

**ORDINANCE 24 - 2020**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CERTAIN PROVISIONS OF CHAPTER 195 SECTION 32 OF THE MADISON BOROUGH CODE ENTITLED "LAND DEVELOPMENT ORDINANCE"**

**WHEREAS**, the Borough of Madison has a long-standing commitment to the provision of affordable housing, and in furtherance of that objective, and in line with regulatory changes and judicial decisions, the Borough believes its commitment to affordable housing is best advanced by amending and supplementing Section 195-32 of the Borough Code; and

**WHEREAS**, the Planning Board recommends to the Borough Council the adoption of these amendments and finds that they are substantially consistent with the Master Plan or designed to effectuate such plan elements, and/or if they are wholly or partially inconsistent, that an affirmative vote of the majority of the full authorized membership of the governing body has been received in recognition of the substantial public benefits as cited in the Statement of Purpose section of this Ordinance.

**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 195-32 of the Madison Borough Code shall be amended and supplement as follows:

**(A)** Section 195-32.1.E(2)(e) is amended to read as follows:

<u>Type of Unit</u>	<u>Minimum Floor Area</u>
Studio/efficiency =	500 square feet
One bedroom =	650 square feet
Two bedroom =	800 square feet
Three bedroom =	1,000 square feet

**(B)** Section 195-32.4.A is amended to read in its entirety as follows: The purpose of the CBD-1 Zones is to promote a vital, mixed-use, walkable downtown core designed to encourage street-level pedestrian activity through ground-level locally oriented retail uses and upper-floor offices and residential uses. The purpose of the CBD-2 zones is to similarly promote a walkable and inviting streetscape with both mixed-use development and multi-family inclusionary development proximate to Main Street and transit service, supporting and complementing the retail and service core. 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 Zones.

**(C)** Section 195-32.4.B. is supplemented to add the following:

(13) Inclusionary multi-family residential in compliance with 195-47 and 195-48 (only in CBD-2 Zone).

**(D)** Section 195-32.4.G(2) the minimum floor area requirements are amended to read as follows:

- (a) Studio/efficiency = 500 square feet
- (b) One bedroom = 650 square feet
- (c) Two bedroom = 800 square feet
- (d) Three bedroom = 1,000 square feet

**(E)** Section 195-32.4.G. is supplemented to add the following:

(3) The standards of 195-24.2E shall apply.

**(F)** Section 195-32.4.H. Inclusionary Overlay Zones shall be added to provide for residential development under CBD-2 standards as follows:

(1) Block 1501, Lot 1: This lot shall have an Overlay option for inclusionary multi-family development under the CBD-2 standards for inclusionary multi-family development, except that the maximum permitted impervious coverage and maximum permitted height may be increased by 10% and 5 feet, respectively, to allow for preservation of the existing barn/barns at the corner of Ridgedale and Cook Avenues.

(2) Block 2001, Lots 14 and 15: These lots shall have an Overlay option for multi-family development under the CBD-2 standards.

**(G)** Section 195-32.5.B. is amended to eliminate B(8) and to renumber the remaining subsections accordingly.

- (H)** The lead in paragraph of Section 195-32.5.E. is amended as follows:  
Supplemental requirements; design standards. All uses in the CC Zone shall meet the following design standards and those applicable provisions of Article IV.
- (I)** Section 195-32.5.E(4)(a) is amended to read as follows: An eight-foot landscaped buffer shall be required along each side yard, and a fifteen-foot landscaped buffer shall be required along the rear property line. The 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 lawn area or ground cover or landscaped with a mix of deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect.
- (J)** Section 195-32.5.E.(9) is amended to read as follows: Residential development, with the exception of 100 % affordable housing development, shall conform with the following minimum floor area requirements:
- (a) Studio/efficiency: 500 square feet.
  - (b) One bedroom: 650 square feet.
  - (c) Two bedrooms: 800 square feet.
  - (d) Three bedrooms: 1,000 square feet.
- (K)** Section 195-32.5.E.(8) shall be deleted and former Section 195-32.5.E.(9) as modified above shall be renumbered accordingly.
- (L)** Section 195-32.5.F.(3) is amended to read as follows:  
(3) No more than twelve dwelling units shall be on any property/parcel outside of the CC Inclusionary Overlay Zone.
- (M)** a new section 195-32.5.G. shall be added to read as follows:  
195-32.5.G. CC Inclusionary Overlay Zone Regulations
- a) Purpose. To allow well-designed inclusionary multi-family residential development in key nodes along the Main Street corridor east of downtown.
  - b) Principal permitted uses

- a. Inclusionary multi-family residential development in accordance with 195-47 and 195-48.
- c) Bulk regulations
  - a. Height: 3 stories/38 feet
  - b. Minimum front yard: Minimum 20 feet; Maximum 40 feet
  - c. Minimum side yard: 15 feet
  - d. Minimum rear yard: 25 feet
  - e. Minimum lot area: 15,000 square feet
  - f. Maximum distance from ROW for minimum lot area to be calculated: 150 feet
  - g. Minimum lot depth: 150 feet
  - h. Minimum lot width: 125 feet
  - i. Maximum impervious coverage: 65%
  - j. Minimum number of buildings per tract or lot:
    - i. For lots/tracts greater than 40,000 square feet: 2
    - ii. For lots/tracts greater than 80,000 square feet: 3
    - iii. For lots/tracts greater than 100,000 square feet: 4
  - k. Maximum inclusionary multi-family density: 18 units per acre for all lots under 100,000 square feet; 20 units per acre for lots over 100,000 square feet
- d) The standards in 195-32.5.E. and 195-32.13.H. shall apply.
- e) Block and Lots included in CC Overlay Zone:

<b>BLOCK</b>	<b>LOT</b>
1203	13
1105	28
1105	29.01
1106	1; 2
2001	17, 18, 19, 20 23, 24, 25
2502	1 to 6; 8 to 13
2402	1 to 4; 22; 20
2208	27

**(N)** Section 195-32.9.A. is amended to read as follows: Purpose. The purpose of this zone is

to permit 100% affordable senior citizen housing for eligible households, consistent with 195-47 and 195-48.

**(O)** Section 195-32.9.B.(1) is amended to read as follows: 100% Affordable senior citizen housing.

**(P)** Section 195-32.12.A is amended to read as follows: Purpose: The purpose of this zone is to permit scatter site 100% affordable housing for eligible households, consistent with 195-47 and 195-48.

**(Q)** Section 195-32.12.B(1) to read as follows: 100% Affordable housing development occupied by households meeting the eligibility criteria of 195-47 and 195-48.

**(R)** The following provisions of 195-32.13 related to the Gateway Zone shall be modified as follows:

- i. Section 195-32.13 A. is amended to read as follows: The purpose of this zone is to provide reasonable opportunities for inclusionary multifamily housing and commercial uses, through development standards for properties strategically located at the eastern gateway entrance to the Borough of Madison. The uses permitted are those that complement and are supportive of existing commercial uses in the remaining CC Community Commercial Zone and are compatible with abutting residential uses. The standards of this zone are intended to encourage superior building aesthetics and streetscape enhancement at a scale appropriate to this unique area and the Borough.
- ii. Section 195-32.13.B. is amended to read as follows:
  1. Multifamily inclusionary development
  2. Business, medical, professional, executive or administrative offices; and,
  3. Institutional and public uses
- iii. Section 195-32.13.D.(6) is amended to read as follows: Maximum impervious cover for multifamily dwellings: 65%.
- iv. Section 195-32.13.D.(7) is added to delete (b) and (c), and to amend (a) to read as follows:
  - a. 20 units per acre.
- v. Section 195-32.13.D.(8) shall be deleted, with the remainder of this Section renumbered accordingly.
- vi. Section 195-32.13.E.(4) is amended to read as follows: Maximum impervious coverage for multifamily dwellings: 65%.

- vii. Section 195-32.13.E.(6) is amended to read as follows: Maximum impervious cover for multifamily dwellings: 65%.
- viii. Section 195.32.13.E.(7) is amended to delete (b), and to amend (a) to read as follows:
  - (a) 20 units per acre.
- ix. Section 195-32.13.E.(8) shall be deleted and the rest of subsection shall be renumbered accordingly.
- x. Section 195-32.13.H.(2)(a) is amended to read as follows:
  - (a) An eight-foot landscaped buffer shall be required along each side yard, and a fifteen-foot landscaped buffer shall be required along the rear property line. 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 lawn area or ground cover or landscaped with a mix of deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect.
- xi. Section 195-32.13.H.(8) is amended to read as follows: All residential units, with the exception of 100% affordable housing developments, shall conform to the following minimum floor area requirements:
  - (a) Studio/efficiency: 500 square feet.
  - (b) One bedroom: 650 square feet.
  - (c) Two bedrooms: 800 square feet.
  - (d) Three bedrooms: 1,000 square feet.

**(S)** The following Section 195-32.16 is added:

195-3.16 CC-AFH Zone for Block 2208, Lot 26.

- a) Purpose: Permit multifamily inclusionary residential development, including the construction of new units along Madison Avenue, to address part of the Borough's affordable housing obligation through the addition of affordable housing units in both new and existing residential buildings.
- b) Principal permitted uses: Multiple-family dwellings, garden apartments.
- c) Permitted accessory uses: Uses that are customarily incidental and accessory to the principal use as permitted herein
- d) Development Standards:

- (a) Maximum units: A maximum of 40 additional units are permitted with a minimum inclusionary requirement equivalent to 25% of the total new units. This 25% requirement shall be met by the inclusion of affordable units in any new development, with at least two affordable, three-bedroom units included in any new residential building. The remainder of the required affordable units may be located in either new or existing buildings on the site/parcel.
- (b) Maximum height (new buildings) = Any new building shall be no more than 3 stories/40 feet exposed façade height (from grade to top of parapet) along Main Street and no more than four stories/50 feet (from grade to top of parapet) in all other locations to allow for incorporation of structured parking afforded by the grade change on the site.
- (c) Maximum height (buildings in place prior to adoption of this amendment): 2.5 stories/35 feet
- (d) Minimum lot width = 200 feet
- (e) Minimum lot depth = 500 feet
- (f) Minimum lot area = 120,000 square feet
- (g) Maximum impervious coverage = 80%
- (h) Maximum total residential units = 104 units
- (i) Minimum setbacks = at least one foot for every two feet of building height along Main Street and minimum 35-foot setbacks from side property lines
- e) Supplemental Standards for New Buildings:
  - (a) At least half of all required parking shall be located within structures
  - (b) No off-street parking shall be permitted between any building and any public street
  - (c) Accessory structures shall be in architectural harmony with principal structures
  - (d) There shall be minimum four foot building offsets every 40 linear feet of any principal structure
  - (e) Landscaped buffers of at least 10 feet in width shall be planted along Main Street and along the sides of any new building, including a combination of native shade trees, shrubs and foundation plantings.

**(T)** The following Section 195-32.17 is added:  
 Section 196-32.17 Optional Inclusionary Residential Overlay Zone on Block 4501, Lot 3.

- a) Permitted Uses: Inclusionary development in attached single-family homes, townhouses, two-family homes, garden apartments and patio homes:
- b) Development Standards:
  - (a) Maximum units per structure = 6
  - (b) Maximum height = 2.5 stories/35 feet
  - (c) Minimum lot width = 150 feet
  - (d) Minimum lot depth = 300 feet
  - (e) Minimum lot area = 80,000 square feet
  - (f) Maximum principal building coverage = 40%
  - (g) Maximum impervious coverage = 60%
  - (h) Maximum density = 12 units/acre
  - (i) Minimum setbacks = 30 feet from any public street and all property lines
- c) Supplemental Standards:
  - (a) Minimum distance between buildings = 20 feet
  - (b) No off-street parking shall be permitted in any front yard or between any building and any public street
  - (c) Accessory structures shall be in architectural harmony with principal structures
  - (d) No dwelling units shall be located in any basement or cellar
  - (e) There shall be minimum four foot building offsets every 30 linear feet of any principal structure that abuts any public street

**(U)** Section 195-Attachment I, is amended as follows:

In CBD-2 Zone, a new row for inclusionary multi-family residential shall be added with the following requirements:

- Stories: Minimum =2; Maximum =3 stories, provided third story is setback an additional 5 feet from the front building line.
- Maximum Height: 40 feet (3-story buildings); 30 feet (2-story buildings)
- Minimum Yards:
  - Front yard: 18 feet
  - Side yard: 10 feet minimum; **except where abutting a side yard in a residential district, side yard shall be 1 foot for every 2 feet in height of the principal structure, but not less than 10 feet.** [NOTE to codifier: bold text to be added as note on Attachment I and lettered accordingly]
  - Rear yard: (d)



- Minimum Lot Area: 12,000 square feet
- Minimum Lot Width:
  - Interior: 75 feet
  - Corner: 100 feet
- Minimum Lot Depth: 150 feet
- Maximum Impervious Coverage: 75%

**SECTION 2:** This ordinance supersedes any inconsistent provisions of the Land Development Ordinance of the Borough of Madison, whether or not stated expressly herein. All other provisions of the Land Development Ordinance not inconsistent herewith shall remain in effect.

**SECTION 3:** This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk