

## ORDINANCE 41-2013

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED "LAND DEVELOPMENT ORDINANCE" TO MAKE VARIOUS CHANGES TO IMPLEMENT RECOMMENDATIONS IN THE ANNUAL REPORT ADOPTED BY THE ZONING BOARD OF ADJUSTMENT

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Madison adopted an annual report that presented recommendations for various amendments to Chapter 195 of the Borough Code, entitled "Land Development Ordinance"; and

**WHEREAS**, the recommended amendments as set forth in this Ordinance have been reviewed and favorably recommended to the Borough Council by the Planning Board of the Borough of Madison;

**NOW, THEREFORE**, be it resolved by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

**SECTION 1:** The term "Building Coverage" in Section 195-7 is hereby amended (with deletions shown in brackets and additions underlined) to read as follows:

BUILDING COVERAGE - The horizontal plan projection of all covered or roofed areas of a structure on a lot, whether permanent or temporary, including cantilevered areas and similar projections, but excluding roof eaves, roof overhangs, bay or bow windows, **[and]** chimneys **and similar projections extending [projecting]** a maximum of two feet from the structure, **unenclosed front porches (including wraparound porches extending along the side(s) of a structure) and entry roofs**, divided by the lot area, expressed as a percentage. See Figure 2.

**SECTION 2:** Section 195-30.1(E) is hereby amended to add an additional sentence at the end to read as follows:

The foregoing established front setbacks shall also apply to existing buildings for the purpose of determining whether front setback variance relief is required for proposed additions.

**SECTION 3:** Schedule A provided for by Section 195-29.3 is hereby amended to modify note "n" to add an additional sentence at the end to read as follows:

In accordance with Section 195-30.6, in the case of a lot on which an existing structure is located, the minimum side setback may be reduced by 6 inches for every foot by which the lot width is less than the minimum, subject to a maximum reduction of 50% of the requirement for the zone.

**SECTION 4:** The definition of the term “Application for Development” in Section 195-7 is hereby amended (with deletions in brackets and additions underlined) to read as follows:

APPLICATION FOR DEVELOPMENT - The application form and all accompanying documents required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance, **appeal or interpretation request to the Board of Adjustment or request for [direction of]** the issuance of a permit pursuant to this chapter.

**SECTION 5:** Section 195-30.1 is hereby amended to add a new Paragraph H at the end to read as follows:

H. Side and rear yards in residential zones. In all residential zones the area within 5 feet of all side and rear lot lines shall be free of all driveways, parking areas, walkways, decks, patios and other paved surfaces.

**SECTION 6:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be judged invalid, such adjudication shall only apply to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 7:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency.

**SECTION 8:** This Ordinance shall take effect after final passage and publication in accordance with law.

ADOPTED AND APPROVED

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk