

ORDINANCE 45-2016

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 195 OF THE BOROUGH CODE, LAND DEVELOPMENT
ORDINANCE, REGARDING CHANGE IN BUILDING OCCUPANCY
AND USE**

WHEREAS, the Planning Board has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to a change in building occupancy and use; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

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 195-32.4, entitled 'Fees' shall have the following added to it:

§ 195-32.4 F. Off Street Parking.

(3).

If there is a change in building occupancy and use (but not physical expansion), then the parking requirements are computed based on the difference between the parking required for the legally existing (prior) use versus the parking required for the new (proposed) use, provided there shall be no reduction in the amount of any existing on-site or designated off-site parking; however, further provided that retail uses with incidental accessory sales of food or beverage items (comprising less than 5 percent of total establishment revenue or less than 15% of establishment floor area), as well as specialty food establishments of less than 1,500 square feet that do not provide full meals for on-site or off-site consumption, may include up to eight (8) seats for on-site consumption of such items without generating any additional off-street parking requirements in the CBD Zones.

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

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk