

ORDINANCE NO. 7– 2008

ORDINANCE OF THE COUNCIL OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED "LAND DEVELOPMENT ORDINANCE" OF THE BOROUGH OF MADISON CODE TO ESTABLISH A MINIMUM BUILDING HEIGHT OF TWO STORIES AND MAXIMUM BUILDING HEIGHTS OF 3 STORIES AND 45 FEET IN THE CBD-1 AND CBD-2 ZONES.

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the Borough Land Development Ordinance to require a building form in the CBD-1 and CBD-2 Zones which reflects the established pattern of buildings which is considered to be predominantly of two or more stories but less than four stories.

WHEREAS, the Madison Borough Planning Board has recommended that the Land Development Ordinance be amended to encourage the continuation of building forms in the CBD-1 and CBD-2 Zones which reflect the existing historic pattern of buildings; such buildings being primarily of two or more stories in height but less than four stories and constructed close to the front property line thereby creating a corridor which fosters pedestrian storefront interest; and,

WHEREAS, the Planning Consultant to the Board, Peter G. Steck, has recommended an amendment to the CBD-1 and CBD-2 zones bulk standards to require a minimum building height of two stories and maximum building height of three-stories and 45 feet in the CBD-1 and CBD-2 zones; and

WHEREAS, the Madison Planning Board has concluded that an ordinance prohibiting new one-story buildings in the CBD-1 and CBD-2 Zones as a bulk zoning standard and limiting building heights to four-stories and 45 feet is substantially consistent with the 1992 Master Plan goal of encouraging the preservation of historic buildings and the downtown historic district and with the objective of strengthening the downtown shopping area.

WHEREAS, the Borough Council has considered the recommendations of both the Planning Consultant and the Madison Planning Board, and has determined that the

recommendation of the Planning Consultant of an amendment to the CBD-1 and CBD-2 zones bulk standards to require a minimum building height of two stories and maximum building height of three-stories and 45 feet in the CBD-1 and CBD-2 zones is substantially consistent with the 1992 Master Plan goal of encouraging the existing scale of the downtown, the preservation of the historic buildings and the downtown historic district and is most appropriate for the zones and best reflects the preservation of the historic buildings and the downtown historic district.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that Chapter 195 of the Borough Code entitled "Land Development Ordinance" is amended as follows:

SECTION 1. Schedule I, concerning Height, Yard and Bulk Requirements shall be amended by inserting a "3" in the "Maximum Stories" column and a superscript "p" to the 3 story entry in the "Maximum Stories" column and inserting a 45 foot entry in the "Height, Feet" column corresponding to the CBD-1 Central Business row (and by reference to the CBD-2 Central Business row) to read as follows:

Zone	Maximum Stories	Height Feet
CBD-1 Central Business	3 ^p	45

SECTION 2. The listing of notes referring to and following Schedule I, concerning Height, Yard and Bulk Requirements shall be amended by the addition of a new note "p" to read as follows:

p. The minimum building height shall be 2 stories, except that where a building on an interior lot is located between buildings, each having two or more stories in height, a vertical façade extension depicting a second story as viewed from the street shall be

considered as complying with this minimum height provision. Relief from this minimum story height requirement shall be considered a variance under N.J.S.A.40:55D-70.c.

SECTION 3. All ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

Mary-Anna Holden, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk