

ORDINANCE NO. 20 -2005

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 170 OF THE GENERAL CODE (FORMERLY
CHAPTER 16 OF THE REVISED GENERAL ORDINANCES)
OF THE TOWNSHIP OF LIVINGSTON TO MODIFY ZONING
REGULATIONS FOR THE R-5D RESIDENCE DISTRICT**

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

SECTION 1. The schedule of zoning requirements as shown on the Zoning Map referred to in Section 170-85 of the General Code of the Township of Livingston is hereby amended to modify the primary intended use for the R-5D Residence District as follows:

<u>Zone District</u>	<u>R-5D</u>
Primary Intended Use	Independent Senior Living Facility & Professional Building

SECTION 2. Chapter 170 of the General Code of the Township of Livingston is hereby amended to revise the definition of the term "independent senior living facility" in Section 170-3 to add at the end thereof a second sentence to read as follows:

Due to death, a surviving household member of less than 55 years of age shall be allowed to remain.

SECTION 3. Chapter 170 of the General Code of the Township of Livingston is hereby amended to revise Section 1170-103B & C to read as follows:

B. Permitted Principal Uses and Densities. Property in the R-5D Residence District may be developed for: (i) an independent senior living facility; and (ii) a single professional building strictly limited to medical and other office uses listed in Section 170-110A(1)(a) & (b), applicable to the P-B District, and subject to a maximum floor area of 50,000 square feet in a single building.

C. Fair Share Obligation. Any development approval shall be contingent on compliance with the following:

- (1) Compliance with the terms of an Amended Mt. Laurel Developer's Agreement approved by the Superior Court.
- (2) The provision of full funding or an acceptable funding guarantee for the cost of a regional contribution agreement providing for a minimum of eleven (11) affordable

housing units, consistent with requirements of the New Jersey Council on Affordable Housing. This requirement shall be satisfied prior to issuance of a building permit for any building.

- (3) Professional building development shall be subject to payment of an affordable housing development fee pursuant to Article XV.

SECTION 4. Chapter 170 of the General Code of the Township of Livingston is hereby amended to revise Section 170-103E & F to read as follows:

E. Concept Development Plan. A single concept development plan shall be submitted for the entire property. The development plan must conform with all standards and requirements of this Section. The comprehensive development plan may propose a subdivision to create a maximum of two (2) lots with a maximum of one principal building per lot. If phasing of development of the site is proposed, then a fully engineered site plan shall not be required for the entire property, but plans for the entire property shall contain sufficient information and detail to allow assessment of the adequacy of the overall infrastructure, such as driveways, parking and utilities and any other development matters impacting on the entire property.

F. Required Conditions for Residential Development. The following zoning standards shall apply to the development of an independent senior living facility in the R-5D District:

- (1) Minimum lot size: 4 acres.
- (2) Minimum building setbacks:
 - (a) From public streets: 50 feet.
 - (b) From side lot lines: 50 feet.
 - (c) From rear lot lines: 35 feet.
 - (d) From lot lines of property developed for detached single-family use: 200 feet.
 - (e) From lot lines of property developed for attached single-family use: 50 feet.
- (3) Maximum building height: no more than 3 stories at the front building facade and a maximum of 498 feet above mean sea level measured at the highest point of the roof.
- (4) Maximum building coverage: 30%.
- (5) Maximum impervious coverage: 75%.
- (6) Off-street parking shall be provided in accordance with the applicable provisions

of Section 170-94, except as expressly provided in this Section as follows:

- (a) Minimum number of off-street parking spaces: as required by the State Residential Site Improvement Standards.
- (b) Parking area and internal driveway setbacks:
 - [1] From public road right-of-way: 15 feet.
 - [2] From property in the R-5D District: 0 feet.
 - [3] From other property not developed for detached single-family use: 15 feet.
 - [4] From property developed for detached single-family use: 100 feet.
- (7) Sign regulations. Signs are permitted subject to the following regulations:
 - (a) One freestanding sign with a maximum combined area of thirty (30) square feet indicating the name of the building, with a minimum setback of 20 feet from the public right of way. Any illumination shall be limited to either indirect lighting or diffused lighting, and the source of any lighting shall be shielded in such a manner as to not be visible from the street or any adjoining residential property.
 - (b) One additional freestanding sign not exceeding 5 square feet in area and 3 feet in height may be provided at each entrance/exit.
 - (c) One building façade sign with a maximum area of twenty (20) square feet.

SECTION 5. Chapter 170 of the General Code of the Township of Livingston is hereby amended to revise Section 170-103G(6)(c) to read as follows:

- (c) Parking area and internal driveway setbacks:
 - [1] From public road right-of-way: 15 feet.
 - [2] From other property in R-5D Zone: 0 feet.
 - [3] From other property developed for nonresidential use: 20 feet.
 - [4] From property developed for detached single-family use: 100 feet.

SECTION 6. Chapter 170 of the General Code of the Township of Livingston is hereby amended to revise Section 170-126A to delete the present second sentence therein.

SECTION 7. Except as hereby amended and supplemented, the General Code of the Township of Livingston shall remain in full force and effect.

SECTION 8. This Ordinance shall take effect upon final passage and publication in accordance with the law, subject to approval by the Superior Court in connection with prior Mt. Laurel litigation involving Livingston Township.

Adopted:8/8/05