

ORDINANCE NO. 12 - 2021

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY ESTABLISHING A NEW INCLUSIONARY DEVELOPMENT ZONE DESIGNATED AS THE R-5P RESIDENCE OVERLAY DISTRICT

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. This Ordinance is being adopted in implementation of the declaratory judgement of the Superior Court, entered on February 9, 2021, in “In the Matter of the Township of Livingston, Essex County” Docket No. ESX-L-4849-15.

Section 2. The Zone Districts list in § 170-85 of the Code of the Township of Livingston, as heretofore amended, is hereby further amended by adding an R-5P Residence Overlay District, and the Zoning Map referenced in § 170-86 of the Code of the Township of Livingston, as heretofore amended, is hereby further amended by indicating an R-5P Residence Overlay District for Lot 23 in Tax Block 3304.

Section 3. A new § 170-104.10 is hereby added to create the new R-5P Residence Overlay District as follows:

§170-104.10 R-5P Residence Overlay District.

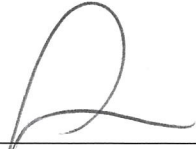
- A. Purpose. The purpose of the R-5P Residence Overlay District is to permit inclusionary development of either two (2) single-family homes or one (1) two-family residence while providing not less than two (2) units affordable to very low-income, low-income, and moderate-income households.
- B. Primary intended uses and densities: Principal buildings. Property in the R-5P Residence District may be developed only with two (2) single-family houses or one (1) two-family building.
- C. Permitted accessory uses: Accessory uses customarily incident to residential use in the R-3 Residence District as regulated in § 170-96.A.
- D. Affordable housing units: Any development shall have not more than two (2) dwelling units each of which shall be affordable to very low-income, low-income, and moderate-income households. The bedroom mix of all affordable units shall meet requirements established in N.J.A.C. 5:80-26.3. All affordable units shall be on-site.

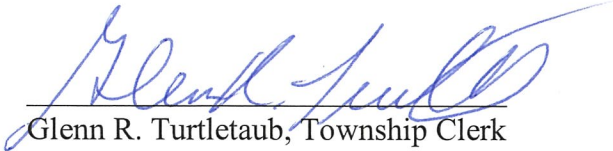
- E. Prohibited uses. Any use other than those permitted in § 170.104.10.B or § 170.104.10.C above is prohibited.
- F. Required zoning standards. The following zoning standards shall apply to development in the R-5P Residence District:
- (1) Height of buildings. No building shall exceed a maximum height of 35 feet.
 - (2) Front yard. There shall be a front yard of not less than 40 feet.
 - (3) Side yards. There shall be two side yards, neither of which shall be less than 10 feet in width; provided, however, that the aggregate width of the two side yards shall equal at least 30% of the lot width at the building line.
 - (4) Rear yard. There shall be a rear yard of at least 40 feet, except that an attached sun deck or patio may extend into such required rear yard for a distance of 10 feet; provided, however, that:
 - (a) The floor area of such attached sun deck or patio within such required rear yard area does not exceed 200 square feet.
 - (b) The height of such attached sun deck or patio does not exceed three feet above the lowest ground elevation immediately surrounding the same.
 - (c) The height of any protective railing or wall around such attached sun deck or patio does not exceed 42 inches measured from the floor thereof.
 - (5) Minimum tract area: 2.5 acres.
 - (6) Maximum building coverage ratio. No development shall exceed the maximum building coverage ratio calculated in accordance with § 170-87.V.
 - (7) Habitable floor area and habitable floor area ratio. No building shall exceed the habitable floor area maximum permitted within the R-3 Zone according to the schedule in § 170-87.BB or the habitable floor area ratio within the R-3 Zone established in the schedule in § 170-87.CC.

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

Section 5. Severability. The various sections, clauses, provisions, and portions of this Ordinance are severable, and if any section, clause, provision, or portion is declared invalid or unconstitutional by a court of competent jurisdiction all the remainder of this Ordinance shall remain in full force and effect.

Section 6. This Ordinance shall take effect upon final passage and 20 days from publication in accordance with law.

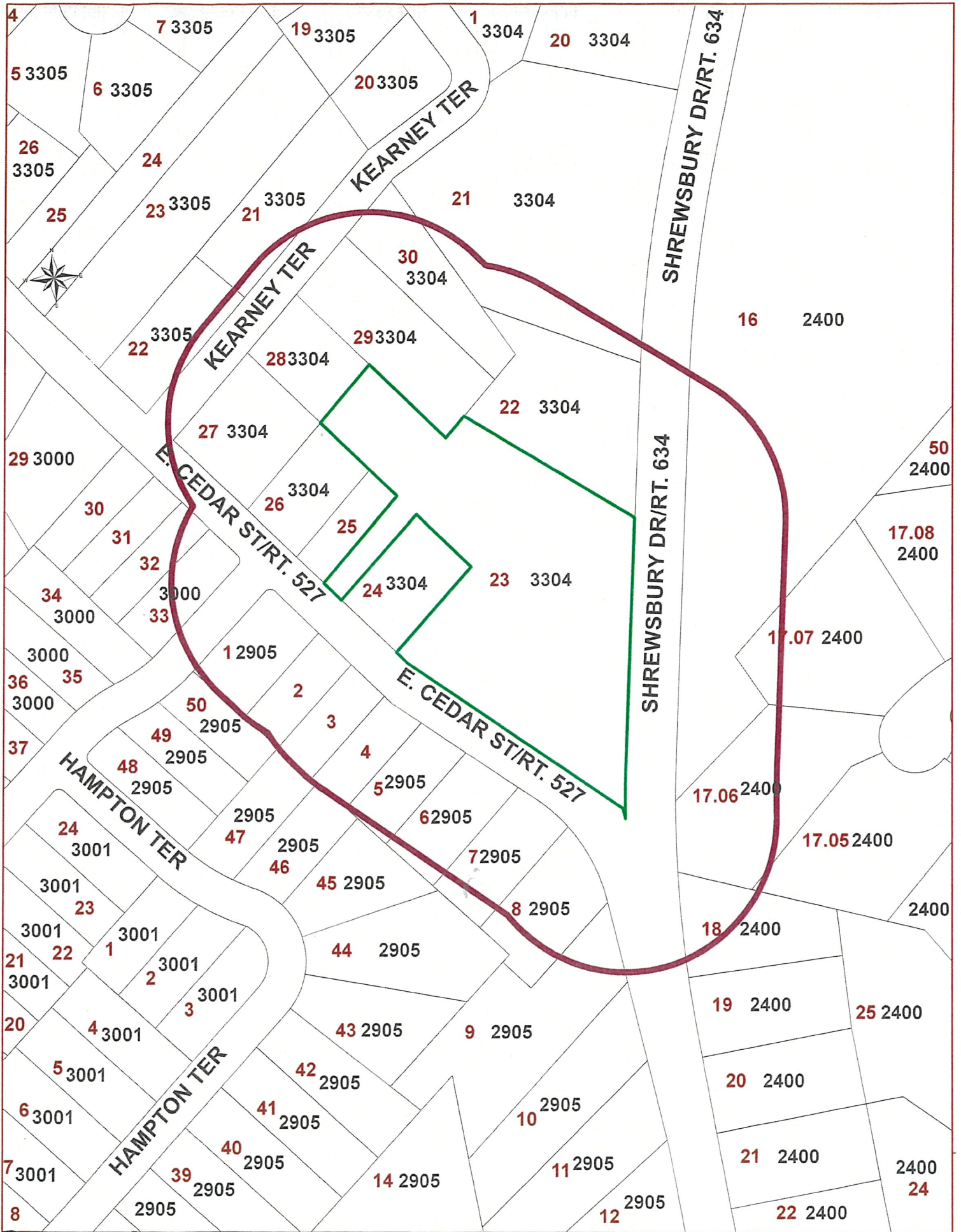


Shawn R. Klein, Mayor

Glenn R. Turtleaub, Township Clerk

Introduced: July 26, 2021

Adopted: August 9, 2021



ORD 12-2021 BLOCK 3304 LOT 23