

ORDINANCE 35-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE"

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the OR district in accordance with the recommendations of the 2009 Land Use Element Amendment of the Borough of Madison's Comprehensive Plan.

WHEREAS, the Madison Borough Planning Board has reviewed the Zoning Ordinance of the Borough of Madison and recommends that the Borough Council consider amending the Zoning Ordinance to modify the OR district in accordance with the recommendations of the 2009 Land Use Element Amendment of the Borough of Madison's Comprehensive Plan; and

WHEREAS, the Planning Board recommends the adoption of the amendments to the Zoning Ordinance to the Borough Council and finds that they are not inconsistent with the 2002 Master Plan and amendments thereto.

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

SECTION 1: Section 195-7 entitled "Definitions" of Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", shall be amended to add the following definition:

RESEARCH AND DEVELOPMENT -- Research & development includes uses involved in the conduct of basic and applied research, as well as the application of such knowledge to the production process, which do not pose a public nuisance by virtue of noise, vibration, odor, air emissions or discharge of hazardous substances. R&D uses include a mix of research facilities, laboratories, corporate offices, and support services in a coordinated and high-quality, aesthetic environment. Research & development uses can range from incubator facilities for start-ups and growing technology/research companies to established research corporations, but shall not include testing on animals; testing of blood and tissue samples shall be permitted.

SECTION 2: Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", Section 195-32.7 entitled "OR Office-Research regulations."

shall be amended as follows:

§195-32.7. OR Office-Research Zone regulations

A. Purpose. The purpose of this zone is to permit a wide range of office and research and development uses in accordance with current best practices of green building and sustainable site design to minimize impacts on adjacent residential areas to the maximum extent possible. This purpose encompasses the rehabilitation and reuse of existing site improvements and infrastructure, as well as any future new construction within the zone.

B. . . .

(3) Research and development uses.

. . . .

E. Supplemental Requirements:

(1) All pervious areas in the required front yard and/or between the front building façade and the street right-of-way shall be fully planted and maintained in a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. Landscaping around any parking areas shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons from adjacent residential uses. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.

(2) No chainlink or vinyl fencing shall be permitted along any public street frontage nor adjacent to any residential use.

(3) The selection of building design elements, such as materials, fenestration, color and texture, should balance the needs of the proposed uses of the site with elements to achieve harmony with the neighborhood and Borough.

(4) Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.

(5) All building facades shall be treated as front facades in terms of architectural detailing and treatments.

(6) Buildings are required to incorporate vertical and horizontal articulation through variations in build-to-lines, incorporation of entry treatments and pergolas, careful selection of materials, the use of projections and fenestration, and/or similar architectural treatments to improve the visual appearance of the buildings.

(7) Applicants for development in the OR Zone shall submit photo simulations showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(8) All proposals for development in this zone shall be required to prepare a Traffic Impact Statement in accordance with Chapter 195-20.G that shall consider increases in cut through traffic through neighboring local streets.

(9) For the purpose of calculating impervious coverage and to encourage the use of sustainable site design components that increase groundwater recharge, all pervious pavement and engineered green roof systems shall receive a credit towards the calculation of impervious coverage. These areas, provided they are designed and maintained in accordance with best engineering practices, shall receive deductions for purposes of calculating impervious coverage in the OR Zone, as follows:

[a] Green Roof: engineered green roofs may be considered for a reduction in impervious coverage provided they cover a minimum of 500 square feet of contiguous roof area. Deductions shall be as follows:

[1] a reduction of 20% in impervious coverage for systems with unit weights 10-25 pounds/square foot saturated and vegetated;

[2] a reduction of 35% in impervious coverage for systems with unit weights 25-40 pounds/square foot saturated and vegetated;

[3] a reduction of 50% in impervious coverage for systems with unit weights 40+ pounds/square foot saturated and vegetated;

[4] Additional coverage reduction for system designed to retain entire 100 year design storm may be granted based on review and determination by the Board Engineer.

[b] Pervious Paving Systems: pervious paving systems may be considered for a reduction in impervious coverage, provided they cover a minimum of 5% of all parking stalls or 2.5% of total paved area of the site and provided they demonstrate compliance with design criteria of Chapter 9.7 of the New Jersey Department of Environmental Protection Best Management Practices Manual, latest version, in order to qualify for coverage credits. Deductions shall be as follows:

[1] 20% reduction in impervious coverage for impervious concrete pavers without storage bed;

[2] 40% reduction in impervious coverage for impervious concrete pavers with stone storage bed;

[3] 50% reduction in impervious coverage for porous paving systems;

[4] Additional coverage reduction may be granted for storage bed designed to retain the entire 100 year design storm based on review and determination by the Board Engineer.

(10) Standards related to site design and layout, including, but not limited to landscaping, stormwater management, lighting, parking, etc. outlined in other sections of Chapter 195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

(11) Accessory uses, including shared conference rooms for use by multiple tenants, cafeterias, fitness facilities, and similar amenities designed for the sole use of building occupants shall not exceed 15% of a building's gross floor area.

(12) Laboratory floor area shall not exceed 25% of a building's gross floor area.

SECTION 3: Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", Attachment I, Schedule I, Height, Yard and Bulk Requirements shall be revised as follows:

- Office & Research Zone Maximum Stories: 3 stories
- Office & Research Zone Height (feet): 55 feet and elevation 282' (based on NAVD88)
- Office & Research Zone Maximum Impervious Cover: 57%(r)
 - **Add note r.** See Section 195-32.7.E.(9) for additional information on the calculation of impervious coverage.

SECTION 4: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

SECTION 5: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

MARY-ANNA HOLDEN, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk