

**ORDINANCE 26-2018**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 195  
LAND DEVELOPMENT ORDINANCE FOR THE BOROUGH**

**WHEREAS**, Mayor and Council having determined that it would be appropriate to undertake certain amendments to Chapter 195 of the Borough Code regarding Land Development Regulations and Requirements; and

**WHEREAS**, the Mayor and Council having referred the proposed amendment to the Planning Board for the Borough of Madison for the Planning Board to determine whether the proposed revisions and amendments are inconsistent with the Master Plan and to obtain any recommendations regarding such inconsistencies if any are found, and for such other recommendations as the Planning Board may deem appropriate; and

**WHEREAS**, the Planning Board for the Borough of Madison having issued a resolution and returned same to the Mayor and Council being the report of the Planning Board pursuant to N.J.S.A. 40:55D-26(a) that the Planning Board specifically finds such proposed amendments and revisions to be fully consistent with the goals and purposes of the Master Plan for the Borough of Madison, with the recommendation of the Planning Board that Mayor and Council now favorably consider and enact the amendments and revisions referred to the Planning Board by Mayor and Council; and

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: Chapter 195 of the Madison Borough Code regarding Land Development is hereby amended as follows:

Section 195-7

GRADE

A reference plane representing the average of ground levels/elevations in a given area. In the case of grade adjoining a structure at exterior walls, the reference plane 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 feet perpendicular from the structure, then the lowest points between the structure and within 10 feet; or, where a public road exists within 50 feet of

the structure, the lowest points will include the pavement level of the public road. Ground levels are to be averaged at no more than 10-foot intervals, and include all building corners or a perpendicular distance therefrom.

#### Section 195-30B

No building or structure shall be erected, restructured, or structurally altered to exceed in height the limit designated in the district in which such building or structure is located.

#### Section 195-32

A. Purpose. The purpose of these zones is to preserve the integrity of existing residential areas by preventing the intrusion of nonresidential uses into residential neighborhoods and by maintaining existing development intensity, character, and population density, consistent with residential neighborhood patterns.

B. Principal permitted uses.

- (1) Single-family detached dwellings.
- (2) Public parks and playgrounds.
- (3) Two-family dwellings (only in R-4 Residential Zone).

C. Accessory uses.

- (1) Uses which are customarily incidental and accessory to the principal use as permitted herein, including home occupations.

D. Conditional uses.

- (1) Assisted-living residences.
- (2) Long-term care facilities.
- (3) Institutional uses.
- (4) Home occupations.

E. Supplemental Bulk and Design Regulations.

- (1) In no event shall the maximum height for detached single- or two-family dwellings, as measured to the highest point of the ridgeline of a roof, exceed 40 feet, measured from any point around the building.
- (2) In the R-1 and R-2 Districts, the minimum side yard setback shall be 20 feet for one-story buildings up to 18 feet in height. The minimum side yard setbacks for a second story, or any building component greater than 18 feet in height, shall be increased by a combined 5 feet across both side yards or at least 2.5 feet if an addition affects one side yard.

- (3) Attached garages:
- (a) Attached garages facing and opening onto a public street shall be prohibited in the R-1 and R-2 Residential Zone Districts.
  - (b) Attached garages facing and/or opening onto a public street shall be limited to 14 feet in width for single-family homes in the R-3 and R-4 Districts.
  - (c) Not more than 3 attached residential garage spaces shall be permitted in the R-1 or R-2 Districts, and no more than 2 attached garage spaces shall be permitted per lot in the R-3 and R-4 Districts.
  - (d) Garages facing and opening onto a public street shall be set back a minimum of an additional five feet from the front building line for any garage greater than 12 feet in width, and a minimum of three feet for any garage that is 12 feet in width or less, unless an unenclosed front porch of at least five (5) feet in depth is proposed for the balance of the front façade.
- (4) Where more than one single or two-family home is proposed, building plans and elevations shall show a variation in design to be achieved by types of roofs, heights of eaves and peaks, building materials, and architectural treatment of the building façades.

Section 195 – Attachment 1

Add new Row at End of 195 Attachment I Table, for Gateway Zone with “Gateway Zone” text added to the column entitled Zone, and the following text added across the remaining columns (combined column) that reads “See 195-32.13.”

Add Note r. (Note re: codification: Notation “r” to be added to Schedule I in Zone Column for R-1, R-2, R-3, R-4 Single-Family and R-4 Two-Family): r. See 195-32D for additional setback, height, and design requirements.

SECTION 2: This Ordinance shall take effect upon adoption.

ADOPTED AND APPROVED

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ROBERT H. CONLEY, MAYOR

Attest:

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ELIZABETH OSBORNE, Borough Clerk