

## ORDINANCE 54-2009

### 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 amend the Madison Land Development Ordinance to address upper floor signage provisions for the CBD-1 Zone and signage standards for the Gateway Zone, revise the purpose statement for the CBD Zones, clarify setback provisions and buffering in the CBD Zones and reduce off-street parking requirements in the CBD Zones.

**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 address upper floor signage provisions for the CBD-1 Zone and signage standards for the Gateway Zone, revise the purpose statement for the CBD Zones, clarify setback provisions and buffering in the CBD Zones and reduce off-street parking requirements in the CBD Zones; 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:** Schedule IV of Chapter 195 of the Madison Borough Code entitled “Land Development Ordinance”, shall be amended to add the following language under Nonresidential Zone Specifications, Permanent Signs, Hanging Vertical Signs, in the Notes column:

“ Projecting or Hanging Vertical Signs for upper floor businesses that meet these standards shall not count toward the maximum signage square footage within the CBD-1 Zone. In addition, projecting/vertical signage for upper floor businesses shall not extend above the second story.”

**SECTION 2:** Schedule I of Chapter 195 of the Madison Borough Code entitled “Land Development Ordinance”, shall be amended as follows:

Notes:

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b. Front yard in CBD Zone: The predominant setback shall be maintained in the CBD-1 Zone but shall not exceed 12 feet. The predominant setback shall be maintained in the CBD-2 Zone but shall not exceed 20 feet.

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d. Rear yard in CBD Zone: One foot of rear yard for each two feet in height of principal building with a minimum rear yard of twenty-five feet.

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SECTION 3: Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", Section 195-32.4 entitled "CBD-1, CBD-2 Central Business District Zones regulations" shall be amended as follows:

A. Purpose. The purpose of the CBD Zones is to promote a vital, mixed-use, downtown core designed to encourage street-level, pedestrian activity through ground level locally oriented retail uses and upper floor offices and residential uses. Preserving and maintaining a streetscape consistent with downtown design principles, encouraging the reuse and rehabilitation of historic structures, maintaining the character and scale of buildings, sites, and uses to promote pedestrian accessibility and safety, and encouraging locally oriented retail businesses and services, are central to the identity, health and vitality of the CBD.

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F. Off-Street Parking.

(1) Off-street parking requirements in the CBD-1 and CBD-2 Zones shall meet the non-residential parking requirements set forth in the tables provided in Parking Schedule I in Section 195-35, reduced by 20%, as well as the parking requirements for residential use as per the NJRSIS, except that on-street parking shall not be counted towards the parking requirement. In evaluation of parking requirements, the reviewing Board may consider demand management approaches, such as provision of carsharing, ridesharing and shuttles, and may further reduce the required parking by up to 10% based on documentation provided by an Applicant outlining proposed demand management techniques.

(2) If there is a change in building occupancy (tenancy), but not use (as defined by Section 195-20.B(2)), and no physical expansion is proposed, additional parking above what is already provided (on-site, off-site, or through a shared parking agreement) is not required and no parking variance is necessary.

(3) If there is a change in building occupancy and use (but not physical expansion), then the parking requirement is computed based on the difference between the parking required for the legally existing (prior) use versus the parking required for the new (proposed) use, provided there shall be no reduction in the amount of any existing on-site or designated

off-site parking.

(4) Parking requirements may be addressed in the CBD Zones through a shared parking approach between compatible uses either on or off-tract. The off-tract parking shall be located within five (5) blocks or 1,000 feet of the subject property. Documentation shall be provided to support the feasibility of shared parking, including an analysis of the uses sharing the parking and the peak usage periods for each, hours of operation of uses sharing the parking, and lot capacity (number of spaces) based on existing and proposed usage of the lot. A written contractual arrangement should be secured for a minimum two-year period, with a renewable option between parties.

G. Supplemental Requirements.

(1) Landscaped Buffers.

(a) Where a nonresidential or mixed-use development is contiguous to a residential use or zone, there shall be a landscaped buffer strip along the perimeter of the property where it is contiguous to such residential property or zone. Such buffer strip shall be at least ten (10') feet in depth measured from the residential property line and shall be used as a planting strip or developed as a planted berm, with plant material (trees, shrubs, and plants, including a combination of coniferous and deciduous varieties) a minimum of six (6') feet in height at time of planting. In addition, the reviewing body may also require a solid, board-on-board fence in conjunction with the plantings of at least five (5) feet in height.

SECTION 4: Schedule IV of Chapter 195 of the Madison Borough Code entitled "Land Development Ordinance", Part (2) Nonresidential Zone Specifications shall be amended to add new lines as follows:

A. To be added under Permanent Signs, Building:

Gateway Zone:

- Maximum Size (square feet): 1.5 for each linear foot of building width or 50 feet, whichever is less
- Maximum Height: —
- Maximum Number: —
- Minimum Setback: —
- Permit Required: Yes
- Illumination Permitted: External Illumination Only
- Notes: Building signs also include all canopy signs for purposes of total calculation of sign area. Building signs are only permitted on building facades that front a public right-of-way.

B. To be added under Canopy:

Gateway Zone:

- Maximum Size: See building signs\*
- Maximum Height: —
- Maximum Number: 1
- Minimum Setback: —
- Permit Required: Yes
- Illumination Permitted: No

C. To be added under Freestanding:

Gateway Zone:

- Maximum Size: 20 square feet
- Maximum Height: 4 feet
- Maximum Number: 1
- Minimum Setback: 10 feet to any abutting street right-of-way or property line
- Permit Required: Yes
- Illumination Permitted: Low-intensity, external illumination only

SECTION 5: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

SECTION 6: This Ordinance shall take effect as provided by law.

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MARY-ANNA HOLDEN, Mayor

Attest:

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ELIZABETH OSBORNE, Acting Borough Clerk