

ORDINANCE NO. 59-2008

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195 ENTITLED "LAND DEVELOPMENT ORDINANCE" OF THE MADISON BOROUGH CODE IN REGARD TO PROHIBITION OF DRIVE THRUS IN THE CBD-1 AND CBD-2 ZONES.

WHEREAS, the Master Plan of the Borough of Madison clearly strives to promote a pedestrian-oriented downtown; and

WHEREAS, the Zoning Ordinance of the Borough of Madison prohibits drive-thrus for those uses historically associated with drive-thrus, specifically banks and restaurants; and

WHEREAS, in recent years, there has been a divergence between sound planning in a CBD/downtown and the current "trend" for additional retail uses which seek to incorporate drive-thru uses which are counter to good planning policy as they interrupt the continuity of the pedestrian environment and discourage street-level retail activity, both of which are critical to the health of a CBD; and

WHEREAS, the Council wishes to clarify the prohibition of drive thru uses in the CBD-1 and CBD-2 Central Business District Zones.

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, as follows:

SECTION 1. Chapter 195-32.4 of the Madison Borough Code, Land Development Ordinance entitled "CBD-1, CBD-2 Central Business District Zones regulations" is hereby amended to add the following:

195-32.4 E. Prohibited Uses

(1) Drive thru windows associated with any use, including, but not limited to retail sales and services, business services, restaurants, and financial institutions.

SECTION 2. 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thereof which are inconsistent or in conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.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 3. This Ordinance shall take effect as provided by the law.

ADOPTED AND APPROVED

September 22, 2008

_____ MARY-ANNA HOLDEN, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk

Introduced and passed: August 25, 2008

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