

ORDINANCE NO. 27- 2023

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTER 170
SECTION 87 HABITABLE FLOOR AREA EXEMPTIONS**

WHEREAS, Chapter 170 Section 87(DD) of the Township Code establishes certain permitted exceptions to the habitable floor area ratio requirements for the R-1, R-2, R-3 and R-4 Zones established in Chapter 170 Section 87(CC); and

WHEREAS, Chapter 170 Section 87(DD)(3) provides an exemption from the habitable floor area ratio requirement in the R-4 Zone for any addition or alteration of an existing single-family residential building that does not require a bulk variance; provided that the maximum habitable floor area of the entire structure is not exceeded; and

WHEREAS, recent residential construction, reconstruction and expansion within the Township and the R-4 Zone continues to demonstrate a conflict between maintaining the character of existing residential neighborhoods and the acknowledged fact that changes in lifestyles have resulted in the desire for larger homes than currently exist in many neighborhoods; and

WHEREAS, residential buildings which are disproportionately large in comparison to the size of the lots on which such buildings sit or to other homes in the neighborhood interfere with the light and air of their neighbors, reduce open space and alter the neighborhood visual environment; and

WHEREAS, limiting the size of homes can have the effect of promoting the continued availability of more reasonably priced housing in the Township and otherwise promote the general welfare of the community; and

WHEREAS, the Zoning Board of Adjustment has examined the issue arising from the habitable floor area ratio requirement and the exemption set forth in Chapter 170 Section 87(DD)(3) and the Construction Official recommends that the Township Council repeal this exemption to the habitable floor area ratio requirement.

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

Bold and underlined language is added

[Bracketed ~~struckthrough~~ language is deleted]

SECTION 1. Chapter 170-87(DD) of the Code of the Township of Livingston is amended as follows:

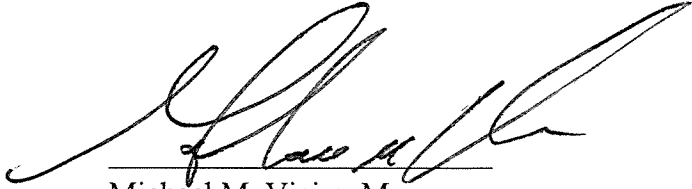
§170-87(DD)(3) is hereby deleted in its entirety, as follows.

~~(3) [In the R-4 Zone District, any addition or alteration of an existing single family residential building that does not require a bulk variance may exceed the maximum habitable floor area ratio, as long as the maximum habitable floor area of the entire structure is not exceeded.]~~


(3) **Reserved.**

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.



Michael M. Vieira, Mayor



Carolyn Mazzucco, RMC,
Township Clerk

Introduced: September 7, 2023

Adopted: October 16, 2023