

ORDINANCE No. 19-2008

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING
CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY FURTHER DEFINING
ACCESSORY USES PERMITTED IN THE P-B2 PROFESSIONAL OFFICE DISTRICT

WHEREAS, the Master Plan of the Township of Livingston recommends that a parking structure be permitted as an accessory use in the P-B2 Professional Office District; and

WHEREAS, the Planning Board has recommended that the P-B2 Professional Office District regulations be further amended to permit certain other accessory uses consistent with operation of a Class A office building;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Livingston, in the County of Essex, as follows:

Section 1. §170-112 of the Code of the Township of Livingston is hereby amended by deleting the language indicated by strikethrough and inserting the language indicated by italicized bold type as follows:

§170-112. P-B2 Professional Office District.

- A. Primary intended use. The P-B2 Professional Office District is designed for any uses permitted in the P-B Zor District.
- B. Prohibited use. No land or building shall be used or occupied for a use other than as permitted in § 170-110.A.(1)(a)-(c). More specifically, no residential use and no retail or wholesale business or industrial uses of any kind are permitted in the P-B2 Zone *except as permitted as accessory uses.*
- C. Required conditions.
- (1) Height of building. No building shall exceed a maximum height of 40 feet; *provided, however, that a parking garage permitted as an accessory use may have a maximum height not exceeding, at any point, the highest elevation of the roof of the pre-existing principal building served by such garage.*
 - (2) Front yard. There shall be a front yard setback of not less than 100 feet. Off-street *surface* parking shall not be permitted within ~~this one hundred-foot-setback requirement~~ *90 feet of any street.*
 - (3) Setback from other property lines. All buildings shall be set back *a minimum of* 50 feet from all other property lines; provided, however, that no building *containing a primary intended use* shall be located closer than three feet of setback for every foot of height of said building or 50 feet, whichever is greater, from any abutting residential zoned property. Off-street *surface* parking is permitted in these setbacks, provided that they are no closer to any abutting property than 1/2 the setback required for the *principal* building. Nothing contained herein shall be construed to prohibit off-street parking to be installed under a building.
 - (4) Minimum lot size. Any use permitted shall require a minimum lot size of six acres.
 - (5) Open space. The applicant shall either deed to the Township for open space or he shall set aside within the site a land area for open space at a ratio of not less than 36% of the total site area. If the open space is not deeded to the Township it shall be owned and maintained by an open space organization pursuant to N.J.S.A. 40:55D-43.
 - (6) Off-street parking. *The number of* off-street parking spaces *provided* shall be provided as required in § 170-94.
 - (7) Sanitary sewer connection. No certificate of occupancy shall be issued for any use in the P-B2 Zone unless and until the same shall have been connected to the sanitary sewerage disposal system of the Township of Livingston.
 - (8) Maximum floor area ratio. The total floor area within all structures, *exclusive of a parking garage permitted as an accessory use*, on any lot within the P-B2 Zone shall not be more than 30% of the total lot area.
 - (9) Maximum total impervious coverage. The total impervious coverage on any lot within the P-B2 Zone shall not be more than 70% of the total lot area.

D. Accessory Uses.

(1) The following uses, not exceeding in the aggregate 10% of the total floor area of an office building, when located within that office building's central core or atrium or just off such central core or atrium and designed and operated primarily for the convenience of tenants, their employees and visitors: a bank, a credit union, a dry cleaning and laundry drop shop, a newspaper stand, a sundries shop, and or other similar accessory uses.

(2) A cafeteria located within an office building and designed and operated for the convenience of that office building's tenants, their employees and visitors.

(3) A food commissary within an office building providing food preparation service to the cafeteria, to tenant spaces, to the atrium and central core areas for tenant and landlord functions, for catered functions in the atrium and central core areas for non-tenants on evenings and on week-ends, and for delivery by the operator to off-site locations. On-site commissary sales to, or for pick-up by, the general public are expressly prohibited.

(4) A physical fitness facility, within an office building, primarily serving tenants and their employees, as well as open to the general public; but in no event larger than 12,000 square feet.

(5) One parking garage solely for the office building's tenants and their employees and visitors; provided, however, that


(a) the distance between such parking garage and any principal building shall be not less than 40 feet;


(b) the parking garage shall be set back not less than 30 feet from any property line, and not less than 550 feet from West Mt. Pleasant Avenue and 200 feet from Eisenhower Parkway; and,

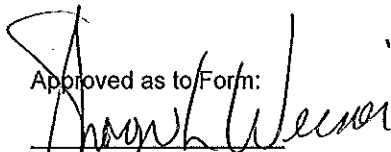
(c) no floor or level of such parking garage shall exceed 57,750 square feet.

Section 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with law.


GARY S. SCHNEIDERMAN,
Mayor


GLENN R. TURTLETAUB,
Township Clerk

Approved as to Form:

SHARON L. WEINER
Township Attorney

Introduced: 6/2/08
Adopted: 6/16/08