

ORDINANCE NO. 8-2007

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY CONFORMING AND FURTHER DEFINING USES PERMITTED IN THE R-L RESEARCH LABORATORY DISTRICT

WHEREAS, there are present uses in the R-L Research Laboratory District that are present as non-conforming uses, or under use variances granted by the Zoning Board of Adjustment subsequent to establishment of the district; and

WHEREAS, there are other uses that are not now present or expressly permitted but may be considered to be appropriate or accessory to or supportive of present uses in that district; and

WHEREAS, it is appropriate and consistent with sound planning to amend Chapter 170 of the Code of the Township of Livingston to allow certain uses now present as non-conforming uses or under use variance, as well as other specific primary or accessory uses, in the R-L Research Laboratory District;

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

Section 1. §170-3 "Terms Defined." of the Code of the Township of Livingston is hereby amended and revised by inserting the following definitions in alphabetical sequence:

Ambulatory Care Center means a facility, operated by a public or private hospital, at which such hospital provides on an outpatient basis and as the primary activity of the facility: medical treatment, including but not limited to diagnosis, testing, therapy, same-day-surgery, dialysis, and rehabilitation, by doctors, nurses and others licensed by the State of New Jersey to provide such care.

Long Term Acute Care Facility means a facility licensed or approved by the State of New Jersey and primarily providing acute care through a broad spectrum of clinical care and rehabilitative services for acutely ill/medically complex patients requiring an extended stay after discharge from a public or private hospital or a licensed health care facility; but does not include a facility that provides care or services for patients whose primary needs are in respect of addiction or mental health.

Nursing Home means a residential facility licensed or regulated by the State of New Jersey that provides room, meals, and help with daily functioning, for persons with chronic physical or cognitive disabilities that prevent them from living on their own. A nursing home may provide short-term, intermediate-term or long-term accommodations. The term nursing home excludes long term acute care facilities and all other residential facilities defined in this section.

Section 2. §170-115.A.(1) is amended by deleting it in its entirety and substituting the following:

- (1) The R-L Research Laboratory District is designed for (a) executive and administrative offices; (b) scientific or research facilities or laboratories, including incidental pilot plants for the testing of products or materials as an accessory to the research facility or laboratory; provided that in no case shall more than twenty-five percent (25%) of the total floor area of any building or structure be used for such accessory use; (c) private primary and secondary schools, including accessory laboratories, auditoriums, athletic facilities, fields and their spectator stands and score boards; (d) ambulatory care facilities, (e) long term acute care facilities, (f) continuing care facilities, (g) financial institutions other than banks; and, (h) computer and data processing centers.

Section 3. §170-115.F is amended by deleting it in its entirety and substituting the following:

F. Permitted accessory uses. The following accessory uses are permitted in the R-L District:

- (1) Primary and secondary schools may:
 - i. conduct, or retain outside providers to conduct, programs to promote, or prepare students for application to, continued or higher education. Attendance at such programs shall not be limited to students attending such school.
 - ii. permit other schools, local not-for-profit organizations, or governmental units or agencies, to utilize auditoriums, athletic facilities and fields for public events.
- (2) A long term acute care facility, or continuing care facility, under common ownership or control with, and operated in conjunction with, an ambulatory care center, shall be deemed to be a use accessory to the ambulatory care center when both are together on a site of not less than 10 acres.
- (3) A child-care center serving children of employees of a primary use and accessory to such primary use.

Section 4. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with the law.


STEPHEN A. SANTOLA, Mayor


GLENN R. TURTLETAUB, Township Clerk

Approved as to form:


SHARON L. WEINER, Township Attorney

Introduced: 3/19/07

Adopted: 4-9-07