

## ORDINANCE 11-2009

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT ORDINANCE TO REZONE CERTAIN PROPERTIES ALONG COOK AVENUE AND RIDGEDALE AVENUE TO "R-5A ZONE".

**WHEREAS**, the Borough Council has determined to create a R-5A zone to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development.

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

**SECTION 1: Section 195-32.14 R-5A Zone** is added to the Land Development Ordinance as follows:

A. Purpose. The purpose of this zone is to provide a range of housing opportunities and appropriate development standards for properties strategically located at the edge of the Central Business District and adjacent to multi-family development. The uses permitted are those that complement and are supportive of the downtown commercial core, are compatible with abutting residential uses, and reflect the area's accessibility to mass transit, public services and major roadways. The standards of this zone are intended to encourage superior building aesthetics, sustainable building practices, adaptive reuse of historic resources, and streetscape enhancement at a scale appropriate to this area and the Borough.

B. Principal permitted uses:

- (1) Single-family detached dwellings in accordance with the standards of the R-4 Zone
- (2) Two-family dwellings, in accordance with the standards of the R-4 Zone;
- (3) Attached single-family dwellings/townhouses and apartments, whether attached to one another horizontally, vertically, or by some combination of the two.

C. Accessory uses:

(1) Uses that are customarily incidental and accessory to the principal use.

D. Area, Height and Bulk Requirements:

(1) Minimum lot area: 65,000 sq. ft.

(2) Maximum height/stories:

a. 3 stories/ 35 feet along Ridgedale Avenue frontage as measured from the top of the curb of Ridgedale Avenue to the highest point of the roof surface exclusive of chimneys and mechanical penthouses; and,

b. for buildings located on Ridgedale Avenue that have the majority of their frontage on Ridgedale Avenue and extend along the Cook Avenue frontage, the height of the building along Cook Avenue for the first 70 feet of linear building frontage (measured from the Ridgedale Avenue front yard setback line) may exceed 35 feet up to a maximum of 40 feet, as measured from the top of the curb of Cook Avenue to the highest point of the roof surface, only to allow for a section of continuous roofline and enclosed parking level; otherwise, the height of any buildings fronting Cook Avenue shall be as noted in c. below

c. 3 stories/35 feet along Cook Avenue frontage as measured from the top of the curb of Cook Avenue to the highest point of the roof surface exclusive of chimneys and mechanical; and,

d. An overall maximum building height in the zoning district of 3 stories/35 feet, measured as the average vertical distance from grade to the level of the highest point of the roof surface (exclusive of chimneys and mechanical penthouses which cannot exceed five feet). The reference grade plane for computing height shall be established by the lowest points within the area between the structure and the property line as determined by perpendicular offset from the structure wall, or, where the property line is more than 10 perpendicular feet from the structure, the lowest points between the structure and within 10 feet, or, where a public road exists within 50 feet of the structure, the top of the curb of the public road shall be used. Ground levels are to averaged at no more than 60 foot intervals and shall include all building corners.

e. Enclosed parking shall not count as a story if the exposure of the parking level at the setback line of any public street is less than 3.5 feet as measured from the proposed or existing grade to the underside of the structure of the floor above.

(3) Minimum setbacks for principal buildings:

a. Front yard: Minimum of 18 feet along Cook Avenue and minimum of 25 feet along Ridgedale Avenue.

b. Side yard: 25 feet minimum.

c. Rear yard: 25 feet minimum.

d. Building separation: 20 feet minimum.

(4) Setbacks for accessory buildings: 15 feet to any side or rear yard; no accessory buildings allowed in any front yard.

(5) Maximum impervious coverage: 55%

(6) Minimum number of buildings per tract or lot: 2 buildings (exclusive of accessory structures); for lots greater than 85,000 sq. ft. there shall be a minimum of 3 buildings exclusive of accessory structures.

(7) Maximum building coverage: 30%

(8) Maximum dwelling units per acre: 12 units per acre base density, with bonuses as follows:

a. Incorporation of green building/design techniques to achieve at least a Silver level LEED certified project: Bonus of 10% over base density.

b. Preservation, rehabilitation, and occupancy of one or more historically significant structures within a designated historic district on the site: Bonus of 10% over base density and cannot be combined with (c) below

c. Preservation and incorporation of one or more historic facades into proposed development: Bonus of 5% over base density and cannot be combined with (b) above.

d. Maximum cumulative density bonuses shall not exceed 20% over base density of 12 units per acre.

(9) Off-street parking shall be as set forth in the RSIS; however, the Board should encourage a waiver be requested from these standards due to the location of any parcel within the zone relative to available downtown parking resources and other opportunities for shared parking.

(10) Façade length to frontage ratio: the aggregate length of all building facades fronting a street shall not exceed 0.80 of the frontage width at the street right-of-way.

E. The [Zoning Map](#) is amended to remove the following block and lots from the R-4 District and place them in the R-5A Zones as follows:

(1) R-5A Zone: Block 1601 Lots 24, 25, 26, 27, 28, 29, 30, 31 & 32.

F. Supplemental requirements and design standards:

## (1) Parking

- a. At least 75% of the off-street parking shall be contained within the principal structures. No parking garages shall be permitted in the required front yard, nor between any parts of the building façade and the street right-of-way line. No garage shall face a public street.
- b. An area for bicycle storage shall be provided within all parking garages or designated storage areas.

## (2) Landscaping & Fencing

- a. A minimum ten-foot landscaped buffer shall be required along each side yard and 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 a combination of lawn area or ground cover with a mix of native deciduous and evergreen shrubbery and trees. The landscape plan shall be prepared by a licensed landscape architect and reviewed by the Madison Shade Tree Management Board.
- b. Parking areas, solid waste storage areas, sheds and all other accessory structures shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer of at least six feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.
- c. No fences or gates across access drives shall be permitted in the front yard setback. Fencing along the perimeter of rear and side yards shall not exceed six (6) feet in height. No chainlink fencing shall be permitted.

## (3) Vehicular Access

- a. Vehicular access is limited to one ingress-egress point along Cook Avenue which shall be at least 125 feet from the Ridgedale Avenue intersection.
- b. Curb cuts, circulation, and parking areas shall be located at least five (5) feet from the property line and shall be located only in side and rear yards.

## (4) Building arrangement and design:

- a. When development consists of multiple structures, buildings shall be oriented around open space, courtyard or similar landscape amenity with the overall design preserving existing trees and vegetation to the maximum extent possible.
- b. The selection of building design elements, such as materials, fenestration, color and texture, should be compatible with that in the Borough and neighborhood. Either

clapboard siding or brick exterior shall be the primary material to echo adjacent streetscape elements.

c. Streetscape design should include landscaping, street trees, pedestrian scale street lights, and similar features appropriate to the zone's context.

d. Site lighting should be harmonious with the building style and design and shall use only downward facing fixtures to minimize spillage and glare. Lighting intensities shall be the minimum required to adequately light the site and shall consider the proximity and nature of adjoining uses. See also Chapter 195-25.6 for additional standards.

e. All building facades shall be treated as front facades.

f. All buildings are required to incorporate frequent vertical and horizontal articulation through slight variations in build-to-lines along all public street frontages, incorporation of front entries and porches, variations in roof pitch, careful selection of materials, the use of windowed projections, and similar architectural treatments to improve the visual appearance of the buildings.

g. Vertical articulations shall be provided at least every 30 feet along all public street frontages.

(5) Development shall implement section 195-24 General Design Standards and 195-25 Specific Design Standards of the Borough Land Development Ordinance.

(6) Applicants for development in the R-5A Zone shall submit a concept plan and an existing conditions survey with elevation/slope information and existing vegetation for planning board review prior to making a site plan application.

(7) Given the zone's location in an historic district, photo simulations shall be provided showing the massing, scale, materials and finishes proposed for the project from various viewpoints in context with surrounding properties. These simulations shall be submitted at the time of the initial application for site plan approval.

(8) Given the zone's location in an area designated as a historic streetscape, all site plan applications shall undergo advisory review by the Madison Historic Preservation Commission. A member of the Madison HPC shall participate in TCC meetings and recommendations by the HPC shall be provided to the reviewing Board throughout the review process.

(9) All proposals for development in this zone shall be required to prepare an Environmental Impact Assessment in accordance with Chapter 195-20.F. and a Traffic Impact Statement in accordance with Chapter 195-20.G.

G. Standards related to site design and layout, including, but not limited to landscaping, stormwater management, lighting, parking, etc. outlined in other sections of Chapter

195, Land Development, shall apply. In the event of inconsistencies between standards elsewhere in Chapter 195 and in this section, the more restrictive standard shall apply.

**SECTION 2:** This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

March 23, 2009

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MARY-ANNA HOLDEN, Mayor

Attest:

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MARILYN SCHAEFER, Borough Clerk

Introduced and passed: March 9, 2009

Published, Madison Eagle: March 12, 2009

Hearing and consideration for final adoption: April 13, 2009

Published upon final adoption, Madison Eagle: April 16, 2009