

ORDINANCE 27-2026

ORDINANCE OF THE BOROUGH OF MADISON AMENDING AND SUPPLEMENTING CHAPTER 195 OF THE BOROUGH CODE, ENTITLED “LAND DEVELOPMENT” TO PROHIBIT DATA CENTERS

WHEREAS, the Borough of Madison (the “Borough”) has determined that it would be appropriate to undertake amendments to the Land Development Ordinance to fulfill recommendations in the Borough’s 2020 Master Plan and to correct inconsistencies; and

WHEREAS, the Borough’s 2020 Master Plan Land Use Plan Element (the “Land Use Plan Element”) noted that overdevelopment is a top concern in the community, and sentiment was shared that new construction would create difficulty maintaining the Borough’s character, increased traffic, and the loss of older and more affordable housing. These concerns were mirrored by residents’ positive sentiments over the Borough’s strong sense of community, small-town feel, and historic assets; and

WHEREAS, the Land Use Plan Element further includes objectives to enhance the Borough’s resiliency to potentially catastrophic events, including extreme weather and climate and critical infrastructure interruptions, and to improve air, water quality, and public health by encouraging sustainable design, green infrastructure, and energy practices; and

WHEREAS, at the Land Use Sub-Committee’s meeting on May 5, 2026, the within revisions were proposed and recommended for incorporation into the Borough Code; and

WHEREAS, the Borough finds that data centers, by nature, present an intense and unique form of land use and development, posing significant challenges related to electricity consumption, noise, air quality, water use, community character and long-term planning objectives; and

WHEREAS, the Borough further finds that data center facilities, create an undue and unnecessary burden on the Borough’s critical infrastructure, including but not limited to the electric and water utilities; and

WHEREAS, the Borough’s 2020 Master Plan and the Land Use Plan Element did not anticipate or address the modern surge in data center development, as its land-use goals prioritize maintaining the pedestrian-friendly character of the Borough and expanding diverse housing options rather than accommodating high-power-demand utility footprints; and

WHEREAS, data center facilities are fundamentally inconsistent with the Borough’s community standards and established neighborhood character; and

WHEREAS, the proposed revisions will reduce ambiguity and will promote the uniform application of the Land Development Ordinance; and

WHEREAS, the Borough Council believes that amending the Land Development Ordinance is in the best interest of the Borough.

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. The aforementioned recitals are incorporated in their entirety, as if restated herein.

SECTION 2. Chapter 195 of the Borough Code entitled "Land Development", subsection 5 entitled "Prohibited Uses" is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

§ 195-5 Prohibited uses.

A. No change.

B. No change.

C. No change.

D. Data centers shall be prohibited in all zone districts.

SECTION 3. Chapter 195 of the Borough Code entitled "Land Development", subsection 7 entitled "Definitions" is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

§ 195-7 Definitions.

***DATA CENTER**

A facility whose primary services are the storage, management, and processing of data, including but not limited to, artificial intelligence applications, machine learning, large language models; and that is used to house computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; systems for monitoring and managing infrastructure performance; Internet-related equipment and services; data communications connections; environmental controls; fire protection systems; and security systems and services. A Data Center is not a warehouse, laboratory, or research and development use.*

SECTION 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Borough of Madison Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Borough

Master Plan and recommendations concerning any inconsistencies and any other matter as deemed appropriate.

SECTION 5. 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 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall take effect according to law.

ADOPTED AND APPROVED
June 8, 2026

ROBERT H. CONLEY, MAYOR

Attest:

ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: May 27, 2026

Published, Madison rosenet website: May 28, 2026

Hearing and consideration for final adoption: June 8, 2026

Published, Madison rosenet website, upon final adoption: June 9, 2026