

ORDINANCE 46-2006 WAS WITHDRAWN AT THE HEARING OF NOVEMBER 13, 2006

September 12, 2006

By Certified Mail and Regular Mail with Ordinance in full

TO: Morris County Planning Board

NJ League of Municipalities

Borough of Madison Planning Board

Madison Free Public Library

Morris County Free Public Library

Municipal Clerk: Borough of Chatham, Township of Chatham, Borough of Florham Park, Township of Harding, Township of Morris

FROM: Marilyn Schaefer, Borough Clerk

SUBJECT: BOROUGH OF MADISON NOTICE OF PENDING

LAND DEVELOPMENT ORDINANCE 46-2006

NOTICE IS HEREBY GIVEN that Land Development Ordinance 46-2006 was submitted in writing at a Regular meeting of the Mayor and Council of the Borough of Madison in the County of Morris and State of New Jersey, held on September 11, 2006, was introduced by title and passed on first reading, and said governing body will further consider the same for second reading and final passage thereof during a Regular Meeting of the Council scheduled to begin at 7:45 p.m. or as soon as practical thereafter on **Wednesday, October 11, 2006**, at the Municipal Building, Hartley Dodge Memorial, Kings Road, in the Borough of Madison, at which time and place a public hearing will be held and all interested persons shall be given an opportunity to be heard concerning said ordinance. Copies of Ordinance 46-2006 may be obtained without charge at the office of the Clerk, Borough Hall, 50 Kings Road in the Borough of Madison during regular business hours on Monday through Friday for the period up to and including the scheduled public hearing.

STATEMENT OF PURPOSE: The Madison Land Development Ordinance Section 195-46 regarding affordable housing development fees is hereby amended to provide for assessing fees to developers for their concomitant COAH obligations.

ORDINANCE 46-2006

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON LAND DEVELOPMENT ORDINANCE, ARTICLE VIII ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"

WHEREAS, the Borough Administrator has recommended that the Madison Land Development Ordinance Section 195-46 regarding affordable housing development fees be amended to provide for assessing fees to developers for their concomitant COAH obligations; and

WHEREAS, the Borough Council has determined to adopt such amendment.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that:

SECTION 1: Chapter 195 of the Madison Land Development Ordinance, Article VIII entitled "Affordable Housing Development Fees", Section 195-46 entitled "Purpose; applicability; collection; housing fund; use" is hereby amended as follows:

§ 195-46 Purpose; applicability; collection; housing fund; use.

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Nonresidential development fees.

(1) Developers of commercial development within the Borough shall pay a fee of \$182,749 per affordable housing unit required as determined by the rules and regulations promulgated by the New Jersey Council on Affordable Housing.

(2) The imposition of development fees shall not be construed as a condition of preliminary or final site plan approval or as a stipulation included in a developer's agreement for the purposes of calculating growth exclusions pursuant to N.J.A.C. 5:94-2.4(a)5.

C. Mixed-use development fees.

(1) Developers of mixed-use development within the Borough shall pay a fee of \$182,749 per affordable housing unit required as determined by the rules and regulations promulgated by the New Jersey Council on Affordable Housing.

(2) The imposition of development fees shall not be construed as a condition of preliminary or final site plan approval or as a stipulation included in a developer's agreement for the purposes of calculating growth exclusions pursuant to N.J.A.C. 5:94-2.4(a)5.

D. Residential development fees.

(1) Developers of new residential housing, which shall include any residential development on an existing lot on which a former residential structure was located, within the Borough shall pay a fee of \$182,749 per affordable housing unit required as determined by the rules and regulations promulgated by the New Jersey Council on Affordable Housing.

(2) The imposition of payments in lieu of development fees shall not be construed as a condition of preliminary or final site plan approval or as a stipulation included in a developer's agreement for the purposes of calculating growth exclusions pursuant to N.J.A.C. 5:94-2.4(a)5.

(3) No fee shall be charged pursuant to this section for any addition or improvement to an existing residential structure, so long as such addition or improvement does not increase the value of the existing structure, as of the date hereof, by more than 50%.

E.

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SECTION 2: This ordinance shall take effect as provided by law.

Marilyn Schaefer

Borough Clerk