

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2010-04

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER
XIII (ZONING) OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF LAFAYETTE

13-8 R-5.0, R-4.0 AND R-2.5 RESIDENTIAL ZONES.

13-8.1 Permitted Principal Uses and Buildings.

The following **principal uses** and **buildings** shall be permitted:

a. **Dwelling Unit, Single Family Detached**

b. **Agricultural Uses** containing a Minimum **lot area** of Five (5) Acres. **Agriculture uses** shall not include the keeping of **domestic animals** for boarding, training, sale and resale, where such activities are not in connection with the pursuit of **agriculture** and are themselves the **principal use**. **Nurseries**, greenhouse under 500 square feet and the boarding of horses shall be permitted on a **farm**.

It is intended that a **dwelling unit, single family detached** may be constructed on the same **lot** utilized for **agricultural uses** as set forth above. In that event, the **lot** shall then have a minimum **lot area** of one (1) acre for the **dwelling unit, single family detached** use in addition to the required minimum of five (5) acres set forth above.

13-8.2 Conditional Uses Permitted.

The following **conditional uses** shall be permitted:

a. **Public facilities.**

b. **House of worship** subject to the requirements of Section 13-14 b, 1 of this chapter.

c. **Schools** provided that all such **schools** meet the highest, current published standards of lot size and building construction of the New Jersey Department of Education and comply with the requirements of Section 13-14 b, 2 of this chapter.

d. **Essential services** subject to the requirements of Section 13-14 b, 3.

e. Community residences for developmentally disabled, victims of domestic violence, terminally ill, persons with head injuries and adult family care homes for elderly persons and physically disabled adults as provided for in N.J.S.A. 40:55D-66.1 et. seq.

f. Family Day Care homes as provided in N.J.S.A. 40:55D-66.5b et. seq.

13-8.3 Permitted Accessory Uses.

The following **accessory uses** shall be permitted:

a. **Garage, private.**

b. Swimming pool, tennis courts, and similar **family recreational facilities**.

c. The housing of **large animals** provided that:

1. One (1) **large animal** shall be permitted on the one and one-half (1 1/2) acres encompassing the **principal structure**.

2. One-half (1/2) acre additional shall be required for each additional **large animal**.

3. **Large animals** shall be sheltered in a **structure** located at least fifty (50) feet from the **principle structure** and fifty (50) feet from any **lot line**.

4. An adequate supply of feed and non-stagnant drinking water shall be maintained.

5. Proper disposition shall be made of animal waste, garbage, refuse or vegetable matter in such manner as to prevent unhealthy or unsanitary conditions.

6. This shall not include the keeping of **domestic animals** for boarding, training, sale and resale, where such activities are not in connection with the pursuit of **agricultural uses** and are themselves the **principle use**.

d. **Home occupations**

e. All **buildings, structures, motor vehicles and large animals** incident to **agricultural uses**, including **roadside stands**. **Roadside stands** shall require approval by the Lafayette Construction Code Official as to traffic safety.

13-8.4 Building Height.

No **principal building** or **principal structure** shall be erected or enlarged to exceed thirty-five (35) feet in height except as provided in subsection 13-6.8 or 13-6.16 of this chapter.

13-8.5 Lot Area and Density Requirements.

a. Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this section, the minimum **lot area** requirements for **conventional development** shall be as follows:

Conventional Development

<i>Zone</i>	<i>Minimum Lot Area</i>
R-5.0	5.0 acres
R-4.0	4.0 acres
R-2.5	2.5 acres

b. **Lot Averaging Development.** Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this subsection, the Land Use Board may approve a **development** employing the use of **lot averaging** provided the following requirements are met:

Lot Averaging Development

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Minimum Average Lot Area</i>
R-5.0	3.0 acres	5.0 acres
R-4.0	2.0 acres	4.0 acres
R-2.5	1.5 acres	2.5 acres

Where an **applicant** elects to utilize the technique of **lot averaging**, the following requirements shall apply:

1. The **land** being developed shall have a minimum **lot area** of fifty (50) acres.
2. The arithmetic average **lot area** of all the lots created by the **development** plus any **open space** created under subsection 13-8.5 b. shall not be less than the required minimum average **lot area** in the above table.
3. In no case shall a **lot** be created for **development** which has less than the required minimum **lot area** in the above table.
4. No more than forty (40) percent of the **lots** created shall be less than the required minimum average **lot area** in the above table.

5. No **lot** created as a result of utilizing the technique of **lot averaging** shall be further subdivided and the deed for such lot shall contain a restriction against its further **subdivision** for the purposes of creating any additional **lots**.

6. **Final approval** shall not be given for more **lots** than would be permitted by the requirements of the chapter in a **conventional lot** application. A **density** plan showing those attainable **conforming lots** without **lot averaging** shall be submitted with the **lot averaging application**.

7. The approval of a **lot averaging application** is discretionary with the Land Use Board and must be predicated upon the uniqueness and the topographic characteristics of the **land** and the ability of the proposed **development** to ensure the preservation of **open space**.

c. **Cluster Subdivision**. Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this subsection, the Land Use Board may approve a **cluster subdivision** provided the following requirements are met:

Cluster Subdivision

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Maximum Density</i>
R-5.0	3.0 acres	1 Dwelling, Single-Family Detached /5.0 acres
R-4.0	2.0 acres	1 Dwelling, Single-Family Detached /4.0 acres
R-2.5	1.5 acres	1 Dwelling, Single-Family Detached /2.5 acres

Where an **applicant** elects to use the **development** technique of **cluster subdivision**, the following requirements shall apply:

1. The **land** being **developed** shall have a minimum **lot area** of one hundred (100) acres.

2. The total number of **lots** created for **single-family detached dwelling development** shall not exceed the required maximum **density** in the above table.

3. In no case shall a **lot** be created for **development** which has less than the required minimum **lot area** in the above table.

4. The **cluster subdivision** shall produce at least one (1) **open space** with a minimum area of ten (10) acres and with a shape and location acceptable to the Land Use Board.

5. The **cluster subdivision** shall comply with all of the requirements of Section 13-16.

6. **Final approval** shall not be given for more **lots** than would be permitted by the requirements of this chapter in a **conventional development**. A **density** plan showing those attainable **conforming lots** without **cluster subdivision** shall be submitted with the **cluster subdivision application**.

7. The approval of a **cluster subdivision** is discretionary with the Land Use Board and must be predicated upon the uniqueness and topographic characteristics of the **land** and the ability of the proposed **development** to ensure the preservation of **open space**.

d. **Unconstrained Lands**. On any **lot** proposed for **development** there shall be a minimum three quarter (.75) acre of **contiguous unconstrained land** which has a shape and characteristics that can reasonably accommodate **principal** and **accessory structures, domestic well, and septic system**. No surface or stormwater management facility shall be included within the minimum **contiguous unconstrained land**.

13-8.6 Yard and Dimensional Requirements.

a. **Single-family detached dwelling unit conventional development** shall comply with the following **yard** and dimensional requirements for **principal** and **accessory structures and buildings**:

Single-Family Detached Dwelling Conventional Development Zone Classification

<i>Requirement</i>	<i>R-5.0</i>	<i>R-4.0</i>	<i>R-2.5</i>
Minimum lot width	250 ft.	200 ft.	150 ft.
Minimum lot frontage	300 ft.*	250 ft.*	200 ft.*
Minimum lot depth	300 ft.	250 ft.	200 ft.
Minimum front yard	75 ft.**	75 ft.**	50 ft.
Minimum side yard	60 ft.	50 ft.	40 ft.
Minimum rear yard	125 ft.	125 ft.	100 ft.
Maximum lot coverage	10%	12%	20%
Maximum permitted disturbed land area	35,000 sf.	30,000 sf.	25,000 sf.

*The minimum required **lot frontage** may be reduced by fifty (50) percent where a lot fronts on a cul-de-sac turnaround.

On existing streets, the minimum required **front yard may be reduced to the average of the **front yards** of the **principal structures** on the same side of the street as the subject **lot** by calculating the **front yard** of the **principal structures** on lots on both sides of the subject **lot** and within four hundred (400) feet of the subject **lot**, but in no case shall the minimum required **front yard** be reduced to less than fifty (50) feet.

b. **Single-family detached development** which utilizes **lot averaging** or **cluster subdivision** techniques shall comply with the following **yard** and dimensional requirements for **principal** and **accessory structures and buildings**:

Lot Averaging or Cluster Subdivision Development Zone Classification

<i>Requirement</i>	<i>R-5.0</i>	<i>R-4.0</i>	<i>R-2.5</i>
Minimum lot width	250 ft.	200 ft.	150 ft.
Minimum lot frontage	300 ft.*	250 ft.*	200 ft.*
Minimum front yard	75 ft.**	75 ft.**	50 ft.
Minimum side yard	50 ft.	40 ft.	30 ft.
Minimum rear yard	100 ft.	100 ft.	75 ft.
Maximum lot coverage	15%	18%	25%
Maximum permitted disturbed land area	35,000 sf.	30,000 sf.	25,000 sf.
Minimum lot depth	300 ft.	250 ft.	200 ft.

*The minimum required **lot frontage** may be reduced by fifty (50) percent where a lot fronts on a cul-de-sac turnaround.

The minimum required **front yard may be reduced to the average of the **front yards** of the **principal structure** on the same side of the street as the subject lot by calculating the **front yard** of the **principal structures** on lots on both sides and within four hundred (400) feet of the subject **lot**, but in no case shall the **front yard** be reduced to less than fifty (50) feet.

c. **Accessory structures and buildings** shall not be located in the required **front yard** and shall comply with the **side** and **rear yard** for **principal structures**.

d. All **development** other than single-family **development** shall comply with the minimum **yards** and dimensions in the above table. Such **development** shall have a minimum lot size of 5.0 acres in the R-5.0, R-4.0 and R-2.5 zones where it can be

demonstrated that 5.0 acres are sufficient to accommodate the potable water and septic system needs of the **use**. Larger lot sizes may be required for certain uses in order to assure that the carrying capacity of the **lot** complies with the standards established in the Lafayette Township Master Plan and Wastewater Management Plan.

13-8.7 Parking Area.

The following requirements shall apply:

- a. A minimum of two (2) **parking spaces** for each **dwelling unit**, which may include spaces within a **private garage**.
- b. The maximum parking of one (1) **commercial vehicle** provided the vehicle does not exceed a rated capacity of one (1) ton.
- c. **Recreational vehicles** that have sleeping facilities may be parked or stored only. They may not be occupied at any time.

13-8.8 Signs.

Refer to Section 13-17.

13-8A AH-1 AFFORDABLE HOUSING ZONE.

13-8A.1 Purpose.

The purpose of the **Affordable Housing** (AH-1) Zone is to provide a realistic opportunity for the construction of **affordable housing** as part of a comprehensively planned housing development, in conformance with the township's approved Housing Element and Fair Share Plan and the regulations of this chapter governing **affordable housing**.

13-8A.2 Permitted Principal Uses.

In the AH-1 Zone there shall be permitted:

- a. **Single-family detached dwelling units, duplex, triplex, efficiency or apartment** in accordance with paragraphs a. 1 through 4. below and the **development** standards enumerated in subsection 13-8A.4 of this section.

1. **Special needs** housing.

2. **Dwelling units** may be age restricted in accordance with the Fair Housing Act, 42 USC 3601 et seq. and the Rules and Regulations promulgated by the New Jersey Council on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time.

3. The **dwelling units** shall be constructed as **low or moderate income housing** and for individuals with **special needs**, which units shall be governed by deed restrictions insuring long term affordability controls in accordance with the Rules and Regulations promulgated by the New Jersey Council on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time. Each **affordable housing** unit shall be deed-restricted using COAH approved deed restrictions in accordance with N.J.A.C. 5:93-9.2 et seq.

4. The **development**, phasing and marketing of the **dwelling units** constructed for **low and moderate income** households shall be undertaken in accordance with the Rules and Regulations promulgated by the New Jersey Council on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time.

- b. **Public facilities.**

- c. **Essential services** subject to the requirements of section 13-14b.3.

13-8A.3 Permitted Accessory Uses.

The **accessory uses** as provided in subsection 13-8.3, entitled, Permitted **Accessory Uses** of this chapter with the caveat that all **accessory structures** shall be designed to serve or be developed in relation to the **affordable housing development** and shall be subject to **site plan** approval.

13-8A.4 Development Standards.

<i>Type</i>	<i>Requirement</i>
a. Minimum lot area	2 acres
b. Minimum lot frontage	150 feet
c. Minimum setback lines (Principal structure)	
From front lot line	50 feet
From side or rear lot lines	25 feet
d. Minimum setback lines (Accessory structures)	
From front lot line	50 feet
From side or rear lot lines	25 feet
e. Maximum principle building height	35 feet
f. Parking area	See N.J.A.C. 5:21-1.1 et seq. (Statewide Residential Improvement Standards) for total number of spaces to be provided with the exception that there may not be a parking requirement for all or some of the special needs housing which, if so, shall be considered a de minimis exception to the RSIS Standards.
g. On-site rights-of-way (ROW) and roadway widths	See N.J.A.C. 5:21-1.1 et seq.
h. Maximum density	Six dwelling units per acre
i. Maximum impervious surface coverage	40%
j. Setbacks between buildings	Setbacks to interior streets and parking areas . In reviewing a site plan for any development in the AH-1 Zone, the Land Use Board shall have authority to review and approve all setbacks between buildings and between buildings and interior streets, parking areas and other structures in order to ensure the preservation of adequate light, air and open space .
k. Homeowners' Association	If a homeowners' association is formed, it shall be approved by the Township Committee after review by the Land Use Board.

1. Architectural Design Considerations. To the maximum extent feasible, the design of **buildings** and other improvements to the zone shall incorporate the rural, historic, and environmental priorities of Lafayette Township. These include:

1. Preservation of the site's rural character through adaptive reuse of the existing barns, including the silo, and the design of any new **buildings** to reflect the rural and historic characteristics of Lafayette Township.

2. Incorporation of common **open space** for passive/active recreation and community space.
3. Incorporation of landscaping, building materials and design to minimize **nuisances** to adjoining properties and **sky glow**.
4. Incorporation of "green" technologies that promote energy conservation and the use of environmentally-friendly building materials.

Section 1. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable; and the remaining portions of this Ordinance shall remain in full force and effect.

Section 2. All ordinances or parts of ordinance or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 5. This ordinance shall take effect after publication and passage according to law.

NOTICE

The above ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on February 16, 2010 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on March 16, 2010.

Mayor:

Municipal Clerk: