

## ORDINANCE 49-2016

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MADISON" REGARDING THE PCD-O ZONE (GIRALDA FARMS)

**WHEREAS** the Borough amended its Master Plan in 2014 to better reflect current conditions and opportunities within the Borough's PCD-O District.

**WHEREAS** the 2014 Master Plan Land Use Element Amendment updates the land use policy for Giralda Farms (PCD-O District) and recognizes both the unique environmental setting and design of the Giralda campus, as well as more recent development trends within the campus, including multi-tenanted buildings and the need to modify certain bulk requirements to better support such development and to more effectively respond to future development opportunities.

**WHEREAS** the 2014 Master Plan Amendment identified the following goals to guide future development of Giralda Farms:

- . To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus;
- . To effectively integrate a broader range of nonresidential uses, including administrative and professional office uses in multi- tenanted buildings, and non-hazardous research/development and technology uses accessory to office uses;
- . To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of development with development opportunities through incorporation of sustainable design and low impact development techniques;
- . To strengthen and encourage transit connections between the campus and the Madison train station; and,
- . To provide greater flexibility with respect to permitted use and bulk standards of the PCD-O District with an eye toward advancing the above goals.

**WHEREAS** the following amendments to the PCD-O Zone are consistent with the recommendations of the 2014 Master Plan Amendment.

The PCD-O Planned Commercial Development-Office Zone regulations shall be amended to read as follows:

#### **§ 195-32.8. PCD-O Planned Commercial Development-Office Zone regulations.**

A. Purpose. The purpose of this zone is to:

- . (1) Preserve existing natural resources and give proper consideration to the physical
  - constraints of the land.

- . (2) Provide for safe and efficient vehicular and pedestrian circulation.
- . (3) Provide for screening, landscaping, signing and lighting.
- . (4) To continue to maximize the economic benefits of Giralda Farms to the community and region by retaining and attracting high quality jobs and innovative businesses that value the unique setting and environmental character of the campus;.
- . (5) Provide for compliance with appropriate design standards to ensure adequate □light and air, proper building arrangements and minimum adverse effects on □surrounding property.
- . (6) Develop proper safeguards to minimize the impact on the environment, including, but not limited to, minimizing soil erosion and sedimentation, air and water pollution and noise levels.
- . (7) Ensure the provision of adequate water supply, drainage and stormwater □management, sanitary facilities and other utilities and services.
- . (8) Retain as much of the natural, vegetative cover, particularly in critical □environmental areas, where it serves important functional as well as aesthetic □purposes.
- . (9) Implement the adopted policies of the Borough of Madison Comprehensive □Master Plan, as amended, dealing with proper land development, site design and □conservation.
- . (10) To recognize the unique environmental setting and design of Giralda Farms and to continue to mitigate and balance the environmental impacts of development with development opportunities through incorporation of innovative, sustainable design and low impact development techniques
- . (11) Advance and promote sound growth and the general welfare.

#### B. Principal permitted uses.□

(1) Business, administrative and professional offices.

(2) Up to 10% of any permitted office building may be used for any combination of the following uses:

(a) Non-hazardous laboratories, research and development, experimentation and testing;

(b) Facilities for higher education and/or partnerships between the private sector and higher education; and,

(c) High technology/innovation business incubator facility.

#### C. Accessory uses.

- . (1) Uses which are customarily incidental and accessory to the principal uses, as □permitted herein.

- . (2) One residential conference center within a single PCD-O complex.
- . (3) Indoor and outdoor recreational facilities for use by PCD-O tenants, owners and □their guests.
- . (4) One hotel within the overall PCD-O Zoning District, in accordance with the standards in Section 195-32.8.D(5).
- . (5) A full service, non-drive through restaurant or private eating club is permitted in existing (as of the date of adoption of this amendment) accessory structures only.

D. Supplementary requirements.

- . (1) Size. No tract, parcel or lot to be used for a planned commercial development- office shall contain less than 175 acres. Public or private streets, roads or rights- of-way shall not be deemed to divide acreage of a planned commercial development-office.
- . (2) Boundary line setback and perimeter buffer zone.
  - . (a) Boundary line setback requirements. No building or structure in a planned commercial development-office shall be erected within 200 feet of the right- of-way of Woodland Avenue, Madison Avenue or Treadwell Avenue, and no building or structure in the PCD-O shall be erected within 250 feet of the right-of-way of Loantaka Way.
  - . (b) Buffer zone requirements. The applicant shall be required to maintain a buffer zone area of at least 200 feet along the perimeter of any PCD-O, except that no buffer area shall be required along the interior periphery of any PCD-O site to the extent that said boundary line also adjoins the Borough of Madison and Township of Chatham municipal boundary line. Said buffer zone shall be kept in its natural state where wooded, and, when natural vegetation is sparse or nonexistent, the Planning Board may require the applicant to supplement the existing vegetation. Within said buffer zone, no structure or off-street parking or loading areas shall be permitted, except utility easements, gatehouses, fences and signs. Roads other than circumference roads may be permitted to cross through the buffer area. Said buffer zone may be included for the purpose of computing the planned commercial development-office density requirements.
  - . (c) Reduction in buffer zone requirements. The buffer zone requirements may be reduced by the Planning Board where existing or proposed vegetation and topographic features accomplish the primary objective of preserving the vista from adjoining and boundary streets.
- . (3) Utilities. All PCD-O developments shall be served by public water and public sewers. All utility wiring shall be underground.
- . (4) Office/commercial building standards.
  - . (a) Floor area ratio. The maximum floor area ratio shall be 0.30 to the tract, but □in no event shall the gross floor area within any PCD-O complex exceed □2,250,000 square feet.

(b) Minimum lot size. There shall be a minimum lot size of 20 acres for each office building operation.

(c) Height. No building height or any part thereof or appurtenances thereto shall exceed the lesser of 60 feet above ground level or 50 feet above the center line of the nearest point of Loantaka Way or Madison Avenue.

(d) Off-street parking. Every building shall be provided with off-street parking at a maximum ratio of 30 parking spaces for each acre of PCD-O area. Not more than 15% of all parking shall be surface, at-grade, uncovered parking. Off-street parking shall be screened and integrated with natural grade and environmental characteristics. Smaller footprint parking structures that are not entirely subsurface are permitted in accordance with the following design standards:

[1] The siting of such structures should take advantage of natural grades to minimize soil disturbance and visual impacts;

[2] The height of such structures should not exceed a maximum of 20 feet above pre-development grade to the highest point of the roof or parapet of the parking structure;

[3] Any above grade part of a parking structure visible from a public right-of-way should be effectively screened with dense plantings, berms, and other landscape elements;

[4] Architectural elements should be incorporated to ensure structure design compatibility with principal structures; and,

[5] Such structures should not intrude into any required setbacks, with the exception of interior yards that do not abut any public right-of-way.

[6] In cases where structures meet these standards, the reviewing Board may exempt the parking provided in this manner from the District's surface parking cap and overall parking cap.

(e) Maximum impervious surface.

[1] Not more than 17.5% of the tract shall be developed with buildings, parking areas, walks, roads or other materials, including detention/retention basins less porous than presently existing.

[2] For purposes of calculating impervious coverage only, subsurface garages with a minimum average soil depth of at least 1.5 feet shall not count toward the calculation of impervious coverage; however, it should be noted that they may be considered impervious for purposes of stormwater management.

[3] The Planning Board may consider an increase in the maximum impervious coverage, from 17.5 to 20%, provided that there is no net increase in runoff volume and that low impact development techniques are incorporated to provide enhanced water quality and groundwater

recharge.

- . (f) Open space organization. Open space shall be deeded to a corporation, association or other legal entity consisting of one or more of the property owners within the PCD-O for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Borough Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Borough from harm. In any event, the agreement shall give the Borough the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement. All provisions of N.J.S.A. 40:55D-43 of the Municipal Land Use Law shall govern the establishment of the open space organization.
- . (5) Additional standards for a Hotel:
  - . (a) A hotel in the PCD-O provides transient lodging accommodations to the general public, and contains up to 200 rooms/suites, and may include additional facilities and services, such as a full-service restaurant, meeting space/private function areas, and a fitness center/private club for use by hotel guests and the general public on a membership basis.
  - . (b) One hotel may be permitted within the PCD-O District.
  - . (c) At least one access driveway shall be provided directly from a public right-of-way.
  - . (c) No more than one freestanding sign may be permitted for each public street frontage abutting a hotel with a maximum of two such signs in total. Each sign shall contain no more than 30 square feet and be no more than five feet in height. Such signs shall be externally illuminated and attractively landscaped along their base.
  - . (d) All building signs for any hotel shall be limited to no more than a total of 45 square feet, and shall be externally illuminated.

E. Findings for PCD-O. Prior to the preliminary approval of a PCD-O, the Planning Board should find the following facts and conclusions:

- . (1) That departures by the proposed development from zoning regulations otherwise  applicable to the subject property conform to the zoning article standards and objectives  pursuant to this section.
- . (2) That the proposals for maintenance and conservation of open space and buffers  are reliable, and the amount, location and purpose of the open space is adequate  for the objectives set forth in this article.
- . (3) That provision through the physical design of the proposed development for  public services, control over vehicular and pedestrian traffic and the amenities of  light and air, recreation and visual enjoyment are adequate.
- . (4) That the proposed planned commercial development-office will not have an unreasonably

adverse impact upon the area in which it is proposed to be established.

- . (5) In the case of a proposed development which contemplates construction over a  period of years, that the terms and conditions intended to protect the interests of the public and of the occupants and owners of the proposed development in the total completion of the development are adequate.
- . (6) That the proposed development will promote the PCD-O objectives.

#### F. Infrastructure.

- . (1) The Planning Board should not grant site plan approval and/or should condition such approval upon finding that:
  - . (a) The proposed stormwater management system is adequate to meet the expected stormwater flows.
  - . (b) The proposed sanitary sewage collection and treatment system is adequate to meet the expected sanitary sewage demand.
  - . (c) The proposed potable water system is adequate to meet expected water demands.
  - . (d) The proposed solid waste management plan can adequately handle the proposed solid waste to be generated by the project.
  - . (e) The roadways and intersections surrounding the zone and leading to and from the tract are capable of handling the expected traffic demands generated by the proposed development. In determining the capability of such roadways and intersections to handle the expected traffic demands to be generated by the proposed development, the Planning Board should endeavor to apply, whenever feasible and appropriate, "Level of Service C," as defined in ASHTO.
  - . (f) The electric supply system is capable of handling the demand required by the proposed development.
  - . (g) The proposed landscape management plan shall limit the use of pesticides and chemical fertilizers by following the principles and practices of Integrated Pest Management.
- . (2) In determining whether the systems are adequate, the Planning Board should determine that the existing system and all proposed improvements needed and necessary to accommodate the proposed development are either in existence, being constructed, bonded or included under any developer's agreement between the developer and municipality or other agency responsible for the system.
- . (3) Where appropriate, the Planning Board should make submission of a developer's agreement to be approved by the Borough Council, posting of bonds or actual installation of improvements to ensure the adequacy of the systems a requirement for final approval.
- . (4) As part of the application for site plan approval, Planning Board may impose such

reasonable and appropriate traffic controls and/or monitoring of traffic conditions, including staggering of work hours, staggering of ingress and egress or some use of mass transport or van pooling, to the extent and for such reasonable time periods as such controls may be required by the anticipated traffic to be generated by the proposed development during peak hours. However, where it appears that such controls or agreement involves a capital contribution of public funds for any road, intersection or other off-site improvements, then, to the extent of such expenditure or public funds, the approval of the Borough Council shall also be obtained.

(5) All developer's agreements required under this section shall be in recordable form.

This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED  
June 27, 2014

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk

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