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ORDINANCE NO. -2005

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING
AND SUPPLEMENTING ARTICLE XV, CHAPTER 170 "DEVELOPMENT
FEES" OF THE CODE OF THE TOWNSHIP OF LIVINGSTON**

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. Article XV, Chapter 170 of the Code of the Township of Livingston is hereby amended to revise Section 170-133(F), with new language shown in *italics and bold* and deleted language shown in brackets ([]), to read as follows:

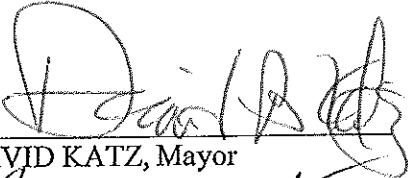
F. Development for which [preliminary site plan and subdivision approval was received] prior to entry by the Superior Court in the Mt. Laurel litigation involving Livingston Township on June 11, 1996[,] of an order declaring vacant land a scarce resource, restraining granting approvals for the development of vacant land and providing procedures for relief: *(i) final subdivision and/or site plan approval was granted; or (ii) preliminary subdivision and/or site plan approval was granted and the statutory vested rights period under N.J.S.A. 40:55D-49 remains in effect*, shall be exempt from any development fee requirements. *This exemption shall not apply in the event of the subsequent approval of an application for amended approval involving a substantial change in the development proposal.*

SECTION 2. Article XV, Chapter 170 of the Code of the Township of Livingston is hereby amended to add a new Section 170-133(I) to read as follows:

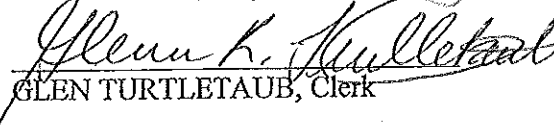
I. Any development which is subject to a growth share obligation under Section 170-125.I.

SECTION 3. Except as hereby amended and supplemented, the General Code of the Township of Livingston shall remain in full force and effect.

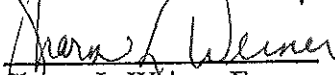
SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the law.



DAVID KATZ, Mayor



GLEN TURTLETAUB, Clerk

Approved as to Form:


Sharon L. Weiner, Esq.
Township Attorney

Approved: 11/7/05