:
 - (1) Public utility buildings, structures and facilities.
 - (2) Satellite antennas.
- D. Bulk requirements. The minimum area for a lot shall include provisions for off-street parking, and such parking lot may be considered as part of the yard space.

- E. Buffer requirements. A fence not exceeding 10 feet in height but not less than six feet in height shall be installed and maintained along all lot lines which form a common boundary with any residential district or school use as part of any site plan approval.
- F. Height limits. No building or structure in an IND District shall exceed a height of 65 feet.
- G. Minimum floor area. There shall be no minimum floor area in the IND District.
- H. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-21. IND/OP Industrial-Office Park District.

- A. Principal uses. Principal uses shall be as follows:
 - (1) Office and office complexes.
 - (2) Light manufacturing.
 - (3) Scientific or research laboratories.
 - (4) Hotel/motel complexes, including restaurants and convention facilities.
- B. Accessory uses. Accessory uses shall be warehousing, provided that not more than 40% of the floor area of any building shall be used for warehousing.
- C. Conditional uses. Conditional uses shall be as follows:
 - (1) Light manufacturing parks.
 - (2) Public utility buildings, structures or facilities.
 - (3) Satellite antennas.
- D. Bulk requirements.
 - (1) The minimum lot size shall be two acres. The minimum lot width shall be 200 feet, with a minimum lot depth of 300 feet.
 - (2) No building or structure shall be located closer than 75 feet to any street right-of-way.
 - (3) The minimum side yard shall be 30 feet, but in no event shall either side yard be less than the height of the building or structure. The minimum rear yard shall be 50 feet.
 - (4) Building coverage shall not exceed 50% of the lot area.
 - (5) No building shall be located within 65 feet of a residential district boundary line.
- E. Buffer requirements. A transition or buffer strip not less than 20 feet wide consisting of conifers evergreen type shall be provided along all lot lines which form a common boundary with any residential district or school. The conifers shall be a minimum of five feet in height when newly planted and shall be planted at intervals of 10 feet or less.
- F. Height limits. No structure shall exceed 45 feet in height.
- G. Minimum floor area. There shall be no minimum floor area in the IND/OP District.
- H. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]

§ 236-21.1. R-1S Steep Slope Single-Family District. [Added 7-9-1996 by Ord. No. 22-1996]

The purpose of this zone is to protect the remaining environmentally sensitive steep slope land of the Town by controlling density and encouraging cluster development.

- A. Density. The maximum permitted density in the R-1S Zone shall be 1.5 units per acre.
- B. Principal uses. Principal uses shall be as follows:
 - (1) Single-family dwelling.
 - (2) Boarding- and rooming houses for not more than two roomers, boarders or lodgers.
 - (3) 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.
- C. Accessory uses. Accessory uses shall be as follows:
 - (1) Home occupations.
 - (2) Private garages.
 - (3) Private residential swimming pools.
- D. Conditional uses as stipulated in § 236-40, Conditional uses, shall be as follows:
 - (1) Public utility buildings, structures or facilities.
 - (2) Satellite antennas.
 - (3) Public parks and playgrounds.
 - (4) Professional occupations.
 - (5) Community buildings or centers
 - (6) 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.
- E. Bulk requirements.
 - (1) Every lot in an R-1S district shall have a minimum width of 100 feet at the street line and a minimum area of 30,000 square feet. Every principal building shall be provided with 2 side yards totaling 30 feet in width. The minimum width of 1 of the side yards shall not be fewer than 10 feet. In the R-1S District, the required front yard must be met on both sides for corner lots.
 - (2) No principal building shall be closer than 50 feet to the rear lot line or closer than 35 feet to the street line.
 - (3) Lot coverage shall not exceed 30% or 20,000 square feet, whichever is smaller.
 - (4) Lot disturbance shall not exceed 50% or 20,000 square feet, whichever is smaller.
- F. Height limits. No building or structure in the R-1S District shall exceed 35 feet in height.
- G. Minimum floor area. Every new residential building in an R-1S district shall have a minimum gross first floor area of 1,000 square feet per dwelling unit.
- H. Off-street parking. All uses shall be required to provide on-site, off-street parking in accordance with § 236-43. [Amended 11-10-2003 by Ord. No. 39-2003]
- I. Cluster development option.
 - (1) Cluster development is development based on an overall density for the entire tract with the dwelling units generally located on individual lots reduced in size so that higher densities result in segments of the tract, with common open space, common

property or open space generated on the remainder of the tract. Cluster development will be permitted, and is encouraged in the R-1S District, provided that the maximum permitted density of development shall be 1.5 units per acre and it is developed in accordance with the following requirements.

- (2) Development standards.
 - (a) All lots in a cluster development shall meet all other requirements of the R-1S District unless modified herein.
 - (b) The minimum tract size where a cluster development option may be considered shall be 15 acres. The Planning Board may permit cluster development on a tract smaller than 15 acres if there is a particular public purpose to be served or environmental advantage to be gained.
 - (c) The option as to whether a particular tract is suitable for development utilizing the cluster option shall rest with the approving agency. Any application proposing to utilize the cluster option shall first present to the approving agency a concept plan showing the alternative conventional development to assist in determining the suitability of the tract for the cluster development proposed. The approving agency shall make a specific finding and conclusion as to the suitability for the tract to be developed with the cluster option and shall adopt the finding by resolution prior to hearing testimony or acting on the subdivision. In reaching its decision, the approving agency shall take into account the environmental constraints of the proposed site, the size, shape and proposed use of any and all open space parcels created, the alternative conventional development plan and the effect of the proposed development on the Master Plan of the Town of Dover.
 - (d) Every lot in a cluster development in the R-1S District shall have a minimum width of 75 feet at the street line and a minimum area of 10,000 square feet. Every principal building shall be provided with 2 side yards totaling 20 feet in width. The minimum width of 1 of the side yards shall not be fewer than 10 feet.
 - (e) No principal building shall be closer than 35 feet to the rear lot line or closer than 35 feet to the street line.
 - (f) Lot coverage shall not exceed 40% or 10,000 square feet, whichever is smaller.
 - (g) Lot disturbance shall not exceed 90% or 15,000 square feet, whichever is smaller.
 - (h) The maximum infrastructure disturbance for cluster developments shall be 10% of the entire tract area under consideration. For the purposes of this section, the term "infrastructure disturbance" shall mean the percentage of the tract which is required to be disturbed in order to construct the required public and/or common improvements, including but not limited to roadways, sidewalk, water supply facilities, stormwater management facilities, sanitary sewer facilities and other such improvements, whether proposed for dedication to the Town or proposed for private ownership.
- (3) Open space provisions.
 - (a) All open space areas created shall be a minimum of three acres in size, unless it is proposed to attach an open space parcel to an existing parcel of open space, in which case the minimum size shall be determined by the approving agency. Open space areas shall be developed for active recreation when and where deemed

- appropriate by the approving agency.
- (b) Open space areas created shall be made available to the Town for public dedication. The approving agency shall consider the suitability and adaptability of the land for the purpose or purposes proposed, including physical characteristics, geographical location, accessibility, relationship to the Master Plan, expenditures required to improve said land or otherwise make it suitable, for the use proposed and all other factors which would normally be considered if such lands were being considered for purchase instead of acceptance for cluster development credit and report its findings to the Town governing body.
 - (c) The Town governing body shall make the final determination as to whether lands proposed for public open space are suitable for dedication. The Town governing body shall provide the Planning Board with a report of its determination as to the suitability of the open space for dedication.
- (4) Homeowners' association provision.
- (a) All open space areas created which are not deemed necessary or suitable for dedication to the municipality shall be deeded to a homeowners' association for the benefit of the development, comprised of each of the owners of the individual lots created.
 - (b) Membership in the association shall be mandatory for all lot owners, and the final map creating the open space parcels shall contain a notation that all such open space parcels created are dedicated to open space use in perpetuity, and future resubdivision or other use of the parcels created is specifically prohibited.
 - (c) The Articles of Incorporation creating a homeowners' association, the bylaws and the declaration of covenants, conditions and restrictions shall be submitted to the Town Attorney for his review and determination of adequacy as to form. The documents listed above shall contain at least the following minimum provisions:
 - [1] Mandatory membership of all lot owners.
 - [2] Monthly maintenance fee adequate to provide for taxes, maintenance and the operation of any and all common facilities.
 - [3] Right of the Town to perform any necessary maintenance, etc., and to assess the costs, as a tax lien against each individual homeowner should the association fail to meet its responsibilities.
 - [4] The association shall not be dissolved, nor shall it dispose of any open space by sale or otherwise.
 - [5] The developer shall be responsible for the taxes and maintenance of any open space or common facilities until such time as a homeowners' association has been formed and is functioning.
- (5) Approval procedure.
- (a) Any applicant wishing to utilize the cluster development option shall submit a sketch plat showing the proposed cluster lot arrangement and a concept plan showing the alternative conventional development.

- (b) The applicant shall also submit a summary environmental impact statement in sufficient detail for the approving agency to make an informed judgment as to the merits of the cluster proposal, the proposed disposition of the open space lands created and the environmental advantages of the proposed development plan.
- (c) The approving agency shall make a determination as to the appropriateness of the site for cluster development based on the data submitted and the advice of any appropriate, municipal agencies. If there is a favorable finding by the approving agency, the open space proposal shall be sent to the Town governing body for a determination on the acceptability of any lands for public ownership.

§ 236-21.2. Steep slope development restrictions. [Added 7-13-2004 by Ord. No. 20-2004]

A. Steep slope areas defined:

CRITICAL SLOPE AREAS -- Those previously undeveloped areas having a grade of 25% or greater, as calculated by the methodology contained in Subsection B(1) of this section.

MODERATE SLOPE AREAS -- Those previously undeveloped areas having a grade of 15% or more, but less than 25%, as calculated by the methodology contained in Subsection B(1) of this section.

B. Slope areas methodology and restrictions.

(1) Methodology.

(a) The method of determining slopes classified as "moderate" and "critical" shall be based upon two-foot contours and measured over a distance having a minimum change in vertical elevation of two feet. A plan and calculations prepared by a licensed professional engineer or land surveyor shall be submitted to determine the extent of moderate and critical slope areas. Said plan shall be clearly and legibly drawn or reproduced at a scale of no less than one inch equal to 30 feet for tracts of one acre or less and no less than one inch equal to 50 feet for tracts greater than one acre. All topography and elevations shall be related to a benchmark noted on the plan and, wherever possible, shall be based on the United States Geological Survey mean sea level data. Existing contours of the site under review shall be presented at no greater than two-foot intervals.

(b) The permitted lot coverage and building coverage of any site shall be calculated by excluding all critical slopes and 50% of the moderate slopes from the lot area.

(2) Development restrictions.

(a) There shall be no site disturbance, no structures and no impervious coverage permitted within critical slope areas. Excluded from this limitation are utility improvements, both public and privately controlled, such as electric, telephone, cable lines, potable water, sanitary and storm sewer lines, driveways, utilities and roads, both public and private. Driveways, however, must be designed and constructed with a maximum grade of 15% at any point and disturb no more than 25 feet of width parallel to the driveway. Utility crossings within critical slopes shall be located to fall within the driveway disturbance area where possible in order to minimize critical slope disturbance.

(b) Within moderate slope areas, no more than 50% of the rate of coverage for each

developable lot(s), pursuant to the applicable zone district standards, may be utilized for building and/or lot coverage. For example, in a residential zone district which permits a maximum of 65% lot coverage and 25% building coverage for each developable parcel, no more than 32.5% of that area classified as moderate slope may be improved with impervious coverage and no more than 12.5% of that area classified as moderate slope may be improved with building coverage.

§ 236-22. Accessory buildings in residential districts. [Amended 12-10-2002 by Ord. No. 35-2002]

- 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.
- 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.

§ 236-23. Building identification and numbering. ^{iiiEN} [Amended 6-13-1995 by Ord. No. 17-1995]

The owner or owners, occupant or occupants of each and every dwelling, store or other building which now fronts or may hereafter front upon any of the streets or public places within the Town of Dover shall cause the same to be properly numbered. The numbering shall be in figures at least three inches in height with a one-half-inch stroke, placed conspicuously on the front of each dwelling, store or other building.

§ 236-24. Conformity to area regulations required.

Except as previously or hereinafter provided, it shall be unlawful to relocate, erect, construct, reconstruct, enlarge, structurally alter or use any building, structure or land except in conformity with regulations of the district in which such building or structure is located.

§ 236-25. Continuation of existing uses.

Except as hereinafter specified, any use, building or structure, existing at the time of the enactment of this chapter, may be continued even though such use, building or structure may not conform to the provisions of this chapter for the district in which it is located.

§ 236-26. Conversion of dwellings.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which the new building or similar occupancy would be permitted under this chapter, provided that all height, area and yard requirements are also met and only when the resulting occupancy will comply with the requirements governing new construction in such district.

§ 236-27. Nonconforming uses and buildings. [Amended 6-13-1995 by Ord. No. 17-1995]

No existing building or premises devoted to a use not permitted by this chapter in the district in which such building or premises is located, except when required by law to do so, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located. Any legally established existing use of a building or structure, lot or land or part thereof which constitutes a conforming use under the provisions of the Land Use Code of the Town of Dover may be continued.

- A. Abandonment. A nonconforming use shall be considered to be abandoned if there occurs a cessation of the previous use or activity on the part of the owner or tenant for a period of one year from the date of cessation of use or activity, at which time such abandoned building, structure or premises shall not be put to a nonconforming use again.
- B. Conversion to permitted use. Any nonconforming building or use which has been changed to a conforming use shall not be changed back again to a nonconforming use.
- C. Restoration. Any nonconforming building or use which has been destroyed by fire, explosion, flood, windstorm or other act of God shall be considered partially destroyed if the cost of restoration equals up to one-half (1/2) the estimated equalized or true valuation of the building as determined by the Tax Assessor, and such building or use may be rebuilt, restored or repaired. If the damage is greater than one-half (1/2), the building or use shall be considered completely destroyed and shall not be rebuilt, restored or repaired unless in conformity with the building and use requirements of this chapter.
- D. Repairs and alterations. A nonconforming building or structure may be repaired or maintained as required to keep it in sound condition. No structural alterations shall be made to any nonconforming structure or building except those that are required by law.

§ 236-28. Pending applications for building permits.

Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which any building permit has been granted before the enactment of this chapter, provided that construction from such plans shall have been started within 60 days of enactment of this chapter and shall be diligently pursued to completion.

§ 236-29. Required yards and open spaces.

No open space provided around any principal building for the purpose of complying with the front, side, rear or other yard provisions of this chapter shall be considered as providing open space for meeting the same requirements for another principal building.

§ 236-30. Multiple principal structures. [Amended 6-13-1995 by Ord. No. 17-1995]

There shall be no more than one principal structure on any single lot in a residential district.

§ 236-31. Required minimum lot size for dwellings having individual septic system.

Any lot within any residential district permitted to be subdivided for residential purposes and/or constructed upon for residential purposes and which residences shall be serviced by an individual septic system rather than being connected to the sanitary sewer system shall have a lot size of not less than 10,000 square feet.

§ 236-32. Structures permitted within required yard area. [Amended 6-13-1995 by Ord. No. 17-1995]

- A. The following structures are not permitted within the required yard areas unless they meet the following criteria: [Amended 4-28-1998 by Ord. No. 15-1998]
- (1) Open porches, balconies, overhangs, breezeways, terraces and carports attached to single- and two-family dwellings shall be considered as part of the principal structure and may project into any required yard area, provided that:
 - (a) Not more than 80 square feet of said structure shall project into the required yard area; and
 - (b) No portion of any such structure shall be closer than five feet to any property line as measured horizontally.
 - (2) Decks attached to single- and two-family dwellings shall be considered as part of the principal structure and may project into the side or rear yard with the following limitations when the deck is:
 - (a) Located in side yard:
 - [1] Not more than 80 square feet of such structures may project into the required yard area; and
 - [2] No portion of any such projection shall be closer than five feet to any property line as measured horizontally.
 - (b) Located in rear yard:
 - [1] The deck does not occupy more than 20% of the existing rear yard area; and
 - [2] The minimum side and rear setback is at least equal to the height of the deck as measured from the grade plane to the highest point of the deck floor, but the minimum side and rear setback shall never be less than five feet.

- B. The following structures and appurtenances are permitted within the required yard areas:
[Amended 11-14-2000 by Ord. No. 23-2000]
- (1) Parking areas and access drives in accordance with the requirements of § 236-43F.
 - (2) Exterior stairs not more than four feet wide.
 - (3) Landings and platforms up to 16 square feet associated with exterior stairs or building egress.
 - (4) Walkways, patios and chimneys.
 - (5) Fire escapes required by law.
- C. Canopies, awnings or similar devices shall be permitted to extend over the sidewalk in the C-1 and URD Districts only. An awning shall project not more than six feet from the building to which it is attached or to the curblin, whichever is shorter. Canopies shall be permitted to extend to within three feet of the curblin and shall be of cantilever construction.

§ 236-33. Fences and walls.

- A. No wall or fence, except retaining walls, shall be erected or altered in the front yard of any lot in any residential district to a height in excess of four feet, or in the side or rear yard in any residential district to a height in excess of six feet. All walls and fences, including retaining walls, shall meet the requirements of § 236-34 for corner clearance. Walls or fences, except retaining walls, erected on corner lots shall not be more than four feet in height in the front or side yard in any residential district. [Amended 4-28-1998 by Ord. No. 15-1998; 2-8-2005 by Ord. No. 4-2005]
- B. No fence or wall shall be erected of barbed wire or topped with metal spikes. No fence other than in an industrial zone shall be constructed of any material or in any manner which may be dangerous to persons or animals.
- C. Where any fence is discernible as having a finished or good side, said fence shall be installed with the finished or good side facing the abutting property.
- D. Minor site plan approval shall be required for all fences in the Industrial District which do not meet the requirements of this section.
- E. No retaining wall shall be erected in a residential district to a height in excess of four feet. Construction of retaining walls in a residential district for the purpose of regrading a property by terracing shall be limited to a maximum of two- to four-foot-high retaining walls with a minimum of four feet horizontal spacing between the faces of the two walls. Additional terracing of more than two walls will not be permitted without a minimum of 20 feet horizontal separation between terracing wall pairs. Retaining walls shall not be constructed in locations that would impact the disturbance of steep slope areas as regulated by § 236-21.2. [Added 4-28-1998 by Ord. No. 15-1998; amended 2-8-2005 by Ord. No. 4-2005]

§ 236-34. Corner clearance.

In any district, on any corner lot, no fence, wall (except retaining wall), sign, structure, planting or visual obstruction shall be erected or maintained to a height greater than 2.5 feet above road grade within a triangle bounded by the sides 25 feet from a street intersection as measured along the curbline from the point where the curb lines intersect.

§ 236-35. Garden and high-rise apartments.

Garden and high-rise apartments shall meet the following standards in addition to those standards set forth for the zone district in which they are located:

- A. The overall density of garden apartments shall not exceed 15 dwelling units per acre. The overall density of high-rise apartments shall not exceed 45 dwelling units per acre.
- B. The arrangement of buildings shall be such that, when viewed perpendicular to any side, the overall length shall be no more than 200 feet.
- C. The following yard areas shall be minimum distances as measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two abutting yard areas. Where the ends of buildings are opposite or generally opposite, no buildings as measured radially from any corners shall be closer to any other building corner than the combined distance of the side yard requirements for each building. Yard requirements shall be:

Number of Stories	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
1 to 3	40	20	50
4 to 6	50	30	50
7 to 14	50	40	70

- D. Total building coverage shall not exceed 30% of the total land areas of the site.
- E. In no event shall a garden or high-rise apartment building be located within 40 feet of a lot line adjacent to a single-family zone.
- F. For any development of 12 dwelling units or more, a minimum of 15% of the total land area of the site shall be allocated and developed for active recreation space. In no case shall such active recreation space or spaces be less than 2,500 square feet in size, less than 75 feet wide or have a grade in excess of 5%.
- G. No dwelling unit shall have a finished floor level less than 16 inches above the average finished grade along the front of the building. Basement dwelling units shall be prohibited; however, basement space for permitted accessory uses is allowed.

§ 236-36. Appearance of buildings.

- A. Within any residential district, no building with permitted professional, office or home occupation shall be constructed or altered so as to be inharmonious with the residential character of the adjacent residential areas.
- B. The following types of construction shall be considered not to be residential in character:
 - (1) Storefront-types of construction.
 - (2) Garage doors larger than needed for passenger automobiles and commercial vehicles of two-ton gross weight.
 - (3) Unfinished concrete block or cinder block wall surfaces.

§ 236-37. Motor vehicle repair garages, service stations, body repair shops and parking lots.

- A. No motor vehicle repair garages, motor vehicle service stations, motor vehicle body repair shops, parking garages or parking areas for five or more vehicles shall be located within 200 feet along the same side of a street as any school, public playground, church, hospital, public building or institution, except where and when the property is in another block or on another street which the lot in question does not abut. No auto service station shall be permitted where any oil drainage pit or visible appliance for any purpose other than filling pumps is located within 12 feet of any street line or within 25 feet of any residential district, unless such appliances or pit are within a building. No property or premises shall be used for the storage of more than one untitled or unlicensed motor vehicle or vehicles incapable of normal operation. Any and all other salvaged parts, scrap metal or other materials shall be stored within a building.
- B. All stored vehicles shall be kept in designated on-site parking areas as required by § 236-43 of this chapter. No parking areas shall be located within 10 feet of any property line. No vehicles stored outdoors may be utilized for salvaging of parts.

§ 236-38. Outdoor advertising signs, billboards and structures.

The following regulations and standards shall apply to all signs and advertisement differentiated by zone and type of sign as defined in § 236-5.

- A. Alterations. No sign erected before the effective date of this chapter shall be rebuilt or relocated without conforming to the provisions of this chapter. This provision shall not prohibit the repair or renovation of an existing sign upon the date of adoption of this chapter.
- B. Maintenance. All signs, together with their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. All signs shall be so maintained that their appearance is in keeping with the standards of the neighborhood and does not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration or downgrading of the neighborhood with the accompanying decrease of property values.

C. Prohibitions.

- (1) The following types of signs or artificial lighting are prohibited:
 - (a) Flashing, spelling or movement of all or part of the sign, except time, temperature or barbershop poles; pylon signs/billboards or roof signs; signs which compete for attention with or may be mistaken for a traffic sign or signal.
 - (b) Signs which are a menace to public safety or which obstruct the view of any street, intersection or crosswalk. Signs erected on any part of the structure beneath a railroad overpass shall be deemed to be a menace to public safety.
 - (c) Temporary advertising signs affixed to the window of a door, but not including informational signs such as "Push" or "Pull."
 - (d) Projecting signs with an area greater than six square feet.
- (2) No sign shall be erected or suspended across a street or alley.
- (3) No sign shall be used for or converted into a fence or wall of a shed or building.
- (4) Objectionable matter. No matter shall be painted or posted on a sign of any kind, or on any structure, that is licentious, vulgar or obscene or depicts the commission of any crime.

D. Small signs not enumerated elsewhere. Small signs permitted by law and/or exceeding one by one-half (1 x 1/2) foot may be erected for policing or parking purposes.

E. Public signs. Nothing in this section shall be deemed to restrict or prohibit the erection, construction or maintenance, within the Town of Dover, of signs or markers for use in policing, directing or controlling of traffic or parking when legally authorized by the state, county or Town, or by any department thereof.

F. Traffic direction, control and regulation signs. All such signs shall be in accordance with the Manual of Uniform Traffic Control Devices.

G. Termination of use. At the termination of any professional, business or industrial use of any premises, the permission to display signs associated with such use shall terminate. All such signs, and the brackets and posts which support the signs, shall be removed from the premises within 30 days from the date of termination of such use. The owner of the property shall be responsible for the removal of all such signs.

H. Temporary signs. The following temporary signs are permitted in all districts:

- (1) Real estate signs. Signs designating property for sale or lease shall not exceed five square feet in area in any residential district or 20 square feet in any other district. They shall be placed at least eight feet from an adjacent property line. They shall be promptly removed upon the sale of the property. No more than one sign shall be permitted on a residential lot.
- (2) Banner signs. Banner signs shall only be permitted as a temporary sign and shall be limited to announcements of new occupancies only, shall not exceed 10 square feet in area and shall not be displayed for a period of more than 30 days. [Amended 6-13-1995 by Ord. No. 17-1995]
- (3) Charitable organization drives. Signs for campaign or money-raising drives of religious or charitable organizations operating in the general public's interest shall not exceed 16 square feet in area. Signs shall be erected no sooner than two weeks prior to the publicized event and shall be removed no later than 48 hours after the event. No more than two temporary outdoor signs shall be erected by any such organization, which

- signs shall be erected on the property owned or rented by such organization whenever feasible.
- (4) Construction signs. Signs pertaining to the construction, repair or remodeling of any building shall be located at the principal entrance to the building within the property lines. They shall not exceed 32 square feet in area. They shall be moved within seven days after the completion of the construction work.
 - (5) Political events. Signs announcing any political events or campaigns may be erected in any district. Such signs may not be erected prior to 60 days before the political event or campaign. All signs covered by this section shall be removed within 15 days after the political event or campaign.
 - (6) Window signs. Window signs shall only be permitted as a temporary sign, and the area of such signs shall not exceed 25% of the window surface area, and such signs shall not be displayed for a period of more than 30 days. [Amended 6-13-1995 by Ord. No. 17-1995]
- I. Residential district signs and signs for other districts. The following signs are permitted in a residential zone:
- (1) Temporary real estate signs.
 - (2) Public grounds signs.
 - (3) A nameplate sign for each family housed in a residence.
 - (4) A home occupation or professional sign shall not exceed 60 square inches in area.
 - (5) A ground or wall sign not to exceed four square feet in area identifying the name of the premises of a boardinghouse, lodging house or apartment house.
 - (6) Signs erected upon the premises of houses of worship and charitable and nonprofit organizations, which shall not exceed 12 square feet in area.
- J. Signs permitted in districts other than residential districts. Signs permitted in districts other than residential districts shall be as follows:
- (1) All signs permitted in residential districts.
 - (2) One sign upon premises used for professional offices which shall not exceed 10 square feet area. The sign may be of the freestanding type, in which case it shall be set back from the street side line a distance of not less than 10 feet.
 - (3) Business signs which direct attention exclusively to a permitted business conducted on the premises on which such sign is located or to a product sold or service supplied by such business and deemed to be an integral part of it. The total area of all business signs on a lot shall not exceed two square feet for each one foot of width of the building facade facing the front lot line. The signs shall comply with the following:
 - (a) One sign may be attached to the wall at each main public entrance of a building and shall conform to requirements for wall signs. Such sign shall not exceed 1.5 square feet of area for each one linear foot of front wall except that no wall sign shall exceed 30 square feet in area. On corner lots, each wall facing a street shall be deemed a front wall for purposes of this subsection.

- (b) A directory sign bearing the name and/or type of business of the principal tenants renting space in the rear or upper floors of the building may be located at the principal entrance of such rented areas. The areas of such sign devoted to each tenant shall not exceed 72 square inches, and the total area of such sign shall not exceed eight square feet.
- (c) The business signs may be painted on the window and/or doors of each business bearing the name, street number and/or type of business or principal occupant, provided that there shall be no more than one such sign on each window or door.
- (d) One freestanding sign shall be permitted per lot.
- (e) No business sign shall be permitted on any lot or building unless it is a structure, or part of a structure, or is attached to or displayed upon a structure.
- (f) Business and advertising signs may be double-faced interior-lighted with nonglaring lights or may be illuminated by shielded floodlights; provided, however, that no red or green lights shall be permitted within 75 feet of the point of intersection of the street lines at a street corner. No lights of the intermittent or flashing type shall be permitted.
- (4) Signs required by law to be exhibited by the occupant of the premises, provided that the same do not exceed six square feet in total area.
- (5) Special signs serving the public conveniences, such as "Notary Public," "Public Telephone," "Public Rest Room" and words of similar directions, provided that each such sign does not exceed 72 square inches in total area, and only one sign of each type is displayed.
- K. Freestanding signs.
 - (1) Projection. No part of any freestanding sign shall be placed within four feet of the property line.
 - (2) Height and area. No freestanding signs shall exceed 16 feet in height measured from the ground level.
- L. Wall signs.
 - (1) Placement. Wall signs for the front or face of a building shall be placed in the solid wall spaces between the heads of sills of windows. In no case shall such signs project above the top of any windowsill or cover any part of such opening. Wall signs shall be on the first story or street level of each building, with the exception of signs which identify the name of the building or which identify the occupant of a single-occupant building.
 - (2) Projection. No wall sign shall project higher than the highest point of the facade of the building upon which it is to be erected, and it shall not project more than five inches from the building line.

§ 236-38.1. Signage, awnings and canopies in C-1 and C-3 Districts. [Added 7-8-2008 by Ord. No. 17-2008]

- A. Signage. All signs shall comply with general sign provisions set forth in § 236-38A through L of the Town's Code, except as specifically modified herein. If there is any conflicting standard, the standards set forth herein shall prevail. Nothing herein shall prevent the Historic Preservation Commission from making additional requirements as part of the certificate of historic review process for those properties that lie in the Blackwell Street Historic Preservation District.
- (1) General requirements. Where a building requires several different signs, they shall be thematically linked and shall be similar in materials, color and method of lighting. Internally illuminated signs are not permitted. The maximum gross area of all signs on a given facade shall not exceed 32 square feet.
 - (2) Wall signs. Each nonresidential use located on the ground floor and having a street-level entrance along a public sidewalk may install wall signage in accordance with all of the following requirements:
 - (a) The maximum quantity of wall signs for each groundfloor business use shall be no more than one wall sign per street frontage.
 - (b) The sign shall be located on the wall area situated near the main public entrance or centered along the street frontage.
 - (c) The maximum height from ground level to uppermost portion of the sign shall not exceed the height of the sill or bottom of any second-story window or 16 feet, whichever is less. In the case of single-story buildings, the maximum height shall not exceed 14 feet or the top of the wall face, whichever is less.
 - (d) The minimum height from ground level to lowermost portion of the sign shall be no less than eight feet.
 - (e) Maximum permitted sign area shall be no greater than one square foot per lineal foot of building frontage occupied by the use on that particular building frontage, not to exceed 24 square feet.
 - (f) Maximum permitted horizontal sign dimension (width) shall be no greater than 75% of the width of the building frontage occupied by the use on that particular building frontage, not to exceed 18 feet.
 - (g) Maximum vertical dimension (height) of the sign face shall not exceed two feet.
 - (h) No wall sign shall project more than eight inches from the wall face upon which it is attached.
 - (i) The sign shall only be externally or indirectly illuminated.
 - (3) Parking garage signs. Wall signs identifying an entrance of a parking garage may be permitted but shall be in conformance with regulations set forth above for wall signs.
 - (4) Awning signs. Nonresidential uses located on the ground floor may display signs on awnings, provided that the following standards are met:
 - (a) Awning signs shall only be permitted on first-story awnings that provide rooflike shelter and/or solar shielding above doorways and windows.

- (b) The dimensions of the awning shall be in conformance with applicable regulations set forth elsewhere herein for awnings.
- (c) The sign shall only be located on the front portion of the awning that is generally parallel to the building wall face to which it is attached. This portion is more commonly known as the "valance" (see Figure 236-38.1-1). In the case of an awning shape where a traditional valance might not be provided, the sign text and graphic characters shall be restricted to the lowest 14 inches of the awning, which must be shown to be nearly parallel to the building wall face. In the case of dome awnings, the sign graphics shall additionally be restricted to the middle 1/5 of the awning, when viewed from the front elevation, which must be shown to be nearly parallel to the building wall face.
- (d) All awning signs shall be professionally sewn or painted.
- (e) The maximum vertical dimension of the sign face (valance) shall not exceed 14 inches.
- (f) The maximum height of letters, individual numbers or other characters or images on the awning shall not exceed 12 inches.
- (g) Maximum width of individual letters, numbers, or other characters or images on the awning shall not exceed 18 inches.
- (h) The total aggregate horizontal dimension (width) of all individual letters, numbers or other characters shall not exceed 20 feet or 75% of the width of the awning, as viewed in front elevation, whichever is less.
- (i) The awning shall be limited to a total of two colors plus white as approved by the Planning Board, including the color of sign lettering and all other graphics (see Figure 236-38.1-1).
- (j) No single awning shall contain sign messages for more than two business establishments.
- (k) The maximum quantity of awning signs for each nonresidential use located on the ground floor shall be no more than two awning signs per street frontage.
- (l) Awning signs shall not be internally illuminated.

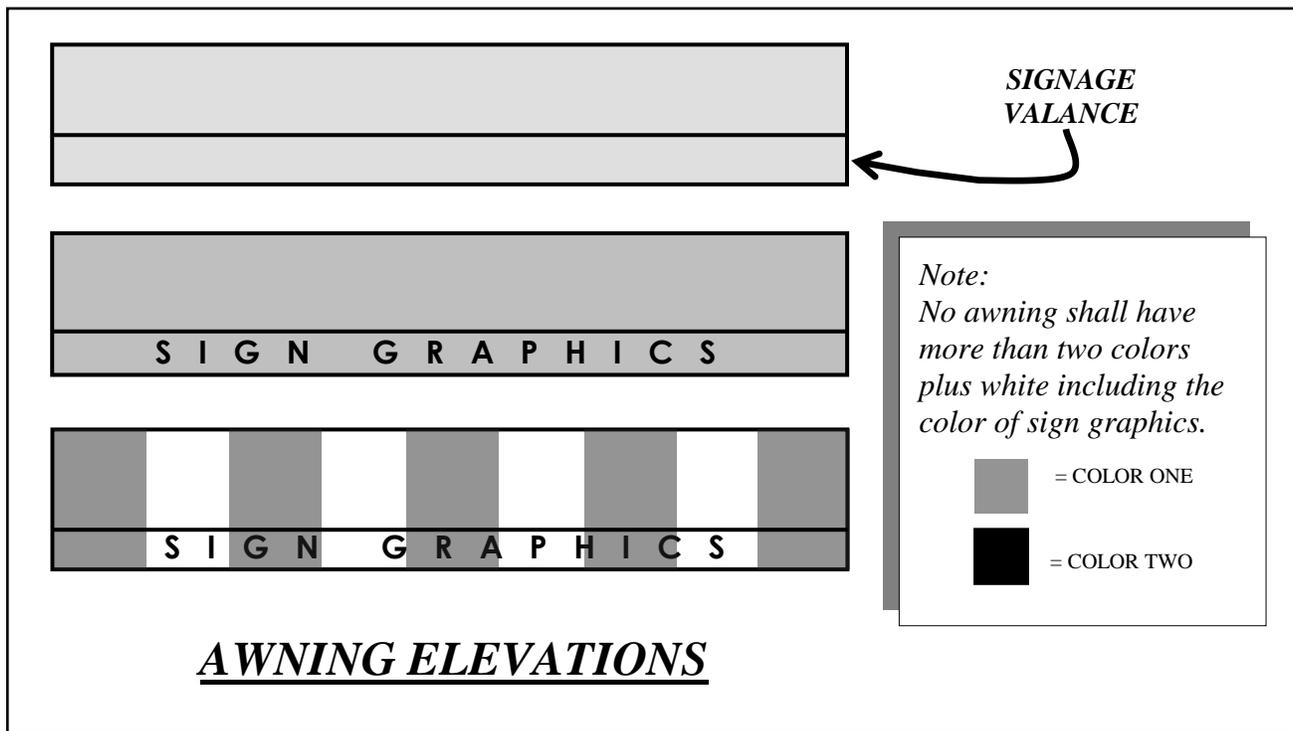


Figure 236-38.1-1 - Awning Signs

- (5) Permanent window signs. Only retail or personal service business uses located below the third story of a building shall be permitted to display a permanent window sign. Such sign may be professionally painted on the interior side of a window or may consist of a professionally printed permanent decal(s) installed on the interior side of a window, provided that the following standards are complied with:
 - (a) No window sign shall be permitted in a window above the second story of a building.
 - (b) Maximum area of any and all such sign shall not exceed 25% of the total window area, not to exceed six square feet in area per window.
 - (c) One sign per business establishment per window shall be permitted, up to a maximum of two signs per business on any wall frontage.
 - (d) The sign(s) shall be limited to the name and/or type of business, the address and phone number.
 - (e) The sign(s) may be internally illuminated.
- (6) Wall-mounted directory sign. For buildings containing nonresidential tenant(s) located above the ground level, one wall-mounted directory sign for each ground floor public entrance into a building shall be permitted whether such entrance fronts on a street or a parking lot.

- (a) The maximum size of the wall-mounted directory sign shall not exceed eight square feet in sign area.
 - (b) The maximum height from the ground-level to uppermost portion of the sign shall not exceed nine feet if situated directly above the doorway entrance or six feet if not situated directly above the doorway entrance.
 - (c) The minimum height from ground level to lowermost portion of the sign shall be no less than two feet.
 - (d) Such sign may identify all building occupant names and their addresses; however, no sign message for an individual business shall occupy greater than six square feet in area of such a sign.
 - (e) A wall-mounted directory sign may only be externally illuminated with a shielded fixture.
 - (f) All lettering on a wall-mounted directory sign shall be of the same type face (font) style.
- (7) Projecting sign. Each nonresidential use located on the ground floor and having a direct street level entrance may install one projecting sign subject to the following:
- (a) The sign shall be attached to the wall along the frontage such use occupies.
 - (b) Such sign face and all signage must be oriented in a position that is perpendicular to the wall to which it is attached.
 - (c) No such sign shall have a thickness that exceeds eight inches.
 - (d) Maximum size of each sign face shall not exceed six square feet in area.
 - (e) Minimum height from ground level to lowermost portion of sign shall be no less than nine feet.
 - (f) Maximum height from ground level to uppermost portion of sign shall not exceed the height of the sill or bottom of any second-story window or 16 feet, whichever is less. In the case of single-story buildings, said maximum height shall not exceed 14 feet or the top of the wall, whichever is less.
 - (g) Maximum horizontal projection from the building wall, including any sign appurtenances, shall not exceed three feet. Such sign may project over a public sidewalk only and shall not extend over any other portion of any other public right-of-way.
 - (h) Maximum horizontal dimension (width) of the sign face shall not exceed 2 1/2 feet.
 - (i) Maximum vertical dimension (height) of the sign face shall not exceed four feet.
 - (j) Maximum height of letters, individual numbers or other characters or images on the signboard shall not exceed 12 inches.
 - (k) Maximum width of letters, individual numbers or other characters or images on the signboard shall not exceed 12 inches.
 - (l) A projecting sign may be internally or externally illuminated.
- (8) Temporary window advertising signs. Temporary window advertising signs for ground-level retail and personal service business uses located in the C-1 and C-3 Districts are exempt from approval requirements, subject to the following conditions:
- (a) Such signs may be constructed of paper, cardboard or plastic, and any written, numerical, graphic or photographic material or information shall constitute such a sign.

- (b) Such signs shall be removed after a period of 30 days and shall have the date of installation printed clearly in the lower righthand corner of such, as viewed from the exterior.
 - (c) Such signs shall be contained solely within the ground-level window of the subject business.
 - (d) Maximum total area of such signs shall not exceed 40% of the total area of ground-level windows, excluding window portions of doors, fronting on a public street. For the purposes of this subsection, any window area covered with a permitted permanent window sign, pursuant to this article, shall be excluded from the calculation of the total area of all groundfloor windows.
 - (e) Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions for the permitted business conducted on the premises on which said sign is located.
 - (f) Such signs shall be maintained in an orderly manner at all times.
 - (g) This section shall not be interpreted in such a manner as to limit or prohibit any business from displaying merchandise in an interior window display area.
- (9) Portable sidewalk sign. Only retail and personal service business uses and eating and drinking establishments shall be permitted to display sandwich board signs and other types of portable signs, subject to the following conditions:
- (a) Maximum size of such signboard shall not exceed five square feet in area. If such sign is two-sided, only one side of such shall be used for the purpose of calculating the permitted sign area.
 - (b) Maximum height and width of letters, numbers or other characters or images on the signboard shall not exceed 12 inches.
 - (c) Such signs shall be located within four feet of an entrance to the business they advertise and shall not be placed so as to interfere with pedestrian or vehicular traffic on a street, sidewalk, walkway or public right-of-way. An unobstructed pathway of at least four feet in width must be maintained on a sidewalk at all times.
 - (d) Such signs shall be constructed of wood, slate board and/or finished metal.
 - (e) Information contained on such signs shall be limited to advertisements for special promotions, sales and other such similar nonpermanent sales promotions for the permitted business conducted on the premises adjacent to which said sign is located.
 - (f) Such signs shall be maintained in an orderly manner at all times.
 - (g) In a building with multiple business occupants who share a common entrance, no more than two such signs shall be permitted, which may be shared among the applicable businesses entitled to a portable special promotion sign under the provisions of this section.
 - (h) Any business use that places or installs such sign, pursuant to this section, shall be required to conform to all other applicable provisions of this article, otherwise such business shall be prohibited from displaying such sign.
 - (i) No such sign shall be displayed when the business it relates to is not open for business.

- (j) Such signs shall not be illuminated.
 - (10) Freestanding and ground signs. Freestanding and ground signs are not permitted.
 - (11) Residential use signage. Signage pertaining to residential uses shall be in accordance with the signage requirements set forth in the Town's Code for residential uses.
- B. Awnings and canopies. Awnings and canopies are encouraged in the C-1 and C-3 Districts at the street level of a building when occupied by a nonresidential use. For all uses, awnings and canopies may be used on the upper floors of a building, where appropriate. The design of awnings and canopies shall be architecturally compatible with the style, materials, colors and details of such buildings and should not conceal significant architectural features, such as cornices, columns, pilasters or other trim details. Nothing herein shall prevent the Historic Preservation Commission from making additional requirements as part of the certificate of historic review process for those properties that lie in the Blackwell Street Historic Preservation District. All of the following standards for street-level awnings and canopies shall additionally apply:
- (1) The highest point of a street-level awning or canopy shall not extend above the top of the first-story windows by more than four feet or 14 feet above the sidewalk grade elevation, whichever is less.
 - (2) The minimum height clearance between the sidewalk and the lowest point of an awning or canopy shall be no less than seven feet six inches.
 - (3) The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, shall not exceed six feet from the building face. Awnings may project over a public sidewalk but shall not be closer than two feet to the vertical plane of the curblineline or the edge of any other public right-of-way.
 - (4) No permanent canopy structure with a projection greater than eight inches from the building wall face shall project over a public right-of-way (including a public sidewalk), unless approved by the governing body of the Town.
 - (5) When fully extended and viewed in side elevation, the height dimension of an awning shall not exceed the projection from the wall face (see Figure 236-38.1-2 below).
 - (6) The surfacing material of awnings shall be made of canvas or modern materials that mimic canvas with traditionally dyed colors in solids or stripes. Metal and vinyl awnings are prohibited. Canopies shall be made of materials permitted for awnings or may be made of architectural materials found on the facade of the building.
 - (7) No awning shall contain more than two colors plus white. The color of any sign messages or other graphic features shall be included in the number of colors. The colors must be compatible with the architectural color scheme of the entire building.
 - (8) On buildings with multiple storefronts, coordinating awning and canopy frame styles shall be used as a means of unifying the structure.
 - (9) All signage on awnings shall be in conformance with applicable regulations set forth elsewhere herein for awning signs.
 - (10) All signage mounted, affixed or displayed directly on a fixed-position canopy shall be regulated as wall-mounted signs in accordance with applicable regulations set forth elsewhere herein for wall signs.

- (11) Internally illuminated or backlit awnings and canopies are not appropriate and are therefore strictly prohibited. No awning or canopy shall have illumination which permits the passage of light or allows light to be seen through the surface material of the awning or canopy so as to illuminate the exterior of the awning or canopy.

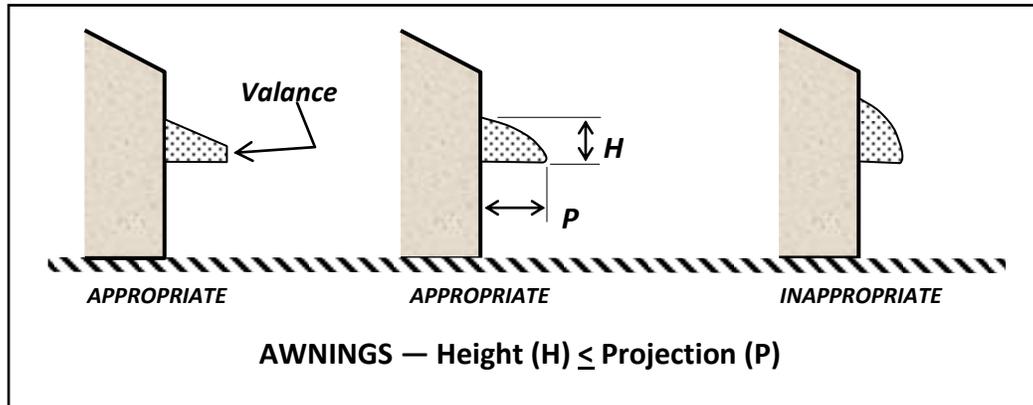


Figure 236-38.1-2 - Awning Proportion

§ 236-39. Swimming pools.

- A. Private residential pools in areas of single-family lots shall adhere to the following standards:
- (1) All pools shall be located only in rear yard areas.
 - (2) Pools shall occupy no more than 25% of the rear yard area or a maximum of 800 square feet as measured along the surface of the water, whichever is smaller.
 - (3) No edge of any pool shall be closer to any building or any lot line than 10 feet.
 - (4) The rear yard area or some other smaller portion of the rear yard area shall be completely enclosed with fencing no less than four feet in height or more than six feet in height in order to deny accidental access to the pool.
 - (5) The pool may be lighted by both underwater or exterior lights, provided that all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties. All standards used for exterior lighting shall not exceed 12 feet to the edge of the pool.
- B. Public swimming pools or club pools intended for open use of the public or to club members shall adhere to the following standards:
- (1) Said pools shall be located within a lot area of a minimum of one acre.
 - (2) The pool shall occupy no more than 20% of the lot area. Said area shall include total water surface, including separate wading pools, swimming tanks and diving tanks.
 - (3) No edge of any pool or separate swimming tank shall be closer to any building or any property line than 20 feet.

- (4) The entire property of the public or club pool shall be enclosed with a solid stockade or slate chain link or equivalent fence no less than eight feet in height nor greater than 10 feet in height in order to deny accidental access to the pool.
 - (5) The pool shall be lighted both internally and externally, but in no case shall any light be directed in a direct or indirect fashion upon any adjacent property. All standards used for exterior lighting shall not exceed 25 feet in height and shall be no closer than 25 feet to the edge of the pool.
 - (6) All boundaries of the property which lie closer to any residential building than 50 feet shall be landscaped with dense trees and bushes to provide adequate buffers against light and sound.
 - (7) All loud speakers or public-address systems shall be located and directed so that said speakers are not directly aimed at any adjacent residential buildings or do not create nuisance as defined herein.
- C. Pools included as part of the overall development of a garden apartment or high-rise apartment, whether open to the public or used as a private facility for the apartment residents, shall adhere to the following standards:
- (1) Pools shall be located within an area of no less than 4,000 square feet that is devoted exclusively to the use of the pool.
 - (2) The total area of the surface of the water, including separate wading pools, swimming tanks and diving tanks, shall be no more than 30% of the land area devoted to the use of the pool.
 - (3) No edge of any pool or separate swimming tank shall be closer to any building or property line than 20 feet.
 - (4) The total land devoted to the use of the pool shall be enclosed with a fence of no less than six feet in height nor more than eight feet in height in order to deny accidental access to the pool.
 - (5) The pool shall be lighted both internally and externally, but in no case shall any light be directed in a direct or indirect fashion upon adjacent property.
 - (6) If any portion of the pool, part of the land devoted to the use of the pool, light standard or loud speaker are located closer to any residential building or other property line of another lot more than 30 feet, adequate buffers of trees and shrubs shall be provided.

§ 236-40. Conditional use permits and specifications.

- A. The uses, as designated in the particular zone district, may be established only in accordance with the following procedure and only after the following criteria are met:
- (1) Application for conditional use. Application for conditional use shall be made to the Planning Board pursuant to the authority of N.J.S.A. 40:55D-67 or to the Zoning Board of Adjustment pursuant to the authority of N.J.S.A. 40:55D-76b. The application shall be made in accordance with the instructions of the Planning Board and shall be accompanied by a site plan prepared in accordance with the requirements of the Site Plan Ordinance.ⁱⁱⁱⁱEN

- (2) Issuance of a permit. The Board shall not order, direct or authorize the issuance of a permit for a conditional use unless it shall find that such use:
 - (a) Is a use permitted in the zone district.
 - (b) Meets all the required conditions for said zone district, except where the conditions hereinafter set forth specifically amend such conditions.
 - (c) Meets the requirements set forth for the particular conditional use hereafter described.
- B. Provisions applicable to all conditional uses.
 - (1) All conditional uses shall be subject to site plan approval.
 - (2) All buildings and structures, to be erected on the tract, shall be so designed and arranged in order to minimize the impact of the use on the established neighborhood scheme and shall be so designed as to harmonize, as far as possible, with the established architectural scheme of the neighborhood.
 - (3) All yard and setback requirements of the zone district shall be met unless a more restrictive condition is set forth for the particular conditional use hereafter described.
 - (4) A time limit of one year from the date of the conditional use approval shall be set within which time the applicant shall secure a building permit or, where no building permit is required, a certificate of occupancy for said use; otherwise, the conditional use approval shall be null and void.
- C. Public utility buildings, structures or facilities.
 - (1) The lot shall contain the minimum lot area required in accordance with the zone district in which the lot is located, except that the Board may, for good cause shown, reduce the lot area requirement, but in no event less than 5,000 square feet in size.
 - (2) No yard shall be less than the height of the facility, nor shall any structure be erected within 100 feet of a conforming residential use.
 - (3) Adequate parking shall be required, as determined by the Board when considering the proposed use.
 - (4) Adequate fencing must be provided in accordance with the recommendations of the Board in order to provide protection to the public.
 - (5) Landscape screening shall be provided and building design shall be of a nature consistent with the character of the neighborhood in which the use is to be located.
 - (6) There shall be a clear demonstration in an environmental impact statement that the public necessity for the use outweighs the negative impacts.
- D. Light manufacturing parks.
 - (1) A minimum tract size of 20 acres shall be required.
 - (2) The average lot size shall not be less than two acres.
 - (3) The minimum lot size shall be one acre.
 - (4) No lots of less than two acres may be subdivided until a sufficient number of lots in excess of two acres have been subdivided to maintain average lot sizes of two acres.
 - (5) The minimum lot width for lots less than two acres shall be 150 feet.
 - (6) All other area and yard requirements shall be the same as the zone district in which it is located.
- E. Satellite antennas.
 - (1) The dish shall be erected on a secure ground-mounted foundation.

- (2) Satellite antennas shall not be constructed in front yards and shall comply with required side yard and rear setbacks for the main building.
 - (3) The antenna shall be located and screened to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.
 - (4) The antenna shall be exclusively for the use of the occupants of the principal structure of the lot on which it is located.
 - (5) Height and size.
 - (a) Residential zones. The surface area of any reflective dish shall not exceed 12 square feet. The overall height from the mean ground level to the highest point of the antenna or any attachments thereto when extended to their full height shall be no more than seven feet.
 - (b) Commercial and URD Zones: the same requirement as residential, except that roof-mounting is permitted.
 - (c) Industrial and Industrial-Office Park Zones: same as commercial, except that ground-mounted units may be 50 square feet in area and 11 feet in height.
- F. Rest homes and convalescent homes shall not exceed 10 beds for patients.
- G. Hospitals, churches, libraries and museums.
- (1) The minimum front yard setback shall be 30 feet.
 - (2) The lot width shall be a minimum of 150 feet at the street line.
 - (3) The minimum lot area shall be 15,000 square feet.
 - (4) Every principal building shall be provided with two side yards totaling 40 feet in width, with the minimum width of one of the side yards being no less than 15 feet.
 - (5) Height shall not exceed 40 feet in the R-1, R-2 and R-3 Districts or 60 feet in the R-3 and R-4 Districts.
- H. Professional occupations.
- (1) Professional occupations shall include the office of a physician, dentist, minister, attorney, real estate agent or other similar professional person.
 - (2) The function of such office may not occupy more than 50% of the first floor area of the building.
 - (3) There shall be only one such office in a building.
 - (4) Not more than one person who is not a resident of the building may be employed in such office.
- I. Public parks and playgrounds, public recreational and community centers.
- J. Hotels and motels. The height shall not exceed 65 feet.
- K. Fraternal organizations. Use is not permitted on the first floor.
- L. Apartment units, provided that the first floor level is used exclusively for nonresidential permitted principal or accessory uses.
- M. Automobile sales, new and used.
- (1) No new or used automobile sales use shall be located within 2,000 feet of another new or used automobile sales use, as measured from the perimeter of the property.
 - (2) Minimum lot area shall be 20,000 square feet.
 - (3) Minimum lot frontage shall be 100 feet.

- (4) The maximum number of cars permitted for outdoor display shall be one per 330 square feet of lot area not occupied by structure(s).
- N. Boardinghouses and rooming houses for more than two roomers, boarders or lodgers.
- (1) Additional off-street parking shall be provided at the rate of one space per roomer, boarder or lodger.
- O. Community buildings or centers.
- (1) The minimum front yard setback shall be 30 feet.
 - (2) The lot width shall be a minimum of 150 feet at the street line.
 - (3) The minimum lot area shall be 15,000 square feet.
 - (4) Every principal building shall be provided with two side yards totaling 40 feet in width, with the minimum width of one of the side yards being no less than 15 feet.
 - (5) Height shall not exceed 35 feet.
 - (6) Off-street parking shall be provided in accordance with the Off-Street Parking Requirements of this chapter.^{livEN}
 - (7) All on-site activities shall be restricted to take place only within a building. Outdoor activities are prohibited.
 - (8) No community building or center shall be permitted within 2,000 feet of another community building or center .
- P. Adult entertainment establishments, adult book stores, adult picture theaters, adult mini-motion picture theaters and adult cabarets hereinafter referred to as "sexually oriented businesses." [Added 11-22-1994 by Ord. No. 38-1994]
- (1) Sexually oriented businesses shall not be permitted within 1,000 feet of any existing sexually oriented business or any church, synagogue, temple or other place of public worship or any elementary or secondary school or any school bus stop or any municipal or county playground or place of public resort and recreation or within 500 feet of any area zoned for residential use or within 1,000 feet of a public or private recreation facility, including but not limited to bowling alleys, skating rinks, pool parlors, video arcades or similar enterprises catering to or frequently attended by minors under the age of 18 years.
 - (2) Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, consisting of plantings to the satisfaction of the approving agency.
 - (3) No sexually oriented business which regularly shows films, motion pictures, video cassettes, slides or other photographic representations which depict or describe a specified sexual activity or specified anatomical area shall offer for public use any private booths, screens, enclosures or other devices which facilitate sexual activity by patrons.
 - (4) A sexually oriented business shall display one exterior sign giving notice that the premises are off limits to minors.
- Q. 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. [Added 6-13-1995 by Ord. No. 17-1995]
- (1) No such facility shall be located closer than 1,500 feet to any other such facility.

- (2) The number of persons, other than resident staff, resident at such existing community residences or community shelters within the municipality does not exceed 50 persons or 0.5% of the population of the municipality, whichever is greater.
 - (3) Off-street parking is provided in an amount equal to the sum of one space per two resident persons, other than staff, plus one per staff member on duty or resident during the maximum shift.
 - (4) Off-street parking for more than three vehicles shall be located in the rear yard and adequately screened from adjacent residential uses to prevent headlight glare.
- R. Limousine service and taxicab service businesses. [Added 5-8-2001 by Ord. No. 9-2001]
- (1) An on-site parking area shall be provided with a minimum of one space per limousine and taxicab associated with the business.
 - (2) Maintenance and repair of all limousines and taxicabs shall not take place on the site of the limousine service and taxicab service businesses unless done indoors and unless the site has been approved as a motor vehicle repair garage use.

§ 236-41. General performance standards.

As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant, owner or occupant shall supply evidence, satisfactory to the municipal agency, or to its designated representative, that the proposed use, structure, process or equipment will conform fully to all of the applicable performance standards.

- A. As evidence of compliance, the municipal agency may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant.
- B. The municipal agency may require that specific types of equipment, machinery or devices be installed or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards.
- C. Permits and certificates required by other government agencies shall be submitted to the municipal agency as proof of compliance with applicable codes.
- D. If appropriate permits, tests and certifications are not or cannot be provided by the applicant, then the municipal agency or Construction Code Official may require that instruments and/or other devices or professional reports or laboratory analysis be used to determine compliance with these performance standards for an existing or proposed use, and the cost thereof shall be borne by the owner, applicant or specific use in question.
- E. Conditional permit. In the event that a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the performance standards established herein, the municipal agency may issue or may recommend issuance of a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the performance standards established herein after completion or installation and operation. Within 30 days after a conditional permit is issued, a certificate of occupancy shall be applied for and satisfactory

evidence submitted that all performance standards established herein have been met.

F. Applicability and enforcement of performance standards.

(1) Applicability.

(a) Prior to the issuance of any zoning or building permit and as part of any application for development, all submissions, attachments and certifications required herein shall be submitted to the appropriate municipal agency accompanied by a sworn statement filed by the owner of the subject property or the operator of the proposed use indicating that said use will be operated in accordance with the performance standards set forth herein.

(b) Any existing structure, use or operation allowed to deteriorate or modified so as to reduce its level of compliance with these performance standards will be deemed to be in noncompliance and to constitute a violation.

(2) Continued compliance with these performance standards is required and shall be enforced by the Construction Code Official.

(3) All violations shall be terminated within 30 days of notice or shall be deemed a separate violation for each day following and subject to fines set forth herein.

(4) Whenever, in the opinion of the Construction Code Official, there is a reasonable probability that any use or occupancy violates any of the performance standards contained herein, the Construction Code Official is hereby empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not the performance standards of this Article are being violated. In the event that a violation is found to exist, the violator shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements and analyses.

§ 236-42. Specific performance standards established; regulation of nuisance elements.

A "nuisance element" is any solid particle discharge, odor, liquid or solid waste, radiation, noise, vibration, glare, temperature change, fire and explosion hazard or electromagnetic interference, which exceeds the performance standards established under this section.

A. Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristic	Location
Smoke	Vent or smokestack
Solid particle discharge	Vent, smokestack or property line
Odors	Required setback lines
Liquid wastes	Outlet
Solid wastes	Within property line
Radiation	Vent, smokestack or building wall
Noise	Residential district boundary and lot boundary as noted
Vibration	Building wall
Glare	Property lines
Temperature change	Vent or smokestack for air and at the outlet for liquid or solid discharge
Fire and explosion hazards	Within property line
Electromagnetic interference	Outside property line

B. Standards to be enforced.

(1) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Town of Dover. All provisions of Title 7, Chapter 27, N.J.A.C., as amended and as augmented by regulations hereinafter designated, and all the following provisions stated, whichever shall be the more stringent, shall be complied with.

- (2) Smoke.
 - (a) In any zone, no smoke, the shade of which is darker than No. 1 of the Ringlemann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that the smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 of the Ringlemann Smoke Chart, may be permitted for a period or periods aggregating no more than three minutes in any 15 consecutive minutes.
 - (b) Smoke emissions from the combustion of fuel in mobile sources and from stationary internal-combustion engines shall not exceed the limits set forth in Title 7, Chapter 27, N.J.A.C.
- (3) Solid particle discharge.
 - (a) In any residential zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than 50% of allowable emission established by Title 7, Chapter 27, N.J.A.C.
 - (b) In any other zone, except the Industrial Zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than 75% of allowable emission established by Title 7, Chapter 27, N.J.A.C.
 - (c) In the Industrial Zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than the allowable emission established by Title 7, Chapter 27, N.J.A.C.
 - (d) No open burning shall be permitted in any zone.
 - (e) All incinerators shall be approved by the State Department of Environmental Protection and Energy (NJDEPE).
 - (f) Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficient to prevent the generation of dust from the movement of such vehicles or equipment.
- (4) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. Any process which may involve the creation or emissions of any odors shall be provided with a secondary safeguard system, so that control will be maintained. Table 1 (Odor Thresholds in Air) in Part 1 (Odor Thresholds for 53 Commercial Chemicals) of Research on Chemical Odors, copyrighted October 1968 by The Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining threshold limits of odors.
- (5) Liquid wastes. No liquid waste shall be discharged into any watercourse in the Town except as herein provided.
 - (a) If the applicant proposes to construct facilities for the treatment of wastes, he shall supply a statement by the NJDEPE that such proposed facilities are in compliance with applicable state laws and regulations.
 - (b) No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Town officials and Rockaway Valley Regional Sewerage Authority (RVRSA) shall have first investigated the character and volume of such waste and shall have certified that it will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said

officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

- (c) No liquid waste shall be discharged into any storm drain, watercourse, ground sump, well, seepage pit or percolation area or onto the ground surface without being done so in accordance with an approved New Jersey Pollution Discharge Elimination System (NJPDES) permit issued by the NJDEPE.
- (6) Solid wastes. Each property owner shall:
 - (a) Assume full responsibility for adequate and regular collection, storage and removal of all refuse except if the Town of Dover assumes the responsibility.
 - (b) Comply with all applicable provisions of the NJDEPE.
 - (c) Comply with all provisions of Title 7, Chapter 27, N.J.A.C.
 - (d) Permit no accumulation on the property of any solid waste, junk or other objectionable materials.
- (7) Radiation. All use of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1965, as amended, as well as the New Jersey Radiation Protection Law, N.J.S.A. 26:2D-1 et seq., as amended, whichever shall be more stringent.
- (8) Noise. The definitions contained in the Noise Control Regulations of the NJDEPE (N.J.A.C. 7:29-1.1 et seq.) are hereby incorporated by reference without being set forth in full with regard to this section.^{ivEN}
 - (a) Measurements required under this section shall be made at the locations noted. Measurements shall be made by an individual certified by the NJDEPE to take sound measurements, using equipment meeting the United States of America Standards Institute Standard S 1.4-1961 or the latest revision thereof and S 2.22 or the latest revision.
 - (b) The sound-pressure level of any operation shall not exceed the described levels in the designated octave bands shown below for the locations indicated:

SOUND LEVELS

Octave Band (cycles per second)	Location "A" Maximum Permitted Sound Level (decibels)	Location "B" Maximum Permitted Sound Level (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

- (c) Location "A" shall be along all residential district boundary lines if the noise source is in a nonresidential district or all points of the property boundary line if the noise source is in a residential district.
 - (d) Location "B" shall be along all points of the property boundary line if the noise source is in a nonresidential district.
 - (e) Measurements shall be made in all frequency/octave bands indicated.
- (9) Vibration.
- (a) In any zone, no vibrations discernible without instruments at or beyond the property lines on which the source is located shall be permitted. At no point at or beyond the property lines on which the source is located shall the maximum ground-transmitted steady state or impact vibration caused by any use or activity (except those not directly under control of the property owner or user) exceed a particle velocity of 0.10 inch per second for impact vibrations.
 - (b) Particle velocity is to be determined by the formula $6.2AF$, where F is the frequency of the vibration in cycles per second and A is the maximum single amplitude displacement of the vibration in inches. For the purpose of measuring vibrations, a three-component measuring system shall be used.
 - (c) For the purpose of this chapter, "steady state vibrations" are vibrations which are continuous or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses which do not exceed 100 per minute shall be considered "impact vibrations."

- (10) Glare.
 - (a) No single standard for glare is promulgated in this chapter due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure.
 - (b) Necessary glare-producing devices, such as roadway and walkway lighting, shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
- (11) Temperature change. In any zone, any use or process shall not produce a temperature change discernible at the measuring point which shall produce a temperature change of greater than three degrees Fahrenheit within 10 feet of the discharge point or property line, whichever is closer.
- (12) Fire and explosion hazards. If it appears that any proposed use structure, process or resulting product or material may constitute a fire or explosion hazard, the approving agency may require the applicant to supply:
 - (a) Proof of the approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry indicating that adequate safeguards against fire and explosion have been taken or installed.
 - (b) A report from the appropriate fire subcode official indicating that the applicant has complied with all applicable fire prevention regulations.
- (13) Electromagnetic interference. There shall be no electromagnetic interference that:
 - (a) Adversely affects at any point the operation of any equipment other than that belonging to the creator of the interference.
 - (b) Is not in conformance with the regulations of the Federal Communications Commission.

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

- A. Number of parking spaces required. The number of off-street parking spaces shall be as follows: [Amended 11-10-2003 by Ord. No. 39-2003]
 - (1) For nonresidential land uses, parking shall be as set forth in Table I below.^{viEN}
 - (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 one foot 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. [Amended 6-13-1995 by Ord. No. 17-1995]
 - (1) No part of any off-street parking or loading facility in any nonresidential zoning district, except the C-1 and URD Districts, 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 front yard space, except that nothing shall prohibit the utilization of the space in front of a garage as an off-street parking space.
 - (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.
- 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. [Amended 5-8-2001 by Ord. No. 8-2001]

- 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.^{lvii}EN 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 worshipers 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.^{lviii}EN 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	
Use	Required Off-Street Parking Spaces Per Indicated Area
Automobile sales	1 per employee, plus 1 per 10 cars displayed
Assembly operations	1 per 800 square feet of gross floor area
Bars	1 per 2 seats
Bowling alleys	4 per alley
Car washes	10 per washing lane
Churches and synagogues	1 per 3 seats
Fiduciary institutions	1 per 300 square feet of gross floor area
Finishing operations	1 per 800 square feet of gross floor area
Hotels and motels	0.7 per guest room, plus 10 per 1,000 square feet of gross floor nonroom area
Industrial uses	1 per 800 square feet of gross floor area
Libraries	1 per 300 square feet of gross floor area
Manufacturing uses	1 per 800 square feet of gross floor area
Medical centers	1 per 250 square feet of gross floor area
Neighborhood convenience centers	4 per 1,000 square feet of gross leasable area under 400,000 square feet of gross leasable area
Nightclub	1 per 3 seats
Offices:	
Under 49,999 square feet of gross floor area	4.5 per 1,000 square feet of gross floor area
50,000 to 99,999 square feet	4 per 1,000 square feet of gross floor of gross floor area
100,000 and more square feet	3.5 per 1,000 square feet of gross floor of gross floor area
Receiving	1 per 5,000 square feet of gross floor area
Research	1 per 1,000 square feet of gross floor area
Restaurants	1 per 3 seats

Table I	
Off-Street Parking and Loading Requirements Nonresidential Land Use	
Use	Required Off-Street Parking Spaces Per Indicated Area
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]	
Housing Unit Type/Size	Required Off-Street Parking per Dwelling Unit
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	
Total Floor Area (square feet)	Number of Berths
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

§ 236-43.1. Telecommunications antennae and towers. [Added 3-9-2004 by Ord. No. 6-2004]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE -- Includes but is not limited to man-made trees, clock towers, bell steeples, light poles, flag poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers.

ANTENNA -- Any exterior transmitting or receiving device mounted on a tower building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals on other communication signals.

BACKHAUL NETWORK -- The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switched telephone network.

BOARD OF ADJUSTMENT -- The Town of Dover Board of Adjustment whose statutory authority is defined by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

FAA -- The Federal Aviation Administration.

FCC -- The Federal Communications Commission.

GOVERNING AUTHORITY -- The Mayor and Board of Aldermen of the Town of Dover of the Town of Dover.

HEIGHT -- When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure including the base pad and any antenna, even if said highest point is an antenna.

MUNICIPAL LAND USE LAW -- Municipal Land Use Law 40:55D-1 et seq.

PLANNING BOARD -- The Town of Dover Planning Board whose statutory authority is defined by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

PREEXISTING TOWERS AND ANTENNAE -- Any tower or antenna on which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section other than the requirements of the FAA, FCC, those requirements herein for removal of abandoned antennae and towers, and maintenance. This includes permitted towers or antennae that have not yet been constructed so long as such approval is current and not expired.

PUBLIC OFFICER -- The Zoning Official of the Town of Dover.

TOWER -- Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including but not limited to self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

B. Applicability.

- (1) New towers and antennae. All new towers or antennae in the Town of Dover shall be subject to these regulations, except as provided in Subsection B(4).
- (2) District height limitations. The height limitations applicable to buildings and structures shall not apply to towers and antennae.
- (3) Public property. Antennae or towers located on property owned, leased or otherwise

controlled by the governing authority shall be exempt from the requirements of this section, provided a license or lease authorizing such antenna or tower has been approved by resolution by the governing authority.

- (4) Amateur radio; receive-only antennae. This section shall not govern any tower or the installation of any antennae that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a reception-only antenna. Any permits under this section shall be subject to the appropriate federal regulations.
- C. General guidelines and requirements.
- (1) Purpose; goals. The purpose of this section is to establish general guidelines for the site of wireless communications towers and antennae. The goals of this section are to:
 - (a) Protect residential areas and land uses from potential adverse impacts of towers and antennae;
 - (b) Encourage the location of towers in nonresidential areas;
 - (c) Minimize the total number of towers throughout the Town of Dover;
 - (d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (e) Encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (f) Encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, site planning, landscape screening, and innovative camouflaging techniques;
 - (g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
 - (h) Consider the public health and safety of communication towers; and
 - (i) Avoid potential damage to adjacent properties from tower failure through engineering and careful site planning of tower structures. In furtherance of these goals, the Planning Board or Board of Adjustment, whichever has jurisdiction, shall give due consideration to the Town of Dover's Master Plan, Zoning Map, existing land uses, historic districts, structures and sites, and environmentally sensitive areas in approving sites for the location of towers and antennae.
 - (2) Principal or accessory use. Antennae and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For the purpose of determining whether the installation of a tower or antenna complies with zoning regulations, including but not limited to setback requirements, lot-coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on leased parcels within such lots. Towers that are constructed and antennae that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - (3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Planning Board or Board of Adjustment, whichever has jurisdiction, an inventory of all existing towers, antennae or sites approved for towers or antennae that are within

the jurisdiction of the governing authority and within one quarter mile of the border thereof, including specific information about the location, height and design of each tower. The Planning Board or Board of Adjustment, whichever has jurisdiction, may disseminate information pursuant to the Right-to-Know Law^{ixEN} or any other law or regulation pertaining to the dissemination of public records to any organization seeking to locate antennae within the jurisdiction of the governing authority provided, however, that the Planning Board or Board of Adjustment, whichever has jurisdiction, is not, by disseminating such information, in any way representing or warranting that such sites are available or suitable.

- (4) Aesthetics; lighting. The guidelines set forth in this section shall govern the location of all towers and the installation of all antennae governed by this section; provided, however, that the Planning Board or Board of Adjustment, whichever has jurisdiction, may grant variances to these requirements if it determines that the goals of this section are better served thereby and in accordance with the Municipal Land Use Law (MLUL).^{ixEN}
 - (a) Towers shall maintain a galvanized steel finish, subject to any applicable standards of the FAA, and be painted a neutral color so as to reduce visual obtrusiveness.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (d) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Planning Board or Board of Adjustment, whichever has jurisdiction, may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (5) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate towers and antennae.
- (6) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is maintained in compliance with standards contained in the Uniform Construction Code^{ixiEN} and the applicable standards for towers that are published by the Electronic Industries Association as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 10 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 10 days, the Mayor and Board of Aldermen, in conjunction with the Town of Dover's Construction Code Official, may order the removal of such tower at the owner's expense and lien the property for

- all costs incurred, including professional fees expended.
- (7) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities whether located in the Town of Dover or any adjacent municipalities irrespective of municipal jurisdictional boundaries.
 - (8) Not essential services. Towers and antennae shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities or private utilities.
 - (9) Franchises. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town of Dover have been obtained and shall file a copy of all required franchises with the Planning Board or Board of Adjustment, whichever has jurisdiction.
 - (10) Signs. No signs shall be allowed on an antenna or tower other than warning or directional signs required by law.
 - (11) Building and support equipment. Buildings and support equipment associated with antennae or towers shall comply with the requirements of Subsection G.
 - (12) Multiple antenna/tower plan. The Town of Dover encourages the users of towers and antennae to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
 - (13) Access road. All access roads leading to the tower and antennae area shall be paved with asphalt or constructed with gravel as deemed appropriate by the Planning Board or Board of Adjustment, whichever has jurisdiction. The access road shall include an area for sufficient parking and turnaround radius for at least one vehicle.
- D. Permitted and conditional uses.
- (1) General. The uses listed in Subsection D(2) below are deemed to be either permitted uses or conditional uses and shall require site plan approval. Nevertheless, all such uses shall comply with the pertinent sections of this section and all other applicable ordinances.
 - (2) Permitted uses. The following uses are deemed permitted uses in all commercial and industrial zoning districts:
 - (a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna; provided, however, that such tower shall be set back from any existing off-site residential dwelling unit a distance equal to the height of the tower;
 - (b) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, flag pole, water tower or other freestanding, nonresidential structure) that is 50 feet in height or greater, so long as said additional antenna adds no more than 20 feet to the height of said existing structure; and
 - (c) Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet to the height of said existing tower and said existing tower is not a preexisting tower as defined herein.
 - (3) Conditional use. The uses listed in Subsection D(2)(a) through (c) are conditional uses in

all residential zoning districts, shall require a conditional use permit and shall only be allowed if the following conditions are met:

- (a) The applicant must demonstrate that the proposed tower or antenna cannot be located in a commercial or industrial zoning district.
- (b) The applicant must demonstrate that suitable colocation is not available.
- (c) Setbacks. The following setback requirements shall apply to all towers and antennae for which a conditional use permit is required; provided, however, the Planning Board or Board of Adjustment, whichever has jurisdiction, may reduce the standard setback requirements if the purpose and goals of this section, as outlined in Subsection C(1), would be better served thereby:
 - [1] Towers must be set back a distance equal to the height of the tower from the property line.
 - [2] Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements.
- (4) In granting a conditional use permit, the Planning Board or Board of Adjustment, whichever has jurisdiction, may impose conditions to the extent the Planning Board or Board of Adjustment, whichever has jurisdiction, concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

E. Approvals.

(1) General.

- (a) The Planning Board has exclusive jurisdiction pursuant to the MLUL and this section, unless it is determined that the Board of Adjustment has jurisdiction pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (use variance), at which point the provisions of this section shall apply to the Board of Adjustment.
 - (b) Each applicant for approval shall apply to the Planning Board or the Zoning Board of Adjustment as indicated supra, providing the information set forth in this section.
 - (c) The Planning Board or the Zoning Board of Adjustment, as indicated supra, shall review the application for approval and determine if the proposed use complies with this section.
 - (d) The Planning Board or the Zoning Board of Adjustment, as indicated supra, shall respond to each such application within the time parameter established pursuant to the MLUL after receiving an application deemed complete.
 - (e) In connection with any such approval, the Planning Board or the Zoning Board of Adjustment, as indicated supra, may, in order to encourage shared use, waive any zoning district setback requirements or separation distances between towers by up to 50% in accordance with N.J.S.A. 40:55D-51.
 - (f) In connection with any such approval, the Planning Board or the Zoning Board of Adjustment, as indicated supra, may, in order to encourage the use of monopoles, allow the reconstruction of an existing tower to monopole construction.
- (2) Checklist information required. Each applicant requesting a conditional use permit and/or site plan approval under this section, in addition to meeting the checklist requirements for site plans, shall submit the following additional information:

- (a) A scaled site plan prepared by a licensed professional engineer clearly indicating the location, type and height of the proposed tower, other on-site land uses and adjacent land uses and zoning (including when adjacent to other municipalities), zoning district designation and lot line delineation of all properties within the applicable separation distances set forth herein, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, site topography, parking and other information deemed by the Planning Board or Board of Adjustment, whichever has jurisdiction, to be necessary to assess compliance with this section.
 - (b) A property survey prepared by a licensed professional land surveyor of the parent tract and leased parcel.
 - (c) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
 - (d) The separation distance from other towers described in the inventory of all existing tower and antenna sites shall be shown. The applicant shall also identify the type of construction of the existing tower(s) and antenna(s) and the owner/operators.
 - (e) A landscape plan showing specific landscape materials including the types, quantity, size and location of all proposed vegetation. The scientific and common names of the vegetation shall be included.
 - (f) Method of fencing, including height, material, construction details and finished color and, if applicable, the method of camouflage and illumination.
 - (g) A description of compliance with Subsections C(3), (4), (5), (6), (9), (11) and (12), setback and separation requirements, and all applicable federal, state or local laws.
 - (h) A notarized statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennae for future users.
 - (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (k) A description of the feasible location(s) of future towers or antennae within the Town of Dover based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - (l) All proofs of an engineering nature that are submitted, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
 - (m) Any other information deemed by the Planning Board or Board of Adjustment, whichever has jurisdiction, to be necessary to assess compliance with the MLUL and this section.
- F. Additional requirements.
- (1) General.
 - (a) Antennae located on existing structures of towers shall conform with the following:
 - [1] Antennae on existing structures. Any antenna which is not attached to a tower may be approved by the Planning Board or Board of Adjustment, whichever

has jurisdiction, as an accessory use to any commercial, industrial, professional, institutional or multifamily structure of eight or more dwelling units provided:

- [a] The antenna does not extend more than 20 feet above the highest point of the structure;
- [b] The antenna complies with all applicable FCC and FAA regulations; and
- [c] The antenna complies with all applicable building codes.^{lxiiiEN}

[2] Antennae on existing towers. An antenna which is attached to an existing tower may be approved by the Planning Board or Board of Adjustment, whichever has jurisdiction, and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

[a] A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning Board or Board of Adjustment, whichever has jurisdiction, allows reconstruction as a monopole.

[b] Height.

- [i] An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height or the maximum height as stipulated in Subsection F(1)(c) for the number of users, whichever is greater, to accommodate the collocation of an additional antenna.
- [ii] The height change referred to in Subsection F(1)(a)[2] may only occur one time per communication tower.
- [iii] The additional height referred to in Subsection F(1)(a)[2] shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.

[c] On-site location.

- [i] A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing location.
- [ii] After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- [iii] A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of the separation distance required.
- [iv] The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Subsection F(3) shall only be permitted when approved by the Planning Board or Board of Adjustment, whichever has jurisdiction.

(b) Included in the site plan review the applicant shall present proofs that a licensed

- professional engineer certifies that the tower can structurally accommodate the number of shared users proposed by the applicant, now or in the future.
- (c) All towers must meet the following height and usage criteria:
- [1] For a single user, up to 90 feet in height;
 - [2] For two users, up to 120 feet in height; and
 - [3] For three or more users, up to 150 feet in height.
- (2) Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board or Board of Adjustment, whichever has jurisdiction, that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antennae on the existing towers or structures or the antennae on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) The applicant demonstrates that there are significant other limiting factors that render existing towers and structures unsuitable.
 - (g) Applicant shall have the affirmative obligation of proving that it has attempted to enter into a contract with the owners of the existing tower and structure.
 - [1] This obligation shall include copies of all correspondence as to rates, cost of contributions, etc.
 - [2] Copies of rejection of the offers propounded on the applicant by the owners of the existing structure and/or tower.
 - [3] Written cost proposals indicating actual quoted figures required by the owner of the existing structures and/or tower.
 - [4] A detailed cost analysis indicating the cost to the applicant to construct new tower and/or structure.
 - (h) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(3) Separation. The following separation requirements shall apply to all towers and antennae; provided, however, that the Planning Board or Board of Adjustment, whichever has jurisdiction, may reduce the standard separation requirements if the goals of this section would be better served thereby.

(a) Separation from off-site uses/designated areas.

[1] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas.

[2] Separation requirements for towers shall comply with the minimum standards established in Table I.

Table I Separation From Off-Site Uses/Zones	
Adjacent Land Use	Separation Distance
Residentially zoned land other than publicly held open space land	200 feet or 2 times the height of tower, whichever is greater
Nonresidentially zoned land or publicly held open space land	100 feet or height of tower, whichever is greater

(b) Separation distances between towers.

[1] Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base. pursuant to a site plan, of the proposed tower. The separation distances shall comply with the minimum standards established in Table II.

Table II				
Separation Distances Between Towers (feet) Existing Tower Types				
Proposed Tower Type	Lattice	Guyed	Monopole 75 feet in Height or Greater	Monopole Less than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole Less than 75 feet in height	750	750	750	750

- (4) Security fencing. Towers shall be enclosed by security fencing not less than six feet nor more than eight feet in height and shall be slatted and equipped with an appropriate anticlimbing device; provided, however, that the Planning Board or Board of Adjustment, whichever has jurisdiction, may grant a waiver of such requirements as it deems appropriate in accordance with N.J.S.A. 40:55D-51.
- (5) Landscaping. The following requirements shall govern the landscaping surrounding the towers for which a site plan and conditional use permit is required; provided, however, that the Planning Board or Board of Adjustment, whichever has jurisdiction, may grant a waiver of such requirements as it deems appropriate in accordance with N.J.S.A. 40:55D-51.
- (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide and 12 feet high outside the perimeter of the compound.
 - (b) In locations where the visual impact of the tower would be minimal, and where deemed appropriate by the Planning Board or Board of Adjustment, whichever has jurisdiction, the landscaping requirement may be reduced or waived altogether.
 - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be deemed to be a sufficient buffer, where deemed appropriate by the Planning Board or Board of

Adjustment, whichever has jurisdiction.

G. Buildings and other equipment storage.

- (1) Antennae mounted on structures or rooftops. The equipment cabinet or structure used in association with antennae shall comply with the following:
 - (a) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 15 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 150 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - (b) If the equipment structure is located on the roof of the building, the area of the equipment structure and other equipment and structures shall not occupy more than 15% of the roof area.
- (2) Antennae mounted on existing poles used for other purposes. The equipment cabinet or structure used in association with antennae mounted on existing poles used for other purposes shall be located in accordance with the following:
 - (a) In residential districts, the equipment cabinet or structure may be located:
 - [1] In a front or side yard, provided the cabinet or structure is no greater than 12 feet in height or 150 square feet of gross floor area and the cabinet/structure is located a minimum of 10 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 to 48 inches and a planted height of at least 36 inches.
 - [2] In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 200 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
 - (b) In commercial or industrial districts, the equipment cabinet or structure shall be no greater than 15 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (3) Antennae located on towers. The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than 15 feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- (4) Modification of building size requirements. The requirements of Subsection G(1) through (3) may be modified by the Planning Board or Board of Adjustment, whichever has jurisdiction, to encourage colocation.

H. Removal of abandoned antennae and towers.

- (1) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Zoning Officer notifying the owner of such

abandonment.

- (2) If such antenna or tower is not removed within said 90 days, the Mayor and Board of Aldermen may order the removal of such antenna or tower at the owner's expense and lien the property for the costs associated therewith inclusive of professional fees.
- (3) If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

I. Nonconforming uses.

- (1) Not expansion of nonconforming use. Towers that are constructed and antennae that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.
- (3) Rebuilding damaged or destroyed nonconforming towers or antennae. Notwithstanding Subsection H, bona fide nonconforming towers or antennae that are damaged or destroyed may be rebuilt without having to first obtain approval or a conditional use permit and without having to meet the separation requirements specified herein. The type, height and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

§ 236-44. Administration; enforcement; violations and penalties.

The administration, enforcement, violations and penalties of this Article shall be in accordance with Article X of this chapter. The applicability and enforcement of the performance standards of this Article shall be in accordance with said Article X.

§ 236-45. Zoning permits.

- A. No owner, tenant or occupant shall use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning permit has been issued by the Zoning Officer. The zoning permit shall show that such building or premises, or part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter or in conformity with the provisions of a variance granted according to law. [Amended 9-13-2005 by Ord. No. 26-2005]
- B. Any person desiring to change the use of his premises shall apply to the Zoning Officer for a zoning permit stating under oath such facts as required. A copy of the zoning permit shall be kept on file at all times upon the premises affected and shall be displayed upon request of any authorized official. [Amended 9-13-2005 by Ord. No. 26-2005]
- C. All zoning permits shall be issued in triplicate, and one copy shall be posted conspicuously

on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other persons shall perform any building operations of any kind unless the zoning permit covering such operation has been previously issued. Furthermore, no building operations of any kind shall be performed after notification of the revocation of the zoning permit.

- D. A record shall be kept of all zoning permits issued, and the original applications therefor shall be kept on file in the same manner as applications for building permits. No owner, tenant or other person shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after passage of this chapter, without first obtaining a zoning permit.
- E. A zoning permit, once granted, shall continue in effect as long as there is no change of use of the premises. [Amended 6-13-1995 by Ord. No. 17-1995]
- F. The Zoning Officer shall act upon all such applications within 15 days after receipt of a fully filled-in application or shall notify the applicant in writing of his refusal to issue such permit and the reasons therefor. [Amended 9-13-2005 by Ord. No. 26-2005]
- G. Failure to notify the applicant in case of such refusal within 15 days shall entitle the applicant for a zoning permit to file an appeal to the Zoning Board of Adjustment as in the case of a denial.
- H. The Zoning Officer may waive plans on minor alterations not affecting structural change. [Amended 9-13-2005 by Ord. No. 26-2005]
- I. Zoning permit fees shall be in accordance with § 236-98. [Amended 9-13-2005 by Ord. No. 26-2005]
- J. If it appears at any time to the Zoning Officer that the application or accompanying plans are in any material respect false or misleading or that the work is being done upon the premises differing materially from that called for in the application previously filed with him and may be in violation of any provision of this chapter, he may forthwith revoke the zoning permit. [Amended 9-13-2005 by Ord. No. 26-2005]
- K. Upon written request from the owner, tenant or occupant made within one year of the effective date of this chapter, the Zoning Officer, after inspection, shall issue a zoning permit for a nonconforming use legally in existence at the time this chapter takes effect, certifying the extent and kind of use and whether any such existing use conforms to the provisions of this chapter and, if not, specifying the nonconformity in detail. After the expiration of the one-year period, a zoning permit may only be issued for an existing nonconforming use by the Zoning Board of Adjustment after a hearing held on notice to all persons entitled thereto. [Amended 9-13-2005 by Ord. No. 26-2005]

ARTICLE IVA, Driveway and Off-Street Parking Area Construction Permits [Added 5-8-2001 by Ord. No. 8-2001]

§ 236-45.1. Driveway and off-street parking area construction permits required for construction of driveway and off-street parking areas.

No person, persons, firm or corporation shall construct a driveway or off-street parking area in the Town of Dover until an application for such purpose is made and a permit is issued by the Town. The Town Engineer shall be authorized to review and approve all driveway and off-street parking area construction permits.

§ 236-45.2. Exemptions.

- A. Driveway and off-street parking areas that are constructed in conjunction with an approved site plan by the Planning Board or Board of Adjustment, where said site plan provided the details required herein as part of that site plan, shall be exempt from a driveway and off-street parking permit.
- B. Driveways and off-street parking areas that are constructed in conjunction with a new single- or two-family dwelling, and said construction details have incorporated the driveway details required herein for review and approval by the Town Engineer prior to the issuance of a building permit by the Construction Official, shall be exempt from a driveway and off-street parking permit.

§ 236-45.3. Application for permit.

The application shall set forth and require:

- A. The applicant and/or owner's name, address, property location.
- B. Proposed construction schedule.
- C. A property survey map accurately depicting the current conditions on the property.
- D. A scaled drawing superimposed on a copy of the above-noted survey indicating the size, location and construction materials to be used, details of proposed walls, identification of utility conflicts.
- E. Grades, sections and profiles if deemed necessary by the Town Engineer.
- F. Dimensions and details sufficient to indicate conformance with the applicable zoning requirements.
- G. The need for a road opening permit, if applicable.

§ 236-45.4. Review and inspection.

- A. Before such permit shall be granted for a driveway and/or off-street parking areas, the Town Engineer shall review the plans and application submitted to ensure that the

proposed construction meets the requirements of the Town of Dover Code.

- B. Prior to the use of the constructed driveway and/or off-street parking area, the Town Engineer shall inspect the work and issue a certificate of approval for its use if it is found to be in conformance with the approved permit and applicable codes.
- C. Use of the driveway and/or off-street parking area without a certificate of approval shall constitute a violation of this chapter.

§ 236-45.5. Fee required.

Before such permit shall be granted for a driveway and/or off-street parking areas, the person, firm or corporation for whom such permit application is made shall pay a fee in the amount of \$100 to cover the cost of review and inspection.

ARTICLE V, Land Subdivision and Site Plan

§ 236-46. Approving agencies.

The approval provisions of this Article shall be administered by the Town of Dover Planning Board or Board of Adjustment, whichever has jurisdiction of the development application, in accordance with N.J.S.A. 40:55D-1 et seq.

§ 236-47. Site plan review.

Prior to the issuance of a permit for any development, other than those exemptions listed herein, and as a condition for the issuance of any such permit for development, a site plan of the proposed development must be submitted to and approved by the Planning Board or Board of Adjustment, whichever has jurisdiction, in accordance with the requirements of the site plan regulations.

- A. Exemptions. The following shall be exempt from site plan review: [Amended 12-10-2002 by Ord. No. 35-2002]
- (1) All single- and two-family dwellings and their permitted accessory structures.
 - (2) Conforming freestanding signs and flagpoles.
- B. Minor site plan.
- (1) A "minor site plan" shall be defined as a site plan where:
 - (a) The anticipated cost of construction or alteration does not exceed \$20,000;
 - (b) The construction or alteration involves the addition or no more than 2,000 square feet of additional floor area; or
 - (c) Less than eight new parking spaces are proposed.
 - (2) The site plan shall not necessitate the construction of public improvements.
- C. Major site plan. A major site plan shall be all site plans which do not meet the criteria of a minor site plan.
- D. Waiver of site plan review.
- (1) An applicant seeking approval of a permitted change in use or modification of an existing conforming use may apply for a waiver of site plan review, provided that such change in use or modification of an existing conforming use would not involve any of one or more of the following:
 - (a) Any structural alteration to the exterior of the building.
 - (b) Any anticipated increase in the number of occupants beyond four.
 - (c) Any storm drainage installation or need for the same as determined by the Town Engineer.
 - (d) An increase of stormwater runoff of more than one cubic foot per second during a twenty-five-year rainfall event.
 - (e) Redirecting of stormwater runoff.
 - (f) A change in any vehicular traffic circulation patterns.

- (2) An applicant meeting the requirements specified for waiver of site plan review may, at his/her option, apply for an expedited waiver of site plan (EWSP) to the Planning Board.
 - (3) Expedited waiver of site plan (EWSP) procedure.
 - (a) Administration of EWSP procedure. [Amended 3-14-2000 by Ord. No. 3-2000]
 - [1] The EWSP procedure shall be administered by a three-member EWSP Committee consisting of the following Town of Dover officials:
 - [a] The Zoning Officer.
 - [b] The Planning Board Attorney.
 - [c] The Town Engineer, who shall serve as the Committee Chairperson.
 - [2] Should the Town Engineer also hold the position of Zoning Officer, then the third member of the Committee shall be appointed by the Chairman of the Planning Board. The member shall be part of the Planning, Construction or Zoning Department staff or a Class II or Class IV member of the Planning Board. In appointing said member, the Chairman shall consider the availability of the prospective member to attend EWSP meetings during normal business hours within the time periods hereinafter required. The term of the Committee member appointed by the Chairman of the Planning Board shall be made yearly at the reorganization meeting of the Planning Board.
 - (b) The EWSP Committee will meet twice a month to review expedited waiver of site plan applications, unless there are no pending applications.
 - (c) EWSP Committee approval/referral.
 - [1] An EWSP approval requires the unanimous approval of all three Committee members. [Amended 3-9-1999 by Ord. No. 2-1999]
 - [2] Any approval shall be based on a determination that all of the requirements for waiver of site plan have been met. If the Committee determines that the application falls outside the scope of the procedure, denies the approval of the application or fails to grant unanimous approval, the applicant may appeal the action to the Planning Board.
 - [3] The Committee shall refer that application to the Planning Board if it determines that approval of the application is beyond its responsibility or authority.
 - [4] Committee approval or referral to the Planning Board must be made within 10 working days after filing a complete application. [Amended 3-9-1999 by Ord. No. 2-1999]
 - [5] An EWSP application shall be deemed complete upon review and certification by the Town Engineer that the following have been submitted to the Planning Board Clerk:
 - [a] A complete application form as provided by the Planning Board Clerk.
 - [b] Certification of payment of taxes to date.
 - [c] Payment of EWSP application fee.
 - [6] The Planning Board Clerk shall maintain minutes of all EWSP Committee meetings and provide copies to the Planning Board.
- E. Site plan binding. [Added 11-10-1998 by Ord. No. 32-1998]
- (1) All site plans as approved by the Planning Board or Board of Adjustment shall be

binding upon the applicant, his assignees, his successors and/or all future users of the site for the use or uses approved under said site plan. Any changes from the approved plan or conditions of approval shall require a resubmission and reapproval by the board of jurisdiction.

- (2) Minor deviations from the approved plan necessitated by field conditions that would not impact on the intent of the board's approval may be authorized by the Town Engineer.
- (3) Any deviation from an approved plan or condition of approval of said plan shall be deemed a violation of this chapter.
- (4) Failure to maintain any site improvements shown on the approved plan or required as a condition of the resolution, including but not limited to pavement, sidewalks, curbs, landscaping, lighting, pavement striping and markings, signage and drainage facilities shall be deemed a violation of this chapter.

§ 236-48. Filing of sketch plat.

- A. Sketch plats and preliminary site plans shall be filed with the Engineer at least 21 days prior to the regular meeting of the Planning Board at which the applicant wishes to be heard. At the time of application, the developer shall pay all fees and submit 12 copies of application, maps and other documents as required by this chapter. No application shall be determined complete until all taxes are paid.
- B. Minor subdivision or minor site plan.
 - (1) The Engineer will forward the application to the Planning Board upon payment of fees by the applicant. The Planning Board or designated committee shall classify the application. If classified as a minor subdivision or minor site plan, the application shall be approved or denied within 45 days of the date of submission of a complete application to the Engineer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval, and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
 - (2) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
 - (3) Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9 et seq. or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the

- Planning Board.
- (4) The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which approval was granted shall not be changed for a period of two years after date of approval, provided that an approved minor subdivision shall have been duly recorded as provided in this section.
- C. Before the Planning Board Secretary returns any approved sketch plat to the subdivider, the subdivider, at his own expense, shall have sufficient copies made for the Planning Board Secretary to distribute as follows:
- (1) Town Clerk: one copy.
 - (2) Town Engineer: one copy.
 - (3) Tax Assessor: one copy.
 - (4) Secretary of the Planning Board: two copies.
 - (5) Construction Code Official: one copy.
- D. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the subdivider for compliance with the procedures in § 236-49.

§ 236-49. Submission of preliminary site plan or preliminary plat of major subdivision for preliminary approval.

- A. Preliminary site plan.
- (1) The developer shall submit to the Engineer 12 copies of the site plan and such other information as required herein. The Engineer shall forward the preliminary site plans to the Secretary of the Planning Board upon payment of all fees. If an application for site plan is found to be incomplete, the developer shall be notified by the Planning Board Secretary within 45 days of the submission of such application or it shall be deemed to be properly submitted. No application shall be determined complete until all taxes are paid.
 - (2) If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon as in the case of the original application for development. The Planning Board shall, if the proposed development complies with this chapter, grant preliminary site plan approval.
 - (3) Upon the submission to the Engineer of a complete application for a site plan for 10 acres of land or less, the Planning Board shall grant or deny preliminary approval within 45 days of the date of a complete application submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a site plan of more than 10 acres, the Planning Board shall grant or deny preliminary approval within 95 days of the date of a complete application submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval of the site plan.
- B. Preliminary plat of major subdivision.
- (1) At least 12 black-on-white prints of the preliminary plat, together with two completed

application forms for preliminary approval, shall be submitted to the Engineer 21 days prior to the Planning Board meeting at which consideration is desired. At the time of filing, fees in accordance with Article IX of this chapter shall be paid to the Town Engineer to defer administrative and review costs incurred by the Town. The Town Engineer shall immediately notify the Secretary of the Planning Board upon receipt of a preliminary plat. No application shall be determined complete until all taxes are paid.

- (2) The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If the application for development is found to be incomplete, the developer shall be notified thereof within 45 days of submission of such application or it shall be deemed to be properly submitted.
- (3) If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development. The Planning Board shall, if the proposed subdivision complies with this chapter, grant preliminary approval to the subdivision.
- (4) Upon the submission to the Engineer of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval to the subdivision.

C. Notice.

- (1) The developer shall notify by personal service or certified mail at least 10 days prior to the hearing all property owners within 200 feet of the extreme limits of the subdivision as their names appear on the municipal tax record. Furthermore, the developer shall comply with all provisions of N.J.S.A. 40:55D-12, inclusive.
- (2) Said notice shall state the time and place of hearing, a brief description of the application and that a copy of said application has been filed with the Town Clerk and Planning Board Secretary for public inspection. The Planning Board Secretary shall also cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the municipality at least 10 days prior to the hearing.

D. Copies.

- (1) Copies of the preliminary application shall be forwarded by the Secretary of the Planning Board prior to the hearing to the following:
 - (a) The County Planning Board.
 - (b) The Town Engineer, Planner.
 - (c) The Board of Health.
 - (d) The Construction Official.
 - (e) Such other municipal or state officials as directed by the Planning Board.
- (2) In the case of County Planning Board review, it shall be the responsibility of the applicant to provide sufficient copies of plans and reports, as well as the payment of

fees, all as required by the County Planning Board. The purpose of the Planning Board transmittal of the plan to the County Planning Board is to comply with notice requirements. The applicant, however, is totally responsible for making application to the County Planning Board.

- E. If the Planning Board acts favorably on a preliminary application, a notation to that effect shall be made on the plat.
- F. Effect of preliminary approval. Preliminary approval of a major subdivision pursuant to this chapter confers upon the applicant the following rights for a three-year period from the date of the preliminary approval:
 - (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
 - (2) That the applicant shall submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
 - (3) That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that, if the design standards have been revised by ordinance, such revised standards may govern.
 - (4) In the case of a subdivision of or site plan for an area of 50 acres or more, the Planning Board may grant the rights referred to in Subsection F(1), (2) and (3) above for such period of time, longer than three years, as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under the preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that, if the design standards have been revised, such revised standards may govern.

§ 236-50. Improvements and guaranties prior to final approval.

- A. Before consideration of a final subdivision plat or final site plan, the developer will have installed the improvements required under § 236-54, or the Planning Board shall require the posting of adequate performance guaranties to assure the installation of the required improvements.

- B. It shall be expressly understood that, notwithstanding the posting of a performance guaranty for a lot in a major subdivision, no building permit shall be issued until the subdivider shall have installed the road subbase, road base and curbs in accordance with the Town specifications and as certified by the Town Engineer and until the underground utilities such as sewer, water, gas, storm drainage lines and all other underground work shall have been duly and properly installed. No occupancy permit shall be issued until a finished road base has been installed pursuant to Town specifications and until all other improvements and conditions as may be required by the Planning Board, this chapter and the building and plumbing codes^{lxiii}EN have been properly complied with and approved. All such improvements shall be certified in writing by the Town Engineer or other designated administrative officer prior to the issuance of such certificate of occupancy.

§ 236-51. Submission of final plat of major subdivision and final site plan.

A. Submission.

- (1) The final plat shall be submitted to the Engineer within three years from the date of preliminary approval. The Engineer shall immediately notify the Secretary of the Planning Board upon receipt of a final plat, and Planning Board shall act upon the final plat within 45 days after the date of submission of a complete application for final approval. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Planning Board Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.
 - (2) Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, in the case of a subdivision, or N.J.S.A. 40:27-6.6, in the case of a site plan, the Municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- B. One reproducible copy, 10 black-on-white prints and two copies of the application form for final approval shall be submitted to the Engineer at least 21 days prior to the date of the regular Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications by the Planning Board.
- C. The final plat shall be accompanied by a statement by the Town Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following:
- (1) All improvements have been installed in accordance with the requirements of these regulations.
 - (2) A performance guaranty has been posted with the Planning Board in sufficient amount to assure the completion of all required improvements.

- D. Upon final approval, copies of the final plat shall be filed by the Planning Board with the following:
 - (1) The Town Clerk.
 - (2) The Town Engineer.
 - (3) The Tax Assessor.
 - (4) The Construction Code Official.
- E. A final subdivision plat, after final approval, shall be filed by the subdivider with the County Recording Officer within 95 days from the date of such approval. If any final plat is not filed within this period, the approval shall expire. The Planning Board may, for good cause, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.
- F. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved by the Planning Board and signed by the Chairman and Secretary of the Planning Board.

§ 236-52. Waiver of requirements authorized.

- A. The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review, if the literal enforcement of one or more of the provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- B. The Planning Board, when acting upon applications for preliminary site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review, if the literal enforcement of one or more of the provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§ 236-53. Development checklist. [Amended 12-13-1994 by Ord. No. 39-1994]

The following development details must be provided and submitted with the appropriate application(s) and checklist form for the development. The checklist items are provided to the applicant as a simplified list of the information which must be filed in support of an application for development. Where the applicant feels that a required item is not necessary for an informed evaluation of his plans, a waiver may be requested from the appropriate Board, in writing. Unless a waiver is requested in writing and granted by the appropriate Board, if items required in the checklist are not provided with the application, the application shall be deemed incomplete.

- A. Administrative. All development applications shall provide the following information:
 - (1) Application form(s): 23 copies.
 - (2) Plans prepared by an appropriate licensed professional in accordance with state law: 23 copies.

- (3) Signature and seal of person preparing the plans.
 - (4) Environmental impact statement in accordance with municipal ordinance requirements, if required: 23 copies.
 - (5) Proof of payment of taxes.
 - (6) Certification from the applicant's engineer on any development application stating that no wetlands exist on the property in question, in accordance with the requirements of N.J.A.C. 7:7A, as amended and supplemented, or, in the alternative, any of the following:
 - (a) An exemption certificate issued by the New Jersey Department of Environmental Protection and Energy indicating that no wetlands exist on the property in question.
 - (b) A wetlands permit issued pursuant to the New Jersey Administrative Code.
 - (c) A certification by the applicant's engineer that application has been made to the New Jersey Department of Environmental Protection and Energy for an exemption or wetlands permit.
 - (d) The applicant shall, in addition, submit a map delineating the wetlands if, in fact, wetlands exist on the property.
 - (7) A complete submission package for the Morris County Planning Board for all applicable applications.
 - (8) A copy of all certificate(s) of compliance for the property in question. New certificate(s) of compliance shall be required if existing certificate(s) of compliance are dated more than 60 days prior to the filing of the land use application. [Amended 7-13-2004 by Ord. No. 21-2004]
- B. Minor subdivisions. In addition to the requirements of Subsection A, all minor subdivision development applications shall provide the following information:
- (1) The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.
 - (2) A key map at a scale of one inch equals 200 feet minimum, showing surrounding streets and tax lots.
 - (3) A signature box for the Chairman, Secretary and Engineer of the approving agency.
 - (4) Existing structures and wooded areas within 200 feet of the existing property and roads and streams within 500 feet of the existing property.
 - (5) The names and addresses of the owner of the subject property, the applicant and the plan preparer and all property owners within 200 feet.
 - (6) The size of the tract to the nearest square foot and lot area of all proposed lots to the nearest square foot.
 - (7) Existing contours and elevations.
 - (8) Dimensions of all lots, including bearings and distances of all existing and proposed lot lines.
 - (9) A designation of the permitted building envelope, including front, side and rear yard setbacks and required buffers.
 - (10) Rights-of-way, easements and all lands to be dedicated to the Town or reserved for specific use.
 - (11) The locations and dimensions of existing buildings and of all accessory structures, such as walls, fences, culverts, etc. Structures to be removed shall be indicated by dashed

- lines.
- (12) All existing and proposed curbs and sidewalks.
 - (13) The locations of all proposed water lines, valves and hydrants and all sewer lines or alternate means of water supply or sewage disposal and treatment.
 - (14) A comparison of the zone regulations to the proposed development.
 - (15) A listing of variances required, together with filing of appropriate application.
 - (16) Such other information or data as may be required by the Planning Board in order to determine that the details of the minor subdivision are in accord with the standards of the required ordinances.
 - (17) The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions. [Added 7-13-2004 by Ord. No. 21-2004]
- C. Major subdivisions, preliminary. In addition to the requirements of Subsection A, all preliminary major subdivision development applications shall provide the following information:
- (1) The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.
 - (2) A key map at a scale of one inch equals 200 feet minimum, showing surrounding streets and tax lots.
 - (3) A signature box for the Chairman, Secretary and Engineer of the approving agency.
 - (4) Existing structures and wooded areas within 200 feet of the existing property and roads and streams within 500 feet of the existing property.
 - (5) The names and addresses of the owner of the subject property, the applicant and the plan preparer and all property owners within 200 feet.
 - (6) The size of the tract to the nearest square foot and the lot area of all proposed lots to the nearest square foot.
 - (7) Existing contours and elevations.
 - (8) All existing property lines, streets, buildings, watercourses, railroads, bridges, culverts, drain pipes and natural features, such as wooded areas and rock formations.
 - (9) The dimensions of all lots, including bearings and distances of all existing and proposed lot lines.
 - (10) Rights-of-way, easements and all lands to be dedicated to the Town or reserved for specific use.
 - (11) The locations and dimensions of existing buildings and of all accessory structures, such as walls, fences, culverts, etc. Structures to be removed shall be indicated by dashed lines.
 - (12) Plan, profile and typical section of all proposed roads, including cross sections at fifty-foot minimum intervals.
 - (13) Plans of proposed utility layouts, including sanitary sewers, storm drains, water mains, gas lines, electric lines and cable television.
 - (14) Connections to existing utility systems.
 - (15) Copy of any deed restrictions, easements or covenants.
 - (16) Delineation of all wetlands and buffer areas with bearings and distances.
 - (17) Delineation of all floodways and flood hazard areas.

- (18) Soil erosion and sediment control plan.
 - (19) Soil balance calculations.
 - (20) Drainage calculations for all required and proposed stormwater collection systems.
 - (21) All existing and proposed curbs and sidewalks.
 - (22) Comparison of the zone regulations to the proposed development.
 - (23) All variances requested, together with all appropriate applications.
 - (24) Locations and dimensions of existing buildings and of all accessory structures, such as walls, fences, culverts, etc.
 - (25) Rights-of-way, easements and all land to be dedicated to the municipality or reserved for specific uses.
 - (26) A soil removal plan for all soil to be taken from the site.
 - (27) A soil fill plan for all soil to be brought to the site.
 - (28) A tree removal plan, if necessary.
 - (29) Such other information or data as may be required by the Planning Board in order to determine that the details of the minor subdivision are in accord with the standards of the required ordinances.
 - (30) The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions. [Added 7-13-2004 by Ord. No. 21-2004]
- D. Major subdivisions, final. In addition to the requirements of Subsection A, all final major subdivision development applications shall provide the following information:
- (1) All checklist items required for a major subdivision preliminary plat. The plan shall reflect the as-built condition of all work completed under the preliminary approval if applicable.
 - (2) The final plat prepared for filing in accordance with the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.).
- E. Site plans, minor. In addition to the requirements of Subsection A, all minor site plan development applications shall provide the following information:
- (1) The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.
 - (2) A key map showing the location of the tract to be considered in relation to the surrounding area within 500 feet, including tax lots, streets and zone boundary lines.
 - (3) A signature box for the Chairman, Secretary and Engineer of the approving agency.
 - (4) The names and addresses of the owner, applicant and plan preparer and all property owners within 200 feet.
 - (5) The size of the tract to the nearest square foot.
 - (6) A list of zone district requirements showing compliance with variances requested, together with all appropriate applications.
 - (7) Existing and proposed contours and elevations.
 - (8) Delineation of floodplains and wetlands.
 - (9) The location of existing wooded areas, watercourses, easements, streets, structures or any other features on the property or beyond the property which has an effect on the use of the subject property.
 - (10) The location, use and floor area of each proposed structure.

- (11) The location, design and capacity of proposed off-street parking and loading facilities, pedestrian circulation plans and solid waste and recyclable materials storage.
[Amended 8-13-2002 by Ord. No. 21-2002]
 - (12) A landscaping plan, including the types, quantity, size and location of all proposed vegetation. The scientific and common names of all vegetation shall be included.
 - (13) Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.
 - (14) A comparison of the zone regulations to the proposed development.
 - (15) Bearings and distances of all lot lines.
 - (16) Designation of front yards, side yards and rear yards.
 - (17) Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of the required ordinances.
 - (18) The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions, where applicable. [Added 7-13-2004 by Ord. No. 21-2004]
- F. Site plans, major preliminary. In addition to the requirements of Subsection A, all preliminary major site plan development applications shall provide the following information:
- (1) The date, scale, North arrow, block and lot numbers, zoning districts and dates of all revisions.
 - (2) A key map showing the location of the tract to be considered in relation to surrounding area within 500 feet, including tax lots, streets and zone boundary lines.
 - (3) A signature box for the Chairman, Secretary and Engineer of the approving agency.
 - (4) The names and addresses of the owner, applicant and plan preparer and all property owners within 200 feet.
 - (5) The size of the tract to the nearest square foot.
 - (6) A list of zone district requirements showing compliance with variances requested together with all appropriate applications.
 - (7) Existing and proposed contours and elevations.
 - (8) Delineation of floodplains and wetlands.
 - (9) The location of existing wooded areas, watercourses, easements, streets, structures or any other features on the property or beyond the property which has an effect on the use of the subject property.
 - (10) The location, use and floor area of each proposed structure.
 - (11) The location of all proposed roads.
 - (12) The location, design and capacity of proposed off-street parking and loading facilities, pedestrian circulation plans and solid waste and recyclable materials storage.
[Amended 8-13-2002 by Ord. No. 21-2002]
 - (13) Plan and profile of proposed storm drainage facilities.
 - (14) Plan and profile of sanitary sewer facilities.
 - (15) Plans for potable water supply.
 - (16) The location and identification of proposed open space, park or recreation area.
 - (17) Soil erosion and sediment control plan.

- (18) Landscaping plan, including the types, quantity, size and location of all proposed vegetation. The scientific and common names of all vegetation shall be included.
 - (19) Lighting plan, including direction of illumination, types of standards and power and time of proposed outdoor lighting.
 - (20) Rights-of-way, easements and all lands to be dedicated to the municipality or reserved for specific uses.
 - (21) A comparison of the zone regulations to the proposed development.
 - (22) Bearings and distances of all lot lines.
 - (23) Designation of front yards, side yards and rear yards.
 - (24) A soil removal plan for all soil to be taken from the site.
 - (25) A soil fill plan for all soil to be brought to the site.
 - (26) A tree removal plan, if necessary.
 - (27) Drainage calculations for all proposed drainage facilities, including an analysis of the capacity of downstream facilities and their ability to receive proposed added flow.
 - (28) Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of the required ordinances.
 - (29) The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions. [Added 7-13-2004 by Ord. No. 21-2004]
- G. Site plans, major final. In addition to the requirements of Subsection A, all final major site plan development applications shall provide the following information:
- (1) All checklist items required for a major subdivision, preliminary plat. The plan shall reflect the as-built condition of all work completed under the preliminary approval if applicable.
- H. Variances and waiver of site plan review. In addition to the requirements of Subsection A, all variance applications that are not a part of any other aforementioned development application or waiver of site plan review aforementioned development applications shall provide the following information:
- (1) Property survey. One sealed and 23 copies for variance applications, six copies for waiver of site plan review.
 - (2) A sketch of the proposed development with dimensions and distances to adjacent structures and property lines. The sketch shall include all existing and proposed uses on the property.
 - (3) A copy of the deed of the property and any deed restrictions, easements and/or covenants.
 - (4) The designation and calculations of steep slope areas and their adjustment to the developable area of the property in accordance with § 236-21.2, Steep slope development restrictions, where applicable. [Added 7-13-2004 by Ord. No. 21-2004]

§ 236-54. Standard required improvements.

- A. Street signs. Approved street signs shall be installed at all street intersections and shall be a type specified by the Town Engineer.

- B. Sidewalks.
- (1) Sidewalks shall be provided along all streets and shall be four inches thick and at least four feet wide, constructed of coarse concrete or equal except that a sidewalk forming part of a driveway apron shall be six inches thick at a grade with abutting sidewalks and of the same construction material as abutting sidewalks.
 - (2) All sidewalks shall be located a minimum of one foot within the street right-of-way.
 - (3) All sidewalks shall have a slope of one-fourth (1/4) inch per foot toward the gutter.
- C. Streetlighting. Appropriate streetlights shall be installed, the design, height and location of which shall be submitted.
- D. Topsoil protection. No topsoil shall be removed from the subdivision site or used as spoil or fill. Topsoil removed during the course of construction shall be redistributed in the subdivision so as to provide equal distribution of cover to all areas of the subdivision and shall be stabilized by seeding and planting.
- E. Monuments. Monuments of the size and shape required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., shall be placed in accordance with said statute, as may be amended from time to time.
- F. Drainage. Drainage shall be provided so that surface water will not flow either over private property, unless the course of the natural drainage by existing ditch is indicated, or over said street so as to erode the same. The method of disposal of surface waters must be satisfactory in the opinion of the Town Engineer. In the case of a major subdivision, the drainage plan for the entire subdivision, including the street or streets, must be submitted with the preliminary plans at the time of the request for preliminary approval of the Planning Board. There must be sufficient drainage to intercept any water seepage so as to overcome unfavorable subgrade underground conditions. Sanitary sewer service connections are to be completed before the placing of any pavement construction material. All driveways from house to street shall be constructed in such a manner as not to interfere with the flow of water in the road or drainage ditches along the public road.
- G. Streets.
- (1) The arrangement of streets shall be such as to provide for the appropriate continuous extension of existing, mapped or potential streets.
 - (2) No subdivision showing reserve strips controlling access to another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body under conditions approved by the Planning Board.
 - (3) Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this chapter shall dedicate additional width along either one or both sides of said road. If the subdivision is along one side only, one-half (1/2) of the required extra width shall be dedicated.

- (4) The right-of-way width shall be measured from lot line to lot line. Right-of-way width and pavement width shall not be less than the following:

Type of Street	Right-of-Way (feet)	Width (feet)
Arterial streets	80	60
Collector streets	60	44
Local streets	50	36

The right-of-way width for internal roads and alleys in multifamily, commercial and industrial development shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely and conveniently accommodate the maximum traffic, parking and loading needs for the type of traffic encouraged by its existence as well as the necessary space for fire-fighting equipment.

- (5) The paving width of streets and the quality of surfacing and base materials shall adhere to the minimum standards set forth by the Town, County or State Engineers when said paving concerns roads under their jurisdiction and where such standards exist.
- (6) All driveways or other parking areas shall have driveway aprons, extending from the curbline to the front property line. The driveway aprons shall be at least 10 feet wide at the curb face and a minimum of seven feet at the property line and meeting the same construction specifications as the street.
- H. Curbs and gutters.
- (1) Curbing shall be required along all streets within the subdivision.
- (2) The minimum standards in regard to height of curbing, base material, surface material, slope and the installation of catch basins shall be in accordance with standard specifications furnished by the Town Engineer.
- I. Sanitary sewage. Sanitary sewers shall be installed in accordance with specifications approved by the Town Engineer or agency having jurisdiction of improvement.
- J. Utilities. The subdivider shall request the serving utility to install its distribution supply lines, services and streetlighting supply facilities underground in accordance with its specifications and with the provisions of the applicable standard terms and conditions incorporated as part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners, or its successors, and shall submit to the Planning Board a written instrument from each serving utility which shall evidence its disposition of the request. If approved by the utility, the subdivider shall, if so directed by the Planning Board, arrange with the utility for such underground installation; provided, however, that lots, which in such subdivisions abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed on any portion of the street involved, may be supplied with electric and telephone service from those overhead lines or extensions thereof, but the service connections from the utility's overhead lines may be installed underground.
- K. Earth removal. No change shall be made in the elevation or contour of any lot or site by

removal of earth to another site except when approved by the Town Engineer unless the change of elevation is one foot or less over an area of 500 square feet or less. All changes in elevation and contours approved by the Town Engineer shall be shown on the preliminary plat and profiles.

- L. Shade trees. Where required by the Planning Board, two new shade trees shall be installed on each lot not to interfere with utilities, roadways or walkways and sidewalks. Trees shall be two inches or more in diameter, eight feet or more in height and of the following types, including but not limited to evergreen or silver linden, London or Oriental plane, Norway, Schwedler's or sugar maple, chestnut, red, pin, black or scarlet oak.
- M. Recycling plan; solid waste and recyclable materials storage. [Added 8-13-2002 by Ord. No. 21-2002; amended 5-13-2008 by Ord. No. 07-2008]
 - (1) Recycling plan. Any application to the Planning Board or Board of Adjustment of the Town of Dover for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must contain, at a minimum, the following:
 - (a) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
 - (b) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as required below, and as may be recommended by the Municipal Recycling Coordinator.

- (2) Solid waste and recyclable materials storage. There shall be included in all uses other than single- or two-family homes that require subdivision or site plan approval an indoor and/or outdoor solid waste and recycling area(s) for the collection and storage of commercially and/or residentially generated solid waste and recyclable materials. The number of sites and dimensions of the solid waste and recycling areas shall be sufficient to accommodate solid waste and recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The number of sites and dimensions of the solid waste and recycling areas and the bins or containers shall be determined in consultation with the Health Department and the Municipal Recycling Coordinator, and shall be consistent with the Morris County Solid Waste Management Plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the Town of Dover Master Plan, adopted pursuant to Section 26 of P.L. 1987, c. 102, but in no case smaller than that indicated below.

Facility Type/Use	Minimum Enclosure Size
Retail	5 square feet per 1,000 GFA*
Manufacturing and other general commercial	3 square feet per 1,000 GFA*
Office, educational and institutional	2 square feet per 1,000 GFA*
Multidwellings	100 square feet for first 10 dwelling units plus 5 square feet per additional dwelling unit
Note: * 65 square feet minimum; 1,000 square feet maximum.	

- (3) For existing developed sites, this requirement may be waived by the Planning Board or Board of Adjustment upon showing by the applicant that the site currently handles all solid waste and recyclable materials in an existing location not meeting these standards, but in a satisfactory manner. Evidence of this shall include a report from the Town of Dover Health Department and Recycling Coordinator indicating same.
- (4) Solid waste and recycling areas shall be subject to the following minimum standards:
- (a) The solid waste and recycling areas should not be located within any front yard area.
 - (b) The walls of each solid waste and recycling enclosure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure(s). Split-face concrete block finish is recommended. The walls shall be a minimum of six feet in height.
 - (c) Each recycling and trash enclosure shall have decorative solid, heavy-gauge metal gates and be designed with cane bolts to secure the gates when in the open and closed positions.
 - (d) One side should contain a gate of sufficient width to accommodate the containers.
 - (e) A separate pedestrian entrance shall be provided. The pedestrian entrance shall be

- located such that it shields the view of the containers or, in the alternative, accommodated with a decorative solid, heavy-gauge metal gate.
- (f) A concrete apron shall be constructed either in front of each recycling and trash enclosure or at the point of receptacle pickup to minimize damage to the surrounding asphalt paving. The minimum dimensions of the concrete apron shall be 10 feet wide and 20 feet long. The apron material shall consist of five-inch dense graded aggregate base and six-inch Class B concrete slab.
 - (g) The location, size and shape of the storage area should be such that each container can be moved in and out of the storage area without interfering with other containers in the storage area or other land uses adjacent to the storage area. The size shall be in accordance with Subsection M(2) above, unless otherwise approved by the Planning Board.
 - (h) A five-foot-minimum-width landscape area should be provided along the fence or wall enclosing the refuse storage area where deemed appropriate by the Planning Board or Board of Adjustment. The landscaping to be provided should be shown on the site plan submitted to the Planning Board or Board of Adjustment for approval.
 - (i) The solid waste and recycling areas should be well lit and shall be safely and easily accessible by solid waste and recycling personnel and vehicles. Collection vehicles shall be able to access the solid waste and recycling areas without interference from parked cars or other obstacles. Reasonable measures should be taken to protect the solid waste and recycling areas and the bins or containers.
 - (j) The solid waste and recycling areas and the bins/containers placed therein should be designed so as to provide protection against adverse environmental conditions which might render the recyclable materials unmarketable. Any bins or containers which are located in an outdoor solid waste and recycling area should be equipped with a lid, or otherwise covered, so as to keep the contents dry.
 - (k) Signs clearly identifying the recycling portion of the solid waste and recycling areas and the materials accepted therein should be posted adjacent to all points of access to the solid waste and recycling areas. Individual bins or containers for recyclable materials should be equipped with signs indicating the materials to be placed therein.
 - (l) No containers or solid waste and recycling materials should be maintained anywhere on a site except in a solid waste and recycling area meeting these requirements.
 - (m) It should be a violation of the site plan when the gates of a solid waste and recycling area are left open or when solid waste or recyclable material is placed outside of the approved solid waste and recycling area(s).
 - (n) If outdoor storage of solid waste or recyclable materials is not proposed, the site plan should detail the methods proposed for accommodating the solid waste or recyclable materials within the structure. The Planning Board or Board of Adjustment may require that a suitable area be set aside, but not improved, for a future solid waste and recycling area meeting these requirements even if indoor accommodations are proposed.

- (5) Standard details of solid waste and recyclable material enclosures prepared by the Town Engineer and approved by the Recycling Coordinator that meet the requirements of Subsection M(4) above shall be made available to applicants required to comply with this section.

§ 236-55. Inspection of installation of improvements.

All improvements (except electric and gas) shall be installed under the supervision and inspection of the Town Engineer, the cost thereof to be borne by the developer.

§ 236-56. Construction requirements.

- A. All construction stakes and grades thereon shall be set by a professional engineer in the employ of the developer or his contractor, and a duplicate copy of the notes made therefrom shall be filed with the Town Engineer.
- B. No construction work shall commence without notification to the Town Engineer. Such notice shall be given at least 48 hours before the commencement of work.

§ 236-57. Performance guaranty for improvements.

- A. Prior to granting approval of the final plat for a site plan or subdivision, the developer shall have installed or shall have furnished performance guaranties as provided for in N.J.S.A. 40:55D-53 for the ultimate installation of the improvements hereinbefore required.
- B. No final plat shall be approved by the Planning Board until the completion of all such required improvements has been certified to the Planning Board by the Town Engineer, unless the subdivision owner shall have filed with the Town of Dover a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the Town Engineer and ensuring the installation of such uncompleted improvements on or before an agreed date. Such performance guaranty shall be in the form of 10% cash and a performance bond, surety company bond approved by the Planning Board, a certified check returnable to the subdivider after full compliance or any other type of surety approved by the Planning Board.
- C. When all of the required improvements have been completed, the obligor shall notify the governing body in writing, by certified mail addressed in care of the Municipal Clerk, of the completion of said improvements and shall send a copy thereof to the Municipal Engineer. Thereupon the Town Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
- D. The governing body shall either approve, partially approve or reject the improvements on the basis of the report of the Municipal Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be

released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guaranty.

- E. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements, and, upon completion, the same procedure of notification, as set forth in this section, shall be followed.
- F. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Municipal Engineer.
- G. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements.
- H. When the developer files the performance guaranty for the completion of the improvements in portions of sections of the subdivision, upon completion and approval of the portion or section, the developer shall be required to file a maintenance bond sufficient in amount to guarantee that the completed section will be maintained by the developer until completion of improvements in the remaining portions or sections of the subdivision and for a stated period of time thereafter not to exceed two years from the date of completion of all improvements. The Town Engineer shall determine the amount of the maintenance bond, and it shall be approved by the Town Attorney as to form, sufficiency and execution and approved by the Mayor.
- I. Such performance guaranty shall run for a period to be fixed by the Planning Board, but in no case for a term of more than two years. However, with the consent of the owner and surety, if there be one, the governing body may, by resolution, extend the term of such performance guaranty for an additional period, not to exceed three years. The amount of the performance guaranty may be reduced by the governing body by resolution when portions of the required improvements have been installed.
- J. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the Town of Dover for the reasonable cost of the improvements not installed, and, upon the receipt of the proceeds of the performance guaranty, the Town of Dover shall install such improvements.

§ 236-58. Design standards for subdivision plats.

The subdivision plat shall conform to design standards that will encourage good development patterns within the municipality. Where either or both an Official Map and Master Plan has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted Master Plan or Official Map shall be considered in approval of subdivision plans. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat such as to lend themselves to the harmonious development of the municipality and enhance the public welfare in accordance with the following standards:

- A. The arrangement of streets not shown on the Master Plan shall be such as to provide for the appropriate extension of existing streets. Whenever a cul-de-sac is permitted, the subdivider shall dedicate a parcel of land 50 feet wide to be used as a future street and running from the cul-de-sac to any adjoining land not fronting on a street, whether such adjoining land is owned by the subdivider or not.
- B. Minor streets shall be so designed as to discourage through traffic.
- C. Right-of-way width.
 - (1) The right-of-way width shall be measured from lot lines and shall not be less than the following:
 - (a) Arterial streets: as per New Jersey Department of Transportation (NJDOT) standards.
 - (b) County roads: as per Morris County standards.
 - (c) Collector streets: 60 feet.
 - (d) Minor streets: 50 feet.
 - (2) The right-of-way width for private roads in multifamily, commercial and industrial development shall be determined on an individual basis and shall, in all cases, be of sufficient width and design to safely and conveniently accommodate the maximum traffic, parking and loading needs for the type of traffic encouraged by its existence as well as the necessary space for fire-fighting equipment.
- D. No subdivision showing reserve strips controlling access to streets shall be approved.
- E. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or the street width requirements of this chapter shall dedicate additional width along either one or both sides of said road. If the subdivision is along one side only, one-half (1/2) of the required extra width shall be dedicated.
- F. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60°. No more than two streets shall meet or intersect at any one point, and the center lines of both intersecting streets shall pass through a common point. Measuring from this common point, the intersection of two streets shall be spaced at a minimum of 150 feet. The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than 20 feet. No shrubbery, signs, trees, monuments or other visual obstruction over three feet in height shall be permitted within 50 feet of an intersection.

- G. Where streets have a reverse curve, a tangent of at least 100 feet in length shall be required.
- H. Grades of streets other than local streets shall not exceed 7%. Grades on local streets shall not exceed 10%. No street shall have a minimum grade of less than one-half of one percent (1/2 of 1%).
- I. All changes in grade where the grade is one-fifth (1/5) or greater shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, but not so great as to create drainage problems. Sight distances shall be at least:
 - (1) Eight hundred feet for arterial highways.
 - (2) Three hundred feet for collector streets.
 - (3) Three hundred fifty feet for all other streets.
- J. Dead-end streets or culs-de-sac shall be located, if possible, so that they drain toward their entrances and shall be no longer than 500 feet. They shall provide a turnaround at the end with a radius of not less than 50 feet measured from the curblin and tangent whenever practicable to the right side of the street. The minimum right-of-way at the turnaround shall be a radius of at least 65 feet.
- K. Street grades. Grades of through and main traffic streets shall not exceed 12%, except under special conditions which may be approved by the Planning Board. No streets shall have a minimum grade of less than one-half of one percent (1/2 of 1%).
- L. Street intersections shall be laid out as nearly at right angles as possible and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curblin with a curve having a radius of not less than 20 feet.
- M. A tangent at least 100 feet long shall be introduced between reverse curves.
- N. When connecting street lines deflect each other at any one point by more than 10° and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet for all streets.
- O. All changes in grade shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance.
- P. Connecting streets shall be planned wherever possible. Dead-end streets, where planned, shall not be longer than 500 feet, excepting where unusual circumstances require granting additional footage at the direction of the Planning Board, and shall provide a turnaround at the end with a radius of not less than 50 feet and tangent wherever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provision made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- Q. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street. The continuation of an existing street shall have the same name. All street names shall be approved by the Planning Board.
- R. Before any street dedicated to public use in an existing subdivision may be constructed or reconstructed hereafter, the owner or owners of abutting properties, the subdivider or other parties in interest shall make application in writing for a permit as required by this chapter.

§ 236-59. Blocks.

- A. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Article IV, Zoning, of this chapter and to provide for convenient access, circulation control and safety of street traffic.
- B. In blocks over 1,000 feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board. Such walkway shall be 10 feet wide and be straight from street to street.
- C. For commercial group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

§ 236-60. Lots.

- A. Lot dimensions and area shall not be less than the requirements of Article IV, Zoning.
- B. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- C. Each lot must front upon an improved street.
- D. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formation, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

§ 236-61. Utility easements; drainage rights-of-way; preservation of natural features.

- A. In large-scale development, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least 20 feet wide and located in consultation with the companies or municipal departments concerned.
- B. Where a subdivision is traversed by a watercourse, drainageway, channel or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.
- C. Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.

§ 236-62. Off-tract improvements.

As a condition of preliminary approval and prior to any construction or the filing of an application for final approval of a subdivision or a site plan, the applicant shall have made cash payments or, with the consent of the Town, installed in the manner provided below with respect to the immediate or ultimate installation of any required off-tract improvements.

- A. Allocation of costs; criteria in determining allocation. The allocation of costs for off-tract improvements as between the applicant, other property owners and the Town or any one or more of the foregoing shall be determined by the Planning Board, with the assistance of the appropriate Town agencies, on the basis of the total cost of the off-tract improvements, the increase in market values of the property affected and any other benefits conferred, the

needs created by the application, population and land use projections for the general area of the applicant's property and other areas to be served by the off-site improvements, the estimated time of construction of the off-site improvements and the condition and periods of usefulness, which periods may be based upon the criteria of N.J.S.A. 40A:2-22.

Requirements for off-tract improvements shall be consistent with N.J.S.A. 40:55D-42. In addition, the following criteria may also be considered, as well as any other reasonable criteria the Board feels is necessary to protect the health, safety and general welfare of the Town:

- (1) Streets, curbs, sidewalks, shade trees, streetlights, street signs and traffic light improvements may also be based upon the anticipated increase of traffic generated by the application. In determining such traffic increase, the Planning Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the application and the anticipated benefit thereto.
 - (2) Drainage facilities may also be based upon or be determined by the drainage created by or affected by a particular land use, considering:
 - (a) The percentage relationship between the acreage of the application and the acreage of the total drainage basin.
 - (b) The use of a particular site and the amount of area to be covered by impervious surfaces on the site itself.
 - (c) The use, condition or status of the remaining area in the drainage basin.
 - (3) Water supply and distribution facilities may also be based upon the added facilities required by the total anticipated water use requirements of the applicant and other properties in the general area benefiting therefrom.
 - (4) Sewerage facilities may be based upon the proportion that the total anticipated volume of sewage effluent of the applicant's property and other properties connected to the new facility bears to the existing capacity of existing sewerage facilities, including but not limited to lines and other appurtenances leading to and servicing the applicant's property. Consideration may also be given to the types of effluent and particular problems requiring special equipment or added costs for treatment. In the event that the applicant's property shall be permitted to be connected to existing sewer facilities, the applicant shall pay a charge or be assessed in accordance with law.
- B. Determination of cost of improvements. The cost of installation of the required off-tract improvements shall be determined by the Planning Board with the advice of the Town Engineer and appropriate Town agencies.
- C. Manner of construction. When those estimates are received, the Mayor and Board of Aldermen shall then decide whether the off-tract improvement is to be constructed:
- (1) By the Town as a general improvement;
 - (2) By the Town as a local improvement; or
 - (3) By the applicant under a formula providing for partial reimbursement by the Town for benefits to properties other than the subject property.
- D. Amount of contribution. When the manner of construction has been determined, the applicant may be required to provide a cash deposit to the Town of one of the following amounts:

- (1) If the improvement is to be constructed by the Town as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount, if less, by which all properties to be serviced thereby, including the subject property, will be specifically benefited by the off-tract improvement.
 - (2) If the improvement is to be constructed by the Town as a local improvement, then, in addition to the amount referred to in Subsection D(1) above, the estimated amount by which the subject property will be specifically benefited by the off-tract improvement.
 - (3) If the improvement is to be constructed by the applicant, an amount equal to the estimated cost of the off-tract improvement, less an offset for benefits to properties other than the subject property.
- E. Payment of allocated cost.
- (1) The estimated costs of the off-tract improvement allocated to the applicant if deposited in cash shall be paid by the applicant to the Town Treasurer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-tract improvements for which they are deposited or improvements serving the same purpose, unless such improvements are not initiated by the Town within a period of 10 years from the date of payment, after which time said funds so deposited shall be returned, together with accumulated interest or other income thereon, if any.
 - (2) In the event that the payment by the applicant to the Town Treasurer provided for herein is less than its share of the actual cost of the off-tract improvements, then it shall be required to pay its appropriate share of the cost thereof.
 - (3) In the event that the payment by the applicant to the Town Treasurer provided for above is more than its appropriate share of the actual cost of installation of the off-tract improvements, it or its successor or assigns shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.
 - (4) If the applicant shall deem that any of the amounts so estimated by the Planning Board are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision or site plan approval.
 - (5) If the applicant and the Planning Board cannot agree with respect to the applicant's appropriate share of the actual cost of the off-tract improvement, or the determination made by the officer or Board charged with the duty of making assessments as to special benefits, if the off-tract improvement is to be constructed as a local improvement, no approval shall be granted; provided, however, that the applicant may challenge such determination and seek to have it revised in appropriate judicial proceedings in order to compel subdivision or site plan approval.
- F. Assessment of properties. Upon receipt from the applicant of its allocated share of the costs of the off-tract improvements, the Town may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a deposit by the applicant may be assessed against benefiting property owners by the Town. Any assessments for benefits conferred made against the applicant or his successors in interest shall be first offset by a pro rata share credit of the allocated costs previously deposited with the Town Treasurer pertaining thereto. The applicant or his

successors in interest shall not be liable for any part of an assessment for such improvements unless the assessment exceeds the pro rata share credit for the deposit and then only to the extent of the deficiency.

- G. Credit for work performed. In the event that the applicant, with the Town's consent, decides to install and construct the off-tract improvement, or any portion thereof, the certified cost shall be treated as a credit against any future assessment for that particular off-tract improvement, or portion thereof, constructed by the Town in the same manner as if the subdivider had deposited its apportioned cost with the Town Treasurer, as provided herein.
- H. Installation of improvements by applicant.
 - (1) At the discretion and option of the Town and with the consent of the applicant, the Town may enter into a contract with the applicant, providing for the installation and construction of the off-tract improvements by the applicant upon contribution by the Town of the remaining unallocated portion of the cost of the off-tract improvement.
 - (2) In the event that the Town so elects to contribute to the cost and expense of installation of the off-site improvements by the applicant, the portion contributed by the Town shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.
- I. Compliance with design criteria. Should the applicant and the Town enter into a contract for the construction and erection of the off-tract improvements to be done by the applicant, it shall observe all requirements and principles of this chapter in the design of such improvements.

§ 236-63. Environmental impact statement.

- A. Purpose. The purpose of these provisions of this chapter is to provide guidelines and requirements for the environmental impact statement to be filed with the Planning Board. This statement will be used to evaluate the probable impacts associated with a proposed development and to propose alternatives which will mitigate any adverse impact.
- B. Environmental impact statement required. Every owner of land, or his agent, who proposed to subdivide land within the Town or to resubdivide lands previously subdivided or apply for site plan approval where no environmental impact statement was filed shall, preliminary to filing his application for approval of a map, plan or plat, or resubdivision as hereinafter provided, submit an environmental impact statement made by a duly qualified expert of the effect of the proposed subdivision and improvement upon the environment, which shall:
 - (1) Describe all of the probable effects, both on-site and off-site, of the proposed development upon:
 - (a) Natural resources of all kinds, including plant and wild life.
 - (b) Hydrologic conditions and existing surface and storm water drainage patterns.
 - (c) Soil erosion and sedimentation in accordance with standards for soil erosion and sediment control in New Jersey adopted June 14, 1972, by the New Jersey State Soil Conservation Committee.
 - (d) Water quality with reference to standards established by the New Jersey

- Department of Environmental Protection and Energy.
- (e) Air quality with reference to standards established by the New Jersey Department of Environmental Protection and Energy.
 - (f) Noise.
 - (g) Potable water supply.
 - (h) Traffic volume and flow.
 - (i) Health, safety and welfare of the public.
- (2) Discuss alternative proposals for the proposed development which will reduce or eliminate any adverse on-site or off-site environmental effects.
 - (3) Discuss the steps proposed to be taken before, during and after the development to minimize any adverse on-site or off-site environmental effects which cannot be avoided.
- C. In approving both a subdivision plan and a site plan, the Planning Board or Board of Adjustment may require revision or supplementation of the environmental impact statement, may select among alternative proposals and may establish conditions considered necessary to eliminate or minimize any temporary or permanent adverse on-site or off-site environmental effects of the proposed development.
 - D. The Planning Board shall not require an environmental impact statement in connection with any subdivision which involves fewer than four lots or any site plan which involves fewer than three acres. The Planning Board may in any other situation waive any part or all of an environmental impact statement.
 - E. Where the applicant proposed only to provide an adjustment of lot lines on lands fronting on an improved road, the Planning Board or Board of Adjustment may waive the requirement of an environmental impact statement. The Planning Board or Board of Adjustment may waive the requirements for an environmental impact statement, in whole or in part, if it is determined that a complete environmental impact statement need not be prepared in order to adequately evaluate the environmental impact.

ARTICLE VA, Development Fees [Added 11-7-2005 by Ord. No. 20-2005]

§ 236-63.1. Findings; purpose.

- A. In *Holmdel Builder's Association v. Holmdel Town*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules.
- B. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees to be used for the sole purpose of providing low- and moderate-income housing opportunities and assistance, which are consistent with regulations adopted by the New Jersey Council on Affordable Housing, as set forth in N.J.A.C. 5:94-6.1 et seq.
- C. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 236-63.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COAH -- The New Jersey Council on Affordable Housing.

DEVELOPMENT FEES -- Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE -- The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction costs. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

JUDGMENT OF REPOSE -- A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

SUBSTANTIVE CERTIFICATION -- A determination by the Council approving a municipality's Housing Element and Fair Share Plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

§ 236-63.3. Basic requirements.

The Town of Dover shall not spend development fees until COAH has approved a plan for spending such fees.

§ 236-63.4. Residential development fees.

- A. Developers of residential developments shall pay a development fee of 1% of the equalized assessed value of any eligible residential activity pursuant to § 236-63.6.
- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5), then the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 1%. However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

§ 236-63.5. Nonresidential development fees.

- A. Developers of nonresidential developments shall pay a fee of 2% of equalized assessed value for eligible nonresidential activities pursuant to § 236-63.6.
- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 2%. However, if the zoning on the site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

§ 236-63.6. Exclusions and exemptions.

- A. Any development exclusively for low- and moderate-income units shall be exempt from paying development fees.
- B. Any development that expands an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- C. Developments that have received preliminary or final site plan or subdivision approval prior to the effective date of this article, or have secured a building permit, shall be exempt from paying a development fee, unless the developer seeks a substantial change in the approval.
- D. Developers who incorporate low- and moderate-income housing units into their development in accordance with COAH's growth share formula shall be exempt from paying a development fee.
- E. Designated redevelopers of developments within designated redevelopment areas shall be exempt from paying a development fee if the redevelopment agreement specifically provides provisions for exemptions.

- F. Other exemptions include all single- and two-family residential additions, renovations and accessory structures, however all new residential dwelling units shall pay a development fee; all multifamily additions, renovations and accessory structures not requiring site plan approval; all nonresidential renovations and alterations not requiring site plan approval.

§ 236-63.7. Calculation and collection of development fees.

- A. Developers shall pay 50% of the calculated development fee to the Town of Dover at the time of issuance of a building permit. Payment shall be made to the Town of Dover Chief Financial Officer. The amount of the development fee shall be based initially on an estimate by the Tax Assessor of the increase in equalized assessed value attributable to the improvements to be constructed. Prior to receiving a building permit, a developer shall submit to the Construction Official a request for calculation of the development fee amount, which request shall be forwarded to the Tax Assessor. The Tax Assessor shall calculate the development fee and provide the calculation to the developer with a copy to the Construction Official and the Chief Financial Officer. Once the development fee is deposited with the Chief Financial Officer, a certification of payment shall be provided to both the developer and the Construction Official by the Chief Financial Officer. The Construction Official shall not issue a building permit until he has received a certification that the development fee has been paid.
- B. Developers shall pay the balance of the development fee to the Town of Dover Chief Financial Officer prior to the issuance of certificates of occupancy by the Construction Official. Prior to receiving a certificate of occupancy, a developer shall submit to the Construction Official a request for calculation of the development fee amount, which request shall be forwarded to the Tax Assessor. The Tax Assessor shall calculate the equalized assessed value, which may differ from the estimate provided prior to issuance of the building permit. The amount of the development fee shall be recalculated, and the developer shall be responsible for paying the difference between that development fee amount and the amount paid prior to issuance of the building permit. The Tax Assessor shall provide the calculation to the developer with a copy to the Construction Official and the Chief Financial Officer. Once the development fee is deposited with the Chief Financial Officer, a certification of payment shall be provided to both the developer and the Construction Official by the Chief Financial Officer. The Construction Official shall not issue a certificate of occupancy until he has received a certification that the difference between that development fee amount and the amount paid prior to issuance of the building permit has been paid.

§ 236-63.8. Contested fees.

Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Town of Dover. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

§ 236-63.9. Housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund in a financial institution designated by the Chief Financial Officer of the Town of Dover for the purpose of collecting development fees from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.
- B. Within seven days from the opening of the trust fund account, the Chief Financial Officer of the Town of Dover shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the financial institution named above, and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
- C. No funds shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§ 236-63.10. Use of funds.

- A. Money deposited in a housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to, rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all money shall conform to a spending plan approved by COAH.
- B. Funds shall not be expended to reimburse municipalities for past housing activities.
- C. After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the municipality's affordable housing obligation, at least 30% of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, and rental assistance.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Town of Dover to bonus credits pursuant to N.J.A.C. 5:94-4.22.

- (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Town of Dover may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- E. No more than 20% of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

§ 236-63.11. Monitoring.

The Town of Dover shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§ 236-63.12. Ongoing collection of fees.

The ability for the Town of Dover to impose, collect and expend development fees shall expire with its substantive certification on the date of expiration of its substantive certification, unless the Town of Dover has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Town of Dover fails to renew its ability to impose and collect development fees prior to the date of expiration of substantive certification, it may resume the imposition and collection of development fees only by complying with the requirements of this section. The Town of Dover shall not impose a development fee on a development that receives preliminary or final approval after the date of expiration of substantive certification, nor will the Town of Dover retroactively impose a development fee on such a development. The Town of Dover will not expend development fees after the date of expiration of substantive certification.

ARTICLE VB, Stormwater Management [Added 3-28-2006 by Ord. No. 08-2006]

§ 236-63.13. Scope and purpose.

- A. Policy statement. The Town of Dover recognizes the importance of stormwater management. While structural and nonstructural methods of stormwater control will be acceptable, flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural best management practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. It is the purpose of this article to establish minimum stormwater management requirements and controls for major development, as defined in § 236-63.14.
- C. Applicability.
 - (1) This article shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Nonresidential major developments; and
 - (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (2) This article shall also be applicable to all major developments undertaken by the Town of Dover.
- D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 236-63.14. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

COMPACTION -- The increase in soil bulk density.

CORE -- A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY -- An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency for the Town of Dover is Morris County.

DEPARTMENT -- The New Jersey Department of Environmental Protection.

DESIGNATED CENTER -- A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet. The entire Town of Dover is a designated regional center.

DESIGN ENGINEER -- A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT -- The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA -- A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD -- A neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CRITICAL AREA -- An area or feature which is of significant environmental value, including but not limited to stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION -- The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE -- A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION -- The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT -- Any development that provides for ultimately disturbing one or more acres of land. Disturbance, for the purpose of this article, is the placement of impervious surface or exposure and/or movement of soil or bedrock or the clearing, cutting, or removing of vegetation.

MUNICIPALITY -- The Town of Dover.

NODE -- An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT -- A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON -- Any individual, corporation, company, partnership, firm, association, the Town of Dover, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT -- Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended [42 U.S.C. § 2011 et seq.]), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE -- The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT -- Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE -- The lot or lots upon which a major development is to occur or has occurred.

SOIL -- All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) -- An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts. The Town of Dover lies entirely within Metropolitan Planning Area (PA1).

STATE PLAN POLICY MAP -- The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER -- Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN -- An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE -- Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF -- Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA -- A flood hazard area which may be influenced by stormwater runoff from inland areas but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD -- A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES -- A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA -- Previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE -- The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

§ 236-63.15. General standards.

- A. Design and performance standards for stormwater management measures.
 - (1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in § 236-63.16. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
 - (2) The standards in this article apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.
 - (3) The Town of Dover may grant a variance or exemption from the design and

performance standards set forth in the stormwater management plan for the Town of Dover and this article, provided that the major development implements a mitigation project in accordance with the mitigation plan included in the stormwater management plan for the Town of Dover. In each instance that a variance or exemption is granted, the Town of Dover will submit a written report to Morris County and the Department of Environmental Protection describing the variance or exemption and the required mitigation.

§ 236-63.16. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 236-63.22.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 13:1B-15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 236-63.16F and G:
 - (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 236-63.16F and G may be obtained for the enlargement of an existing public roadway or railroad, or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates, through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of § 236-63.16F and G to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of § 236-63.16F and G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that

would provide additional opportunities to mitigate the requirements of § 236-63.16F and G that were not achievable on site.

E. Nonstructural stormwater management strategies.

- (1) To the maximum extent practicable, the standards in § 236-63.16F and G shall be met by incorporating nonstructural stormwater management strategies set forth at § 236-63.16E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection E(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
- (2) Nonstructural stormwater management strategies incorporated into site design shall:
 - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - (c) Maximize the protection of natural drainage features and vegetation;
 - (d) Minimize the decrease in the "time of concentration" from pre-construction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - (e) Minimize land disturbance, including clearing and grading;
 - (f) Minimize soil compaction;
 - (g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - (h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - (i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - [1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy § 236-63.16E(3) below;
 - [2] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (3) Site design features identified under § 236-63.16E(2)(i)[2] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For

exemptions to this standard see § 236-63.16E(3)(c) below.

(a) Grates.

[1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- [a] The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- [b] A different grate, if each individual clear space in that grate has an area of no more than seven square inches or is no greater than 0.5 inch across the smallest dimension.

[2] Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

(b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches or be no greater than two inches across the smallest dimension.

(c) This standard does not apply:

[1] Where the Town of Dover determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

[2] Where flows from the water quality design storm as specified in § 236-63.16G(1) are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- [a] A rectangular space $4 \frac{5}{8}$ inches long and $1 \frac{1}{2}$ inches wide (this option does not apply for outfall netting facilities); or
- [b] A bar screen having a bar spacing of 0.5 inch.

[3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in § 236-63.16G(1) or

[4] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(4) Any land area used as a nonstructural stormwater management measure to meet the performance standards in § 236-63.16F and G shall be dedicated to a government agency, subjected to a conservation restriction filed with the Morris County Clerk's

- office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
- (5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 236-63.19 or found on the Department's website at www.njstormwater.org.
- F. Erosion control, groundwater recharge and runoff quantity standards.
- (1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
- (a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
- (b) The minimum design and performance standards for groundwater recharge are as follows:
- [1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 236-63.17, either:
- [a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or
- [b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.
- [2] This groundwater recharge requirement does not apply to projects within the "urban redevelopment area" or to projects subject to Subsection F(1)(b)[3] below.
- [3] The following types of stormwater shall not be recharged:
- [a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
- [b] Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste

materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

- [4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- (c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 236-63.17, complete one of the following:
- [1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - [2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - [3] Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten-, and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
 - [4] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection F(1)(c)[1], [2] and [3] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
- (2) Any application for a new agricultural development that meets the definition of major development at § 236-63.14 shall be submitted to the Morris County Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock

for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater runoff quality standards.

- (1) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under an NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- (2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 236-63.19 or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 236-63.19. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal

rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box, 418 Trenton, New Jersey 08625-0418.

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See § 236-63.18C
Sand filter	80%
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

- (3) If more than one BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - A \times B / 100$$

Where

R = Total TSS percent load removal from application of both BMPs.

A = The TSS percent removal rate applicable to the first BMP.

B = The TSS percent removal rate applicable to the second BMP.

- (4) If there is more than one on-site drainage area, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in § 236-63.16F and G.
- (6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 236-63.19.
- (7) In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

- (8) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
- (a) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
- [1] A three-hundred-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the center line of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession.
 - [2] Encroachment within the designated special water resource protection area under Subsection G(8)(a)[1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or center line of the waterway where the bank is undefined. All encroachments proposed under this Subsection G(8)(a)[1] shall be subject to review and approval by the Department.
- (b) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- (c) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
- [1] Stabilization measures shall not be placed within 150 feet of the Category One waterway;
 - [2] Stormwater associated with discharges allowed by this section shall achieve a ninety-five-percent TSS post-construction removal rate;
 - [3] Temperature shall be addressed to ensure no impact on the receiving waterway;

- [4] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
 - [5] A conceptual project design meeting shall be held with the appropriate Department staff and Morris County Soil Conservation District staff to identify necessary stabilization measures; and
 - [6] All encroachments proposed under this section shall be subject to review and approval by the Department.
- (d) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to § 236-63.16G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Subsection G(8) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Subsection G(8)(a) above. In no case shall a stream corridor protection plan allow the reduction of the special water resource protection area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- (e) Subsection G(8) does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

§ 236-63.17. Calculation of stormwater runoff and groundwater recharge.

- A. Stormwater runoff shall be calculated in accordance with the following:
- (1) The design engineer shall calculate runoff using one of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 -- Hydrology and Technical Release 55 -- Urban Hydrology for Small Watersheds; or
 - (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
 - (2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at § 236-63.17A(1)(a) and the Rational and Modified Rational Methods at § 236-63.17A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of

- application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 - (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 -- Urban Hydrology for Small Watersheds and other methods may be employed.
 - (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

§ 236-63.18. Standards for structural stormwater management measures.

- A. Standards for structural stormwater management measures are as follows:
- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
 - (2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 236-63.20D.

- (3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement.
 - (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
 - (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 236-63.20.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided that the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 236-63.16 of this article.
- C. Manufactured treatment devices may be used to meet the requirements of § 236-63.16 of this article, provided that the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 236-63.19. Sources for technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed at Subsection A(1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey 08625; telephone (609) 777-1038.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 - (2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
- (1) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
 - (2) The Rutgers Cooperative Extension Service, (732) 932-9306; and

- (3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540.

§ 236-63.20. Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. Requirements for trash racks, overflow grates and escape provisions.
 - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - (d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per foot squared.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per foot squared.
 - (3) For purposes of this Subsection B(3), "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - (a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 236-63.20C a freestanding outlet structure may be exempted from this requirement.
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater

management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one foot to 1 1/2 feet above the permanent water surface. See § 236-63.20D for an illustration of safety ledges in a stormwater management basin.

- (c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.
- C. Variance or exemption from safety standards. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (Town of Dover, Morris County or the Department) that the variance or exemption will not constitute a threat to public safety.
- D. Illustration of safety ledges in a new stormwater management basin.

§ 236-63.21. Requirements for site development stormwater plan.

- A. Submission of site development stormwater plan.
 - (1) Whenever an applicant seeks Town of Dover approval of a development subject to this article, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at § 236-63.21C below as part of the submission of the applicant's application for subdivision or site plan approval.
 - (2) The applicant shall demonstrate that the project meets the standards set forth in this article.
 - (3) The applicant shall submit 16 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 236-63.21C of this article.
- B. Site development stormwater plan approval. The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process conducted by the Town of Dover. The Town of Dover shall consult the Town Engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this article.
- C. Checklist requirements. The following information shall be required:
 - (1) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the Topographic Base Map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

- (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project description and site plan(s). A map (or maps) at the scale of the Topographic Base Map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of § 236-63.15 through § 236-63.18 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the Topographic Base Map, shall be included:
 - (a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 236-63.16 of this article.
 - (b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 236-63.22.
- (8) Waiver from submission requirements. The Town of Dover may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 236-63.21C(1) through (6) of this article when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to

obtain and its absence will not materially affect the review process.

§ 236-63.22. Maintenance and repair.

- A. Applicability. Projects subject to review as in § 236-63.13C of this article shall comply with the requirements of § 236-63.22B and C.
- B. General maintenance.
 - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. The maintenance plan shall identify the Town of Dover or the duly designated entity, as specified in § 236-63.22B(3) below, as having responsibility for maintenance.
 - (3) The Town of Dover will assume responsibility for maintenance, unless the responsibility is specifically assigned by the governing body to another public or private entity through a duly executed agreement. The Town of Dover shall have the sole power to decide whether the maintenance shall be assumed by the Town or assigned to another public or private entity. The terms of the agreement shall be in a form satisfactory to the Municipal Attorney and may include, but are not limited to, maintenance easements, personal guarantees, deed restrictions, covenants and bonds.
 - (4) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
 - (5) The Town of Dover or the designated responsible entity will maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
 - (6) The Town of Dover shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
 - (7) The Town of Dover or the designated responsible entity shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection B(5) and (6) above.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

ARTICLE VI, Flood Damage Prevention

§ 236-64. Findings of fact.

- A. The flood hazard areas of the Town of Dover are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 236-65. Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designated to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 236-66. Methods of reducing flood losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert

floodwaters or which may increase flood hazards in other areas.

§ 236-67. Definitions.

Unless specifically defined below or in § 236-5 of this chapter, words or phrases used in this Article shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

FLOOD OR FLOODING -- A general temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) -- The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY -- The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

HABITABLE FLOOR -- Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

MOBILE HOME -- A structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. "Mobile homes" are not permitted in the flood hazard area. When and if "mobile homes" become a permitted use, the appropriate sections of 1910.3(d) of the Federal Regulations will apply.

NEW CONSTRUCTION -- Structures for which start of construction commenced on or after the effective date of this Article.

START OF CONSTRUCTION -- The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

§ 236-68. Applicability.

This Article shall apply to all areas of special flood hazard within the jurisdiction of the Town of Dover.

§ 236-69. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Dover," dated March 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, is hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study is on file in the Town Engineer's office, 37 North Sussex Street, Dover, New Jersey 07801.

§ 236-70. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 236-71. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 236-72. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will

occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town of Dover, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

§ 236-73. Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 236-69. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to, plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including the basement) of all structures.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed.
- C. Certification by a licensed professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 236-75.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

§ 236-74. Duties and responsibilities of Construction Official.

The duties of the Construction Official shall include, but not be limited to:

- A. Permit review. The Construction Official shall:
 - (1) Review all development permits to determine that the permit requirements of this section have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway; if located in the floodway, assure that the encroachment provisions of § 236-77 are met.
- B. Use of other base flood data. When base flood elevation data has not been provided in accordance with § 236-69, Basis for establishing areas of special flood hazard, the Construction Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 236-76A, Residential construction, and § 236-76B, Nonresidential construction.
- C. Information to be obtained and maintained. The Construction Official shall:
 - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including the basement) of all new or substantially improved structures and whether or not the structure contains a basement.

- (2) For all new and substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in § 236-73.
- (3) Maintain for public inspection all records pertaining to the provisions of this section.
- D. Alteration of watercourses. The Construction Official shall:
 - (1) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Interpretation of FIRM boundaries. The Construction Official shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the specific location of the boundary may appeal the interpretation as provided by N.J.S.A. 40:55D-72.

§ 236-75. General standards.

In all areas of special flood hazard, the following standards are required:

- A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Construction materials and methods.
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Utilities.
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Subdivision proposals.
 - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

§ 236-76. Specific standards.

In all areas of special flood hazard, where base flood elevation data have been provided as set forth in § 236-69, Basis for establishing areas of special flood hazard, or in § 236-74B, Use of other base flood data, the following standards are required:

- A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.
- B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in § 236-74.

§ 236-77. Floodways.

Located within areas of special flood hazard established in § 236-69 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development, unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If § 236-77 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

ARTICLE VII, Soil Disturbance [Amended 4-12-2005 by Ord. No. 3-2005]

§ 236-78. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DISTURB -- To dig, move, excavate, remove, deposit, fill, grade, replace, level or otherwise alter or change the location or contour of the land or transport or supply soil.

OCCUPANT -- A person having actual possession of any premises or any part thereof.

MAJOR SOIL DISTURBANCE PERMIT -- A permit to disturb 500 cubic yards or more of soil.

MINOR SOIL DISTURBANCE PERMIT -- A permit to disturb less than 500 cubic yards of soil.

OWNER -- A person or entity who or which, alone or jointly with others, has legal or equitable title to premises with or without accompanying actual possession, including an executor, administrator, trustee or guardian of an estate or a mortgagee in possession.

PERSON -- Includes corporation, companies, associations, societies, firms, partnerships and joint-stock companies, as well as individuals.

REDISTRIBUTION -- Any change or alteration in the grade of any property.

SOIL -- Earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence of organic matter.

§ 236-79. Permit required.

No person, as defined herein, shall disturb or cause to be disturbed soil or otherwise engage in such action which would result or may result in the alteration of the topography or contour of any land within the Town of Dover without having secured a permit therefor pursuant to the provisions of this article, unless specifically excepted by the provisions of this article. Major soil disturbance permits shall be reviewed for approval by the Planning Board and shall require a public hearing with notice to all property owners within 200 feet of the property for which the permit is being sought.

§ 236-80. Exceptions.

No permit shall be required under the following conditions:

- A. This article shall not apply to the disturbance of soil on the premises during ordinary spading, cultivating or operation ordinarily associated with the tilling of the soil for agricultural or horticultural purposes.
- B. This article does not apply to the disturbance of 500 square feet of soil or less, provided that the total volume of soil disturbed does not exceed 50 cubic yards, and provided that said disturbance does not create or cause one of the conditions as set forth in "Consideration of application," Subsection A(1) through (10) below, and further provided that said soil disturbance does not alter the original grade by more than six inches at any point.
- C. This article shall not apply to a soil disturbance incidental to work approved by a site plan or

subdivision granted by the Planning Board or the Board of Adjustment of the Town of Dover.

- D. This article shall not apply to the disturbance, removal or regrading of soil on the premises incidental to construction which is part of any construction permit issued by the Construction Official of the Town of Dover, provided that the grade is not altered in a fashion that will change the direction or velocity of stormwater runoff.
- E. This article shall not apply to the temporary disturbance of the natural ground surface during the course of excavation arising from the installation of underground conduits within the premises, provided the ground surface is returned to its original grade after backfilling.

§ 236-81. Application for permit.

- A. Applications shall be made to the Town Engineer on forms provided by that office and shall consist of the following:
 - (1) The name and address of the applicant and owner.
 - (2) The Tax Block and Lot numbers of the property in question along with the street address.
 - (3) The purpose or reason for disturbing soil.
 - (4) The kind (topsoil, rock, sand, etc.) and quantity of soil to be removed from the site or brought to the site.
 - (5) If soil is to be removed from the site. the location where it is being moved to.
 - (6) The anticipated start and finish date of the disturbance operation.
 - (7) The name, address and telephone number of the person having direct charge over the soil disturbance.
 - (8) A map of the premises, prepared by a professional engineer licensed in the State of New Jersey, showing the existing contour lines prior to disturbance and the proposed contour lines resulting from the intended excavation, filling or redistribution of soil. The map shall delineate steep slope areas as defined in § 236-21.2A and shall be determined in accordance with the methodology outlined in § 236-21.2B(1). The maps required by this subsection shall not be required to be prepared by a professional engineer licensed to practice in the State of New Jersey if the disturbed area involves less than 1,000 square feet of disturbance and a grade change of less than one foot at any point and provided the proposed area to be disturbed does not contain any steep slope areas as defined in § 236-21.2.
 - (9) The grades resulting from the intended removal or redistribution of soil in relation to the topography of the premises, which information shall be included on the map required by Subsection A(8) above.
 - (10) Cross sections and typical sections of the existing and proposed grades drawn at an appropriate scale showing existing and proposed grades at intervals sufficient to calculate the volume of soils to be cut or filled.
 - (11) Details of soil erosion and sediment control devices and procedures to be utilized on the site during the soil disturbance activities.
 - (12) Stormwater management control measures including pre- and post-disturbance drainage paths clearly indicating that the directions and quantity of stormwater runoff

- will not be altered to negatively impact adjacent properties both during and after the work.
- (13) The name, address and emergency contact telephone number of the person or persons who will be doing the actual disturbance if different from the owner.
 - (14) The quantity of soil to be removed along with supporting calculations.
 - (15) The location of all soil fill sources.
 - (16) Full construction details of all required retaining walls.
 - (17) A note indicating the maximum proposed slope of all regraded areas.
 - (18) Details of proposed stabilization and vegetation of disturbed areas.
 - (19) Such other pertinent data as the Town Engineer may deem necessary.
 - (20) The Town Engineer may waive any of the above application requirements if in his opinion said requirement is not necessary in order to perform a proper review of the application.
- B. If the applicant is other than the owner of the property, then the applicant shall submit permission, in writing, from the owner authorizing the applicant to make the application.

§ 236-82. Consideration of application.

- A. Any application involving over 5,000 square feet of land disturbance shall be sent to the Morris County Soil Conservation District for its review. The Town Engineer shall study the permit application and shall be guided by and take into consideration the public health, safety and general welfare. Particular consideration shall be given to the following:
- (1) Erosion by wind or water.
 - (2) Stormwater runoff impacts.
 - (3) Soil fertility impacts.
 - (4) Dust impacts.
 - (5) The deposit of soil on streets.
 - (6) The deposit of silt in bodies of water within the Town of Dover or adjacent to the Town.
 - (7) The filling of wetlands or flood hazard areas as defined by the State of New Jersey and the regulations promulgated thereto by the New Jersey Department of Environmental Protection.
 - (8) The relocation or realignment of any watercourse.
 - (9) The structural capability and stability of all existing and proposed retaining walls.
 - (10) The ability of the proposed stabilization to prevent future soil erosion.
- B. The Town Engineer, upon receipt of all required fees and after determining that all the requirements pursuant to this article have been met, shall then issue a soil disturbance permit for minor soil disturbance permit applications. Notice of the granting or denial of the permit application shall be given to the applicant within 20 calendar days after a complete application is filed.
- C. If the Town Engineer determines that, upon receipt of all required fees and after determining that all the requirements pursuant to this article have been met, that the application requires a major soil disturbance permit, then he shall forward his findings along with a report to the Clerk of the Town of Dover Planning Board, who shall schedule a public hearing before the Planning Board. The Town of Dover Planning Board shall:

- (1) Grant or deny the application for a major soil disturbance permit within 45 days after receipt of a complete application.
- (2) Schedule a public hearing and provide the applicant with a list of property owners within 200 feet of the property in question and a public notice, and the applicant shall serve said notice to all property owners within 200 feet of the property in question at least 10 days prior to the hearing. The Town of Dover Planning Board shall also cause the notice to be published in the official newspaper of the Town of Dover.

§ 236-83. Fees.

Fees shall be in accordance with Article IX, Fees and Escrows, of Chapter 236, Land Use and Development, of the Code of the Town of Dover.

§ 236-84. Bond.

- A. The applicant and/or owner of the property shall be required to post a performance bond with the Town in such amount as will be deemed reasonable by the Town Engineer to ensure the completion of the work authorized by the permit in conformance with the terms of the permit and the provisions of this article on or before the date of completion set forth in the application, and further that the applicant will repair any public street, structure or land which may be damaged as a result of the work authorized by the permit. The bond shall be in cash or by a letter of credit issued by a commercial bank of the State of New Jersey approved by the Town Attorney. The municipality shall have the right to use the amount of the bond in order to correct any deficiencies in the work that is performed pursuant to the permit or to ameliorate any conditions which adversely affect the public health, safety and welfare of the inhabitants of the Town of Dover. The bond or the balance thereof shall be returned to the applicant and/or owner upon completion of the work in accordance with the permit and approval by the Town Engineer.
- B. If, in the opinion of the Town Engineer, the proposed work is nominal and there would be no significant change in the terrain, with no possible effect on an adjacent property, then the Engineer may waive the bond requirement.

§ 236-85. Inspections.

- A. The Town Engineer shall have the right to enter upon the premises and inspect the premises for which a soil disturbance permit has been granted to determine compliance with the permit requirements and the requirements of this article.
- B. In addition to the application fee required by Article IX, an inspection fee shall be paid at the time of the issuance of the soil disturbance permit in the amount of \$100 for a minor soil disturbance permit or \$250 for a major soil disturbance permit.

§ 236-86. Regulations and standards.

- A. Soil disturbance conducted under a permit issued under this article shall be in accordance

with the following regulations:

- (1) Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.
- (2) Land shall be graded so as to conform to the contour lines and grades approved and shall be cleared of debris.
- (3) Adequate measures shall be taken to prevent erosion or the depositing of soil or surface runoff upon surrounding lands.
- (4) No critical slope area, as defined by § 236-21.2.A(1), shall be disturbed.
- (5) Nothing herein shall be construed to exempt any person from applying to any county agencies, including the Soil Conservation District of Morris County, or any other state or other governmental agencies having jurisdiction over the soil disturbance, and whenever the provisions of this article conflict with the requirements of the Morris County Soil Conservation District or other state or federal agency, the provisions of the Morris County Soil Conservation District or of the state or federal agencies shall prevail.

§ 236-87. Responsibility of owner.

Any owner of property upon which a soil disturbance has occurred or for which no permit was issued pursuant to the provisions of this article shall have responsibilities described in this article and shall be subject to a violation of this article.

§ 236-88. Administration, enforcement, violations and penalties.

The administration, enforcement, violations and penalties associated with the provisions of this article shall be in accordance with Article X, Administration and Enforcement, of Chapter 236, Land Use and Development, of the Code of the Town of Dover.

ARTICLE VIII, Tree Removal

§ 236-89. Indiscriminate cutting of trees prohibited.

No person shall cut or remove any tree upon any land within the Town unless such removal accomplishes a useful purpose and is done in accordance with the terms of this chapter.

§ 236-90. Definitions.

For the purposes of this Article, the following terms and words are herein defined as follows:

APPROVED PLAN -- A plan of tree removal and/or planting approved by the Planning Board, the Town Engineer or other Town agency, as provided for in this chapter.

PREFERRED TREE LIST -- A list of trees recommended by tree specialists as best adapted to the climate, soil and topography of the Town of Dover and adopted by resolution of the Town of Dover Shade Tree Commission. This list shall be kept on file for the use and guidance of persons presenting plans for tree planting and is attached hereto as Schedule A.^{lxiv}EN

TREE -- Any woody perennial plant having a diameter greater than four inches, measured at a point four and one-half (4 1/2) feet above the ground.

WOODED AREA -- Any area larger than 5,000 square feet supporting sufficient trees to cause 75% of the ground to be directly under canopies of trees.

§ 236-91. Tree removal plan required in certain circumstances.

- A. A tree removal and planting plan shall be filed with the Planning Board with every application for a major subdivision or application for resubdivision, site plan review or prior to any other type of development requiring tree removal or planting, except as otherwise provided in § 236-92 of this chapter. If no tree removal or planting is anticipated, such information must be specifically stated in the application.
- B. Where a lot or tract is proposed to be developed for use as a single-family residence and the owner has not received an approved plan or the approved plan has been revised, a plan must be submitted to and approved by the Town Engineer.
- C. A plan for tree removal and replanting must be approved as part of every soil removal and landfill operation application.
- D. No building permit shall be issued for the construction of any residential, commercial, industrial, recreational or community buildings or accessory buildings, unless and until the developer, builder or owner files with the Town Engineer a tree removal and/or planting plan and obtains approval thereof or submits a plan previously approved by the Planning Board.
- E. If building permits are sought on land which has been cleared for agricultural purposes after November 1, 1980, a planting plan must be submitted to and approved by the Planning Board.

- F. No occupancy permit shall be issued unless tree removal has been in accordance with the approved plan and all trees required to be planted have in fact been planted in accordance with the approved plan or bond guaranteeing such planting has been posted with the Town Clerk. The bond shall be calculated at the principal sum of \$600 per tree involved.

§ 236-92. Permitted tree removal.

Under this Article, the following trees may be removed without the filing of and the obtaining of an approved plan:

- A. Any tree located on a tract of land having a minimum lot size of 60,000 square feet or more in size on which a single-family dwelling has been erected and for which a valid occupancy permit has been issued, provided that the tree removal is authorized in writing by the owner of such property.
- B. Any tree as part of a nursery, garden, orchard or Christmas tree farm, provided that the subject area is being actively used commercially and is not a component part of a subdivision or development for building purposes.
- C. Trees managed by the Town of Dover Shade Tree Commission.
- D. Any live tree cut for firewood or lumber for personal use by the owner or his tenant occupying the premises.
- E. Any dead or diseased tree or any tree that endangers life or property.
- F. Trees cut according to a plan developed by State or Federal Forestry Departments, designed for weeding, thinning, planting or other tree culture or betterment of wooded areas, provided that a letter so stating is filed with the Town Engineer and is signed by the forestry specialist developing the plan.
- G. Trees removed in the development of ponds or lakes when supervised by the Soil Conservation Service and/or the Federal or State Forestry Service, provided that a letter so stating is filed with the Town Engineer, signed by the appropriate supervising agency.
- H. Trees removed for farmland or horticultural development, provided that a letter is filed with the Town Engineer stating that the land involved is suited for the aforementioned use and is signed by the Morris County Agriculture Agent.

§ 236-93. Details of tree removal and planting plan.

Every plan submitted for tree removal approval shall be in the form of a map and exhibits showing:

- A. The tax map lot and block number.
- B. The area of the tract.
- C. The location of trees or wooded areas.
- D. The number of trees or percentage of wooded area.
- E. Species involved.
- F. General slope/topography taken from the Dover Slope Map.
- G. The location of streams and wetlands.
- H. A map of locations and surrounding properties showing wooded areas.
- I. A list of trees to be planted, which shall be of a species shown on the Preferred Tree

List.^{lxvEN}

- J. A tree removal plan and tree planting plan in relation to principal and accessory buildings, roads and driveways, parking lots, garden areas, etc., showing also the relation to survey stakes.
- K. The location of buildings.
- L. The location of roads, driveways, parking lots, recreation areas and garden areas.
- M. A grading plan.

§ 236-94. General criteria and standards to be used in approving removal and planting plan.

- A. Trees on a proposed building site or within 30 feet around a proposed building may be removed.
- B. Trees may be removed where the proposed paved portion of a parking area is planned. In off-street areas, other than for a single residential dwelling, island of trees must be left in such a manner that there is a tree every 200 feet or less in any direction. No impervious material of any nature shall be placed within 10 feet of the base of the trunk of a tree, and the grade shall be such that drainage of rainwater will keep the root area watered without pooling or exceeding the requirement of the species. Excess water shall be admitted to dry wells or storm sewers on the parking lot or drained by acceptable means.
- C. Trees may be removed on private rights-of-way and driveways within 15 feet of each side of the planned paved area. Alignment of the driveways should be planned to save as many trees as possible.
- D. Trees shall not be removed from an area within 100 feet of the edge of a stream or from within 100 feet of a wetland or marsh, unless the tree removal falls under those trees classified in § 236-92D, F, G and H of this Article. This applies also to areas adjacent to seasonal streams controlled by critical area restrictions of Article IV, Zoning, of this chapter.
- E. Where fill is required around trees, the tree must be protected by an air well six feet in diameter or as needed around the trunk which will prevent the intrusion of soil. The top of the well must extend six inches above the graded level. If the tree is of a species that will eventually die due to root disturbance or change in drainage or the owner prefers to remove the tree, it may be removed and replaced with two other trees from the preferred list in another or the same area after the fill has stabilized.
- F. Any grading plan must protect standing trees from machine operation, soil storage or material storage by distance or proper barrier. Any tree damaged must be replaced by two trees from the preferred list.
- G. Any tree used in a required planting or to replace a damaged tree must be at least 2 1/2 inches in diameter measured 4 1/2 feet from top of root level and should be selected from the preferred list. Other planned plantings require no specifications other than that good silviculture should be considered and followed.
- H. Buffer zones.
 - (1) A buffer zone of trees and shrubs at least 20 feet wide shall encircle three sides of an industrial or commercial site. The Planning Board shall require a larger buffer zone when noise, size or height of buildings or architectural design of the development requires an increase and may require a buffer of trees on all four sides, except on sites

of less than two acres in size.

- (2) Multiple dwelling areas shall be buffered as required by the Planning Board to provide screening from sight and noise as well as providing good aesthetic value.
- I. Trees in the area between the street line and the setback line of the building shall be preserved.
 - J. Tree removal from any slope is prohibited if it will contribute, in the opinion of the Planning Board or the Town Engineer, to extra runoff of surface water onto adjoining property and erosion and silting, unless other means approved by the Town Engineer are provided to prevent runoff and erosion.
 - K. No tree removal is permitted that will expose vacant land, billboards, utility substations, transmission towers, warehouses, junkyards, landfill operations and other similar structures or operations, except where trees are dead or diseased and/or endanger life or property.
 - L. No healthy tree that is special by virtue of history or unusual size or age or rare species shall be removed. The Dover Shade Tree Commission shall determine what is historical or unusual as those terms are used in this chapter.
 - M. No trees on public rights-of-way, parks or public areas shall be removed by private individuals or utilities, except as approved by the Shade Tree Commission or its duly designated agent.

§ 236-95. Permits and costs.

- A. No permits or fees are required in connection with obtaining an approved plan.
- B. The owner or applicant must reimburse the Town for the cost of expert advice and technical assistance obtained in connection with his or her application for an approved plan.

§ 236-96. Schedule A: Preferred Tree List.

The following is a Preferred Tree List for the Town of Dover as prepared by the Dover Shade Tree Commission:

I.	Shade trees and shrubs
	Crimson Cloud hawthorn (<i>Crataegus</i>)
	Norway maple (<i>Acer platanoides</i>)
	Sugar maple (<i>Acer saccharum</i>)
	Crimson King maple (<i>Acer platanoides</i>)
	October Glory red maple (<i>Acer rubrum</i>)
	Wiers cutleaf maple (<i>Acer saccharinum laciniatum wieri</i>)
	Balkan ash (<i>Fraxinus holotricha</i>)
	Flowering ash (<i>Fraxinus ornus</i>)
	Marshall seedless green ash (<i>Fraxinus lanceolata</i>)
	Bradford callery pear (<i>Pyrus calleryana</i>)
	Canadian hemlock (<i>Tsunga canadensis</i>)
	Red cedar (<i>Juniperus chinensis pfitzer, sabina</i>) (<i>Juniperus japonica</i>)
	Yew (<i>Taxus media andersonis</i>)
	Little-leaf linden (<i>Tilia cordata</i>)
	Japanese zelkova (<i>Zelkova serrata</i>)
	Ginkgo (<i>Ginkgo biloba</i> , male forms)
	Sweet gum (<i>Liquidambar styraciflua</i>)
	Thornless honey locust (<i>Gleditsia triacanthos inermis</i>)
	American yellowwood (<i>Cladrasits lutea</i>)
II.	Flowering trees and shrubs
	Flowering crabapple (<i>Malus floribunda</i>)
	Flowering dogwood (<i>Cornus florida</i>)
	Crape myrtle (<i>Lagerstroemia indica</i>)
	Saucer magnolia (<i>Magnolia soulangaena</i>)
	Weeping higan cherry (<i>Prunus subhirtella</i>)
	Japanese flowering cherry (<i>Prunus serrulata</i>), variety Sekiyama (<i>Kwanzan</i>)
	Forsythia (<i>Forsythia</i>)
	Japanese quince (<i>Chaenomeles japonica</i>)
	Bridal wreath (<i>Spiraea vanhouttei</i>)
	American redbud (<i>Cercis canadensis</i>)
	Weigela (<i>Weigela florida</i>)
	Mountain laurel (<i>Kalmia latifolia</i>)
	Althaea (<i>Hibiscus syriacus</i>)

ARTICLE VIII A, Historic Preservation [Added 4-24-2007 by Ord. No. 12-2007]

§ 236-96.1. Purpose and objectives.

The purpose of this article is to establish a Historic Preservation Commission pursuant to N.J.S.A. 40:55D-107 et. seq., to provide guidance in achieving preservation of historic resources in designated historic districts and sites and to advance the following public purposes:

- A. To promote the use of historic districts for the education, pleasure and welfare of the citizens of the Town and its visitors and to promote civic pride in the Town's historic resources.
- B. To foster private reinvestment in the historic district and sites and balance the purposes of historic preservation with current needs.
- C. To encourage preservation of sites of historic, archaeological, cultural, social and architectural significance.
- D. To encourage the continued use of historic sites and to facilitate their appropriate reuse.
- E. To maintain and promote an appropriate and harmonious setting for existing historic resources within the Town.
- F. To recognize and preserve historic resources in the Town as an essential element of municipal character and identity which contributes to the reputation of Dover as a place of beauty and architectural value.
- G. To encourage appropriate alterations to historic sites and new construction which is in keeping with the character of historic districts and sites.
- H. To assist implementation of the historic preservation element of the Master Plan.

§ 236-96.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADDITION -- An extension or increase in building size, floor area or height.

ADMINISTRATIVE OFFICER -- For purposes of this article, the Town Engineer shall be the administrative officer. This definition is separate and apart from the definition set forth in § 236-5. The same person may or may not be designated herein as in § 236-5.

ALTERATION -- As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another, or the change in appearance of the exterior surface of any improvement.

CERTIFICATE OF HISTORIC REVIEW -- A document issued by the Historic Preservation Commission confirming its review of any alteration or addition to a site or a property within the Historic District. Such review is based upon plans presented for the preservation, restoration, rehabilitation or alteration of an existing property, or the demolition, addition, removal, repair or remodeling of any feature on an existing building, within the Historic District or for any new construction within the Historic District.

DEMOLITION -- The partial or total razing, dismantling or destruction of any historic site or any improvement within the Historic District.

DESIGNATED SITE -- A site that has been designated per § 236-96.4 herein.

GUIDELINES -- The guidelines for both the Historic Preservation Commission and applicants for a certificate of historic review shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing preservation, rehabilitation, restoration, and reconstruction (codified as 36 CFR Part 68 in the July 12, 1995, Federal Register, Vol. 60, No. 133, and as may be subsequently amended), are adopted by reference, and design guidelines developed specifically for the Dover Historic Preservation Commission are set forth herein in § 236-96.7 and may take precedence over the Secretary of the Interior's Standards for the Treatment of Historic Properties where more specifically applicable to the buildings and sites within Dover.

HISTORIC DISTRICT -- One or more historic sites and certain intervening or surrounding property significantly affecting or affected by the quality and character of historic site or sites, as specifically designated herein.

HISTORIC SITE -- Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been designated in the Master Plan as being of historic, archaeological, cultural, scenic or architectural significance at the national, state or local level, as specifically designated herein. The designation of an historic site or landmark shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto. When used in this article, the word "landmark" may be substituted for historic site.

IMPROVEMENT -- Any structure or any part thereof installed upon public or private property and intended to be kept at the location of such construction or installation.

INTEGRITY -- The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY -- A list of historic sites or districts determined to meet criteria of designation specified herein.

NATIONAL REGISTER CRITERIA -- The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

ORDINARY MAINTENANCE AND REPAIR -- Repair of any deterioration, wear or damage to a structure in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear or damage with material and workmanship of the same quality.

PRESERVATION -- The act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building's materials.

PROTECTION -- The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack or to cover or shield the property from danger or injury.

RECONSTRUCTION -- The act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specific period of time.

REHABILITATION -- The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REPAIR -- Any work done on an improvement that is not an addition and does not change the exterior appearance of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality.

RESTORATION -- The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

STREETSCAPE -- The visual character of the street, including but not limited to the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE -- A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§ 236-96.3. Historic Preservation Commission.

- A. Responsibilities. The Historic Preservation Commission shall have the following duties and responsibilities:
- (1) To identify, record and maintain a system for survey and inventory of all buildings, sites, places, improvements and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification), and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
 - (2) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
 - (3) To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
 - (4) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A.40:55D-110.
 - (5) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation.
 - (6) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Town.

B. Establishment.

- (1) Members. The Historic Preservation Commission shall consist of five regular members and two alternate members. Members shall serve without compensation. The Mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." At least one member shall be designated of each of the following classes:
 - (a) Class A. A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.
 - (b) Class B. A person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.
 - (c) Class C. Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment.
 - (d) Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the five regular members, a total of at least one less than a majority shall be of Classes A and B.
- (2) Terms.
 - (a) The terms of the members first appointed under this article shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years, and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the terms of membership on the Planning Board, and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.
 - (b) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- (3) Alternates. The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (4) Budget.
 - (a) The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission.
 - (b) The Historic Preservation Commission may employ, contract for and fix the

compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

- (5) Rules of Commission.
- (a) The Commission shall elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Commission or a municipal employee.
 - (b) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of historic review and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this article and shall include but not be limited to rules pertaining to all notices and hearings required herein.
 - (c) In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the administrative officer, on behalf of the Commission, shall maintain complete files and records, including but not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of historic review, along with collateral data, decisions and appeals associated therewith, and information, materials and references submitted to the public related to historic preservation. A record of the proceedings shall be kept and made available, but a formal verbatim record shall not be required.
 - (d) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. Copies of all minutes shall be delivered promptly to the Town Clerk.
 - (e) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a nondesignated site shall not be deemed a personal or financial interest unless a member resides or owns property within 200 feet of property which is the subject of an application.
 - (f) Attendance of Historic Commission members at meetings regarding number of absences; termination; replacement and requirements to advise the Mayor and Board of Aldermen of same shall be in accordance with Chapter 40 of the Code of the Town of Dover.
- (6) Meetings; quorum.
- (a) The Historic Preservation Commission shall establish and post in Town Hall a regular schedule of a minimum of 10 meetings per year. Additional meetings may be called by the Chairman or Vice Chairman when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet

time constraints imposed by law.

- (b) Three members shall constitute a quorum. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a certificate of historic review. Not less than a majority of the appointed membership shall be required to grant or change a historic site or district designation.

§ 236-96.4. Designation of historic sites and districts.

- A. Survey. The Commission shall perform a comprehensive survey of the Town of Dover to identify historic districts, sites and improvements which are worthy of protection and preservation.
- B. Criteria for designation. The survey shall be used as a basis for identifying sites and districts worthy of designation. The criteria for evaluating and designating historic districts and sites shall be guided by the National Register of Historic Places criteria established in accordance with National Historic Preservation Act (80 Stat. 915, as amended).^{lxvi}EN The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:
 - (1) Character, interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation.
 - (2) Association with events that have made a significant contribution to the broad patterns of our history.
 - (3) Association with the lives of persons significant in our past.
 - (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture or engineering.
 - (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Town, state or nation.
 - (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.
 - (7) Unique location or singular physical characteristics that make a district or site an established or familiar visual feature.
 - (8) That have yielded, or may be likely to yield, information important in prehistory or history.
- C. Procedures for designation.
 - (1) Interested parties shall contact the administrative officer regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of an historic site or district. The administrative officer will schedule a hearing before the Commission to review the proposed historic site or district.
 - (2) The formal historic district nomination shall include a building-by-building inventory of all properties within the district; black-and-white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set

- forth herein. The formal historic site nomination shall include a black-and-white photograph, a Tax Map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
- (3) Upon review and approval of the proposed site or historic district by the Historic Preservation Commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration as an amendment to the Historic Preservation Element of the Master Plan. Municipal Land Use Law^{lxvii}EN procedures shall be followed for any amendment to the Historic Preservation Element of the Master Plan.
 - (4) Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Mayor and Board of Aldermen for adoption to amend and supplement this article with said designation.
 - (5) All other requirements of the Municipal Land Use Law^{lxviii}EN regarding adoption of development regulations shall be followed, and the owner of the proposed site(s) or the owners within a proposed historic district shall receive notice, at least 10 days prior to the hearing, by certified mail, return receipt requested, of the hearing by the Town Council of the adoption of an ordinance designating the proposed historic site or district.
- D. Designation of districts. The following historic district(s) is delineated and described in the Historic Preservation Element of the Master Plan and is hereby a designated historic district for purposes of this article:
- (1) Blackwell Street Historic District. The designated historic district is set forth in the Historic Preservation Element of the Master Plan of the Town of Dover, which is incorporated herein by reference.
 - (2) Additional districts. Any additional designated districts and sites and/or any changes in the designation of historic districts and historic sites shall be effectuated by amendment of this article in accordance with procedures provided for under Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the procedures set forth herein.

§ 236-96.5. Referral from municipal agencies for development applications.

- A. The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development, variance or zone change request submitted to either Board for development in historic districts or on historic sites designated herein. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
- B. On all matters referred to the Commission which require approval by the Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only.
- C. An approval by the Planning Board or Zoning Board of Adjustment, as the case may be, does

not relieve the applicant of the requirements to obtain a certificate of historic review for properties within the Historic District.

§ 236-96.6. Certificate of historic review.

- A. When required. A certificate of historic review issued by the Commission shall be required before a permit is issued or before work can commence for any of the following activities within the historic district:
- (1) The demolition of any building, improvement, site, place or structure. When considering applications involving demolition as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
 - (2) Addition to or new construction of a principal or accessory building or structure. When considering applications involving new construction as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
 - (3) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction or alteration. Exterior change for all primary and accessory buildings shall include special consideration of character-defining features visible from the public right-of-way. When considering applications involving change in exterior appearance, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.
- B. When not required.
- (1) A certificate of historic review shall not be required:
 - (a) For the issuance of a building permit by the Construction Official for changes only to the interior of a structure.
 - (b) For ordinary maintenance and repair to the exterior of a building, as long as existing materials are not removed or replaced with other than in-kind material, and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.
 - (c) For ordinary maintenance and repair to the exterior of a building, provided that new materials/features are not being added (excluding a layer of paint), and the maintenance or repair does not necessitate a construction permit in accordance

with the Uniform Construction Code.

- (2) Should the administrative officer feel that the nature and/or extent of the maintenance or repair outlined in Subsection B(1)(b) or (c) above is not in keeping with the purpose and objectives of this article, the approval of said maintenance or repair shall be referred to the Historic Preservation Commission for a determination as to whether a certificate of historic review shall be required.

C. Procedures.

- (1) All applicants shall complete an application form and pay the required fee and escrow deposit. Application forms shall be made available in the office of the administrative officer. Completed applications shall be filed with and fees/escrow deposits paid to the administrative officer.
- (2) Each application shall be accompanied by sketches, drawings, photographs, descriptions and other information to show the proposed alterations, additions, changes or new construction. The Commission may require additional materials as it reasonably requires to make an informed decision.
- (3) The Commission shall reach a decision on an application and submit its report to the administrative officer within 45 days of referral of same by the administrative officer. Failure to report within a forty-five-day period shall be deemed to constitute a report in favor of the issuance of a permit and without recommendation of conditions to the permit. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- (4) Informational meetings. Persons considering action that requires a certificate of historic review, as set forth in this section, are encouraged to request an informal informational meeting with the Commission and/or its Chairman. There shall be no fees or escrow deposits required for informal informational meetings. Requests for such informational meetings shall be made to the administrative officer, who will contact the Chairman of the Commission. The Commission may hold such informational meetings within 15 days of receipt of such request. The purpose of an informational meeting is to review with the applicant the standards of appropriateness and the procedures for obtaining a certificate of historic review.
- (5) Application review.
 - (a) In addition to complying with the requirements of the Open Public Meetings Act (see N.J.S.A. 10:4-6 et seq.) and except in the event of an emergency, at least 10 days prior to such meeting notice shall be given to the applicant of the time, date, place and specific subject of the meeting.
 - (b) A certificate of historic review shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.
 - (c) The owner shall post the certificate of historic review on a conspicuous spot on the site visible to the public during the entire process of work.

- (d) An applicant is encouraged to attend the Historic Preservation Commission meeting when the project is to be reviewed. However, the applicant shall not be required to appear or to be represented at the meeting to consider the application for a certificate of historic review, and the Commission may take action in the absence of the applicant.
- (e) When an application is approved, the Commission shall forthwith issue a certificate of historic review, which shall be forwarded to the applicant.
- (6) Emergency procedures.
 - (a) When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with construction codes without first obtaining a certificate of historic review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure.
 - (b) A request for the Commission's review shall be made simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the administrative officer certifies the immediate necessity for such permit issuance. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible, and such convening members shall proceed to review the certificate of historic review application as provided in this article. Subsequent to such review, a certificate of historic review may be issued upon a majority vote of the members convened.
- (7) Procedure for granting certification of appropriate municipal actions.
 - (a) It is recognized that the intent and purposes of this article would not be fully served if the municipality were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a certificate of historic review shall be required before final approval of any municipal actions on public as well as private lands, streets, easements and rights-of-way within the Historic District or listed in the Historic Sites Inventory of the Master Plan. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the municipality or any municipal agency and which is not otherwise covered by the provisions of this article. There shall be no fee or escrow deposit required for a certification of appropriate municipal actions.
 - (b) In those circumstances where the municipality cannot require compliance, as in certain cases involving the county, state and federal governments, the Town urges, most strongly, the voluntary cooperation of such agencies in seeking a certificate of historic review and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable state and federal regulations regarding historic preservation.

§ 236-96.7. Standards, design guidelines and criteria.

The purpose of this section is to provide uniform standards, design guidelines and criteria for the regulations of the Historic District for use by the Historic Preservation Commission. All projects requiring a certificate of historic review and all applications for development in the Historic District shall be guided by the principles of the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

- A. Secretary of Interior's Standards for Rehabilitation. In carrying out all of its duties and responsibilities, the Commission shall be guided by "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing rehabilitation (codified as 36 CFR Part 68 in the July 12, 1995, Federal Register, Vol. 60, No. 133, and as may be subsequently amended). Those standards are as follows:
- (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - (2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - (3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 - (4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
 - (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - (8) Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - (10) New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- B. Visual compatibility factors. In assessing the design of any proposed additions or new construction, the following visual compatibility factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above.

- (1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
- (2) Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
- (3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
- (4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
- (5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
- (6) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
- (7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
- (8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
- (9) Walls of continuity. Appurtenances of a building, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
- (10) Scale of building. The size of a building, its mass in relation to open spaces and its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
- (11) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
- (12) Exterior features. A building's related exterior features, such as lighting, fences, signs, sidewalks, driveways and parking areas, shall be compatible with the features of those buildings and places to which it is visually related and shall be appropriate for the historic period for which the building is significant.

§ 236-96.8. Demolition.

- A. As set forth in § 236-96.6A(1) hereinabove, a certificate of historic review and compliance is required for the demolition of any building, improvement, site, place or structure.
- B. Criteria. In regard to an application to demolish or move an historic building, site, place or structure, the following matters shall be considered:
 - (1) Its historic, architectural, cultural and aesthetic significance in relation to the criteria of

§ 236-96.4B.

- (2) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.
- (3) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
- (4) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
- (5) The extent to which its retention would increase property values, promote business, create positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture, educate citizens in American culture and heritage or make the municipality a more attractive and desirable place to live.
- (6) The probable impact of its removal upon the ambiance of the Historic District.
- (7) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the applicable building codes.
- (8) The compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality and the probability of significant damage to the structure or improvement as a result of the relocation.
- (9) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this article and whether the proposed new location is visually compatible in accordance with the standards set forth herein.
- (10) A discussion with the applicant regarding the applicant's consent to the removal and reuse of certain important features of the historic building or structure.

C. Procedure.

- (1) Applications for a demolition permit must be made to the Building Construction Official. For all properties within the Historic District, a copy of the application will be forwarded to the Historic Preservation Commission within 10 days of receipt of the complete demolition application by the Building Code Official.
- (2) When considering applications for demolition permits, the Commission's report may contain mandatory conditions, in which event the administrative officer shall include the conditions contained in the certificate of historic review in any permit which is issued.
- (3) Applications for demolition shall include current and archival photographs of the interior and exterior of the building and drawings to document the condition of the building.
- (4) The Commission's review of a demolition application may take up to 45 days from receipt of completed application, just as in the case of a development application.
- (5) Demolition notice posting and publication. Notice of proposed demolition shall be posted on the premises of the building, place or structure in a location that is clearly readable from the street. In addition, the applicant shall publish a notice in the official

- newspaper of the Town within 10 days of an application for a demolition permit.
- (6) Review of application. The Historic Preservation Commission will review the application for demolition based on the criteria outlined above. Its report may:
 - (a) Approve demolition without conditions.
 - (b) Stipulate conditions, including but not limited to documentation of the building prior to demolition and/or confirmation of the applicant's consent to the removal and reuse of certain important features of the historic building or structure.
 - (7) All new construction on the site of a building demolished within the Historic District is subject to mandatory review by the Historic Preservation Commission. The new construction shall be in the character of the historic site or district, and all comments of the Commission in these circumstances are binding upon the applicant. The certificate of historic review will be issued only when the Historic Preservation Commission is satisfied that the facades of the replacement structure meet all the criteria of the design guidelines deemed applicable and fit appropriately within the Historic District.
 - (8) When a certificate of historic review has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

§ 236-96.9. Enforcement.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a certificate of historic review. If it should, the municipal official shall inform both the administrative officer and the applicant, as well as the Historic Preservation Commission.

§ 236-96.10. Violations and penalties; injunctive relief.

A. Violations.

- (1) If any person shall undertake any activity regarding an historic site or improvement within an historic district without first having obtained and posted a certificate of historic review, such person shall be deemed to be in violation of this article.
- (2) Upon learning of the violation, the Chief Code Enforcement Officer or his designee shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by seeking review of the extent and proposed work by the Historic Preservation Commission.
- (3) If the owner cannot be personally served within the municipality with said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.

B. Penalties. If any person shall undertake demolition or removal or new construction affecting an historic site or improvement within an historic district without first having obtained a certificate of historic review or without subsequent review by the Commission following

discovery of the omission, he may be required to restore same to the previous condition. In addition, there shall be imposed upon such person the fines and penalties set forth in § 236-103A of the Land Use Code of the Town of Dover.

- C. Injunctive relief. In the event that any action which would permanently and adversely change an historic site or historic district, such as demolition or removal, is about to occur without a certificate of historic review having been issued, the Town Attorney may apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or landmark.

§ 236-96.11. Appeals.

Appeals to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.2 and N.J.S.A. 40:55D-72 may be taken by any interested party affected by any order, requirement, decision or refusal of the administrative officer pursuant to a report submitted by the Historic Preservation Commission, including a denial of a certificate of historic review, in accordance with N.J.S.A. 40:55D-111. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken, upon completing the appeal application form, paying required fees and escrow deposits, and specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. No public notice shall be required for the hearing of said appeal.

§ 236-96.12. Other requirements unaffected.

The requirements of this article shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

ARTICLE IX, Fees and Escrows

§ 236-97. Fees to accompany applications.

- A. Every application for development, variance from Article IV, Zoning, and/or other appeal shall be accompanied by a payment of a fee in accordance with a schedule hereinafter set forth and an escrow as set forth.
- B. Where one application for development includes several approval requests, the sum of the individual required fees and escrows shall be paid.

§ 236-98. Schedule of fees and escrows. [Amended 12-13-1994 by Ord. No. 39-1994; 4-12-2005 by Ord. No. 3-2005; 9-13-2005 by Ord. No. 26-2005; 2-28-2006 by Ord. No. 06-2006; 4-24-2007 by Ord. No. 12-2007]

The schedule of application fees and initial review fee escrow deposits to be paid at the time of the filing of an application is as follows:

Submission/Application	Application Fee	Initial Review Fee Escrow Deposit
Site plan:		
Expedited waiver	\$150	\$500
Minor	\$500	\$500
Preliminary major	\$300 plus \$20 per 1,000 square feet of building plus \$5 per 1,000 square feet of lot area	125% of fee
Final major	50% of preliminary major fee	100% of fee
Subdivision:		
Minor, 2 lots	\$600	\$500
Minor, 3 lots	\$750	\$500
Preliminary major	\$1,100 plus \$100 per lot	125% of fee
Final major	\$600 plus \$25 per lot	100% of fee
Flood damage prevention development permit	\$150	--
Zoning permits/certificate review and inspections fees:		
Changes of use, fences and signs	\$50	--
Accessory structures under 200 square feet	\$50	--
Determination of zoning status	\$100	--
New structures	\$250	--
New structures (including	\$400	--

Submission/Application		Application Fee	Initial Review Fee Escrow Deposit
	accessory structures) or additions on property with steep slope area per § 236-21.2		
	Additions to existing structures	\$200	--
Concept plan review		\$250	\$300
Variances and other appeals:			
	Appeals in accordance with N.J.S.A. 40:55D-70a	\$400	\$400
	Appeals in accordance with N.J.S.A. 40:55D-70b	\$400	\$400
	Appeals in accordance with N.J.S.A. 40:55D-70c	\$250	\$250
	Appeals in accordance with N.J.S.A. 40:55D-70d:		
	Residential	\$400	\$400
	Commercial	\$600	\$600
	Industrial	\$800	\$800
Permit pursuant to N.J.S.A. 40:55D-34 and 40:55D-36		\$400	\$600
Permit to construct a building on an unimproved street pursuant to N.J.S.A. 40:55D-35		\$400	\$600
Conditional use permit pursuant to N.J.S.A. 40:55D-67		\$400 plus site plan fee	\$250 plus site plan escrow deposit
Soil disturbance		\$100 plus \$100 per 1,000 square feet or 100 cubic yards of disturbance, whichever is greater	
Certificate of historic review:			
	Demolition	\$150	\$300
	Addition or new construction	\$250	\$500
	Change in the exterior appearance	\$150	\$300
	Change in the exterior appearance for a sign or awning only	\$75	\$150
Appeal of administrative officer due to a report of the Historic Preservation Commission		\$150	\$150

§ 236-99. Review fee escrow deposit. [Amended 12-13-1994 by Ord. No. 39-1994; 2-28-2006 by Ord. No. 06-2006]

- A. Escrow deposits. In addition to the initial fees or charges as elsewhere set forth, the municipal agency shall require escrow deposits in accordance with the provisions of the fee and deposit schedule set forth in § 236-98. The Chief Financial Officer of the Town of Dover shall make all of the payments to professionals for services rendered to the Town of Dover or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and for review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Town of Dover. If the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall be 200% of the sum of the products resulting from multiplying 1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals, by 2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals, the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements. No applicant shall be charged for any municipal, clerical or administrative functions, overhead expenses, meeting room charges or any of the municipal costs and expenses except as provided for specifically by statute, nor shall a municipal professional add any such charge to his bill.
- B. Scope of reimbursed services. The Town of Dover shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content; for the review and preparation of documents such as, but not limited to, drafting resolutions, developer's agreements, and necessary correspondence with the applicant or applicant's professionals and inspections.
- C. Deposit of escrow funds; refunds. Deposits received from any applicant in excess of \$5,000 shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and upon receipt of bills from professionals and approval of said bills as hereinafter provided for, the Chief Financial Officer may use such funds to pay the bills submitted by such professionals or experts. The Town of Dover shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, the entire amount shall belong to the applicant and shall be refunded to him by the Town of Dover annually or at the time the deposit is repaid or applied for the purposes for which it was deposited, as the case may be, except that the Town of Dover may retain for administrative expenses a sum equivalent to no more than

33 1/3% of that entire amount, which shall be in lieu of all other administrative and custodial expenses. All sums not actually so expended shall be refunded to the applicant within 90 days after the final decision by the appropriate municipal agency with respect to such application, upon certification by the Board Secretary that such application has been finally decided.

D. Payments.

(1) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and each date the services were performed, the hours spent, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the Town of Dover on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Town of Dover simultaneously to the applicant and to which the municipal agency for which said services were performed.

(2) The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis if monthly charges exceed \$1,000. If an escrow account or deposit contains insufficient funds to enable the Town of Dover or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within a reasonable time period, post a deposit to the account in an amount to be agreed upon by the Town of Dover or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

E. Payments required prior to issuance of permits. No zoning permits, building permits, certificates of occupancy or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the Town of Dover from professional personnel rendering services in connection with such application and payment has been made.

F. Closeout procedures. The following closeout procedures shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq. and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved in accordance with N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the Chief Financial Officer of the Town of Dover and the approving authority and to the relevant municipal professional that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the Town of Dover

within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Town of Dover shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account including interest in accordance with N.J.S.A. 40:55D-53.1 shall be refunded to the developer along with the final accounting.

- G. Scope of charges. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with the conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under municipal jurisdiction except to the extent consultation with a state agency is necessary due to the effect of state approvals on the subdivision or site plan.
- H. Limitation of inspection fees. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work, and such inspections shall be reasonably based on the approved development plans and documents.
- I. Substitution of professionals. If the Town of Dover retains a different professional or consultant in the place of a professional originally responsible for development application review or inspection of improvements, the Town of Dover or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Town of Dover or approving authority shall not bill the applicant or charge to the deposit or the escrow account for any such services.
- J. Estimate of cost of improvements. The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Town Engineer based on documented construction costs for the public improvements prevailing in the general area of the Town of Dover. The developer may appeal the Town Engineer's estimate to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127.
- K. Appeals. An applicant shall notify, in writing, the governing body with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for a service rendered to the Town of Dover in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to N.J.S.A. 40:55D-53.2. The governing body or its designee shall within a reasonable time attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127, any charge to an escrow account or deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Town Engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Town of Dover, approving authority, and any professional whose charges are the subject of the appeal. An

applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by subsection N.J.S.A. 40:55D-53.2a, Subsection a, except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal statement of activity against the deposit or escrow account required by N.J.S.A. 40:55D-53.2(c). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

- (1) Appeals shall be taken in accordance with the rules and procedures established by the County Construction Board of Appeals.
- (2) During the pendency of any appeal, the Town of Dover or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, the signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the Town of Dover may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the Town of Dover shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the Town of Dover, the professional or consultant shall reimburse the Town of Dover in the amount of any such disallowed charge.

ARTICLE X, Administration and Enforcement

§ 236-100. Administrative officer.

- A. For the purposes of this chapter, the Town of Dover Engineer is hereby designated as the administrative officer to administer this chapter.
- B. The administrative officer shall, upon finding any violation of this chapter, notify the enforcing officer, who shall take all appropriate action to bring about compliance.

§ 236-101. Enforcing officer.

- A. For the purposes of this chapter, the Municipal Engineer is hereby designated as the enforcing officer. He or she shall enforce the provisions of this chapter. [Amended 1-23-2001 by Ord. No. 3-2001]
- B. In no case shall a permit be granted for the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure where such proposed erection, construction, alteration, repair, remodeling, conversion, removal or destruction would be in violation of any provision of this chapter.
- C. The enforcing officer or his or her designated representative shall have the authority to request entry into any building, structure, land or premises during the performance of his or her duties.
- D. The enforcing officer or his or her designated representative shall inspect or examine any building plans, structure, land or premises to determine if any provision of this chapter has been violated. Such violations shall be set forth in a written notice, specifically indicating the nature of the violations and the particular provisions of the chapter being violated.
- E. The enforcing officer or his or her designated representative shall have the authority to issue orders, notices of violation or stop-work orders to any person or persons, firm or corporation that may, in the opinion of the enforcing officer, be violating any provision of this chapter. The enforcing officer may take specific action to ensure compliance with any provision of this chapter within a reasonable designated time. The enforcing officer may institute any appropriate action or proceeding in the Municipal Court or any other court, board or agency of competent jurisdiction to ensure compliance with the terms and provisions of this chapter or any ordinance, rule or regulation under his or her jurisdiction.

§ 236-102. Service of notice.

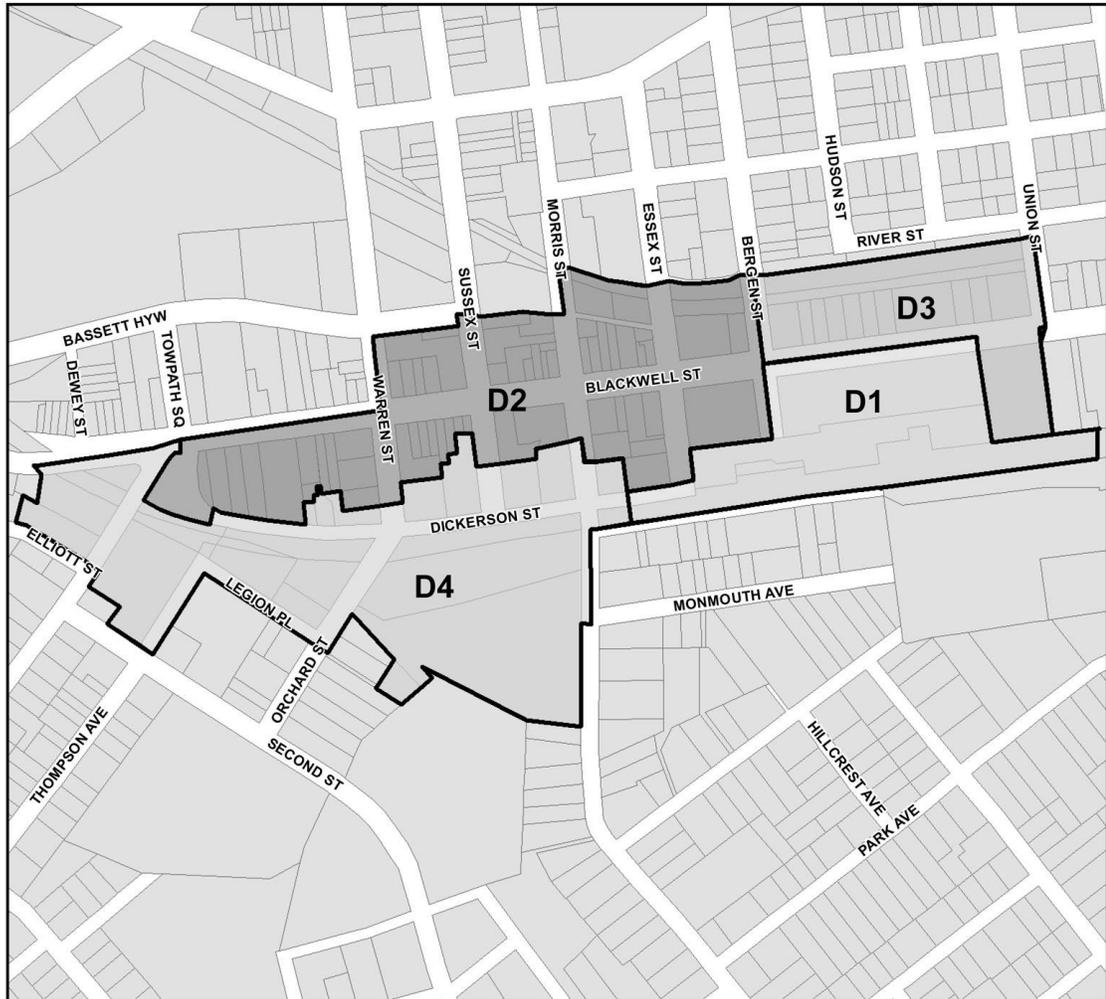
Service of any notice or order for the enforcement of this chapter shall be made upon the owner of the property or any person responsible for such property. Service may be by personal service or by leaving a copy at the dwelling or usual place of abode of such person with a competent member of his or her household of the age of 14 years or older residing therein or by any other method or upon any other person pursuant to Rule 4:4 of the Rules Governing the

Courts of the State of New Jersey or which is otherwise consistent with due process of law.

§ 236-103. Violations and penalties.

- A. Each and every violation of any provision of this chapter or any other ordinance, rule or regulation under the jurisdiction of the enforcing officer and upon failure to comply with a written notice or order within the time period set forth in such notice or order shall subject the responsible party to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days, or both. Each and every day the violation continues after the time period set forth in the notice or order shall be deemed a separate and distinct violation.
- B. For the purposes of this section, a "responsible party" is:
 - (1) Any owner, agent or contractor of a building, structure, premises, lot or land where part or all of any violation has been committed or shall exist.
 - (2) Any lessee or tenant of part or all of a building, structure, premises, lot or land in which any part or all of any violation has been committed or shall exist.
 - (3) Any agent, architect, engineer or contractor or any other person or entity who commits, takes part in or assists in such violation or who maintains any building, structure, premises, lot or land in which part or all of any violation has been committed or shall exist.

District Reg Map 1



DISTRICT REGULATING MAP 1 - DOWNTOWN DISTRICTS

Downtown Districts

-  D1 - Station Area District
-  D2 - Blackwell Street Historic District
-  D3 - East Blackwell Business District
-  D4 - South Downtown District



Data Sources: NJDEP and the Town of Dover

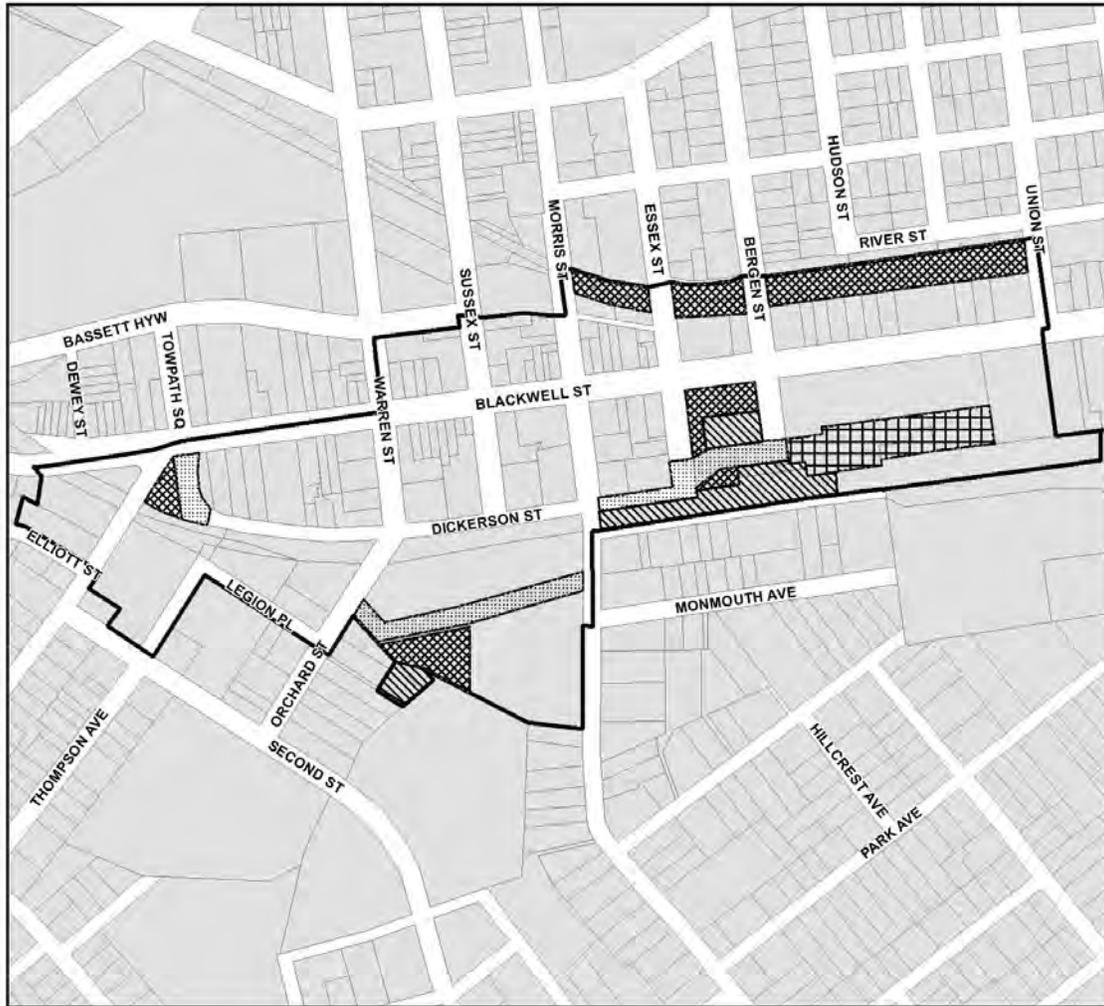
October 2009



Heyer, Gruel & Associates

Figure 236-17.1A

District Reg Map 2



**DISTRICT REGULATING MAP 2 -
CIVIC SPACES AND PUBLIC/QUASI-PUBLIC OVERLAYS**

Designated Overlays

-  Civic Building
-  Civic Space
-  New & Existing Right-Of-Way
-  Public Parking
-  Downtown District Zone Boundary



0 400 800 Feet

Data Sources: NJDEP and the Town of Dover

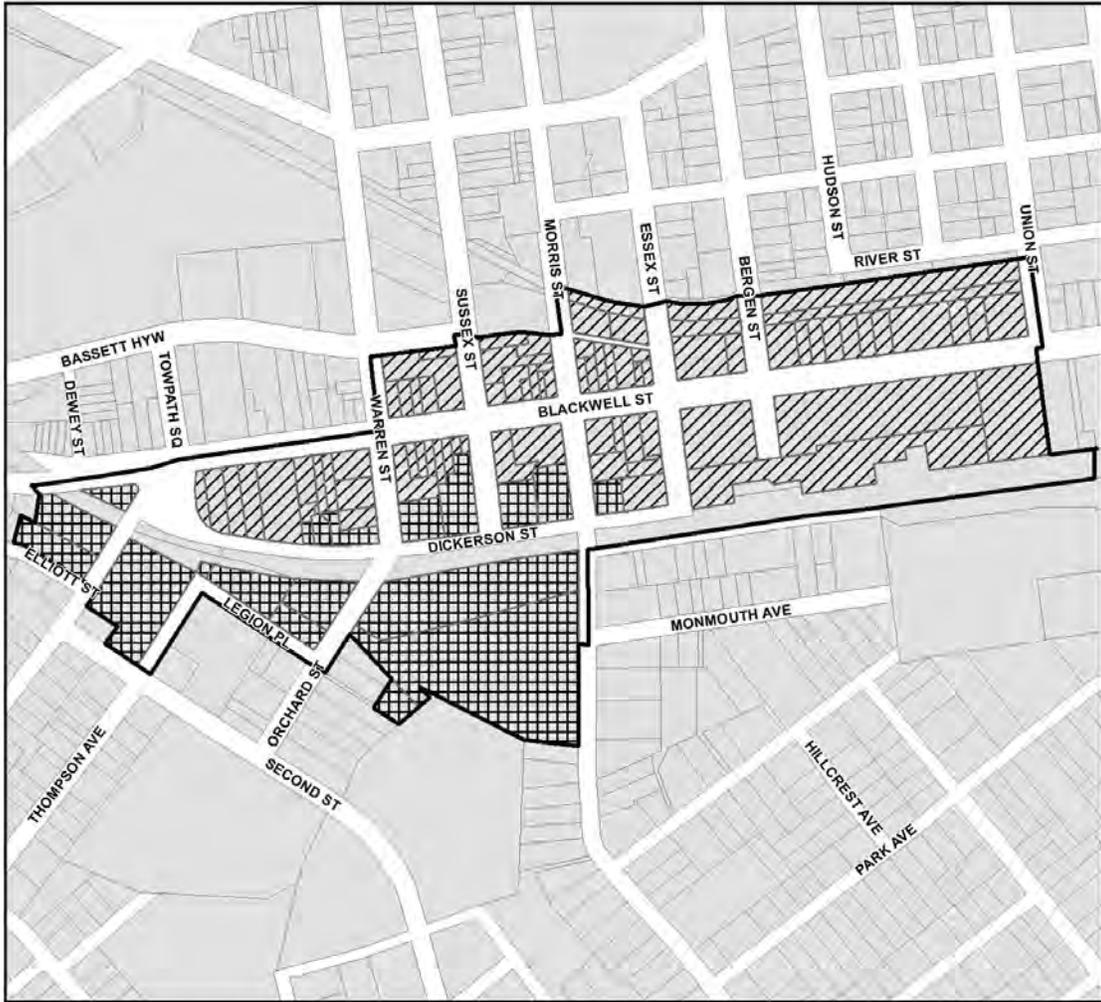
October 2009



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Figure 236-17.1B

District Reg Map 3



DISTRICT REGULATING MAP 3 - BUILDING HEIGHTS

Maximum Building Height

 4 stories / 55 feet

 6 stories / 75 feet



0 400 800 Feet

Data Sources: NJDEP and the Town of Dover

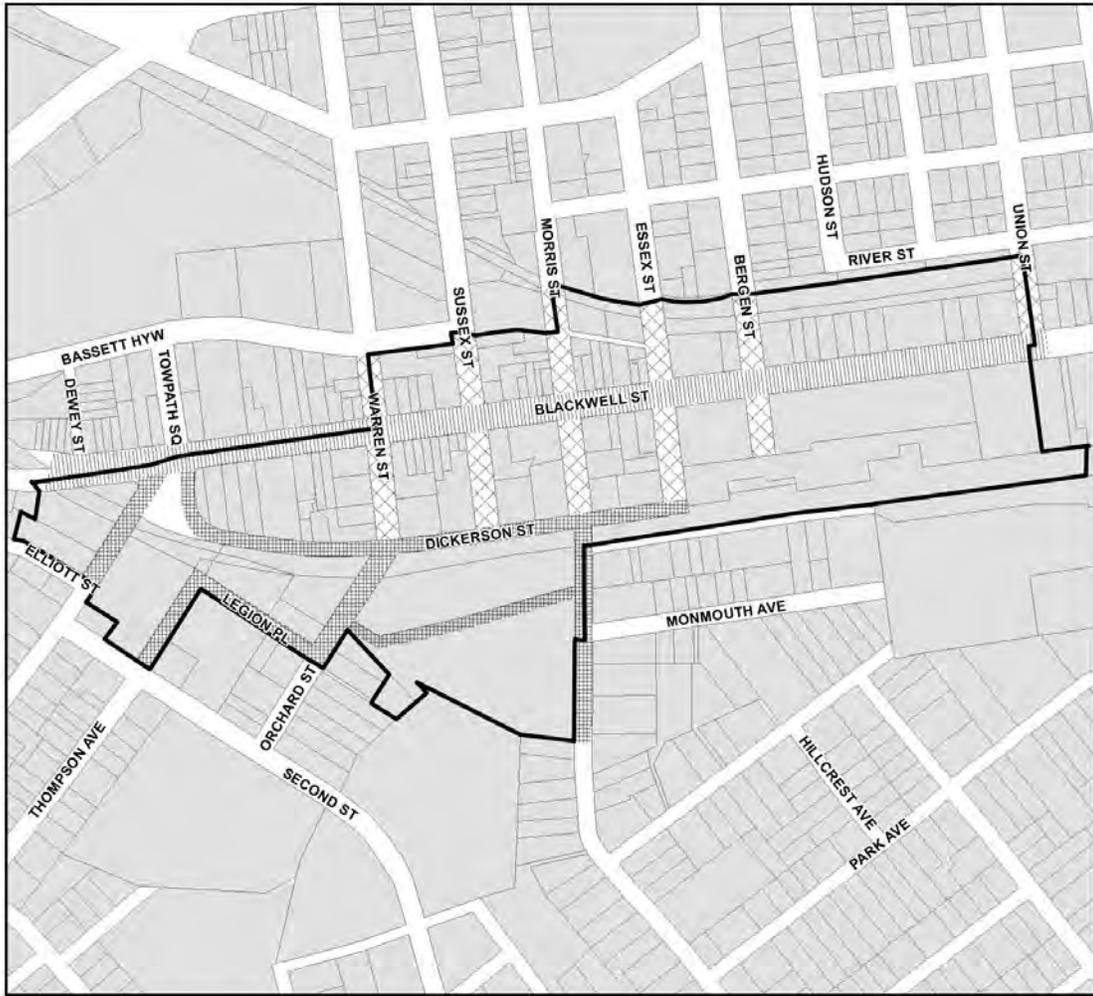
October 2009



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Figure 236-17.1-C

District Reg Map 4



DISTRICT REGULATING MAP 4 - STREET TYPES

Street Type

-  Blackwell Street
-  Avenue A
-  Avenue B



0 400 800 Feet

Data Sources: NJDEP and the Town of Dover
October 2009



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Figure 236-17.1-D

Zoning Map

MAP LEGEND

-  MUNICIPAL BOUNDARY
-  ZONING DISTRICT BOUNDARY
-  BLACKWELL STREET HISTORIC DISTRICT AREA
-  PROPERTY LINES
-  WATERBODIES

ZONING DISTRICTS

- R-1 SINGLE FAMILY (7,500 S.F.)
- R-1S SINGLE FAMILY/STEEP SLOPE (30,000 S.F. /10,000 S.F.)
- R-2 SINGLE FAMILY (5,000 S.F.)
- R-3 DOUBLE FAMILY
- R-3A DOUBLE FAMILY / ROOMING HOUSE
- R-4 MULTI-FAMILY
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- C-3 LIGHT INDUSTRIAL-COMMERCIAL
- D1 STATION AREA
- D2 BLACKWELL STREET HISTORIC
- D3 EAST BLACKWELL BUSINESS
- D4 SOUTH DOWNTOWN
- IND INDUSTRIAL
- IND/OP INDUSTRIAL-OFFICE PARK
- RAD REDEVELOPMENT AREA DISTRICT
- BHRPA BASSETT HIGHWAY REDEVELOPMENT PLAN AREA

NOTES

1. THE BLACKWELL STREET HISTORIC DISTRICT AREA BOUNDARIES SHOWN ON THIS MAP ARE FOR INFORMATIONAL PURPOSES ONLY FOR SHOWING ITS RELATIONSHIP TO THE SURROUNDING ZONING DISTRICTS. FOR ACTUAL REGULATORY DETERMINATION, SEE THE BLACKWELL STREET HISTORIC DISTRICT MAP AS REFERENCED IN CHAPTER 206, ARTICLE VIA OF THE CODE OF THE TOWN OF DOVER.

2. THE WATERBODIES SHOWN ON THIS MAP ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT REGULATORY IN NATURE.



Reduced Scale Print

ZONING MAP
TOWN OF DOVER
MORRIS COUNTY, NEW JERSEY

TOWN OF DOVER
Engineering & Planning Department
37 N. Sussex Street
Dover, NJ 07801

Michael A. Hantson, PE, PP, CME
Town Engineer & Planner
November, 2009

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- ⁱ Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ⁱⁱ Editor's Note: See now N.J.S.A. 30:4-27.2.
- ⁱⁱⁱ Editor's Note: See Art. IV, Zoning, of this chapter.
- ^{iv} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^v Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{vi} Editor's Note: Chapter 1 of Title 58 of the Revised Statutes was repealed. See now N.J.S.A. 58:1A-1 et seq.
- ^{vii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{viii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{ix} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^x Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xi} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xiii} Editor's Note: See Art. IV, Zoning, of this chapter.
- ^{xiv} Editor's Note: See Art. IV, Zoning, of this chapter.
- ^{xv} Editor's Note: See Art. IV, Zoning, of this chapter.
- ^{xvi} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xvii} Editor's Note: See Art. IV, Zoning, of this chapter.
- ^{xviii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xix} Editor's Note: With the addition of the definitions added by this ordinance, the definitions under SIGN were relettered from A through O to A through Q.
- ^{xx} Editor's Note: See Art. V, Land Subdivision and Site Plan, of this chapter.
- ^{xxi} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xxii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xxiii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
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- ^{xxvi} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xxvii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{xxviii} Editor's Note: See N.J.S.A. 46:23-9.9 et seq.
- ^{xxix} Editor's Note: The Zoning Map is included at the end of this chapter.
- ^{xxx} Editor's Note: This ordinance also provided for the redesignation of former Subsection G as Subsection H.
- ^{xxxi} Editor's Note: A copy of the Zoning Map is included at the end of this chapter.
- ^{xxxii} Editor's Note: A copy of the Zoning Map is included at the end of this chapter.
- ^{xxxiii} Editor's Note: District Regulating Map 1 is included at the end of this chapter.
- ^{xxxiv} Editor's Note: District Regulating Map 2 is included at the end of this chapter.
- ^{xxxv} Editor's Note: District Regulating Map 3 is included at the end of this chapter.
- ^{xxxvi} Editor's Note: See N.J.S.A. 40:55D-70c.
- ^{xxxvii} Editor's Note: District Regulating Map 4 is included at the end of this chapter.
- ^{xxxviii} Editor's Note: See Subsection L, Definitions.
- ^{xxxix} Editor's Note: See Subsection D(6).
- ^{xl} Editor's Note: Said map is included at the end of this chapter.
- ^{xli} Editor's Note: Said map is included at the end of this chapter.

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- xlii Editor's Note: See Table 236-17.1-3 in Subsection D(6).
- xliii Editor's Note: See Table 236-17.1-3 in Subsection D(6).
- xliv Editor's Note: Said map is included at the end of this chapter.
- xlv Editor's Note: See Table 236-17.1-3 in Subsection D(6).
- xlvi Editor's Note: Said map is included at the end of this chapter.
- xlvii Editor's Note: District Regulating Map 3 - Building Heights is included at the end of this chapter.
- xlviii Editor's Note: District Regulating Map 4 - Street Types is included at the end of this chapter.
- lix Editor's Note: Said map is included at the end of this chapter.
- ^l Editor's Note: See N.J.S.A. 40:55D-70c.
- ^{li} Editor's Note: See Subsection G.
- ^{lii} Editor's Note: See also Ch. 133, Buildings, Numbering of.
- ^{liii} Editor's Note: See Art. V, Land Subdivision and Site Plan, of this chapter.
- ^{liv} Editor's Note: See § 236-43, Off-street parking and loading.
- ^{lv} Editor's Note: See also Ch. 254, Noise.
- ^{lvi} Editor's Note: Table I follows Subsection O of this section.
- ^{lvii} Editor's Note: Table I, Off-Street Parking and Loading Requirements, is located in Subsection O of this section.
- ^{lviii} Editor's Note: Table II, Minimum Required Off-Street Loading Berths, is located in Subsection O of this section.
- ^{lix} Editor's Note: See N.J.S.A. 47:1A-1 et seq.
- ^{lx} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{lxi} Editor's Note: See Ch. 150, Construction Codes, Uniform.
- ^{lxii} Editor's Note: See Ch. 150, Construction Codes, Uniform.
- ^{lxiii} Editor's Note: See Ch. 150, Construction Codes, Uniform.
- ^{lxiv} Editor's Note: See § 236-96, Schedule A: Preferred Tree List.
- ^{lxv} Editor's Note: See § 236-96, Schedule A: Preferred Tree List.
- ^{lxvi} Editor's Note: See 16 U.S.C. § 470 et seq.
- ^{lxvii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.
- ^{lxviii} Editor's Note: See N.J.S.A. 40:55D-1 et seq.

Town of Dover Rehabilitation Area: Bassett Highway Redevelopment Plan



*Prepared for:
The Town of Dover
Morris County, New Jersey*

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Section 1.0 Introduction

Dover Town is a residential community in Morris County and totals 2.7 square miles. The Town is developed in a dense and compact manner. Dover is landlocked by Wharton Borough, Mine Hill Township, Randolph Township, Rockaway Township, Victory Gardens Borough and Rockaway Borough. The Rockaway River flows from west to east, dividing the town in half. The Rockaway River empties into the Boonton Reservoir. In 2000, there were 18,188 residents in Dover with 6,788 persons per square mile. Dover Town is second to the Borough of Victory Gardens for being the most densely populated town in Morris County.

The statutory basis for the Bassett Highway Redevelopment Plan (BHRP) is based on the designation by the Dover Town Governing Body of all land within the municipal boundaries of the Town of Dover as an “Area in Need of Rehabilitation” pursuant to the Local Housing and Redevelopment Law (LRHL).

1.01 Statutory Basis for the Redevelopment Plan

In accordance with Section 15 of the Local Redevelopment and Housing Law of New Jersey (N.J.S.A. 40A:12A-1 et. seq.), a municipality may proceed with a redevelopment project in an “Area in Need of Rehabilitation” upon adoption of a Redevelopment Plan adopted pursuant to the provisions of Section 7 of the Local Redevelopment and Housing Law.

In implementing an adopted redevelopment plan for a Rehabilitation Area, the Town of Dover may perform any of the actions allowed by Section 8 of the redevelopment statute (Effectuation of Redevelopment Plan) **except**, the Town of Dover shall not have the power to take or acquire property by condemnation in furtherance of a redevelopment plan.

The Town’s Governing Body adopted a Resolution on August 9, 2006 declaring all land within the municipal boundaries of the Town of Dover as meeting the statutory criteria for designation as an “Area in Need of Rehabilitation” as defined in the Local Redevelopment and Housing Law. This declaration was based on the fact that more than 50 percent of the housing stock is at least 50 years old, and the majority of the water and sewer infrastructure is at least 50 years old and is need of repair or substantial maintenance (a copy of the resolution designating the Town of Dover as an "Area in Need of Rehabilitation" is included as Appendix A).

The BHRP has been prepared to guide the revitalization and redevelopment of properties in the Bassett Highway Redevelopment Plan Area (BHRPA), and is intended to meet the requirements of Section 7 and Section 14 of the Local Redevelopment and Housing Law.

1.02 Description of the Redevelopment Plan Area

The Bassett Highway Redevelopment Plan Area (BHRPA) is comprised of Block 1201, Lots 6, 6.01, 6.03 and 6.04 in the northern section and lot 2 of block 1203 and all of Blocks 1204, 1205 and 1206 (see Table 1). According to municipal tax records, the properties situated in the BHRPA total approximately 18 acres, with some of the properties located in a 100-year flood hazard area and some properties jointly situated in the Blackwell Historic District.

Table 1
LIST OF PROPERTIES IN THE
BASSETT HIGHWAY REDEVELOPMENT PLAN AREA (BHRPA)

Block	Lot(s)	Address	Zone	Land Use	Historic District?	Lot Size (Acres)	Flood Zone
1201	6	63-105 Bassett Highway	C-3	Industrial	No	9.36	Yes
1201	6.01	107 Bassett Highway	C-3	Commercial	No	1.42	Yes
1201	6.02	45 Bassett Highway	C-3	Public	No	1.07	Yes
1201	6.03	47 Bassett Highway	C-3	Commercial	No	0.67	Yes
1201	6.04	25 Bassett Highway	C-3	Commercial	No	0.60	Yes
1203	2	1-21 Bassett Highway	C-3	Commercial	No	0.56	No
1204	1	90 Bassett Highway	C-1	Commercial	No	0.26	No
1204	2	4-6 Dewey Street	C-1	Commercial	No	0.40	No
1204	3	79 W. Blackwell Street	C-1	SFR	Yes	0.05	No
1204	4	81 W Blackwell Street	C-1	SFR	Yes	0.04	No
1204	5	83 W Blackwell Street	C-1	SFR	Yes	0.04	No
1204	6	85 W Blackwell Street	C-1	SFR	Yes	0.04	No
1204	7	87 W Blackwell Street	C-1	SFR	Yes	0.04	No
1204	8	89 W Blackwell Street	C-1	SFR	Yes	0.17	No
1205	1	63 W Blackwell Street	C-1	Commercial	Yes	0.13	No
1205	2	65 W Blackwell Street	C-1	Commercial	Yes	0.19	No
1205	3	67 W Blackwell Street	C-1	SFR	Yes	0.14	No
1205	4	69 W Blackwell Street	C-1	Commercial	Yes	0.06	No
1205	5	71 W Blackwell Street	C-1	Commercial	Yes	0.05	No
1205	6	73 W Blackwell Street	C-1	Commercial	Yes	0.05	No
1205	7	75 W Blackwell Street	C-1	Commercial	Yes	0.07	No
1205	8	3 Dewey Street	C-1	SFR	No	0.06	No
1205	9	5 Dewey Street	C-1	SFR	No	0.06	No
1205	10	Dewey Street	C-1	Vacant	No	0.06	No
1205	11	Dewey Street	C-1	Vacant	No	0.06	No
1205	12	Bassett Highway	C-1	Vacant	No	0.14	No
1205	13	70 Bassett Highway	C-1	Commercial	No	0.13	No
1206	1	11 N Warren Street	C-1	Commercial	No	0.15	No
1206	2	57-9 N Warren Street	C-1	Commercial	Yes	0.06	No
1206	3	3 N Warren Street	C-1	Commercial	Yes	0.03	No
1206	4	17 W Blackwell Street	C-1	Commercial	Yes	0.04	No
1206	5	19 W Blackwell Street	C-1	Commercial	Yes	0.04	No

Block	Lot(s)	Address	Zone	Land Use	Historic District?	Lot Size (Acres)	Flood Zone
1206	6	21-23 W Blackwell Street	C-1	Commercial	Yes	0.05	No
1206	7	25-29 W Blackwell Street	C-1	Commercial	Yes	0.11	No
1206	8	28 Bassett Highway	C-1	Commercial	Yes	0.12	No
1206	9	31 W Blackwell Street	C-1	Commercial	Yes	0.16	No
1206	10	33 W Blackwell Street	C-1	Commercial	Yes	0.28	No
1206	11	39 W Blackwell Street	C-1	Commercial	Yes	0.31	No
1206	12	43-45 W Blackwell Street	C-1	Commercial	Yes	0.11	No
1206	14&15	51-55 W Blackwell Street	C-1	Religious	Yes	0.83	No
1206	16	58-60 Bassett Highway	C-1	Commercial	No	0.16	No
						18.37	

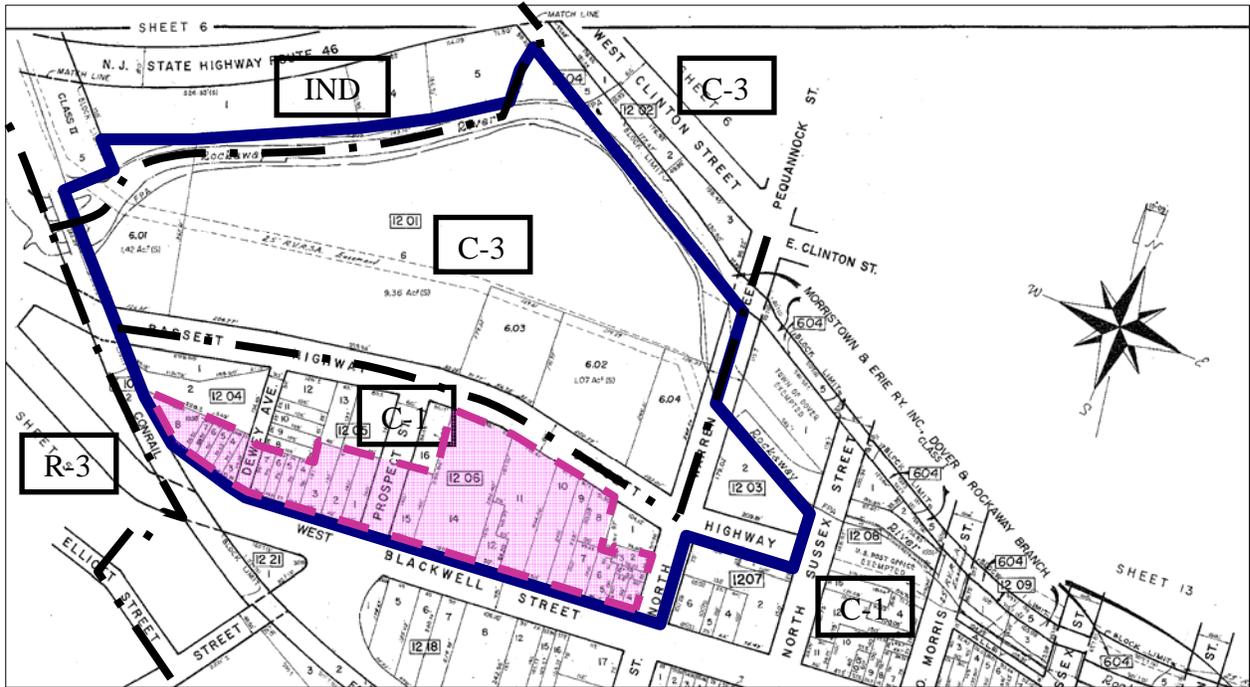
The BHRPA has sewer infrastructure in place; however, the results of the Dover Rehabilitation Investigation discovered that a majority of the water and sewer infrastructure in Dover Town is at least 50 years old and in need of repair or substantial maintenance.

A number of factors have come together to support revitalization and redevelopment of the properties in BHRPA. The Town has designated all land within its municipal boundaries as an “Area in Need of Rehabilitation”. Moreover, the Town's pending Master Plan envisions Transit Oriented Development for much of the Downtown area including the BHRPA. Also, in 1999, the Friends of the Rockaway River (FORR), who formally organized in 1990, received grants from several foundations to conduct a study of the River. “The Rockaway River and its Treasured Resources-Visions and Strategies for their Recovery” Study specifically discusses recommendations for the enhancement and protection of the BHRPA, including the development of a Riverfront Park, and replica of a short canal section that would celebrate Dover’s history and ironworks past, along with retail, office, music and entertainment venues, and possibly a hotel. The BHRP requires the creation of a Riverfront Park to be situated along the southerly bank of the Rockaway River as a mandatory use, and provides design standards that utilize traditional neighborhood design principles to help conserve environmental resources and further strengthen the sense of community in Dover.

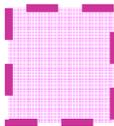
The BHRPA is characterized by excessive surface parking partly in disrepair and largely undefined areas of asphalt between the edge of the Rockaway River and the rear of four commercial buildings fronting Bassett Highway. The four commercial buildings and convenience store fronting North Warren Street are all completely or mostly occupied, but were once retail storefronts that have been largely covered with siding and converted to office or commercial uses which have effectively eliminated the retail street wall and associated pedestrian activity. There is one, seven-story senior public housing project that will remain.

The bridge located at the intersection of Route 46 and Route 15 will be demolished and reconstructed as an at-grade intersection. The current design scheme has been developed in consultation with the local officials and stakeholders, and supported by the community. There are however several access relocation/modification issues, and right-of-way acquisition issues that remain to be resolved. Construction is expected to begin in FY 2008-09.

Map 1
BASSETT HIGHWAY REDEVELOPMENT PLAN AREA (BHRPA)



Map Legend

- BHRPA Boundary  Properties Jointly Located in the BHRPA & the Blackwell Street Historic District 
- Zoning District Boundary 
- C-1 = Retail Commercial District
- C-3 = Light Industrial-Commercial District
- IND = Industrial District
- R-3 = Double-Family District

Section 2.0 Public Purpose

2.01 Goals and Objectives

The Plan is based on the following smart growth planning principles:

- Revitalizing the commercial district;
- Strengthening neighborhoods;
- Providing economic development opportunities;
- Providing housing opportunities;
- Providing a mixture of land uses;
- Providing a pedestrian oriented environment; and
- Utilizing form-based requirements and high quality design standards.

Goals of this Bassett Highway Redevelopment Plan (BHRP) are to:

1. Return vacant, non-productive properties to full productivity by creating new development opportunities for a balance of private and public-private investment.
2. Provide a range of quality commercial, residential, and civic uses that will capitalize on the property's strategic location.
3. To provide a catalyst for the continued redevelopment of the transit village in the Town of Dover.
4. To provide a site for a New Town Hall and municipal parking garage.
5. To create a vibrant, affordable, safe, walkable, and transit-oriented urban neighborhood with sufficient new housing, retail, parking and public spaces to instill new economic and social vitality into the Town of Dover.
6. To facilitate the construction of streets, infrastructure, open space and other public investments that will benefit the residents of Dover Town as a whole.
7. To encourage innovative mixed-use blocks of development allowing greater variety in type, design, and layout of building types, and by the creation of and the more efficient use of open space, inviting, interesting streetscapes, and by integrating parking ancillary to these new uses.
8. To provide for infrastructure improvements including sewer, water, storm water, underground electric, gas, and telecommunications.
9. To establish an integrated, healthy, vibrant, livable district, incorporating traditional mixed-use Town block development while rejecting the suburban imposed building typologies and open surface parking.
10. To provide for the creation of places which promote citizen security, pedestrian activities, and social interaction.
11. To implement development where the physical, spatial, and visual characteristics are established and reinforced through the consistent use of streets, architectural design and urban components.
12. To provide a range of local and regional retail needs.
13. To increase the tax base for the Town of Dover.

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14. To promote sustainable architecture that includes, environmentally conscious buildings, using renewable materials and relying on natural means for ventilation and illuminating interiors, provisions of green spaces green roofs, solar energy and energy production.
 15. To eliminate underutilization of the designated Area and to eliminate blighting influences.
 16. To provide a variety of high quality market-rate housing types and neighborhood retail (i.e., smaller shops, services and restaurants) through new construction.
 17. To maximize the advantages provided by the Area's proximity to the Dover Train station, thereby attracting Manhattan, Newark, and Morristown commuters, as well as people who can live and work within the Town of Dover.
 18. To expand the level of residential and commercial activity in the BHRPA, thereby increasing the potential for economic activity and job creation.
 19. To facilitate timely, phased improvements to sidewalks, streets, streetscape features and other public improvements through private and public investments.
 20. To provide safe and adequate garaged parking using architectural design techniques that conceal the visibility of parking structures and to provide ample on-street parking along as many streets as possible.
 21. To integrate this new development to the extent possible with the existing structures and uses on the periphery of the BHRPA, and other redevelopment areas within the Town of Dover.

The objectives of this Plan are to:

1. Provide a catalyst for the continued revitalization of the Town of Dover.
2. Provide parcels of land of sufficient size and dimension to enable an orderly arrangement of new land uses.
3. Provide a New Town Hall which will be integrated into a new mixed-use development.
4. Provide a public parking garage structure with street level retail to enhance the downtown.
5. Provide opportunities for regional and neighborhood retail services.
6. Provide new housing opportunities.
7. Develop land use and building requirements specific to the redevelopment plan area that are sensitive to the adjoining neighborhoods.
8. Undertake infrastructure improvements involving streets, curbs, sidewalks, parking, and public spaces.
9. Ensure a long-term productive use/reuse of each of the parcels situated in the redevelopment plan area.

2.02 Relationship to Local Objectives

Dover Town Master Plan

The Dover Town Master Plan Land Use Element was adopted 1993. The Dover Town Master Plan Reexamination was adopted in 1999. The Housing Element & Fair Share Affordable Housing Plan and Historic Preservation Elements were recently adopted. Adoption of updated

Land Use, Recreation, Open Space, and Circulation Plan Elements as well as a Transit Oriented District Plan is anticipated in the near future.

The majority of the BHRPA is located within the C-1 Downtown Commercial District Zone. In the Town of Dover's 1999 Master Plan Reexamination and Amendment, the C-1 Downtown Commercial District was identified as a zone that was intended to promote non-residential development to help revitalize the area. The BHRPA will result in a strengthened and revitalized commercial base in Dover and therefore is consistent with that Master Plan Reexamination objective. Furthermore, the BHRPA is intended to further the goals and objective of the master plan documents awaiting adoption by the Town.

Dover Town Zoning Ordinance

The BHRPA is partially located within the C-1 (Retail Commercial District) and partially situated in the C-3 (Light Industrial-Commercial District).

The C-1 Zone is basically south of Bassett Highway and permits a variety of uses including: retail establishments, open space and recreation, and governmental buildings. The C-1 permitted uses are as follows:

- **Principal Permitted Uses:** food stores, markets, clothing and apparel stores, book stores, sporting good stores, department stores, banks, drugstores, barber shops, beauty salons, cleaners, stationary stores, jewelry stores, office supply stores, furniture stores, luncheonettes, restaurants, transportation centers, hotels, high rise apartments, government buildings, offices, libraries, museums, photographer's studios, music and dance studios, package good stores, computer and electronics stores, florists, taverns, newspaper publishers, parks and playgrounds, buildings exclusively for federal state county or local governments, shopping centers, motor vehicle parking lots and parking garages, and flea markets.
- **Permitted Accessory Uses:** private garages for commercial vehicles associated with permitted principal uses.
- **Permitted Conditional Uses:** Public utility buildings, satellite antennas, hospitals, churches, rest homes, public parks and playgrounds, libraries and museums, professional occupations, cemeteries, schools, community centers, community centers for the developmentally disabled, fraternal organizations, clubs, lodges and meeting rooms of nonprofit organizations, apartment units, limousine service businesses and taxicab service business.

The C-3 Zone is found north of Bassett Highway and west of North Warren Street. The C-3 Zoning District permits a variety of retail, office, light manufacturing and residential uses, as follows:

- **Principal Permitted Uses:** motor vehicle repair garages, tire sales, sales of automobile parts, hardware stores, retail lumberyards for the storage, sale and minor milling of

materials, offices, motor vehicle service stations, restaurants and drive-in restaurants, computer, audio and video electronic stores, funeral homes, parks and playgrounds, buildings used exclusively for federal, state, county or local government, apartment buildings, hotels and motels, light manufacturing and indoor recreation uses limited to indoor tennis courts, skating rinks, handball courts, paddleball courts, bowling alleys and swimming pools.

- Permitted Accessory Uses: garages for house delivery trucks and other commercial vehicles, restaurants, meeting place facilities and retail stores accessory to hotels and motels and warehousing accessory to permitted principal uses.
- Permitted Conditional Uses: Public utility buildings, structures or facilities, and adult entertainment establishments, adult bookstores, adult picture theaters, adult mini-motion picture theaters, and adult cabarets.

Section 3.0 Redevelopment Plan Requirements

3.01 General Provisions

Each parcel is to be rehabilitated and/or redeveloped in a manner that is complementary to the surrounding environment. To that end, the proposed land use for each parcel will contain an appropriate mixture of commercial and residential uses designed in accordance with the standards contained in this plan, which are primarily intended to create a transit-oriented mixed-use development.

The Dover redevelopment entity will review concept plans provided by the redeveloper. These plans will be able to be adjusted before submission to the Town Planning Board. This process will help ensure that the redeveloper and the Town's redevelopment entity that the redeveloper is following the design standards appropriately. In addition, through this Redevelopment Plan and as recommended in the Town's Master Plan, the Town will be able to offer five-year tax abatements as an added incentive for restoration and rehabilitation of older structures and actively seek public funding to assist owners in preserving and restoring historic properties.

3.02 Revitalization Activities

The major activities planned for the BHRPA include the rehabilitation and redevelopment of properties performed in accordance with the standards contained herein, as well as related activities to be specified as part of a redeveloper agreement between the Town and a designated redeveloper.

3.03 Land Use and Development Requirements

3.03.01 Definitions

All terms used herein shall have the same meaning as defined in the Dover Zoning Ordinance unless otherwise specified in this redevelopment plan.

3.03.02 Waivers

Any deviations from the use requirements or affordable housing provisions set forth in Sections 3.03.03 and 3.04 of this Redevelopment Plan shall be addressed as an amendment to the Redevelopment Plan rather than via variance relief through the Zoning Board of Adjustment or Planning Board of the Town of Dover.

The Planning Board may grant design exceptions or design waivers from the bulk requirements and design standards set forth in Sections 3.03.04 & 3.03.05 of this Redevelopment Plan as applicable to site plan and subdivision applications for projects in the BHRPA if the exception or waiver is reasonable and within the general purpose and intent of the provisions for site plan and subdivision review in the Town of Dover land use Ordinances and in this Redevelopment Plan and if the literal enforcement of one or more provisions of this Redevelopment Plan or the Town of Dover land use Ordinances is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

3.03.03 Use Requirements

a. Mandatory Uses

The following are mandatory use requirements within the BHRPA:

1. *Riverfront Park*. A riverfront park situated along the southerly bank of the Rockaway River shall be a mandatory use. All lands of the BHRPA that are situated within the delineation of the “NJDEP Floodway”¹ shall be exclusively developed as a public park and public open space, subject to parkland improvements, layout and amenities as stipulated in a redeveloper’s agreement. The public park shall be dedicated to the Town of Dover within ninety (90) days after the acceptable completion of the required park improvements pursuant to an inspection prepared by an authorized agent of the Town of Dover.
2. *Pedestrian Plaza*. For major redevelopment projects on tracts larger than 5 acres or on tracts between 1 and 5 acres if deemed appropriate by the Planning Board, a centrally-located public plaza consisting of a pedestrian-only courtyard shall be a mandatory use, which shall be exclusive of and situated outside of the area of the Riverfront Park.

¹ As used in this Redevelopment Plan, the “NJDEP Floodway” shall be defined as the regulatory floodway delineation as depicted on a map of the New Jersey Department of Environmental Protection entitled “Delineation of Floodway and Flood Hazard Area; Rockaway River; Sta. 1184+90 To Sta. 1284+00; Wharton Borough, Dover Town, Morris County, New Jersey” labeled Sheet C-17 and dated December 1985.

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- a. The pedestrian plaza shall be a permanently dedicated civic space situated entirely outside the limits of rights-of-way dedicated for vehicular and/or pedestrian traffic (i.e. exclusive of streets and adjacent streetside sidewalks).
 - b. The minimum land area of a pedestrian plaza shall be no less than 8,000 contiguous square feet.
 - c. In plan view, the shape and size of the mandatory pedestrian plaza shall be such that at least one contiguous location in the plaza must have sufficient space to contain a circle having a minimum diameter of no less than eighty (80) feet.
 - d. The pedestrian plaza shall include an interpretive/educational display or kiosk of the historic turn of the century uses located in the BHRPA including the Morris Canal that formerly traversed the BHRPA; the former Ulster Iron Works and its mill pond and dam; and any other uses deemed historically significant.
 - e. Public dedication of the pedestrian plaza is optional; however, any dedication shall be as stipulated in a redeveloper's agreement.
3. *New Town Hall and Public Parking Garage.* Sufficient land shall be identified in a concept plan for the BHRPA by a designated redeveloper so as to facilitate the construction of: (1) a New Town Hall; and, (2) a public parking garage (with street level retail uses) to serve the Dover's downtown district. The preferred location for these two public uses is on parcels situated at the intersection of Bassett Highway and Warren Street. These two public uses may or may not be on contiguous parcels.

b. Permitted Principal Uses

The following are permitted principal uses within the BHRPA:

1. Residential dwelling units contained in a variety of building types, such as but not limited to townhouses, zero-lot-line dwellings, apartment buildings (renter- or owner-occupied), provided that no residential dwelling unit shall be permitted at the street level unless:
 - a. Such residential use fronts on a "Neighborhood Street" as classified elsewhere herein; or,
 - b. The location of street level residential use does not run contrary to the goals and objectives of this redevelopment plan as reviewed and approved by Planning Board.
2. Mixed-use buildings containing both residential and non-residential uses provided that:
 - a. The non-residential uses shall be as specifically permitted by this redevelopment plan; and,
 - b. All dwelling units shall be situated at a building story located above the street level.
3. Retail sales and service establishments such as food stores, retail banks, bakeries, markets, clothing and apparel stores, book stores, music stores, video stores (retail and/or rentals), sporting good stores, department stores, drugstores, stationary stores, jewelry stores, office supply stores, furniture stores, package good stores, computer and electronics stores, florists, hobby shops and other similar establishments.
4. Libraries, museums, and cultural establishments.
5. Photographer's studios, music and dance studios.
6. Indoor recreation uses and health clubs.
7. Business, medical and professional offices.
8. Barbershops, beauty shops and similar service establishments.

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9. Restaurants, luncheonettes, taverns and other eating and drinking establishments wherein food and drink are consumed within the principal building or within a formally designated outdoor dining area situated adjacent to the principal building. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in restaurants.
 10. Church, synagogue, house of worship and similar religious facility.
 11. Fraternal club or organization registered with the state of New Jersey as a nonprofit corporation.
 12. Indoor theaters.
 13. Hotel containing no less than eighty (80) transient rental rooms and motel/convention center.
 14. Retail laundromats and retail dry cleaning.
 15. Offices for executive or administrative personnel, or computation centers.
 16. Day care centers.
 17. Public schools and/or private schools conducted for profit.
 18. Transportation centers.
 19. Government uses and buildings.
 20. Motor vehicle parking garages.
 21. Walking promenades, pedestrian plazas, parks and playgrounds.

c. Accessory Uses

1. Any accessory use that is clearly customary and incidental to any principal use permitted in the BHRPA shall be permitted on the same or on a contiguous lot.

d. Prohibited Uses

The following uses are specifically prohibited within the BHRPA:

1. On the lands of the BHRPA that are situated in the “NJDEP Floodway”, no use other than the mandatory public park and public open space shall be permitted. In addition, it shall be prohibited to re-grade any of the lands currently mapped as the “NJDEP Floodway” in order to alter the extent of the floodway, the flood hazard area and/or to alter the base flood elevations.
2. Motor vehicle repair garages, motor vehicle service stations, auto body repair and painting, tire sales, sales of automobiles, sales of automobile parts, or similar automotive uses.
3. Automotive or car wash establishments.
4. Shopping Centers (i.e. large format or big box, etc.).
5. Large format hardware stores, retail lumberyards for the storage, sale and minor milling of materials, or similar building supply establishment.
6. Drive-in establishments.
7. Automotive Fleet Parking.
8. Heavy manufacturing, light manufacturing, assembly or production uses or similar establishment.
9. Adult entertainment establishments, adult bookstores, adult picture theaters, adult mini-motion picture theaters, and adult cabarets
10. Any other use not specifically permitted shall be prohibited.

e. Required Mix of Uses

In order to ensure that a mixed-use development is fulfilled, the following standards shall apply to major redevelopment projects on tracts larger than 5 acres or on tracts between 1 and 5 acres if deemed appropriate by the Planning Board:

1. In addition to the construction of residential dwelling units, completion of a redevelopment project shall include at least six other categories of permitted principal non-residential uses as listed herein.
2. For every newly constructed dwelling unit proposed in the redevelopment project, not less than 150 square feet of net floor area shall be devoted to nonresidential uses of which with at least 100 square feet per dwelling unit shall be devoted to retail sales and service uses. Net floor area shall be the sum of total leaseable area for nonresidential uses; net floor area does not include parking garages, basements for storage or utilities, common elements and common hallways.
3. Not less than fifty percent (50%) of the total net leaseable newly constructed non-residential floor area in the redevelopment project shall be situated in a mixed-use building that contains both residential and nonresidential uses.
4. Specifically excluding the dwelling units which are made affordable to low- and moderate-income households (as required in Section 3.04 herein), none of the newly constructed market-rate dwelling units in the redevelopment project shall consist of dwelling units containing three (3) or more bedrooms.
5. No less than twenty-five percent (25%) of the gross land area of the redevelopment shall be devoted to outdoor recreation, common open space, pedestrian plazas, contiguous greenways or riverwalks, and/or land devoted to community facilities.

3.03.04 Bulk Requirements

a. Number of Stories and Height Limitations

The number of stories and height of buildings and structures shall be regulated by all of the following requirements (See Appendix C for Building Height Exhibits):

1. Any portion of a building or structure that is situated within 125 feet of the “NJDEP Floodway” shall be no taller than four stories or 55 feet in height above the grade of the street line.
2. Any portion of a building or structure that is situated within 175 feet of the Blackwell Street right-of-way line shall be no taller than four stories or 55 feet in height above the grade of the street line.
3. Any portion of building or structure that is not situated in the areas as governed above shall be no taller than seven stories or 96 feet in height above the grade of the street line, further subject to the following additional requirements:
 - a. No greater than 15 percent of the proposed number of dwellings in a redevelopment project shall be situated above the fifth story (i.e. at the sixth and seventh stories of a building). If multiple story dwellings are proposed then the height of the dwelling shall be based on the story height of the entrance into the dwelling unit.

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4. Height limitations shall be exclusive of any roof top mechanical equipment and/or equipment penthouse/screening provided that the area of such equipment occupies no greater than thirty percent of the roof plan area and further provided the equipment shall be no taller than 14 feet in height above the finished elevation of the roof surface.
 5. Parking decks shall not exceed five above-grade parking levels in height, further subject to architectural design standards set forth elsewhere herein.

b. Residential Density

The maximum permitted residential density shall be based upon compliance with all of the bulk requirements contained herein; however, each redevelopment project may be conditioned upon a negotiated maximum residential density, to be negotiated between the redevelopment entity and the designated redeveloper. The maximum permitted residential density shall be specifically set forth in an executed redeveloper's agreement prior to a development application being deemed complete for review before the Planning Board. The maximum permitted residential density shall include all housing units affordable to low- and moderate income household that are provided in accordance with this plan's provisions related to affordable housing (Section 3.04 herein).

c. Build-to Line

A build-to line runs parallel to the pavement edge of a street or interior roadway and is established to create an even (or more or less even) building facade line on a street:

1. Purpose. The intent of a build-to line is to pull the building facade close to the street and streetside sidewalk. By doing so, building facades along a block face will be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide a formal landscape created by street trees. The street edge shapes the public realm to provide a sense of comfort and safety in the public space.
2. Standards and regulations. The build-to line at which construction of a building facade or structure is to occur on a lot shall conform to the following requirements:
 - a. The maximum build-to line shall be no greater than 20 feet from the face of the curb (or edge of street pavement where no curb exists).
 - b. The minimum build-to line shall be no less than 10 feet from the face of the curb (or edge of street pavement where no curb exists).
 - c. Buildings may have a build-to line that exceeds (is deeper than) the above maximum requirement in order to create a recessed building entry, a courtyard or outdoor sidewalk café etc. if a low-lying screening wall or wrought iron fence, or a hardscape (i.e. paving detail) design element is provided at the required build-to line.
3. These build-to line standards shall not apply to the rehabilitation of existing buildings.
4. These build-to line standards shall not be construed to permit the construction of buildings that encroach into a right-of-way.

d. Interior Yards/Setbacks

All buildings in the BHRPA may be attached; however, in the event that buildings are not attached, the separation between buildings shall be a minimum of 15 feet in order to provide access to the rear of the property by fire apparatus. Such opening or alley shall be lighted and kept free of debris and may serve as pedestrian access to parking areas and streets.

e. Rockaway River Buffer Requirements

A landscaped buffer with a minimum width of 50 feet shall be provided along the entire length of the Rockaway River, measured from the upper bank of the River. No buildings or structures shall be situated in this buffer, except that a pedestrian pathway and associated park furniture may be constructed in the buffer area.

f. Building Massing

1. In order to relieve the negative visual effect of a single, long wall, no new building or structure, when viewed in plan view, shall have an overall length or overall width dimension that exceeds 150 linear feet, unless sufficient architectural design techniques are implemented (singly or in combination) such as breaks in the wall plane facing a public street, vertical articulation, building wall offsets, recessed entries, public alcoves and/or alleys.
2. The maximum building footprint of a single building or structure or attached grouping of buildings or structures shall not exceed 50,000 square feet.
3. The ground level of a nonresidential or mixed-use building shall be separated from the second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.

g. Blocks

1. The BHRPA shall be divided into blocks bound by streets so as to promote efficient pedestrian and vehicular movement throughout the planned mixed-use neighborhood. The physical arrangement of blocks shall be accomplished by directly extending existing streets and/or when necessary new street alignments may be introduced that are consistent with the existing grid pattern of the neighborhood.
 - a. The northerly end of Prospect Street shall be extended into the lands north of Bassett Highway and shall provide an alignment that will facilitate a connection to North Warren Street. The desired alignment is conceptually illustrated in Appendix D included as part of this Redevelopment Plan. The required roadway extending Prospect Street to North Warren Street is mandatory but the exact alignment will be subject to review and approval based on engineering, site layout and traffic safety considerations of the site and surrounding roadway network.
2. The maximum length along any block face shall be no greater than 300 feet, unless shortened with cross-access sidewalks, arcades or alleys, so that the block face is no more than 300 feet.
3. The maximum block area shall be no greater than 60,000 square feet.

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4. Blocks shall be measured to rights-of-way (pedestrian or vehicular) or, where no right-of-way is established, to the curbline or edge of the block defining pavement.

h. Lots

Lots within individual blocks may be further subdivided for the purpose of enabling individual sections of a block to be rehabilitated and/or redeveloped by separate entities. No minimum area or dimensional requirements shall be imposed on such lots, provided that the block requirements as set forth herein are complied with.

i. Streets

Streets shall be classified as a “Boulevard”, an “Avenue”, or a “Neighborhood Street” depending upon their respective function.

1. The following minimum requirements shall be imposed for Boulevards:
 - a. Number of travel lanes: minimum of 2 maximum of 4.
 - b. Minimum travel lane width: 12 feet
 - c. Minimum landscaped median width: 8 feet
 - d. Minimum sidewalk lane width (mandatory on both sides of the street): 10 feet
 - e. On-street parking shall be provided only where feasible. If provided minimum parking lane width shall be no less than 9 feet.
 - f. Minimum right-of-way width: 70 feet
 - g. Left turn lanes, if provided or needed, shall be provided within medians.
2. The following minimum requirements shall be imposed for Avenues:
 - a. Number of travel lanes: 2 (minimum and maximum)
 - b. Minimum travel lane width: 11 feet
 - c. Minimum sidewalk lane width (mandatory on both sides of the street): 10 feet
 - d. On-street parking shall be provided on both sides of the street; the parking lane width shall be no less than 9 feet.
 - e. Minimum right-of-way width: 60 feet.
3. The following minimum requirements shall be imposed for Neighborhood Streets:
 - a. Number of travel lanes: 2 (minimum and maximum)
 - b. Minimum travel lane width: 11 feet
 - c. Minimum sidewalk lane width (mandatory on both sides of the street): 10 feet with ground level retail or 5 feet without ground level retail
 - d. On-street parking shall be provided on both sides of the street; the parking lane width shall be no less than 9 feet.
 - e. Minimum right-of-way width: 50 feet.

j. Parking

Parking facilities in the BHRPA shall comply with all of the following standards:

1. Parking shall be based upon the sum of the parking required for the various uses contained in a proposed development, based upon New Jersey Residential Site Improvement Standards (RSIS) for residential uses and the Town of Dover Zoning Ordinance for nonresidential uses.

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2. In the case of a development proposal in which there are efficiencies derived by shared parking for uses which have complementary peak demands, the applicant shall submit parking generation data, based upon standard methodology (such as that published by the Urban Land Institute) sufficient for the reviewing board of jurisdiction to determine the appropriate reduction.
 3. In the case of a development proposal consisting solely of two (2) or more contiguous uses of the same classification, the reviewing board of jurisdiction may permit a reduction of the aggregate amount of required parking based upon a determination that greater efficiency is effected by joint use of a common parking area, but in such case the required number of off-street parking spaces shall not be reduced by more than twenty-five (25) percent.
 4. In determining any proposed reduction in parking requirements, the applicant shall affirmatively demonstrate the parking spaces will be made available to share among the multiple uses and that the shared parking spaces will be distributed over the site in a manner to ensure that all spaces will be situated at a reasonable distance for the intended users of the parking spaces.
 5. For major redevelopment projects on tracts larger than 5 acres, no more than 10% of the total number of off-street parking spaces provided shall be located or situated in off-street surface parking lots (i.e. at least 80% of the total number of off-street parking spaces shall be contained within a structured multi-level parking deck or private enclosed parking garage).
 6. All streets and interior roadways shall be designed to accommodate parallel on-street parking situated on both sides of all streets and/or roadways.
 7. No parking space shall be permitted in the area between the build-to line and the edge of pavement of a street or roadway, except for parking spaces situated along an alley and serving a townhouse with a rear-loaded garage.
 8. No surface level parking lot shall extend for a width or length of more than 100 feet along any street or interior roadway frontage. No contiguous surface level parking lot shall be larger than 10,000 square-feet in area.
 9. The parking plan may also take into account the proximity of mass transit and the potential for pedestrian access.

3.03.05 Design Standards

a. Architectural

The following standards shall be applied to all types of development in the BHRPA:

1. General. The exterior walls of buildings, as seen from a public right-of-way, shall be designed to provide a visual diversity that is consistent with the vernacular architecture found throughout the Town. Exterior walls shall include windows, doors, porches, pilasters, horizontal/vertical building elements and/or other similar architectural features to relieve the monotony of a blank wall and to achieve a human scale. Large blank walls are prohibited along any street.

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2. **Mix of Styles.** For major redevelopment projects on tracts larger than 5 acres or on tracts between 1 and 5 acres if deemed appropriate by the Planning Board, a redevelopment project shall include a diversity of traditional forms of building façade styles, incorporating at least five identifiable architectural style periods. Such styles may include (not in order of preference): Colonial Revival, Greek Revival, Queen Anne, Second Empire, Romanesque, Italianate, Tudor, Victorian, Gothic Revival, Art Deco, 19th Century Industrial Style Mill Buildings, Vernacular Commercial-Mixed Use, and/or other identifiable architectural style proposed by the designated redeveloper and deemed acceptable by the Planning Board with advice from the Town of Dover Historic Preservation Commission. Styles of non-traditional forms are discouraged (such as the International Style, the Post-modern or Deconstructivism etc.)
 3. **Rhythm and Patterns.** The rhythm of entrances, store fronts, windows, canopies, and awnings of new or renovated facades shall be consistent with the prevailing rhythm and patterns of such elements along the block. The upper floor façade of buildings should have an evenly spaced window pattern.
 4. **Exterior Building Materials.** Building materials shall be compatible with the predominant materials already used on structures on the site and adjacent to it. In the absence of such precedent, the exterior walls of buildings shall be made of traditional downtown building materials with proven record of performance of over 25 years such as stone, brick, horizontal siding, or decorative masonry veneer. Aluminum siding, vinyl, or vinyl coated siding, metal panels, common concrete block and mirrored glass exterior surfaces are prohibited. Pole barns or prefabricated metal buildings are prohibited.
 5. **Scale and Form.** Façades of larger buildings should be divided into typical “building block units” to establish a sense of human scale and overall streetscape form. For example, the typical building block unit may be three-stories high by five windows wide. The overall form is created by building upon multiples of this unit. Where a building is intended to be a more significant structure (i.e. focal point) in the overall development, then such a building may be differentiated through the use of a contrasting unit of scale and form.
 6. **Proportion.** Proportion in architecture is the relationship among the dimensions of the various building elements and the individual features to each other. For new buildings in the BHRPA, building façade harmony should be achieved through the use of façade elements that are proportional to each other and to the overall façade. Implementation of the “Golden Section” is encouraged, which is a rectangle with a width to height ratio of 1:1.618 (approximately 5:8). The resulting proportions of the Golden Section are recognized in traditional western architecture and art as an ideal ratio. To the greatest extent possible, the height of various building elements to their widths shall employ the use of the Golden Section. Architectural elevation plan submissions must graphically depict how the use of the Golden Section ratio is used in the design of the building façade and the individual elements.

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7. Windows. Fenestration shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned wherever possible. The location of the windows on the upper stories shall be vertically aligned with the location of windows and doors on the ground level of the building. The use of uninterrupted horizontal and/or vertical bands of windows, creating a “ribbon” effect, shall be strictly prohibited. Except for retail uses, all windows shall be double-hung sash or casement types with the glass area divided by horizontal and/or vertical muntins. Such muntins or divided light grids may be the snap-on type, if fitted on the exterior side of the window or between the glazing of the window units.
 8. Entrances. All entrances to a building shall be defined and articulated by utilizing elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and other such elements, where appropriate. Any such element shall be architecturally compatible with the style, materials colors and details of such building. Upper floor uses are to be provided with separate exterior entrances unless a large common lobby or atrium is provided.
 9. Storefront Standards. Each street-level retail sales and/or service establishment shall have its own storefront subject to the following standards:
 - a. General. The design of storefronts shall be consistent with a traditional downtown storefront. The components of a storefront area shall have an entrance (recessed is preferred), display windows, a paneled bulkhead under the display windows, a transom window over the storefront entrance, a frieze for the placement of wall signage and a cornice which covers the horizontal beam. A storefront shall be separated from the roofline or a second floor by a horizontal architectural element such as a sash, cornice, frieze, molding, etc.
 - b. Windows. First floor facades intended for retail use must have large, clear storefront glass areas (50% to 70% of the area) to display the nature of the business and to produce an interesting streetscape. Storefront windows may be either typical large, single pane display windows separated by pilasters or multiple smaller panes (approximately 2 foot square) separated by mullions.
 - c. Continuity of Treatment. If several storefronts are located in one building, they shall be unified in design treatment (e.g. the design of windows and door openings, the use of style, materials and colors).
 10. Side and rear elevations of buildings shall be given appropriate architectural treatment which shall be comparable to that of the front facade, if visible to the public.
 11. Roofs and Rooflines. The type, shape, pitch, texture and color of a roof and the roofline shall be considered as an integral part of the design of a building and shall be architecturally compatible with the styles, materials, colors and details of such building. A flat roof may be permitted on a building of two stories or more in height, provided that a parapet wall extends above the height of the roof surface. A mansard roof may be

permitted, but only if such is located at or above the third story of a building, completely and integrally enclosing such story. Roofline heights shall vary as appropriate to the architectural style in order to provide architectural interest and variety to the massing of a building, and relieve the negative visual effect of a single, long roof. Flat, shed, gambrel, and mansard roofs are prohibited on all one-story buildings unless pre-existing or demonstrated to be consistent with the traditional architectural style of buildings on and adjacent to the property. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and such similar elements shall be permitted provided that such are architecturally compatible with the style, materials, colors and details of the buildings.

12. Mechanical Equipment. All air-conditioning units, HVAC systems, exhaust pipes or stacks, and elevator housing shall be shielded from view to the greatest extent possible. Such shielding shall be accomplished by utilizing the roof or parapet walls of the building or a penthouse-type screening device that shall be designed to be architecturally compatible with the style, materials, colors and details of such building.

b. Parking Garage Façade Design Standards

The architectural design of the exterior front façade of a parking garage structure shall be identical to the overall design of the principal building. The façade of a parking garage structure that is visible to the public shall provide continuity of treatment by incorporating identical elements of design such as, but not limited to: architectural style, fenestration details, proportion, scale and spacing; vertical and horizontal proportions of primary building design elements; building colors; and, building materials.

c. Street Furniture and Lighting

1. All street furniture (benches, newspaper boxes, phone booths, trash receptacles, etc.) shall be consistent in scale and architectural design and constructed of or enclosed with materials reflecting the style of the buildings on and adjacent to the property. Lighting shall be subdued and shielded so as to prevent spillage onto adjoining properties unless specifically approved for that purpose by the Board. Lighting fixtures shall be mounted at the lowest appropriate height.
2. Street and site furnishings shall be incorporated, such as flower boxes, arbors, planters, benches, and waste receptacles. All utility boxes and HVAC exterior equipment shall be screened by architectural elements or landscape plantings.

d. Signage Permitted in the BHRPA

All signs shall comply with general sign provisions set forth in Section 236-38 of the Town's Code except as specifically modified herein. If there is any conflicting standard, the standards set forth herein shall prevail.

1. General Requirements. Where a building requires several different signs, they shall be thematically linked and shall be similar in materials, color and method of lighting.

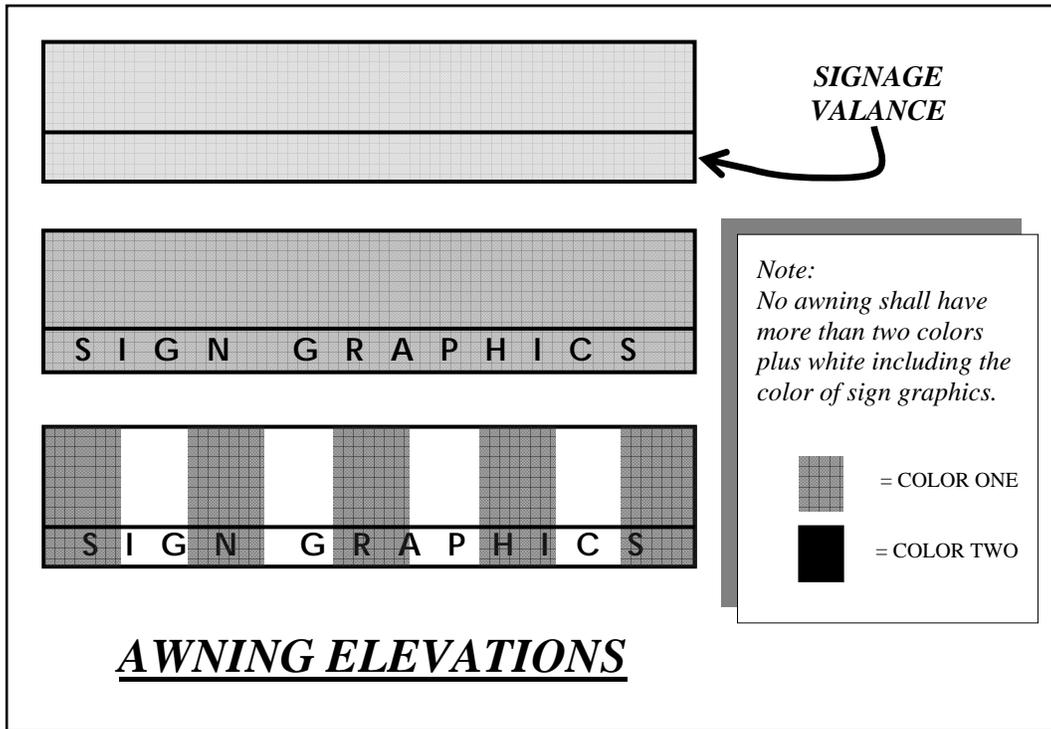
Internally illuminated signs (i.e. backlit signs) consisting of a box-style sign frame shall not have a white sign face background or a sign face background color that is lighter than the sign message.

2. Wall Signs. Each nonresidential use located on the ground floor and having a street level entrance along a public sidewalk may install wall signage in accordance with all of the following requirements:
 - a. The maximum quantity of wall signs for each ground floor business use shall be no more than one (1) wall sign per street frontage.
 - b. The sign shall be located on the wall area situated near the main public entrance or centered along the street frontage.
 - c. The maximum height from ground-level to uppermost portion of the sign shall not exceed the height of the sill or bottom of any second story window or sixteen (16) feet, whichever is less. In the case of single-story buildings, the maximum height shall not exceed fourteen (14) feet or the top of the wall face, whichever is less.
 - d. The minimum height from ground-level to lowermost portion of the sign shall be no less than eight (8) feet.
 - e. Maximum permitted sign area shall be no greater than one square-foot per lineal foot of building frontage occupied by the use on that particular building frontage, not to exceed forty (40) square feet.
 - f. Maximum permitted horizontal sign dimension (width) shall be no greater than seventy-five percent (75%) of the width of the building frontage occupied by the use on that particular building frontage, not to exceed thirty (30) feet.
 - g. Maximum vertical dimension (height) of the sign face shall not exceed three (3) feet.
 - h. No wall sign shall not project more than eight (8) inches from the wall face upon which it is attached.
 - i. The sign may be internally or indirectly illuminated.
3. Parking Garage Signs. Wall signs identifying an entrance of a parking garage may be permitted but shall be in conformance with regulations set forth above for wall signs.
4. Awning Signs. Non-residential uses located on the ground floor may display signs on awnings, provided that the following standards are met:
 - a. Awning signs shall only be permitted on first-story awnings that provide roof-like shelter and/or solar shielding above doorways and windows.
 - b. The dimensions of the awning shall be in conformance with applicable regulations set forth elsewhere herein for awnings.
 - c. The sign shall only be located on the front portion of the awning that is generally parallel to the building wall face to which it is attached. This portion is more commonly known as the “valance” (see Figure 1). In the case of an awning shape where a traditional valance might not be provided, the sign text and graphic characters shall be restricted to the lowest fourteen (14) inches of the awning,

which must be shown to be nearly parallel to the building wall face. In the case of dome awnings, the sign graphics shall additionally be restricted to the middle one-fifth (1/5th) of the awning, when viewed from the front elevation, which must be shown to be nearly parallel to the building wall face.

- d. All awning signs shall be professionally sewn or painted.
- e. The maximum vertical dimension of the sign face (valance) shall not exceed fourteen (14) inches.
- f. The maximum height of letters, individual numbers or other characters or images on the awning shall not exceed twelve (12) inches.
- g. Maximum width of individual letters, numbers, or other characters or images on the awning shall not exceed eighteen (18) inches.
- h. The total aggregate horizontal dimension (width) of all individual letters, numbers or other characters shall not exceed twenty (20) feet, or seventy-five (75%) of the width of the awning, as viewed in front elevation, whichever is less.
- i. The awning shall be limited to a total of two (2) colors plus white as approved by the Planning Board, including the color of sign lettering and all other graphics (see Figure 1).
- j. No single awning shall contain sign messages for more than two (2) business establishments.
- k. The maximum quantity of awning signs for each nonresidential use located on the ground floor shall be no more than two (2) awning signs per street frontage.
- l. Awning signs shall not be internally illuminated.

Figure 1 – Awning Signs



5. Permanent Window Signs. Only retail or personal service business uses located below the third story of a building shall be permitted to display a permanent window sign. Such sign may be professionally painted on the interior side of a window or may consist of a professionally printed permanent decal(s) installed on the interior side of a window, provided that the following standards are complied with:
 - a. No window sign shall be permitted in a window above the second-story of a building.
 - b. Maximum area of any and all such sign shall not exceed twenty-five percent (25%) of the total window area, not to exceed six (6) square feet in area per window.
 - c. One (1) sign per business establishment per window shall be permitted, up to a maximum of two (2) signs per business on any wall frontage.
 - d. The sign(s) shall be limited to the name and/or type of business, the address and phone number.
 - e. The sign(s) may be internally illuminated.
6. Wall-mounted Directory Sign. For buildings containing non-residential tenant(s) located above the ground level, one (1) wall-mounted directory sign for each ground floor public entrance into a building shall be permitted whether such entrance fronts on a street or a parking lot.
 - a. The maximum size of the wall-mounted directory sign shall not exceed eight (8) square feet in sign area.

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- b. The maximum height from the ground-level to uppermost portion of the sign shall not exceed nine (9) feet if situated directly above the doorway entrance, or six (6) feet if not situated directly above the doorway entrance.
 - c. The minimum height from ground-level to lowermost portion of the sign shall be no less than two (2) feet.
 - d. Such sign may identify all building occupant names and their addresses, however, no sign message for an individual business shall occupy greater than six (6) square feet in area of such a sign.
 - e. A wall-mounted directory sign may only be externally illuminated with a shielded fixture.
 - f. All lettering on a wall-mounted directory sign shall be of the same type-face (font) style.
7. Projecting Sign. Each nonresidential use located on the ground floor and having a direct street level entrance may install one (1) projecting sign subject to the following:
- a. The sign shall be attached to the wall along the frontage such use occupies.
 - b. Such sign face and all signage must be oriented in a position that is perpendicular to the wall to which it is attached.
 - c. No such sign shall have a thickness that exceeds eight (8) inches.
 - d. Maximum size of each sign face shall not exceed eight (8) square feet in area.
 - e. Minimum height from ground level to lowermost portion of sign shall be no less than eight (8) feet.
 - f. Maximum height from ground level to uppermost portion of sign shall not exceed the height of the sill or bottom of any second story window or sixteen (16) feet, whichever is less. In the case of single-story buildings, said maximum height shall not exceed fourteen (14) feet or the top of the wall, whichever is less.
 - g. Maximum horizontal projection from the building wall, including any sign appurtenances, shall not exceed four (4) feet. Such sign may project over a public sidewalk only and shall not extend over any other portion of any other public right-of-way.
 - h. Maximum horizontal dimension (width) of the sign face shall not exceed three and one-half (3 ½) feet.
 - i. Maximum vertical dimension (height) of the sign face shall not exceed five (5) feet.
 - j. Maximum height of letters, individual numbers or other characters or images on the signboard shall not exceed eighteen (18) inches.
 - k. Maximum width of letters, individual numbers or other characters or images on the signboard shall not exceed eighteen (18) inches.
 - l. A projecting sign may be internally or externally illuminated.

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8. Temporary Window Advertising Signs. Temporary window advertising signs for ground level retail and personal service business uses located in the BHRPA are exempt from approval requirements, subject to the following conditions:
- a. Such signs may be constructed of paper, cardboard or plastic, and any written, numerical, graphic or photographic material or information shall constitute such a sign.
 - b. Such signs shall be removed after a period of thirty (30) days and shall have the date of installation printed clearly in the lower right-hand corner of such, as viewed from the exterior.
 - c. Such signs shall be contained solely within the ground level window of the subject business.
 - d. Maximum total area of such signs shall not exceed 40% of the total area of ground level windows, excluding window portions of doors, fronting on a public street. For the purposes of this subsection, any window area covered with a permitted permanent window sign, pursuant to this article, shall be excluded from the calculation of the total area of all ground floor windows.
 - e. Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions.
 - f. Such signs shall be maintained in an orderly manner at all times.
 - g. This section shall not be interpreted in such a manner as to limit or prohibit any business from displaying merchandise in an interior window display area.
9. Portable Sidewalk Sign. Only retail and personal service business uses and eating and drinking establishments shall be permitted to display sandwich board signs and other types of portable signs, subject to the following conditions:
- a. Maximum size of such signboard shall not exceed five (5) square feet in area. If such sign is two-sided, only one (1) side of such shall be used for the purpose of calculating the permitted sign area.
 - b. Maximum height and width of letters, numbers or other characters or images on the signboard shall not exceed twelve (12) inches.
 - c. Such signs shall be located within four (4) feet of an entrance to the business they advertise and shall not be placed so as to interfere with pedestrian or vehicular traffic on a street, sidewalk, walkway or public right-of-way. An unobstructed pathway of at least four (4) feet in width must be maintained on a sidewalk at all times.
 - d. Such signs shall be constructed of wood, slate board and/or finished metal.
 - e. Information contained on such signs shall be limited to advertisements for special promotions, sales and other such similar non-permanent sales promotions.
 - f. Such signs shall be maintained in an orderly manner at all times.

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- g. In a building with multiple business occupants who share a common entrance, no more than two (2) such signs shall be permitted, which may be shared among the applicable businesses entitled to a portable special promotion sign under the provisions of this section.
 - h. Any business use that places or installs such sign, pursuant to this section, shall be required to conform to all other applicable provisions of this article, otherwise, such business shall be prohibited from displaying such sign.
 - i. No such sign shall be displayed when the business it relates to is not open for business.
 - j. Such signs shall not be illuminated.
10. Freestanding Sign. Nonresidential uses may be permitted to install a freestanding sign only if the depth of the yard in which the sign is located is at least twenty (20) feet deep, measured from the front lot line to the nearest part of a building located on a lot. Such freestanding sign shall be regulated as follows:
- a. No more than one (1) such sign shall be permitted on any lot.
 - b. The sign shall be located in the front yard; however, no element of the freestanding sign shall be located within four (4) feet of any property line.
 - c. The area of the sign shall not exceed sixteen (16) square feet.
 - d. The maximum height to the top of the sign shall not exceed sixteen (16) feet.
 - e. The minimum mounting height to the bottom edge of the sign face shall not be less than seven feet and six inches (7'-6").
 - f. Neither the horizontal (width) nor the vertical dimension (height) of the sign face shall exceed six (6) feet.
 - g. The sign may be indirectly illuminated, or may be lit by an internal source.
11. Residential Use Signage. Signage pertaining to residential uses shall be in accordance with the signage requirements set forth in the Town's Code for residential uses.

e. Awnings and Canopies

Awnings and canopies are encouraged in the BHRPA at the street level of a building when occupied by a nonresidential use. For all uses, awnings and canopies may be used on the upper floors of a building, where appropriate. The design of awnings and canopies shall be architecturally compatible with the style, materials, colors and details of such buildings and should not conceal significant architectural features, such as cornices, columns, pilasters or other trim details. All of the following standards for street-level awnings and canopies shall additionally apply:

1. The highest point of a street-level awning or canopy shall not extend above the top of the first-story windows by more than four (4) feet or fourteen (14) feet above the sidewalk grade elevation, whichever is less.
2. The minimum height clearance between the sidewalk and the lowest point of an awning or canopy shall be no less than seven feet six inches (7'-6").

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3. The maximum horizontal projection dimension of an awning from the building wall, including any appurtenances, shall not exceed six (6) feet from the building face. Awnings may project over a public sidewalk but shall not be closer than two (2) feet to the vertical plane of the curb line or the edge of any other public right-of-way. No awning shall project over a public sidewalk when the business it relates to is not open for business.
 4. No permanent canopy structure with a projection greater than eight (8) inches from the building wall face shall project over a public right-of-way (including a public sidewalk), unless approved by the governing body of the Town.
 5. When fully extended and viewed in side elevation, the height dimension of an awning shall not exceed the projection from the wall face (see Figure 2 below).
 6. The surfacing material of awnings shall be made of canvas or modern materials that mimic canvas with traditionally dyed colors in solids or stripes. Metal and vinyl awnings are prohibited. Canopies shall be made of materials permitted for awnings or may be made of architectural materials found on the façade of the building.
 7. No awning shall contain more than two (2) colors plus white. The color of any sign messages or other graphic features shall be included in the number of colors. The colors must be compatible with the architectural color scheme of the entire building.
 8. On buildings with multiple storefronts, coordinating awning and canopy frame styles shall be used as a means of unifying the structure (see Figure 3 below for examples of frame styles).
 9. All signage on awnings shall be in conformance with applicable regulations set forth elsewhere herein for awning signs.
 10. All signage mounted, affixed or displayed directly on a fixed-position canopy shall be regulated as wall-mounted signs in accordance with applicable regulations set forth elsewhere herein for wall signs.
 11. Internally illuminated or backlit awnings and canopies are not appropriate and are therefore strictly prohibited. No awning or canopy shall have illumination which permits the passage of light or allows light to be seen through the surface material of the awning or canopy so as to illuminate the exterior of the awning or canopy.

Figure 2 – Awning Proportion

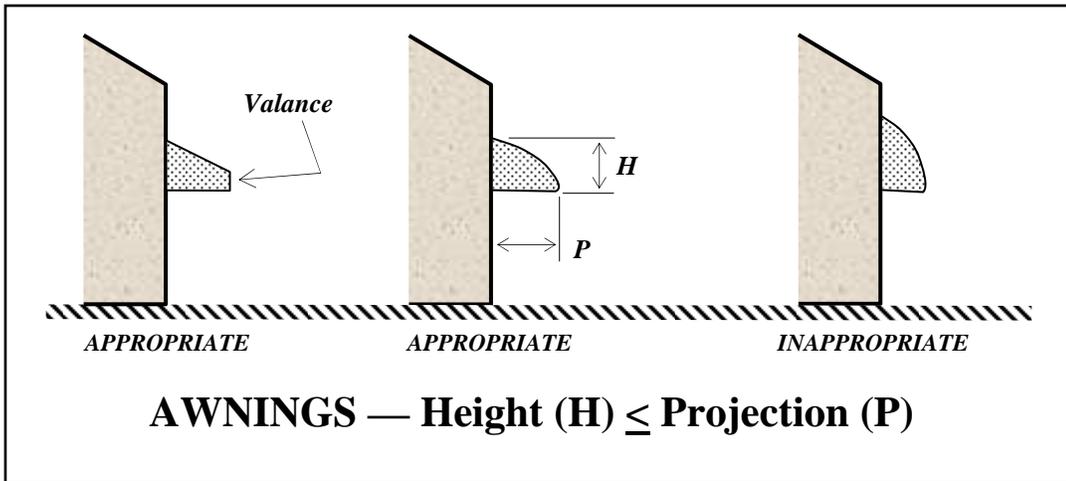
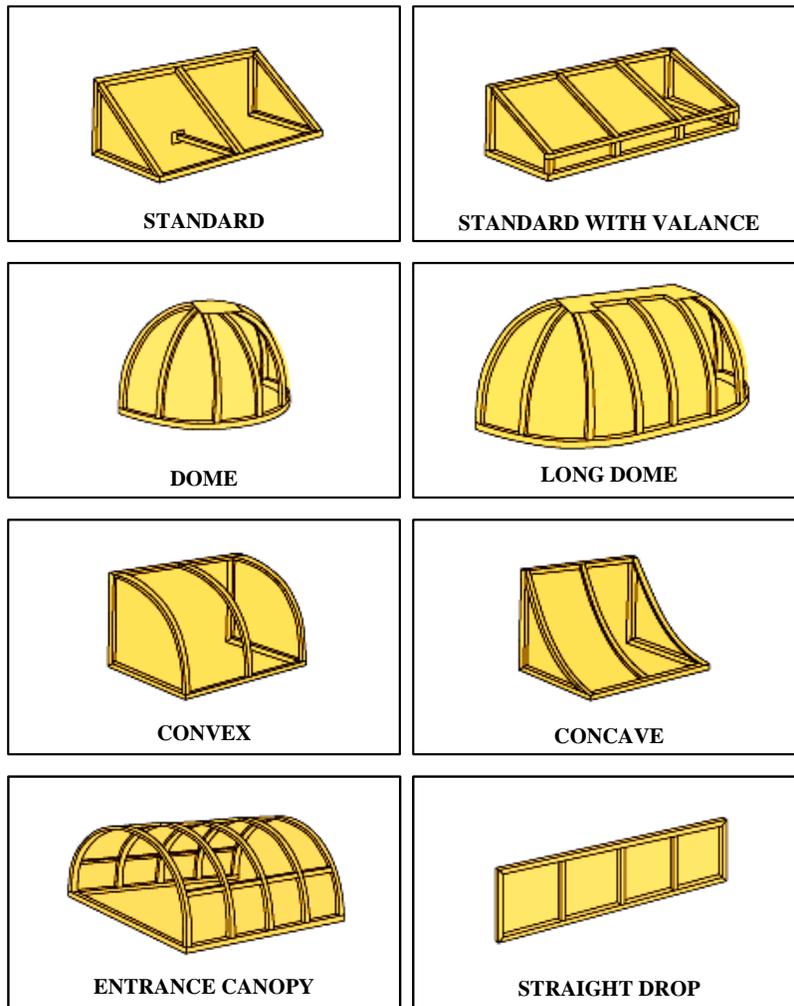


Figure 3 – Popular Awning & Canopy Frame Styles



f. Landscaping and Street Trees

1. Landscaped buffers between non-residential and residential uses shall be provided when necessary. When space permits, foundation plantings shall be used to soften the corners and edge of the buildings, and interior alleys.
2. All street frontages should be planted with street trees of medium size such as Amur Maple (*Acer ginala*), Japanese Scholar Tree (*Sophora japonica*), Green Ash (*Fraxinus caroliniana*), etc. at an average spacing of 25 to 30 feet. Final species selection shall be reviewed and approved by the Town's Shade Tree Commission.

g. Vehicular/Pedestrian Circulation

1. All buildings are required to have entrances accessed directly from a public or semi-public pedestrian walkway. Pedestrian walkways shall be provided between all commercial buildings. Parking lots and pedestrian walkways shall be designed as attractive elements of the site by their own right with the use of trees, landscaping, and various building materials and textures. Sidewalks shall be connected where there are gaps and missing links. Sidewalks shall extend from the building facade or interior alleys or mews to the curb for the purpose of facilitating pedestrian movement and creating opportunities for outdoor eating and shopping areas, placement of street furniture, etc.
2. The minimum width for sidewalks shall be in compliance with the requirements set forth herein regarding streets. Where a sidewalk or pedestrian path does not border a street, the minimum width shall be no less than four feet.

h. Historic Preservation

There are many buildings in Dover's Central Business District that date back to the 18th through the 20th century. The standards presented herein recognize the unique heritage and historic character of development that has evolved in Dover and seek to preserve the historic character of the properties located jointly within the Blackwell Historic District and the BHRPA.

The following design standards shall be applicable to redevelopment and rehabilitation activities in the BHRPA on properties identified: in the Historic Preservation Element of the Town's Master Plan; and/or, on the National or State Register of Historic Sites. In assessing the design of any proposed addition to, alteration of, or demolition of a structure located within a historic district or listed on the National and/or State Registers, or any new construction on property occupied by a historic structure or within a historic district, the Town of Dover's Historic Preservation Commission shall be referred to conduct a "certificate of historic review" in accordance with applicable provisions of Chapter 236 of the Code of the Town of Dover. The Historic Preservation Commission shall consider the following design criteria:

1. General Criteria. The following general factors should be considered:
 - a. The impact of the proposed change on the historical, archeological, architectural, cultural, and/or aesthetic significance of the historic site or historic district;

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- b. The importance of the historic site or the building, structure, object, or site located in a historic district to the nation, state, region, or municipality, and the extent to which its historical, archeological, architectural, cultural, and/or aesthetic interest would be adversely affected to the detriment of the public interest;
 - c. The use of any historic site or historic district involved in the proposed change; and
 - d. The visual compatibility of the proposed change with adjacent buildings, structures, objects, and sites in accordance with the requirements for design compatibility set forth herein.
 2. Criteria For Existing Buildings, Structures, Objects and Sites. The Town of Dover's Historic Preservation Commission should make its determination as to whether the application should be (1) approved, (2) approved with conditions, or (3) denied on the basis of the purposes of this section and the applicable standards for review which are set forth in Chapter 236 of the Code of the Town of Dover.
 3. Criteria for Additions, Alteration, And New Construction. It is the intent of this Redevelopment Plan that any design standards for additions and new construction should not discourage technical innovations in processes or materials or creativity of design. It is acknowledged that structures must meet the needs of today's inhabitants. In assessing the design of any proposed addition or new construction, the Town of Dover's Historic Preservation Commission, should consider the applicable design criteria set forth in Chapter 236 of the Code of the Town of Dover..
 4. Criteria for Demolition. Demolition of any structure shall be discouraged in the BHRPA. If necessary, the applicable standards set forth in Chapter 236 of the Code of the Town of Dover should be considered regarding applications to demolish any part of a historic site or any building, structure, object, or site located within a historic district:
 5. Criteria for Relocation of Historic Building or Structures. The following factors should be considered regarding an application to move to a new location or site any building, structure, or object located on a historic site or historic district:
 - a. The impact of the loss of integrity suffered as a result of removal from the original and/or historic location and, if located within a historic district, the impact of that loss of integrity upon the district as a whole.
 - b. The relative value to the applicant of the proposed relocation contrasted with the value to the community as a whole in allowing it to remain at its original and/or historic site.
 - c. The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site relating to the protection of historic properties and districts.

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- d. If a proposed new location is in a preservation zone, the impact on the visual compatibility of adjacent buildings, structures, objects, or sites as set forth above.
 - e. The likelihood of significant damage to the physical integrity of the building, structure, or object itself due to its relocation.
 - f. The compelling reasons for not retaining the building, structure, or object at its present location.

3.04 Provisions Related to Affordable Housing

The Town of Dover acknowledges that the construction of a redevelopment project within the BHRPA will result in additional fair share affordable housing requirements pursuant to the regulations promulgated by the Council on Affordable Housing (“COAH”), N.J.A.C. 5:94 & 5:95. The affordable housing provisions of this Plan are intended to implement the Fair Share Affordable Housing Plan of the Town of Dover which has been submitted to COAH with a petition for substantive certification. The following provisions shall apply to all development in the BHRPA until such time the Town adopts a “growth share ordinance”, at which time the Town’s growth share Ordinance shall supersede the following provisions:

1. For any development proposal which generates a “growth share obligation” of less than three (3) affordable dwelling units, the Redeveloper shall comply with the Town’s Development Fee Ordinance as approved by COAH.
2. For any development proposal which generates a “growth share obligation” of three (3) or more affordable dwelling units, the Redeveloper shall satisfy onsite, the Town of Dover’s entire “growth share” affordable housing obligation which results directly from the redevelopment project and shall do so in accordance with the COAH regulations.
3. The project-induced growth share obligation shall be represented by a ratio of one affordable housing unit for every eight market-rate units constructed in the development proposal plus one affordable housing unit for every 25 newly created jobs as measured by new or expanded non-residential construction within the development proposal in accordance with Appendix E of the COAH regulations. The affordable housing obligation shall be calculated as the sum total of the affordable housing obligations which result directly from both residential and non-residential development.
4. At least 30% of the affordable units shall be rental dwelling units that are available to the general public (non-age-restricted rental housing).
5. None of the affordable units may be age-restricted housing.
6. In calculating the project-induced growth share obligation:
 - a. Any decimal/fractional amount shall be rounded to the next highest whole number; and,
 - b. The project-induced growth share obligation shall be based on the net residential and/or net nonresidential growth (i.e. any demolition that will be undertaken by the developer may be credited based on the loss of dwelling units and the loss of jobs as a result of such demolition, calculated pursuant to Appendix E of COAH’S regulations).

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7. All affordable dwelling units shall be specifically included in the residential density calculation for any particular redevelopment project.
 8. All affordable housing units shall fully comply with all applicable “Substantive Rules” and policies of COAH including, but not limited to, bedroom distribution, controls on affordability, household income qualification and eligibility, range of affordability, affirmative marketing and the construction phasing of the market versus the affordable housing units.
 9. All costs associated with the implementation of the affordable housing provisions of this redevelopment plan shall be the responsibility of the designated Redeveloper.
 10. Prior to an application being deemed complete for review by the Planning Board, a developer shall submit an affordable housing production plan and phasing schedule which demonstrates the developer’s/redeveloper’s ability to comply with the affordable housing requirements of this Redevelopment Plan as well as applicable “Substantive Rules” and policies of COAH including, but not limited to, bedroom distribution, controls on affordability, household income qualification and eligibility, range of affordability, affirmative marketing and the construction phasing of the market versus the affordable housing units.

3.05 Provisions Related to Off-Site Improvements

The designated redeveloper or other such party responsible for the development of a redevelopment parcel covered by this redevelopment plan shall be at least responsible for his/her fair share of any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other circulation improvements as identified in the Circulation Element of the Town’s Master Plan. The extent of the redeveloper’s responsibility will be outlined in the redeveloper’s agreement with the Town. Off-site responsibility for properties not covered under the redeveloper’s agreement will be determined during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state and federal codes including the Americans With Disabilities Act. All utilities shall be placed underground.

3.06 Provisions Related to State and Federal Regulations

Certain redevelopment activities proposed in this plan may be subject to state and federal standards, regulations and permit requirements. The redeveloper is responsible for ensuring compliance with all applicable standards and obtaining necessary state and federal permits.

Section 4.0 Relationship to Zoning Ordinance

4.01 Superseding Provisions

This Redevelopment Plan supersedes the Zoning Ordinance of the Town of Dover. In the case where a particular land use or site standard is not covered in this Redevelopment Plan however, compliance with the Town of Dover Zoning Ordinance or other applicable municipal code or ordinance will be required, subject to the approval of the Planning Board of the Town of Dover.

4.01.01 Effect of Plan

The entire BHRPA previously identified herein at Section 1.02 shall be governed by all of the provisions contained in this Redevelopment Plan. The Town recognizes that a variety of factors will influence the final design of a particular project and has not attempted, in these and other controls of this Plan, to anticipate every possible design solution.

4.01.02 Terms and Definitions

Unless otherwise defined herein, the use of terms in this Redevelopment Plan shall be consistent with the terms as defined in the Town's Zoning Ordinance, unless specified otherwise herein.

4.01.03 Other Applicable Design and Performance Standards

Other applicable design and performance standards listed in the Town's Land Use Ordinance shall apply unless specifically modified by this Plan.

4.01.04 Conflict

Wherever there is a conflict between the Zoning Ordinance of the Town of Dover and the standards in this Plan, the standards in this Plan shall apply.

4.02 Zoning Map Revision

The Official Zoning Map of the Town of Dover is hereby amended in accordance with Map 1 to indicate the boundaries of the Redevelopment Plan Area and to identify it as the "Bassett Highway Redevelopment Plan Area".

Section 5.0 Acquisition and Relocation

5.01 Identification of Real Property to be Acquired

Properties within the Rehabilitation Area may only be acquired through negotiated purchase between a designated redeveloper and current property owner(s). Municipally owned property may be conveyed to a designated redeveloper by the Town of Dover following adoption of a Rehabilitation Plan and execution of a redeveloper agreement. The LRHL does not allow a municipality to acquire private property through eminent domain/condemnation in a Rehabilitation Area.

The redeveloper shall develop the properties pursuant to the terms and conditions of the Redeveloper Agreement. However, should the parcels recommended for rehabilitation remain vacant or unimproved for a period of 5 (five) or more years from the date of initial adoption of this redevelopment plan, the Mayor and Board of Alderman can direct the Planning Board to investigate these parcels to determine if they meet the criteria for “An Area in Need of Redevelopment”. If so designated by the Mayor and Board of Alderman, then this redevelopment plan may be amended at a later date to enable the acquisition of these parcels.

5.02 Relocation Proposal

No relocation will be required by the implementation of this Plan, as eminent domain cannot be exercised in a Rehabilitation Area.

Section 6.0 Relationship to Other Plans

6.01 Plans of Adjacent Municipalities

The Town of Dover is located in Morris County and is landlocked by Wharton Borough, Mine Hill Township, Randolph Township, Rockaway Township, Victory Gardens Borough and Rockaway Borough. As the redevelopment parcels total less than 20 acres, the BHRPA is unlikely to have a notable impact on any of the adjacent municipalities.

Of the towns bordering Dover, Wharton Borough would have the greatest impact from the redevelopment of the BHRPA. The Wharton Master Plan was adopted in 1994 and contains a Land Use and Recycling Plan Element, and background information on land use, population, income, housing, employment, the Borough's physical features, and public utilities.

It is Wharton's intention to preserve and enhance its Main Street Central Business District (CBD) for retail and commercial uses, and to expand upon the CBD to allow for increased shopping development. Wharton's enhancement and revitalization goals for their CBD are similar to that of Dover's BHRPA goals in that both municipalities want to use rehabilitation and redevelopment strategies to recapture their past success as a traditional downtown mixed-use core.

The Riverfront Park aspect of the BHRPA is similar to the Goals of the Wharton Borough 2001 Open Space and Recreation Plan Element in that it intends to provide areas throughout the Borough for passive recreation activities by limiting activity that may adversely affect the environment. All lands in the BHRPA that are situated in the "NJDEP Floodway" will be the site of the public park and public open space.

6.02 Morris County Master Plan

Morris County Future Land Use Plan Element

The Morris County Future Land Use Plan Element was adopted in 1975, and has not been updated since that time. The land use plan does include, however, a goal that states, "Balanced and diversified economic growth, coordinated with transportation, utilities, and environmental limitations." The BHRPA will result in a mixed-use development that is proximate to mass transit and sensitive to any environmental limitations that may exist on the land, and therefore is consistent with that Land Use Plan Element goal.

Morris County Open Space Master Plan Element

The Morris County Open Space Master Plan Element identifies lands along the Rockaway River in Dover, which are mainly floodplain areas, as proposed open space. The BHRP establishes a park/public space along the Rockaway River in recognition of this area's sensitivity.

Bicycle and Pedestrian Master Plan Element

In 1998, Morris County adopted the Bicycle and Pedestrian Element to improve conditions for bicyclists and pedestrians. One of the County's objectives is to develop an integrated system of bicycle and pedestrian facilities for both recreation and commuting purposes. To that end, the County identified a network of existing and proposed multi-use paths or trails, walking trails, bicycle lanes and shared roadways. There are no proposed bike trails in the BHRP.

6.03 New Jersey State Development and Redevelopment Plan (SDRP)

In 2004, the State released the Preliminary State Development and Redevelopment Plan, and the Preliminary State Plan Policy Map for the third round of Cross Acceptance. The Map features Planning Areas, Centers and Environs, and parkland which are intended to help implement the goals and policies of the State Plan, and guide future growth and development in New Jersey.

The State is divided into Planning Areas that are guided by differing planning goals including desirable population densities, maintenance of infrastructure, infill development and the like. The Metropolitan Planning Area (PA1) is intended to provide much of the State's future redevelopment, and revitalize cities and towns. The Suburban Planning Area (PA2) is intended to provide for much of the State's redevelopment, and preserve the character of existing residential communities. The Fringe Planning Area (PA3) is intended to accommodate growth in the Centers, protect the Environs as open land, and to provide a buffer between more developed PA1 and PA2 and less developed PA3, PA4 and PA5. The Rural Planning Area (PA4) and Rural/Environmentally Sensitive Planning Area (PA4B) are intended to maintain farmland as contiguous areas, to accommodate growth in the Centers, to promote agriculture as a viable industry, and to confine sewer and water service to Centers. Environmentally Sensitive Planning Area (PA5) is intended to protect environmental resources through the preservation of large tracts of land, accommodate growth in Centers, protect existing communities, and confine water and sewer service in Centers.

Dover is a designated Regional Center and located entirely within Planning Area 1 (PA1), the Metropolitan Planning Area. There are no proposed Planning Area boundary changes in Dover. The Policy Map proposes to designate Bowlby Park, a municipal park, and 60 acres of land in the Hedden County Park, which stretches into Randolph and Mine Hill Townships, as Parks and Natural Areas (PA 6, 7, 8).

The 2004 Cross-Acceptance Manual approved by the State Planning Commission recommends on Page 27 that the following key concepts and policy objectives of the State Plan be considered when evaluating municipal consistency with the SDRP and the proposed amendments thereto, i.e., the Preliminary Plan:

- Planning that is comprehensive, citizen-based, collaborative, coordinated, equitable and based on capital analysis is essential to achieving the goals of the State Plan.
- Planning should be undertaken at a variety of scales and should focus on physical or functional features that do not necessarily correspond to political jurisdictions.

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- Planning should be closely coordinated with and supported by investments, programs and regulatory actions.
 - Planning should create, harness and build on the power of market forces and pricing mechanisms while accounting for full costs of public and private actions.
 - Planning should maintain and revitalize existing communities.
 - Planning, designing, and constructing development and redevelopment projects, that are residential, commercial, industrial or institutional and that contribute to the creation of diverse, compact human scale communities (i.e., communities of place).
 - Identifying cores and nodes as places for more intensive redevelopment in metropolitan New Jersey.
 - Emphasizing public support for physical design, public investment and government policy through access to information, services, jobs, housing, and community life.
 - Planning for the protection, restoration, and integration of natural resources and systems.

During the third round of Cross Acceptance, Morris County interviewed the participating municipalities to determine each municipality's consistency with the Key Concepts of the State Preliminary Plan, the goals of the Metropolitan Planning Area, and the goals of the Environmentally Sensitive Planning Areas where applicable. The BHRPA will maintain and revitalize Dover Town. The BHRPA will be designed to be residential, commercial, industrial and institutional in nature, and work to create a diverse, compact, and human-scaled community. Therefore, Dover Town and the BHRPA are substantially consistent with the key concepts and policy objectives of the SDRP.

Section 7.0 Amendments to and Duration of Redevelopment Plan

7.01 Amendments to Redevelopment Plan

This plan may be amended from time to time in accordance with the procedures of the Local Redevelopment and Housing Law, except that amendments affecting a redevelopment parcel addressed in an agreement, duly executed by a redeveloper and the Town of Dover's redevelopment entity shall be contingent on the written approval of such redeveloper.

7.02 Certificates of Completion

Upon the inspection and verification by the Town of Dover's redevelopment entity that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance shall be issued to the redeveloper and such parcel shall be deemed no longer in need of rehabilitation.

This redevelopment plan shall remain effective until the entire area has been redeveloped and/or rehabilitated and deemed no longer in need of rehabilitation by the Mayor and Board of Alderman of the Town of Dover.

Section 8.0 Redeveloper Selection

In order to assure that the vision of the BHRP will be successfully implemented in an effective and timely way in order to achieve the public purpose goals of the Plan, the Town of Dover redevelopment entity will select the redeveloper for any redevelopment/rehabilitation project on lands, which, at the time of the adoption of this Plan or at any time thereafter, comprise five (5) or more gross contiguous or non contiguous acres.

In addition, the Town of Dover redevelopment entity may also exercise its discretion to select the redeveloper for any redevelopment/rehabilitation project on lands, which at the time of the adoption of this Plan or thereafter, comprise not less than one (1) nor more than five (5) gross contiguous or non contiguous acres.

The selected redeveloper will be required to execute a redevelopment agreement with the Town of Dover redevelopment entity.

It is anticipated that the implementation of this Redevelopment Plan will require a competitive selection of one or more redeveloper(s). In order to achieve successful implementation of this Redevelopment Plan, the Town of Dover's redevelopment entity will have the ability to select the most appropriate redeveloper(s) for projects within the BHRPA based upon a competitive selection process.

The intent of this section of the Plan is to set forth the procedural standards to guide redeveloper selection. The Redevelopment Entity may, at any time, entertain an unsolicited proposal from a prospective redeveloper for redevelopment of one or more redevelopment parcels. The Town of Dover may also proactively solicit potential redevelopers by utilizing appropriate methods of advertisement and written communication.

Since this Redevelopment Plan governs the lands of an Area in Need of Rehabilitation, the present owners of property within the BHRPA may be given an opportunity to participate in the redevelopment program through the reinvestment, rehabilitation, and/or redevelopment of their properties in accordance with the land uses, building and design requirements of this Plan. To that end, the present property owners of properties within the BHRPA are encouraged to present their own proposals for redevelopment in accordance with this Plan. Each owner shall have the opportunity to become their own redeveloper provided that all requirements have been abided by, and approvals of submitted applications have been granted.

The selection of a redeveloper by the Town of Dover's redevelopment entity for any redevelopment and/or rehabilitation project on lands comprising five (5) or more gross contiguous or noncontiguous acres shall be based on a competitive selection process. At the discretion of the Town of Dover's Redevelopment Entity, the selection of a redeveloper for a redevelopment and/or rehabilitation project on lands comprising between one (1) and five (5) gross contiguous or noncontiguous acres may be based on a competitive selection process.

Under a competitive selection process, an applicant for selection as a redeveloper must submit materials to the Town of Dover's redevelopment entity that specify their qualifications, financial resources, experience and design approach to the property in question. The competitive selection process is recommended to include the submission of some or all of the following materials (additional submission materials may be requested by the Town of Dover's Redevelopment Entity as deemed appropriate to the lands in question):

- Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of dwelling units, parking, traffic circulation, landscaping, recreation space and other elements are consistent with the objectives and standards of this Redevelopment Plan.
- Anticipated construction schedule, including estimated pre-construction time period to secure permits and approvals
- Documentation evidencing the financial responsibility and capability with respect to carrying out the proposed redevelopment and/or rehabilitation including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, and financial profile of the redeveloper entity.
- If land acquisition is contemplated or necessary, specific identification of land requiring acquisition. The estimated offering price and status of negotiation to purchase the lands in question should be provided.

Appendix A – Governing Body Resolution

**RESOLUTION DESIGNATING
THE TOWN OF DOVER
AS AN AREA IN NEED OF REHABILITATION**

WHEREAS, the Town of Dover has a significant aging housing stock; and

WHEREAS, the water and sewer system of the Town of Dover is aging and in need of repair or substantial maintenance; and

WHEREAS, the Town Engineer and Planner has prepared a report of findings in a memo dated June 22, 2005, indicating that more than half the housing stock in the Town of Dover is at least 50 years old and the majority of the water and sewer infrastructure is at least 50 years old and is need of repair or substantial maintenance and

WHEREAS, the Economic Development Committee of the Mayor and Board of Aldermen has investigated a number of areas in the Town for redevelopment or rehabilitation; and

WHEREAS, the Economic Development Committee of the Mayor and Board of Aldermen has received a report commissioned by them prepared by David Roberts, PP recommending consideration by the Mayor and Board of Aldermen of designating the Town as an Area in Need of Rehabilitation; and

WHEREAS, NJS A 40A:12A-14.a sets forth criteria that must be met in order for a delineated area to qualify as an "Area in Need of Rehabilitation"; and

WHEREAS, criteria number 2 of said statute has been determined to have been satisfied by the above noted report of the Town Engineer and Planner with respect to both the age of the housing stock and the age of the water and sewer systems; and

WHEREAS, it is believed that a program of rehabilitation can be expected to prevent further deterioration and help promote the overall development of the Town of Dover; and

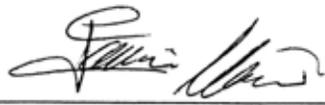
WHEREAS, the Mayor and Board of Aldermen have referred this resolution prior to adoption to the Planning Board for review and comment as required by law;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Alderman of the Town of Dover that all land within the municipal boundaries of the Town of Dover are hereby designated as an "Area in Need of Rehabilitation."

BE IT FURTHER RESOLVED that the Redevelopment Entity of the Town of Dover shall investigate the need for the preparation of Redevelopment Plans at appropriate locations in the Town of Dover and recommend same to the Governing Body.

Adopted: 8/9/2005

Attest: 
Paul C. McDougall, Town Clerk


Javier Marin, Mayor

Appendix B. Architectural Definitions

Awning = An awning is a moveable roof-like structure consisting of a framing covered with cloth, canvas or vinyl or other material that projects from the wall of a building for the purpose of shielding a doorway or window from the outdoor elements which is installed so as to permit it to be raised into a relatively flat position against the building when not in use.

Awning Sign = A sign that is mounted, painted, or attached to an awning.

Awning, window = A specific type of awning that provides a permanent roof-like shelter over an upper-story window, either installed to be retractable or in a fixed-position.

Baluster = Any of a number of closely spaced supports for a railing.

Balustrade = A railing with supporting balusters.

Canopy = A canopy is a structure, in a **fixed position**, made of canvas, cloth, plastic, metal, wood or other architectural materials and provides a permanent street-level roof-like shelter over a public or quasi- public right-of-way.

Canopy Sign = A sign that is mounted, painted, or attached to a canopy.

Cornice = A continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Cupola = A small roof tower, usually rising from the roof ridge.

Directory Sign = A ground or wall sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

Dormer = A projection from a sloping roof that contains a window.

Flat Roof = A roof without a slope, or one with only a slight pitch so as to drain rainwater.

Frieze = A decorative band, as one along the top of an interior wall, immediately below the cornice or a sculptured one in a string course (a horizontal course of brick or stone flush with or projecting beyond the face of a building) on an outside wall.

Gabled Roof = A roof sloping downwards in two parts from a central ridge, so as to form a gable at each end (the triangular portion of wall enclosing the end of a pitched roof)

Gambrel Roof = A ridged roof divided on each side into a shallower slope above a steeper one.

Hip (or Hipped) Roof = A roof with sloping ends and sides meeting at an inclined projecting angle.

Lintel = A beam supporting the weight above a door or window opening.

Mansard Roof = A roof with a steeper lower part and a shallower upper part on each side.

Mew = An interior street fronted by stores or apartments.

Molding = Any of various long, narrow, ornamental surfaces with uniform cross sections and a profile shaped to produce modulations of light, shade, and shadow.

Mullions = A vertical member between the lights of a window.

Parapet = The extension of the main walls of a building above the roof level.

Pediment = A wide, low-pitched gable surmounting a colonnade or a major division of a façade.

Pilaster = A shallow rectangular feature projecting from a wall, having a capital and a base and architecturally treated as a column.

Pole barns = A structure or building using a system of construction employing a vertical structure of pressure-treated wood poles which are firmly embedded in the ground as a pier foundation.

Portable Sign = A sign that is not securely affixed to the ground or otherwise affixed in a permanent manner to a building or other structure.

Portico = A porch having a roof supported by columns, often leading to the entrance of a building.

Projecting Sign = A sign that is wholly or partly dependent upon a building for support and that projects more than eight (8) inches from such building or a sign that is in a plane other than parallel to the face of the wall.

Sash = The fixed or removable framework of a window or door in which panes of glass are set.

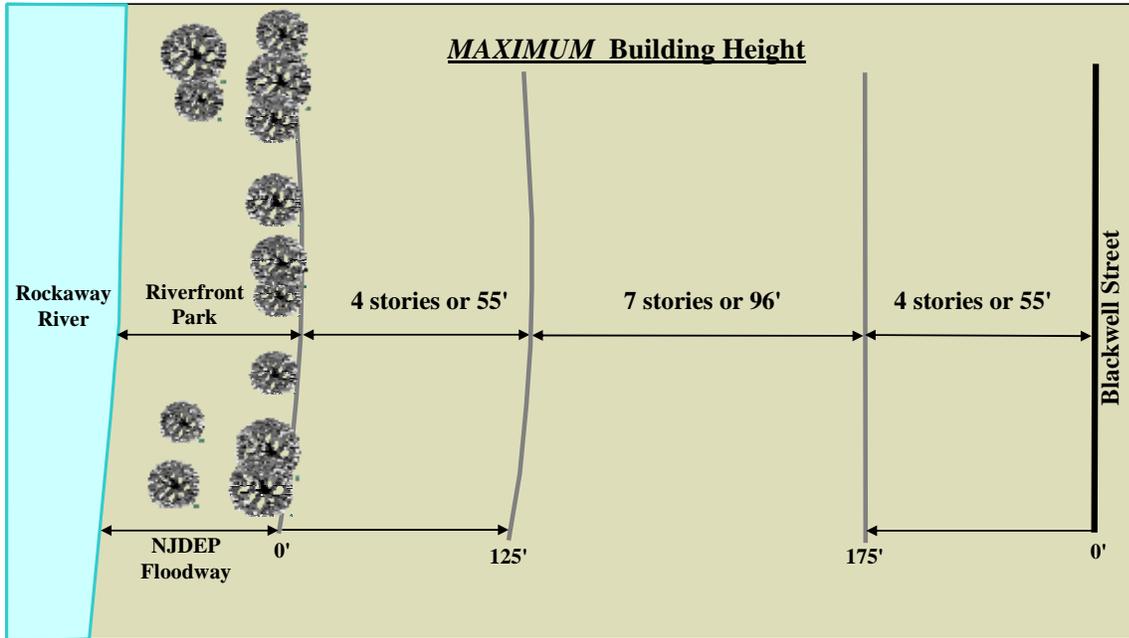
Shed Roof = A roof with a single slope.

Sidewalk Sign = A temporary, moveable, non-illuminated sign located within the public right-of-way that is not permanently affixed to a wall, structure or to the ground.

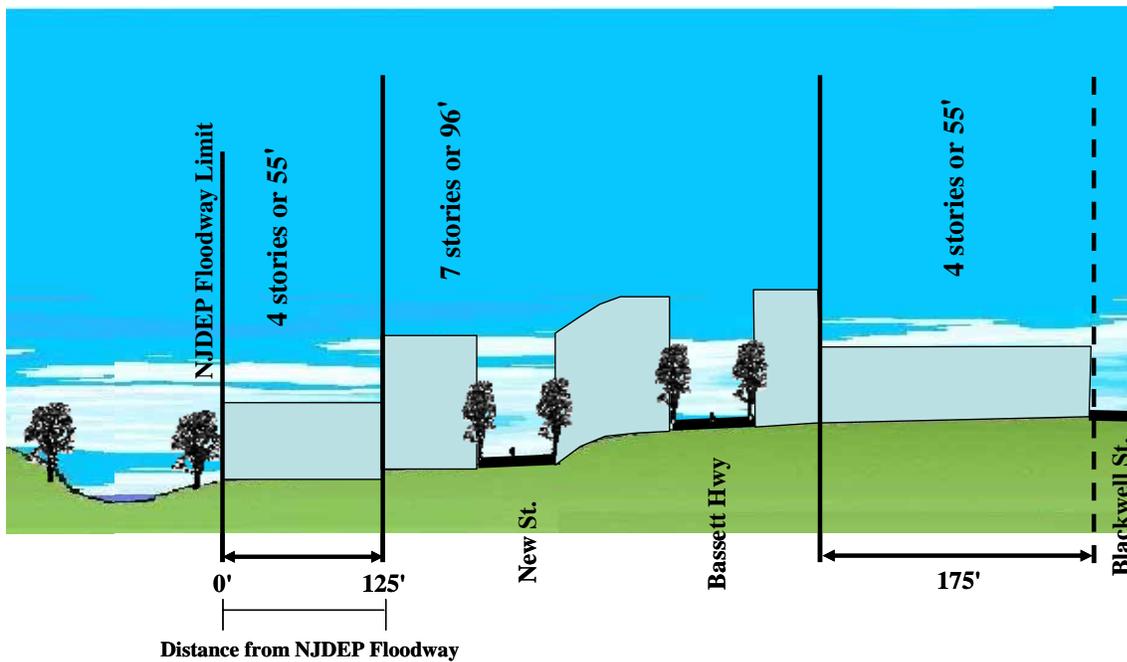
Wall Sign = A sign attached to, painted on, or erected flat against the wall of a building, structure, or canopy with the exposed face of the sign in a plane parallel to the face of the wall that projects not more than eight (8) inches from the building wall or parts thereof.

Appendix C - Building Height Exhibits

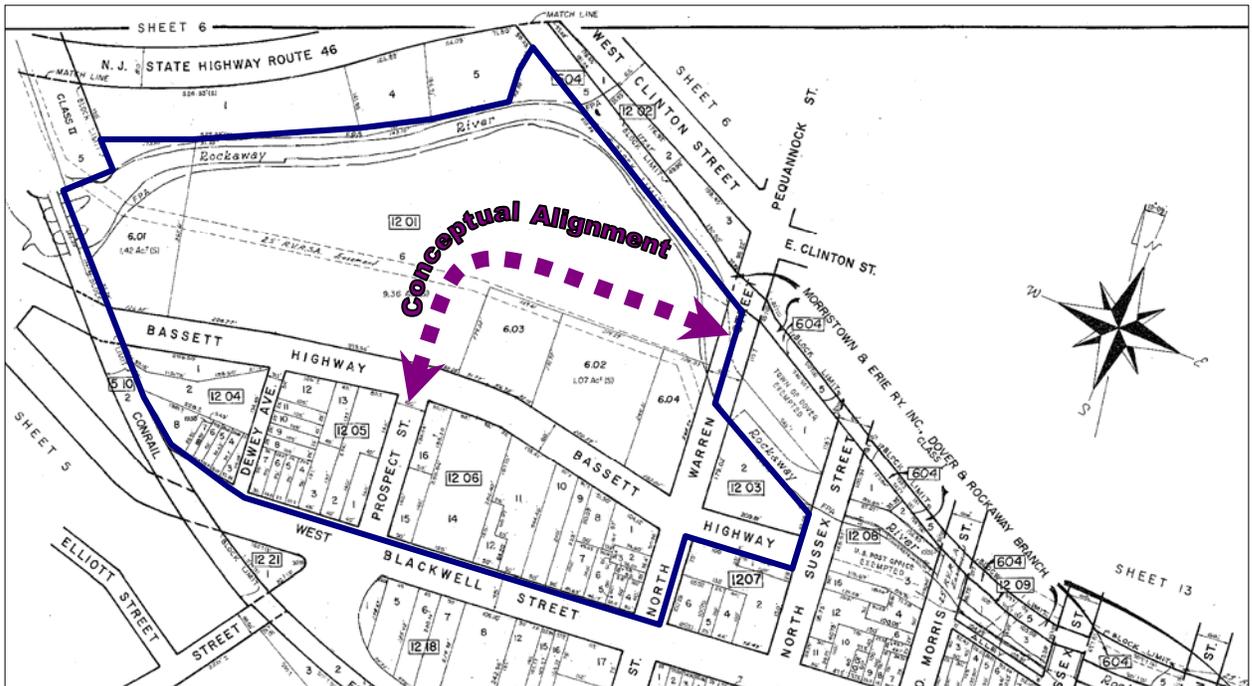
Regulating Building Stories & Height: *Plan View*



Regulating Building Stories & Height: *Section View*



Appendix D – Conceptual Extension of Prospect Street



NOTE: The required roadway extending Prospect Street to North Warren Street is mandatory but the exact alignment will be subject to review and approval based on engineering, site layout and traffic safety considerations of the site and surrounding roadway network.



SCHOOR DEPALMA
Engineers and Design Professionals

**NORTH SUSSEX STREET LANDFILL
REDEVELOPMENT AREA**

REDEVELOPMENT PLAN

**TOWN OF DOVER
MORRIS COUNTY, NEW JERSEY**

ADOPTED BY
TOWN OF DOVER
BOARD OF ALDERMEN
December 14, 1999

Revised April 24, 2001 By Ordinance 7-01
Revised February 12, 2002 By Ordinance 2-2002
Revised April 13, 2005 By Ordinance 8-2005

Original Prepared By:

David G. Roberts, AICP/PP, CLA
Jason A. Greenspan, AICP/PP

Revisions Prepared By:

Michael A. Hantson, PE, PP, CME – Town Planner

NORTH SUSSEX STREET LANDFILL REDEVELOPMENT AREA REDEVELOPMENT PLAN

Adopted on December 14, 1999; Amended April 24, 2001; Feb.12, 2002

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Introduction

This Redevelopment Plan has been prepared for the Town of Dover for purposes of providing a coordinated program of development for the former landfill site located on Mount Pleasant Avenue near Dover High School and the Public Works facility. The tract, known as the North Sussex Street Landfill, consists of 49.4 acres and is designated as part of a acre redevelopment area in accordance with the Local Redevelopment and Housing 73.35 Law (N.J.S.A. 40A:12A-1 et seq.) because its condition as a closed municipal landfill made the industrially zoned land a high risk to the private development community and cost prohibitive for residential or recreational use remediation. While remediation for a commercial use of the site could be accomplished with a capping of the site and control of stormwater runoff, remediation for residential use would require the removal and disposal of contaminated soil at substantially higher cost. The environmental risk of stormwater leaching through contaminated soils complicates the ability to irrigate the site for active recreational use. Finally, the knowledge that the site had been a landfill would also pose a serious marketing obstacle for either a residential or recreational use.

The remainder of the Redevelopment Area (23.9 acres) consists of the existing Department of Public Works Facility located at the end of North Sussex Street (see Figure 1.0).

The Dover Master Plan Reexamination Report, adopted on October 27, 1999, addressed the subject “brownfield” site as follows:

“Future use of the property would require a ‘Remedial Action’ or cleanup action that would be a function of the proposed land use. Alternatives include confinement, neutralization, removal and collection & treatment. Residential land uses are not considered the preferential land use for redevelopment of this property due to marketing and other factors associated with the current land fill condition. Redevelopment of this site is most likely better off as a commercial type use that would permit the construction of impervious surfaces that would allow for the control and collection of runoff to prevent infiltration into confined landfill in order to protect against the flushing of contaminants into the ground water”.¹

¹ 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, October 27, 1999, page 16.

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The Report then recommended the following with regard to the subject Redevelopment Area:

“The Planning Board recommends that the aforementioned Town owned property known as Block 901, Lot 1 be considered for redevelopment in accordance with the ‘Local Redevelopment and Housing Law’. The current status of the property as a closed landfill in the state of review by the NJDEP combined with the lack of municipal funds available to attain a ‘No Further Action’ status from the NJDEP makes redevelopment of this property extremely difficult. Redevelopment of this property in accordance with the Local Redevelopment and Housing Law is the recommended course of action provided any agreement for sale and redevelopment will result in a ‘No Further Action’ status from the NJDEP for the landfill and free the Town of Dover of any future legal responsibility for said landfill.”²

On September 28, 1999, by Resolution, the Town of Dover Board of Aldermen, directed that the Municipal Planning Board conduct a preliminary investigation into whether or not certain criteria exist with respect to the property making it appropriate for redevelopment. The criteria are defined within the New Jersey Redevelopment Law at N.J.S.A. 40A:12A-5.

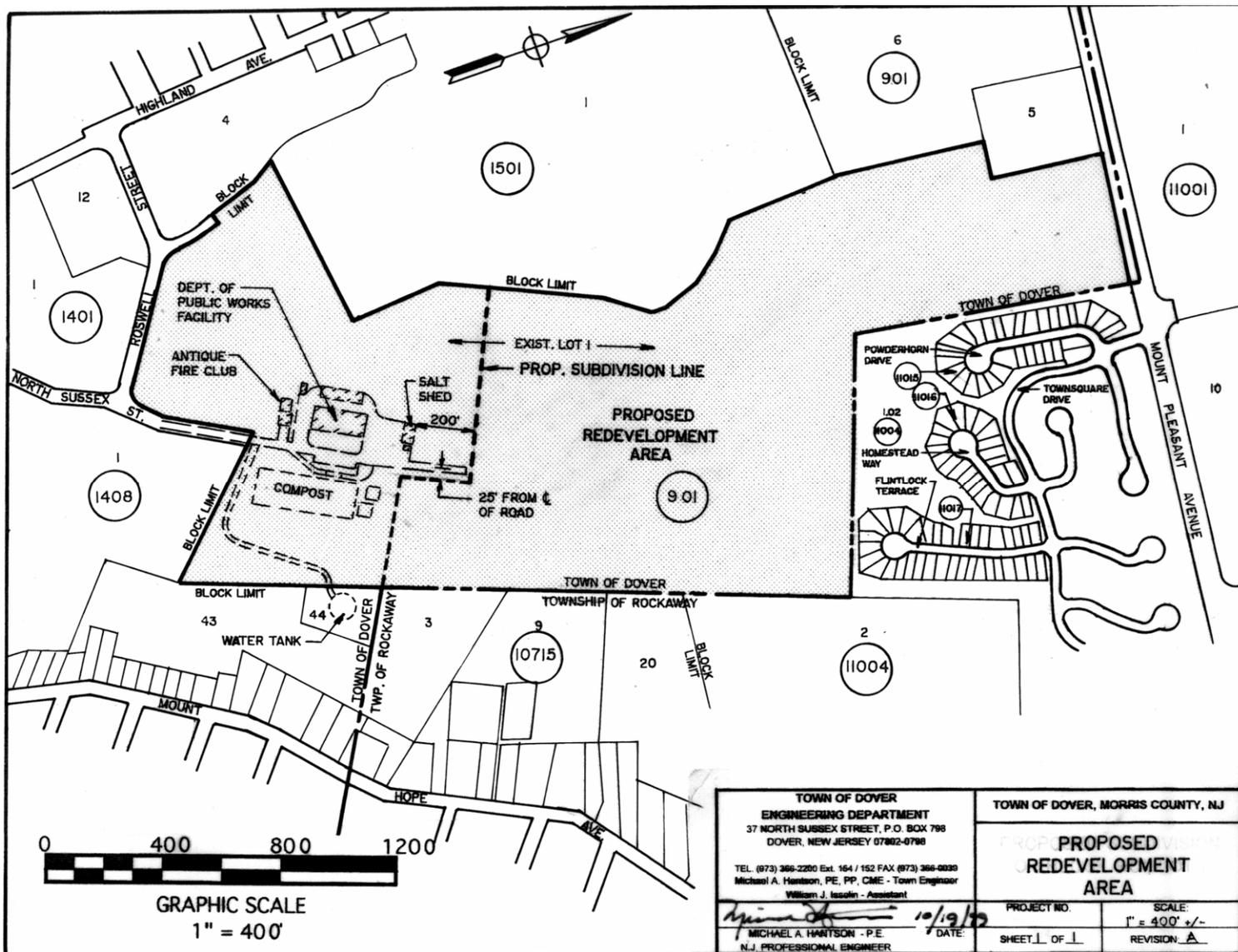
The Town of Dover Planning Board held a public hearing on November 15, 1999 and officially recommended that the Board of Aldermen designate the subject property as an Area In Need Of Redevelopment (Redevelopment Area). This Redevelopment Plan has been prepared for consideration by the Board of Aldermen as a companion to the Redevelopment Area designation.

On December 14, 1999, the Dover Board of Aldermen adopted this Redevelopment Plan by ordinance and, acting as the Redevelopment Entity, proceeded to issue an RFP and designated a redeveloper with which to negotiate a redeveloper agreement.

On February 27, 2001 the Town of Dover Governing Body, acting as the Redevelopment Entity, passed a resolution requesting the Planning Board to review the Redevelopment Plan to increase its flexibility to add Light Industrial /Office Flex Space as a permitted use in the Redevelopment Area. This request came as a result of changes in

² 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, October 27, 1999, page 23.

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the economy and anticipated development on adjacent lands that made big box retail less feasible.

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Plan Section 1.0 The Public Purpose

Statutory Reference:

State relationship of redevelopment plan to local objectives regarding appropriate land uses, recreational and community facilities and other public improvements.

1.1 Description of site and findings of need for redevelopment

The subject Redevelopment Area is known as Block 9.01, Lot 1 and consists of the Town Department of Public Works Facility and a large tract of vacant land, a large portion of which is a landfill that was shut down by 1982. The Town's Remedial Investigation Report, submitted to NJDEP on November 3, 1997, reported that, while there was no indication of contaminants on neighboring properties or receptors at a level exceeding NJDEP Specific Groundwater Quality Criteria or Soil Cleanup Criteria, contamination existed in two wells within the landfill in excess of the Cleanup Criteria.

Based on the soil contamination and likelihood for prohibitive remediation

STATUTORY CRITERIA FOR REDEVELOPMENT AREA DESIGNATION

- a. *Buildings that are substandard, unsafe, unsanitary, dilapidated or obsolete, or are conducive to "unwholesome" living or working conditions;*
- b. *Vacant, abandoned or untenable buildings previously used for commercial, manufacturing or industrial purposes;*
- c. *Land owned by the municipality, county, housing authority or redevelopment entity; or land that has remained unimproved and vacant for a period of ten years prior to the designation and is not likely to be privately developed due to location, remoteness from developed portions of the municipality, lack of access or soil conditions;*
- d. *Buildings or improvements that adversely impact a designated area because of their dilapidated condition, overcrowding, obsolete arrangement or design, excessive land coverage, deleterious land use or combination thereof;*
- e. *A growing or total lack of proper utilization of areas caused by title restrictions, diverse ownership or other conditions resulting in economic stagnation and lack of productivity;*
- f. *Areas over five contiguous acres where buildings and improvements have been destroyed by fire or natural disaster resulting in material loss of assessed value;*

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costs, the Town Board of Aldermen directed the Town of Dover Planning Board to conduct a preliminary investigation to determine whether or not the subject property should be designated an Area In Need Of Redevelopment under the Local Redevelopment and Housing Law. The Planning Board determined, after a public hearing, that Block 9.01, Lot 1 met the following criteria as set forth in the Local Redevelopment and Housing Law:

"In accordance with condition (c), land that is owned by the municipality, that by reason of its soil, is not likely to be developed through the instrumentality of private capital, would be deemed in need of redevelopment. The very nature of the contaminants in the soil of the landfill has resulted in little private interest in development of the property.

In accordance with condition (d), areas with improvements which by reason of deleterious land use or any other factors, are detrimental to the safety, health, morals or welfare of the community, would be deemed in need of redevelopment. Given the aforementioned use of the property as a municipal landfill which has not received a "no further action" from the NJDEP puts its past use and current condition in a deleterious state detrimental to the safety, health, and welfare of the community. It is in the public's best interest to properly close the landfill and redevelop the property with an appropriate use that will prevent the possibility of the spreading of any contamination that might be present."

The Board determined that governmental action was needed in the best interest of the residents of the Town of Dover to pursue a public-private partnership that would enable the property to be redeveloped by a private redeveloper in accordance with a redevelopment plan for the site. The Preliminary Investigation Statement of Purpose made the following specific findings:

"In identifying Block 9.01, Lot 1 as a potential area in need of redevelopment, the Board of Aldermen considered that the prior use of the property as a landfill, and subsequent abandonment, rendered the property untenable."

It was also noted by the Board of Aldermen, that the previously prevailing land use was deleterious and had created a detriment to the safety, health and/or welfare of the Town of Dover and that of the neighboring municipalities.

Further, the parcel of property is approximately seventy five acres. Although it has been owned by the Town of Dover since at least the early 1900's, the portion of the property outside the limits of the existing Public Works Garage Site has

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remained without being used for seventeen years. Without the support and guidance of a redevelopment entity, it is believed that possibly the parcel would not be developed by private capital.”³

1.2 Definition of site development potential and suitable uses

The Redevelopment Area consists of an aggregate 73.35 acres, and is divided into two (2) distinct parcels. Parcel 1, which is intended for municipal services, consists of approximately 24 acres and contains the Dover Town Public Works facility. Parcel 2, slated for planned commercial development, contains approximately forty-nine (49) acres, based on the best available information. Approximately seventeen (17) acres of Parcel 2 are severely impacted by wetlands, wetland transition areas and steep slopes, potentially limiting the estimated net usable area of this Parcel to thirty (30) acres. Parcel 2 contains most of the obsolete North Sussex Street Landfill, and the level of site remediation necessary to bring this Parcel up to residential or recreational standards is impractical and cost prohibitive based on the need for the removal and disposal of contaminated soil and other costs associated with controlling and containing leachate.

The site's proximity to other commercial sites makes it particularly suitable for regional retail commercial uses and/or "Flex" space buildings for light manufacturing and office uses. Home Depot and Office Max are large, established retail uses located to the west of the site within Dover Town. The Rockaway Mall, another regional shopping magnet, is located directly north of the site across Mount Pleasant Avenue. The Casio office and warehouse use is adjacent to the site to the west. Further, the site's frontage along Mount Pleasant Avenue, a four-lane arterial roadway, provides convenient access for local and regional motorists.

Since the adoption of this Plan in December of 1999, the following changes have occurred that affect the successful redevelopment of the Redevelopment Area:

1. Rockaway Townsquare Mall, which lies directly across Mt. Pleasant Avenue from this parcel has recently received approval from the Rockaway Township Planning Board for the construction of over 600,000 SF of new retail space.
2. The "Rockaway 80" development adjacent to the Rockaway Townsquare Mall received a zoning change from the Rockaway Township Governing Body to permit Retail Uses.

³ Preliminary Investigation Statement of Purpose, Town of Dover Planning Board, page 3.

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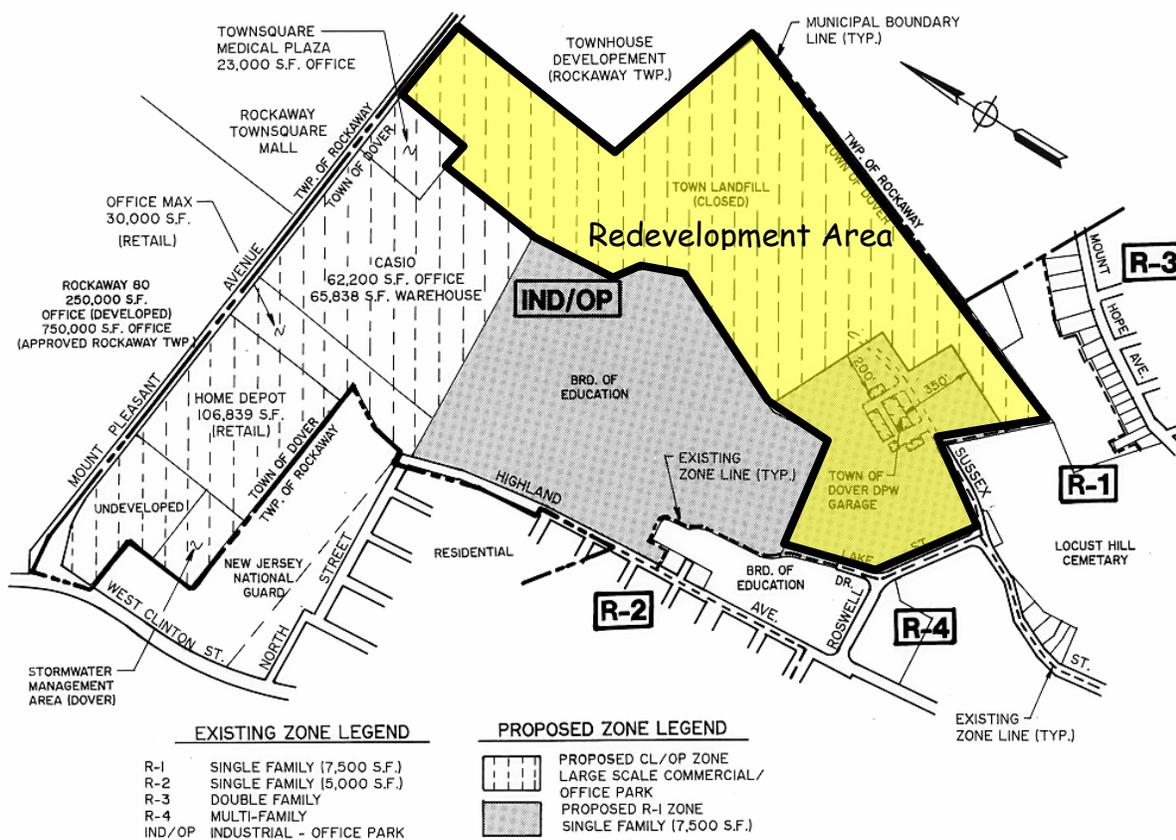
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3. Those two (2) aforementioned sites are much better suited to attract retail uses given their more direct access to Routes 80 and 15 and their much higher visibility.
4. Although the marketplace for retail development has not completely died, the present state of the economy has resulted in a cutback in the expansion plans of many of the major retailers thereby shrinking the market considerably as compared to two (2) years ago.
5. With the inherent difficulties associated with the development of a landfill site and the time associated with the required permits and approvals, the ability to construct a development on speculation as to the market needs at time of completion is critical.
6. There is currently a much more sustainable market for Light Industrial /Office Flex Space type uses with a much lower risk to develop said uses over the necessary time periods required due the landfill issues.
7. Almost all the potential redevelopers that have expressed interest in the project since the announcement of the withdrawal of the original redeveloper concur with the above noted findings.

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1.3 Redevelopment Goals and Objectives

The following Goals and Objectives are provided to advance the public interest in this Redevelopment Plan:

- To relieve the Town of Dover from the substantial cost of closing and remediating a brownfield condition caused by the prior use of the Redevelopment Area as a landfill;

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- To attract a private developer of the Town-owned former landfill site through the use of economic development tools under the Local Redevelopment and Housing Law to overcome the soil contamination and other subsurface conditions on the site;
- To create flexibility in land use and building requirements specific to the Redevelopment Area, while building in appropriate buffers and design controls to ensure the quality redevelopment of the tract;
- To return the Redevelopment Area to economic productivity and enable the residents and taxpayers of the Town of Dover to benefit from significant new revenue generated from tax payments and/or payments in lieu of taxes;
- To enable the Redevelopment Area to be redeveloped for land uses that will serve the residents of the Town of Dover and its neighboring towns;
- To provide for an intensity of development on the Tract that will pay the costs of the required environmental clean up, traffic controls, stormwater management and other improvements required for the appropriate development of the site.
- To resolve environmental and public health risks posed by the former landfill use on the site in an expeditious manner at least possible cost to Dover taxpayers.

1.4 Description of Public & Economic Benefits

The successful redevelopment of the Redevelopment Area will provide substantial public and economic benefits to the residents and taxpayers of the Town of Dover. It will convert land that is a financial liability on the taxpayers of the Town and a health risk to residents in the immediate area, into an economic asset and substantial contributor to the cost of providing municipal and educational services. The tract is sizable enough to support substantial development that would have a significant beneficial impact on the Town's fiscal condition. It has access to an arterial road (Mount Pleasant Avenue) and shares convenient proximity with Rockaway Townsquare Mall to Interstate Route 80 via Mount Hope Road. The Redevelopment Area is also adjacent to higher density residential development in Rockaway Township which is compatible with and could help support retail and/or office development in the same manner as occurs in Planned Unit Developments (PUDs).

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1.5 Relationship of proposed redevelopment objectives to Dover Master Plan and Zoning Regulations

Master Plan

This Redevelopment Plan is specifically intended to implement the 1999 Master Plan Reexamination Report & Amendment, which was adopted by the Town of Dover Planning Board on October 27, 1999. The Report states that it is intended to serve “as an amendment to the Master Plan with specific recommendations for certain tracts of land within the Town” and “act as an interim plan to allow for the development or redevelopment of those specifically noted tracts of land that need immediate attention prior to the whole scale rewrite of the Land Use Element”.⁴ The Report and Master Plan Amendment was adopted after a public hearing pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) and recommended that the tract be the subject of a redevelopment area designation and redevelopment plan in order to overcome the past inertia in attempting to turn the site over to private development.⁵

The 1999 amendment to the Master Plan was not the first time the tract that is the subject of this Redevelopment Plan was cited as a problem for Dover. The 1993 Master Plan Reexamination & Amendment stated the following:

“Additionally, the Town of Dover property in the same zone has not been able to attract an industrial/office park type user despite a proactive approach by Town officials. This tract has additionally been constrained by the amount of wetlands that exist. The property immediately to the east in Rockaway Township is bordered by a multi-family townhouse development presently near completion”⁶

Even though conditions at the time immediately preceding the 1999 amendment to the Master Plan were conducive to retail development and the Town was not able to attract industrial/office park development, market conditions in early 2001 have changed as previously noted.

⁴ The 1999 Master Plan Reexamination & Amendment, Town of Dover Planning Board, page 1.

⁵ Ibid., page 23.

⁶ 1993 Master Plan Reexamination & Amendment, Suburban Consulting Engineers, adopted November 22, 1993, page 6.

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Zoning Ordinance

Currently, the entirety of the site is located within the Industrial-Office Park (IND/OP) Zone District. All properties adjacent to the site within Dover Town are similarly zoned. The IND/OP Zone runs the length of Mt. Pleasant Avenue within the Town, and contains various office, industrial and retail uses. Retail uses such as The Home Depot and Office Max located to the west of the site on Mount Pleasant Avenue, though technically nonconforming uses, help establish this corridor as a destination for regional shoppers.

The IND/OP Zone permits the following uses as of right:

- Offices and office complexes
- Light manufacturing
- Scientific or research laboratories
- Hotel/motel complexes, including restaurants and convention facilities

Despite a pro-active approach by Town officials in the 1990's to attract development that is in concert with IND/OP Zone requirements, the site has remained dormant for well in excess of ten (10) years. Private development is hindered at this site due to its limited accessibility and visibility, as well as adverse soil conditions. The site's cessation as a landfill use and its subsequent dormancy has been inimical to the economic welfare of the Town.

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Plan Section 2.0

The Redevelopment Plan

Statutory Reference:

Describe proposed land uses and building requirements in the redevelopment area.

2.1 Land Use Plan

This Redevelopment Plan calls for the division of the Redevelopment Area into two land use categories, Municipal Services and Planned Commercial. The Municipal Services category applies to the existing 24 acres used by the Dover Department of Public Works facility. The 49 acre portion of the Redevelopment Area that is accessed from Mount Pleasant Avenue is designated for Planned Commercial land uses. The Planned Commercial portion of the Redevelopment Area is planned for development of one or more uses listed as "Permitted Uses" in the Section 3.0 of this Redevelopment Plan as part of one coordinated design for the entire site.

The Land Use Plan is shown on the Redevelopment Plan Land Use Map on the following page.

2.2 Schedule of land use and development requirements

Definitions

Planned Commercial Development shall mean an area with a minimum contiguous or noncontiguous acreage of 5 acres to be developed as a single entity according to a comprehensive development plan containing one or more commercial uses permitted in this Redevelopment Plan.

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Permitted Uses

In the Planned Commercial portion of the Redevelopment Area, a single Planned Commercial Development shall be permitted, provided that the proposed uses contain at least one single anchor use with a minimum of 30,000 square feet of floor space and that the Planned Commercial Development shall have only one primary access point on Mount Pleasant Avenue.

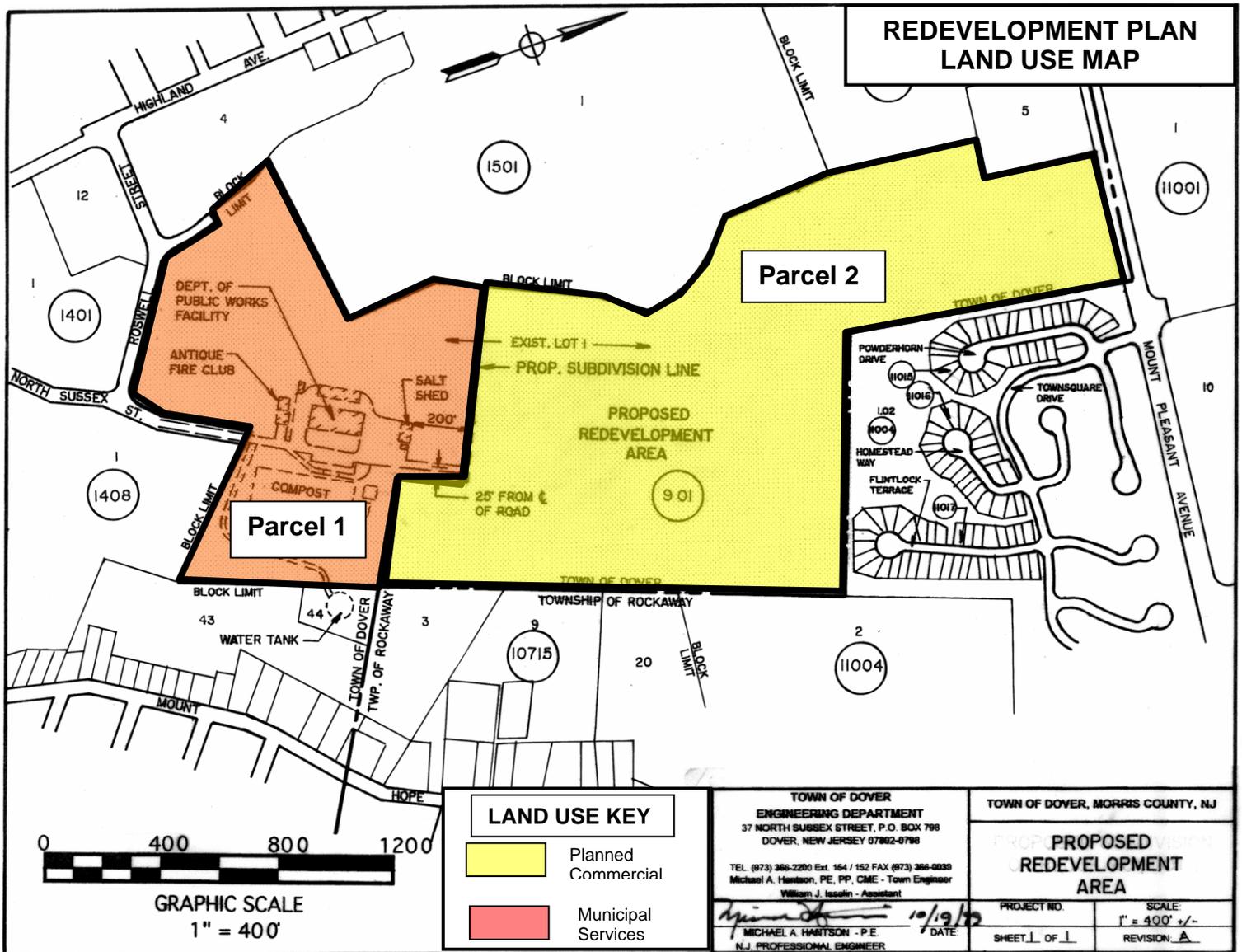
The following uses shall be permitted within a Planned Commercial Development in this Redevelopment Plan:

- Supermarkets and similar uses;
- Banks and financial services;
- Retail sales and service activities;
- Theaters for entertainment productions, including movies;
- Restaurants;
- Town operated buildings, recreational uses and other facilities;
- Offices and office complexes;
- Scientific or research laboratories;
- Hotel/motel complexes, including restaurants and convention facilities.
- Light Industrial/Office Park/Flex Space uses excluding large-scale warehousing
- Distribution Facilities

Accessory Uses

- Uses customarily incidental to those permitted uses as listed in this section.

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BULK REQUIREMENTS

	Existing Dover Town Requirement (IND/OP) (For Comparison)	Redevelopment Plan Requirement
Minimum lot area	2 acres	2 acres
Minimum lot width	200'	
Minimum lot depth	300'	
Lot frontage		150'
Front setback	75'	75'
Side setback (tract boundary)	30'	100'
Min. bldg setback to residential district boundary⁷	65'	100'
Min. distance between buildings	N/A	50'
Min. width of residential planted buffer	N/A	20'
Maximum F.A.R.	N/A	0.2
Max. building coverage	50%	N/A
Lot coverage	N/A	75%
Max. building height	45'	45' ⁸
Parking	In accordance with the Town of Dover Zoning, Chapter 236-43 Table I as a function of the Use	In accordance with the Town of Dover Zoning, Chapter 236-43 Table I as a function of the Use

DESIGN STANDARDS

Parking and Loading

1. All parking areas shall be located at least forty (40) feet from an adjacent residential property line or district.

⁷ The setback shall be measured to the nearest building line.

⁸ except for hotels, which shall be a maximum of 55' provided that the minimum setback of the hotel structure to a residential district boundary shall be increased by one (1) foot for every foot above 45 feet.

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2. Interior driveways are to be setback a minimum twenty (20) feet from any property line, unless environmental constraints require a lesser setback, in which case a setback of at least ten (10) feet shall be provided .
3. Sidewalks shall be provided within the parking areas to facilitate the safe movement of all pedestrians. Building placement and arrangement should encourage pedestrian movement between uses and buildings.
4. Loading areas and docks are to be designed into building corners or otherwise screened from view.

Landscaping

1. Transition buffer landscaping shall be in accordance with §236-21.E of the Dover Town Zoning Ordinance, except that buffer plantings shall be a minimum height of six (6) to eight (8) feet at the time of planting.
2. The preservation of wetland areas and transition areas, except when isolated and of insignificant ecological value, is considered a paramount objective to obviate the need for extensive replacement plantings and to achieve a reasonable density of shade trees on the site. New plantings should be incorporated with preserved trees, where possible, to achieve a balanced mix of trees and shrubs appropriate to the site plan for the Planned Commercial Development. Substantial screen plantings to provide an adequate buffer to residential uses shall be provided in accordance with §236-21.E as modified herein.
3. Adequate street trees shall be provided along Mt. Pleasant Avenue, where deemed appropriate, and along the interior access roadway. Said trees are to be planted thirty (30) feet on center with a minimum height of eight (8) to twelve (12) feet at the time of planting.
4. Foundation plantings shall be provided at all building facades, where appropriate, at the discretion of the Planning Board.
5. All parking islands shall be provided with trees and adequate ground cover as deemed appropriate by the Planning Board.
6. Adequate landscaping shall be provided at all freestanding and directional signs as deemed appropriate by the Planning Board.

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7. If capping is required as part of the Remediation Action Plan, the landscape plan shall include a planting detail for planting on top of the cap using clean fill material and adequate drainage.

Lighting

Site lighting shall be provided only to the extent that it is needed for the public safety and welfare and the aesthetic design theme of the Planned Commercial Development. The number, spacing and height of pole mounted parking lot lighting shall be designed to concentrate lighting where it is needed to minimize ambient night "glow" from the site. Fixtures fitted with shields should be incorporated to minimize off-site light spillage. Illumination Engineers Society (IES) standards shall be used to determine appropriate illumination levels, except that a maximum ratio of maximum illumination to average illumination of 3:1 shall be maintained throughout the parking areas.

Building Design

1. Each façade shall be finished with materials and design treatments comparable to those that would be used on the front of the building
2. All building designs shall relate thematically to each other, and shall present a cohesive architectural statement. The buildings are to be designed in accordance with an architectural theme, including freestanding and wall mounted signage, that is coordinated with site lighting, street furniture, landscaping, kiosks, street clocks and other appurtenances.

Signs

The subject Redevelopment Area is characterized with environmental constraints that require that the developed portions of the Planned Commercial Development be located towards the rear of the tract and essentially out of sight from the main thoroughfare at Mount Pleasant Avenue. Due to this practical difficulty peculiar to this site, the need for identification signage at the property frontage at Mount Pleasant Avenue is critical to its potential for success. However, the close proximity of high density residential development on adjacent lands to the east, particularly at the property frontage on Mount Pleasant Avenue, requires that the illumination of the signage be controlled in a way that prevents excess glare during late night hours. Accordingly, the following controls for signage are specifically designed to accommodate the needs of the redeveloper while preventing unreasonable impacts on adjacent residents:

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1. Freestanding Signs – A detailed site signage and graphics plan shall be designed specifically for the Planned Commercial Development which is proposed for this Redevelopment Area. The site signage and graphics plan shall include any proposed freestanding signs and will be subject to the approval of the Planning Board at the time of site plan review of the project submitted by a redeveloper designated by the Town's redevelopment entity. The number and size of freestanding signs shall be the minimum required to enable the Planned Commercial Development to attract anchor tenants and clearly identify them to the motorists on Mount Pleasant Avenue, but no freestanding sign shall exceed 30 feet in height. Height shall be measured from the ground at the base of the sign to the top of the support structure. Each freestanding sign shall incorporate the design theme of the architectural theme of the Planned Commercial Development. The site's address is to be included on at least one (1) freestanding sign, but may be displayed on the skirting or support structure and shall not be counted against the area of the sign face. The illumination of any sign within 200' feet of a residential dwelling must be extinguished either upon close of business of the last open business in the Planned Commercial Development, or midnight, whichever comes first.
2. Façade Signs – No more than one (1) primary wall mounted face identification sign may be erected at any one (1) business facade, except that an anchor tenant of 25,000 square feet or greater may have a single primary wall-mounted identification sign on any building facade which provides an entrance to that business. Each primary identification sign may have a maximum area not to exceed ten (10) percent of the portion of the facade area of the side of the building occupied by the business. A single user of 10,000 square feet of floor space or greater shall also be permitted ancillary facade signage identifying specific services provided on the premises, except that the total area of the ancillary signage on any one building facade shall be limited to five (5) percent of the facade area. No facade sign may face an adjacent residential use. Façade signs are to located at a height below the roofline of a building, and above window and/or windows of the facade used for public access.
3. Directional Signs – Directional signs shall be permitted in accordance with the following:
 - a) Access Directional signs – Directional signs indicating the path of motorists and pedestrians from the access points from a public street into

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and out of the site. These directional signs shall not have commercial messages and are limited to four (4) square feet in area and three (3) feet in height.

- b) Internal Directional Signs – Directional signs indicating internal circulation with two or more separate buildings or developments with multiple commercial buildings. Such directional signage may contain identification or commercial messages useful to guide visitors from one commercial building to another, and may be up to eighteen (18) square feet in area and seven (7) feet in height, but must be no closer than fifty (50) feet from the tract perimeter.

Miscellaneous Provisions

1. If possible, Bowlby Pond shall be used for stormwater detention, including any off-site improvements to convey stormwater to the pond, subject to the approval of the NJDEP. Any required on-site detention basin and its associated lot shall be exempt from bulk zoning requirements. Said basin shall be provided with adequate interior and perimeter landscaping to provide a naturalized appearance and a functional design.
2. Off-tract improvements and performance guarantees shall be determined in a duly executed Redeveloper Agreement between the designated redeveloper and the redevelopment entity as designated by the Town Board of Aldermen. The Redeveloper Agreement shall include a schedule for the construction of the Planned Commercial Development, including a timetable for submission of a Remediation Action Work Plan and securing a No Further Action Letter from the NJDEP.
3. Soil removal and grading plans shall be submitted at the time of site plan application to the Planning Board. Said plans shall be subject to the review and approval of the Town Engineer.

Variation from the requirements set forth by this Redevelopment Plan may be necessary in certain unusual circumstances. In such an instance, the Planning Board may waive certain setback, floor area, height, buffer and land coverage requirements if the designated redeveloper demonstrates that such waiver will not substantially impair the intent of the Redevelopment Plan, and will not present a substantial detriment to the public health, safety and welfare.

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Plan Section 3.0 Plan Interpretation

Statutory Reference:

Relationship of redevelopment plan to municipal development regulations.

Redevelopment plan shall either supersede applicable development regulations or constitute an overlay zoning district within redevelopment areas.

3.1 Description of zoning requirements to replace existing zoning under the Dover Zoning Code

It is the intent of this Redevelopment Plan to supersede, replace and supplement existing IND/OP Zone requirements as they relate to the Redevelopment Area. The degree to which existing regulations contained within the Dover Town Land Use Ordinance are continued is as follows:

§236-21.A(1)(3)(4): Uses shall be permitted.

§236-21.E: Transition Buffer to residential district or school.

§236-21.C(3): Satellite antennas as a Conditional Use pursuant to standards continued in §236-40.E.

§236-21D(1): Minimum lot area requirement (See bulk table in Section 2.0).
There shall be no set minimum lot width or lot depth requirements.

§236-21.D(3): Front yard setback requirement (See bulk table in Section 2.0).

§236-21.F: Height limitation (See bulk table in Section 2.0).

§236-42: Performance Standards.

§236-43: Off-street parking and loading, and as amended in Section 2.0.

§236-54: Standard required improvements.

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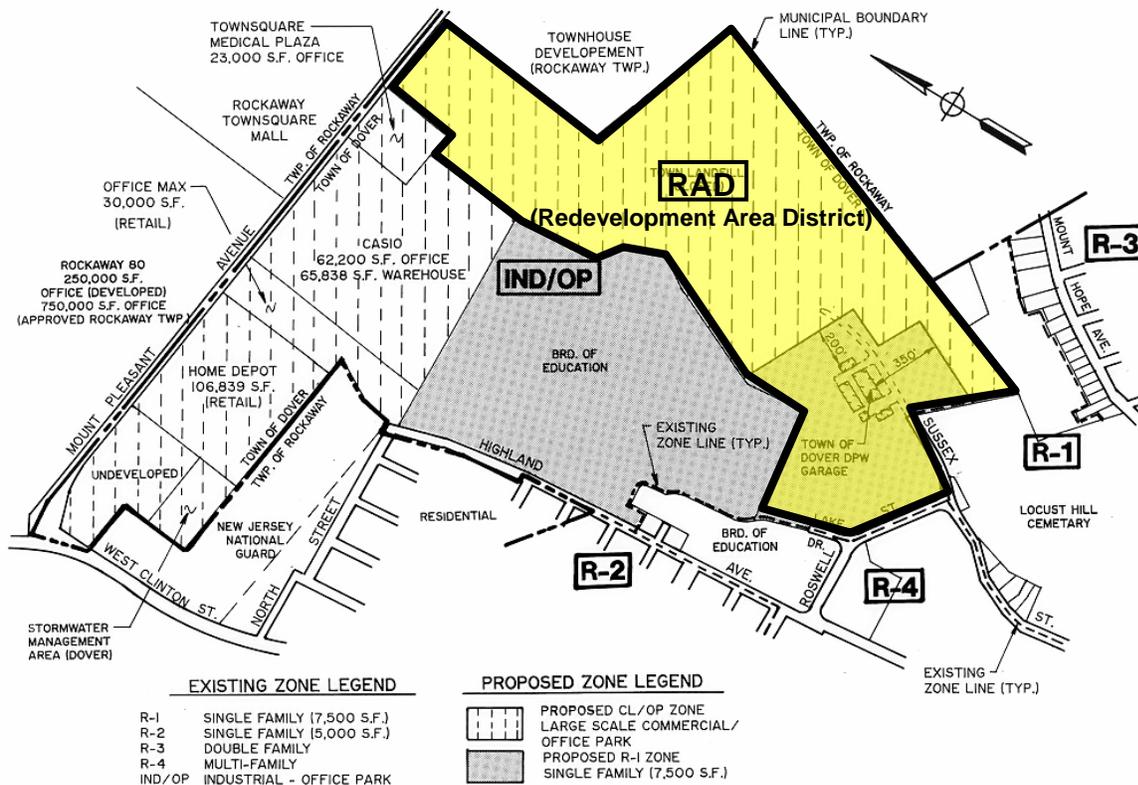
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§236-56: Construction requirements.

Where there is a conflict between a regulation contained within the Dover Town Land Use Ordinance and standards contained in this Redevelopment Plan, the standards of this Redevelopment Plan shall govern.

3.2 Zoning Map Revisions

The Town of Dover Zoning Map shall be amended consistent with the following:



ZONING MAP AMENDMENTS

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Plan Section 4.0 Acquisition and Relocation

Statutory Reference:

Identification of property recommended for acquisition;

Plan for temporary and permanent relocation of displaced residents and businesses, including an estimate of available housing in acceptable condition within the existing local housing market.

As a Town-owned vacant parcel, there is no land acquisition or relocation required as part of this Redevelopment Plan.

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Plan Section 5.0

Plan Consistency Review

Statutory Reference:

Describe the relationship of redevelopment plan to master plans of contiguous municipalities, county master plan and State Development and Redevelopment Plan.

5.1 Consistency of Redevelopment Plan with Rockaway Township Master Plan

The Redevelopment Area borders the Township of Rockaway to the east and across Mount Pleasant Avenue to the north. The Land Use Plan in the Master Plan Reexamination Report, Rockaway Township, adopted August 16, 1999, indicates that the adjacent land to the east is partially designated for RMF-8 (multifamily residential land use at 8 dwelling units per acre), which is where the Townsquare Village townhouse development is located, and partially designated for R-13 (single family residential land use on 13,125 square foot minimum lots, or 3.3 dwelling units per acre). Across Mount Pleasant Avenue to the north is the Rockaway Townsquare Mall, which is designated R-B for Regional Business land uses. Further west along Mount Pleasant Avenue in Rockaway Township is a large area designated "O-2" (Office Building District).

Because of the configuration of the parcel and development constraints posed by the prior solid waste landfill use of the site, the planned commercial development redevelopment approach will require a private access road from Mount Pleasant Avenue similar to the Mall access road that serves Rockaway Townsquare Mall. As such, the character of the redevelopment will be consistent with the intensity and mix of development along Mount Pleasant Avenue in Rockaway Township. Specifically, the Land Use Plan within Rockaway's 1999 Master Plan Reexamination Report for the land uses along Mount Pleasant Avenue states the following:

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- (RMF-8) - “The high density attached residential land use category includes those areas that are proposed for single family attached dwellings (townhouses) and multi-family dwellings. These areas are located in the southern portion of the township”.⁹
- (R-B) – “The Regional Commercial land use category encompasses the Rockaway Townsquare Mall property. The R-B Regional Business Zone complements this land use designation. It is designed for the mall operation, as well as various retail and office uses which are located in close proximity to the mall, but are located outside of the mall ring road.”¹⁰
- (O-2) – “These zones are located in relatively close proximity to the regional mall, and are designed to contribute to a regional town center character. They encompass two areas in the southern portion of the township near Route 80 and the Rockaway Townsquare Mall, to the east and west of the mall.” “The O-2 Zone also requires a five acre building lot, but its building height is increased to one hundred feet in recognition of its particular location from residential development”.¹¹

From the descriptions above, it is clear that the intent of the Rockaway Master Plan is to direct its most intensive development around the Rockaway Townsquare Mall along existing arteries which carry traffic to and from Interstate Route 80. In this fashion, the area around the mall, and the Regional Business zoning, contributes to the “regional town center character” referred to above. The entire Town of Dover was designated by the State Planning Commission as a Regional Center in 1994.¹² To the extent that the dormant landfill site becomes redeveloped with uses that are consistent with those found and permitted in the Regional Business and Office Districts in Rockaway Township, the two Regional Centers will become more contiguous and truly “regional”.

It is also important to point out that the building and parking lot setbacks incorporated into this Redevelopment Plan are generally consistent with those within the Regional Business Zone in the Rockaway Township zoning code, which is the zone most closely related to the planned commercial development approach in this Redevelopment Plan. This Plan has the same minimum building setback of 100 feet from a district boundary line as the R-B Zone in Rockaway Township and the parking lot setback is 40 feet,

⁹ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 37.

¹⁰ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 42.

¹¹ Master Plan Reexamination Report, Rockaway Township, New Jersey, Burgis Associates, adopted August 16, 1999, page 43.

¹² Resolution No. 94-006, New Jersey State Planning Commission, December 2, 1994.

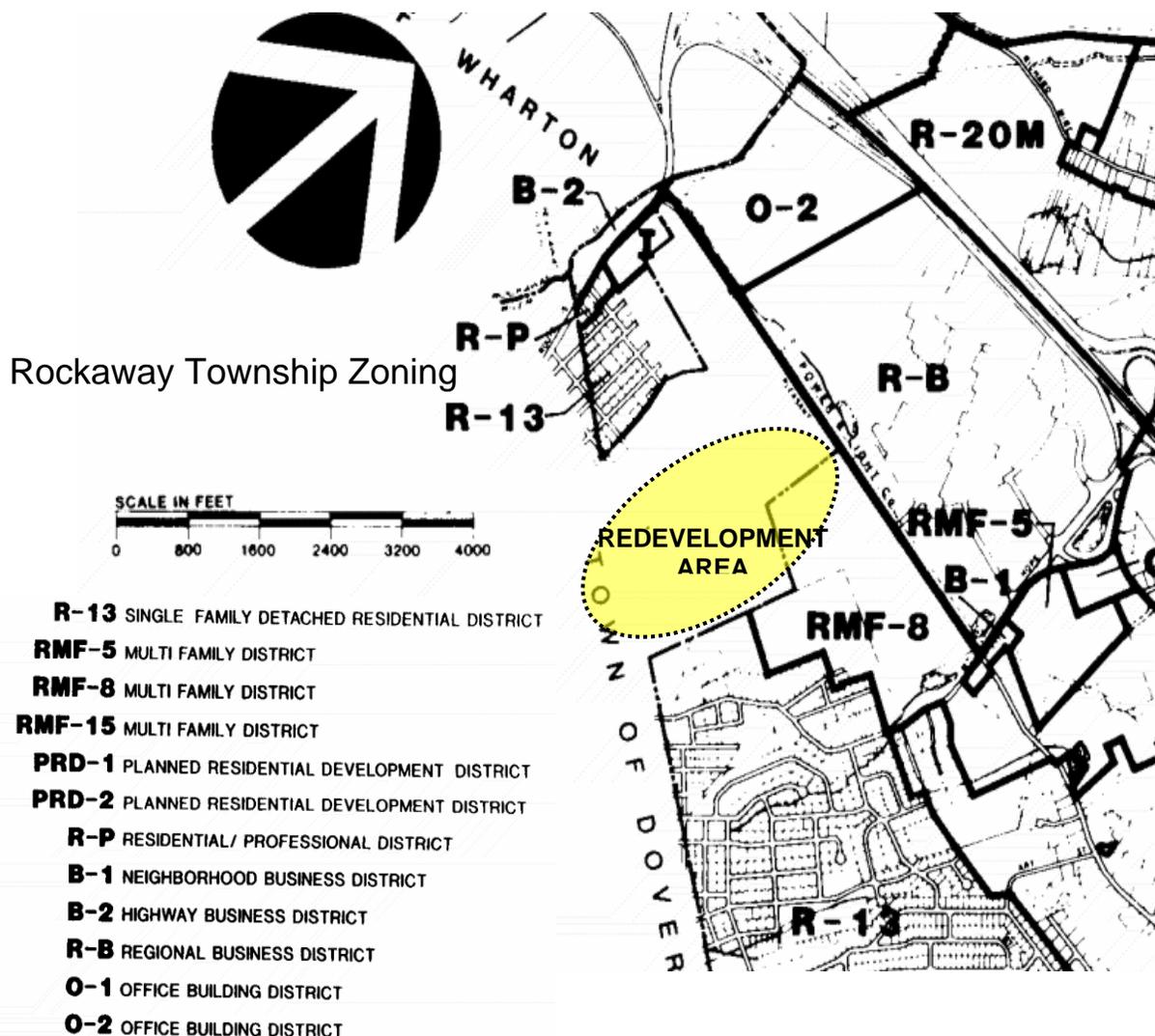
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while the R-B Zone requirement is 50 feet. However, the finished grade of the adjacent residential development to the east of the Redevelopment Area is fifteen feet or more above the redevelopment parcel and will not be at eye-level with the parking lots developed on the redevelopment parcel. The ten-foot difference between the parking lot setback of this Redevelopment Plan and the R-B Zone requirements in the Rockaway zoning code is therefore not significant.

Based on the above, the land uses and building requirements proposed for the Redevelopment Area in this Redevelopment Plan are consistent with a Regional Center and consistent with the regional center character that has evolved and that is planned for the Rockaway Township side of Mount Pleasant Avenue.



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5.2 Consistency of Redevelopment Plan with Morris County Growth Management Plan (Master Plan)

The Land Use Element of the Morris County Master Plan dates back to the 1970s and is currently in the process of being updated. The current version of the Master Plan recognizes Dover, as well as Morristown and Boonton, as “centers” within the County due to their intensity of development, integration of residential and nonresidential uses, number of employers and availability of public transportation. The County has viewed the Town of Dover as the nucleus of a regional center “complex” that extends from the K-Mart shopping center in Randolph at Route 10 and Salem Street, through Victory Gardens and Dover to the Rockaway Townsquare Mall, potentially to include the new “big box” retail development on Route 15 in Wharton.¹³ The Morris County Planning Board also endorsed Dover’s petition to the State Planning Commission requesting designation as a Regional Center, dated August 3, 1994.¹⁴

Based on the above, the redevelopment of the Redevelopment Area for planned commercial land uses is consistent with the recognition of Dover as a center in the Morris County Master Plan.

5.3 Consistency of Redevelopment Plan with State Development and Redevelopment Plan

The State Planning Commission on December 2, 1994 designated the Town of Dover as a Regional Center. As part of the review of the petition, the Director of the Office of State Planning recommended to the Town that it include, as part of its petition, a “planning and implementation agenda” addressing, among other things, strategic revitalization and economic development. The amended petition was then recommended for approval in November of 1994.¹⁵

This Redevelopment Plan is an important planning activity that furthers the planning and implementation agenda for implementation and development of the Regional Center.

¹³ Telephone interview with staff of Morris County Planning Board on November 8, 1999.

¹⁴ Resolution No. 94-006 of the New Jersey State Planning Commission, adopted December 2, 1994, page 3.

¹⁵ Resolution No. 94-006 of the New Jersey State Planning Commission, adopted December 2, 1994, page 3.

Plan Section 6.0

Implementation & Completion

6.1 Execution of Redeveloper Agreement

This Plan may be amended from time to time in accordance with the procedures of the Redevelopment and Housing Law, except that amendments affecting a redevelopment parcel addressed in an agreement, duly executed by a redeveloper and the Town of Dover's redevelopment entity, shall be contingent on the written approval of such redeveloper.

6.2 Certificates of Completion

Upon the inspection and verification by the Town of Dover's redevelopment entity that the redevelopment of the Redevelopment Area has been completed, a Certificate of Completion shall be issued to the redeveloper and such parcel shall be deemed no longer in need of redevelopment.

This Redevelopment Plan shall remain effective until all the Redevelopment Area has been redeveloped and deemed no longer in need of redevelopment by the Board of Aldermen of the Town of Dover.

Chapter 236, Land Use and Development, Article IX, Fees and Escrows, § 236-98

Submission/Application	Application Fee	Initial Review Fee Escrow Deposit
Subdivisions & Site Plans:		
Site plan, expedited waiver	\$150.00	\$500.00
Site plan, minor	\$500.00	\$500.00
Site Plan, preliminary major	\$300.00, plus \$20.00 per 1,000 square feet of building, plus \$5.00 per 1,000 square feet of lot area	125% of fee
Site Plan, final major	50% of preliminary major fee	100% of fee
Subdivision, minor (2 lots)	\$600.00	\$500.00
Subdivision, minor (3 lots)	\$750.00	\$500.00
Subdivision, preliminary major	\$1,100.00, plus \$100.00 per lot	125% of fee
Subdivision, final major	\$600.00 plus \$25.00 per lot	100% of fee
Concept Plan Review	\$250.00	\$300.00
Variances and other appeals:		
Appeals in accordance with N.J.S.A. 40:55D-70a	\$400.00	\$400.00
Appeals in accordance with N.J.S.A. 40:55D-70b	\$400.00	\$400.00
Appeals in accordance with N.J.S.A. 40:55D-70c ("C" Variance)	\$250.00	\$250.00
Appeals in accordance with N.J.S.A. 40:55D-70d ("D" / Use Variance)		
Residential	\$400.00	\$400.00
Commercial	\$600.00	\$600.00
Industrial	\$800.00	\$800.00
Permit pursuant to N.J.S.A. 40:55D-34 and 40:55D-36	\$400.00	\$600.00
Permit to construct a building on an unimproved street pursuant to N.J.S.A. 40:55D-35	\$400.00	\$600.00
Conditional use permit pursuant to N.J.S.A. 40:55D-67	\$400.00, plus site plan fee	\$250.00, plus site plan escrow deposit
Miscellaneous Permits		
Soil disturbance	\$100 plus \$100 per 1,000 square feet or 100 cubic yards of disturbance, whichever is greater	N/A
Flood Damage Prevention Development Permit	\$150.00	N/A
Certificate of Historic Review:		
Demolition	\$150.00	\$300.00
Addition or new construction	\$250.00	\$500.00
Change in the exterior appearance	\$150.00	\$300.00
Change in the exterior appearance for a sign or awning only	\$75.00	\$150.00
Appeal of Administrative Officer due to a report of the Historic Preservation Commission	\$150.00	\$150.00
Zoning Permits/Certificate Review and Inspections Fees:		
Changes of Use, Fences and Signs	\$50.00	N/A
Accessory Structures Under 200 square feet	\$50.00	N/A
Determination of Zoning Status	\$100.00	N/A
New Structures	\$250.00	N/A
New Structures (including Accessory Structures) or Additions on property with "Steep Slope Area" per § 236-21.2	\$400.00	N/A
Additions to Existing Structures	\$200.00	N/A

Application Form Links

The following Application Forms are available from within this Handbook File. Click on the Form you wish to view or print.

- Board Land Use Application
 - Board Submission Checklist Requirements
 - Expedited Waiver of Site Plan (EWSP) Application
 - Certificate of Historic Review Application
 - Zoning Permit Application
-