

**LAFAYETTE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2012-06

AN ORDINANCE TO DELETE IN ITS ENTIRETY CHAPTER XIII ENTITLED  
“ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF  
LAFAYETTE AND INSERT IN ITS PLACE AN ENTIRELY NEW CHAPTER XIII  
ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF LAFAYETTE

**13-1 SHORT TITLE.**

This chapter shall be known and may be referred to by the short title of "The Zoning Ordinance of Lafayette Township." (Ord. 12/3/91, § 13-1)

**13-2 PURPOSES.**

a. In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health, morals and the public welfare, provide adequate light and air, prevent the overcrowding of land or buildings and avoid undue concentration of population, all with reasonable consideration, among other things, to the location of future municipal services and protections, the character of the district and its peculiar suitability for particular uses, with a view to conserving the value of property, the economic stability and soundness of the community, and the most appropriate use of land throughout the township, and to further all of the purposes of land use regulation as set forth in N.J.S.A. 40:55D-2.

b. It is also the purpose of this chapter to state as clearly and simply as possible the intended requirements, to encourage wide understanding of its meaning, to avoid costly technical or legal problems.

c. For the purpose hereinabove mentioned, this chapter designates, regulates and restricts the location and use of buildings and structures and land for residence, commerce-trade, industry or other purposes, the height, number of stories, and size of buildings and other structures hereafter erected or altered, regulates and determines the size of yards and other open spaces; and regulates and limits the density of population. In order to effect its purposes, this chapter divides the township into zoning districts of such number, shape and area as may be deemed best to carry out the provisions of this chapter. (Ord. 12/3/91, §13-2)

**13-3 DISTRICTS AND MAPS.**

**13-3.1 Districts Designated.**

The township shall be divided into the following types of zones which shall be differentiated according to use and which shall be known and designated as:

R-5.0	Residential
R-4.0	Residential
R-2.5	Residential
VC	Village Commercial
HC	Highway Commercial
LI	Light Industry
EI	Extractive Industry
P	Public
AH-1	Residential Affordable Housing*
VR	Village Residential
GOZ	Gateway Overlay Zone
GC	Golf Course
GCD	Gateway Commercial Districts

Ridgeline and Hillside Viewshed Protection Area Overlay Zone

(Ord. No. 12/3/91, § 13-3; Ord. 5/16/00, § 1; Ord. No. 2006-22, § 1; Ord. No. 2007-14, § 4; Ord. No. 2007-21, § 2; Ord. No. 2008-13, § 7; Ord. No. 2010-03, § 1)

\*Editor's Note: Added by Ordinance 2006-22.

**13-3.2 Zoning Map.**

a. The Zone District boundaries described in subsection 13-3.3 of the Township's Zoning Ordinance are hereby established as shown on the currently adopted map entitled "Zoning Map of the Township of Lafayette," including all amendments which is hereby made a part of this chapter and supplemented by the “Gateway Area” and Gateway Overlay Zone” maps attached as exhibits “A” and “B”.

(Ord. 12/3/91 § 13-3.2; Ord. 5/16/00, § 2; Ord. No. 2006-22, § 6; Ord. No. 2007-14, § 4; Ord. No. 2008-13, § 8; Ord. No. 2010-03, § 2)

### **13-3.3 Boundary Lines.**

Zoning boundary lines are intended to follow lot or property lines or the center-lines of streets, water courses, or existing or abandoned railroad rights-of-way unless otherwise indicated by dimensions or notations on the current Zoning Map of Lafayette Township. The exact location of any district boundary line shall be determined by the Land Use Board in accordance with rules and regulations which may be adopted by it. (Ord. No. 12/3/91, § 13-3.3)

### **13-3.4 Scope.**

It is not intended, by this chapter, to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other chapters, ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by deed, covenant or other agreements. However, where this chapter imposes a greater restriction upon the land, buildings or structures than that imposed by existing provisions of chapters, contract or deed, the provisions of this chapter shall control. Where the provisions of this chapter are, or become, in conflict with State or Federal law and such differences cannot be reconciled therewith, the provisions of such law shall govern. (Ord. 12/3/91, § 13-3.4; Ord. 6/7/95, § 8)

## **13-4 WORD USAGE.**

For the purpose of this chapter certain terms and words are herein defined as follows: Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used;" "the word "shall" is mandatory and not discretionary. Any word or term not defined herein shall be used with a meaning or standard usage or as defined in N.J.S.A. 40:55D-1 et seq. or any amendments or supplements thereto. (Ord. 12/3/91, § 13-4)

## **13-5 DEFINITIONS.**

NOTE: Where a conflict arises between the definition of a term contained herein and the definition as found in a State statute or regulation that applies to the application under consideration, the definition contained in the State statute or regulation shall control unless the State law specifically defers to the municipal ordinance or regulation or the State law allows a municipality to deviate from the State statute or regulation. The use of bold type in the Lafayette Township Ordinance is for the purpose of alerting a reader that the term is defined in section 13-5. However, failure to use bold type when using a term in these chapters is an oversight and the use of a term without bold type is still governed by this definitions section.

*Accessory structure* shall mean a subordinate structure on the same lot as a related principal structure. When an accessory structure abuts or is attached to a principal structure in a substantial manner, by a wall or roof, such accessory structure shall be considered part of the principal structure.

*Accessory use.* See *Use, accessory*.

*Addition* shall mean any construction that increases the size of a building or structure in terms of lot coverage, height, length, width or gross floor area.

*Affordable housing* shall mean a unit with a sales price or rent within the means of a low or moderate income household as defined in the Fair Housing Act.

*Agriculture* shall mean the cultivation of the soil and the raising and harvesting of the products of the soil, including, but not limited to, nursery, horticulture, forestry and animal husbandry, whether for profit, private or personal use.

*Agriculture activity* shall mean farming, including plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feed yards); aquiculture; sod production, orchards, Christmas tree plantations and nurseries.

*Agriculture use* shall mean the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, silviculture, and animal/poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

*Airport* shall mean a facility where aircraft or airborne vehicles, of all types, land and take off and which may provide storage, maintenance and fuel services for such aircraft and which, as to design, surface, maintenance, repair and management thereof meets the minimum requirements of, and is licensed pursuant to N.J.S.A. 6:1-1 et seq., whether such facility be public or private. The term "airport" shall include airstrip, airfield, landing field, landing strip, heliport, helistop and all other like facilities.

*Alley* shall mean a right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular or utility access.

*Alteration* shall mean any enlargement; addition; relocation; repair; remodeling; change in number of living units; development of or change in an open area; development of or change in a sign, by painting or otherwise; or other change in a facility, but excluding painting except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal.

*Animal, domestic* shall mean any animal customarily kept by humans for companionship, including but not limited to dogs, cats, hamsters, birds, rabbits and the like.

*Animal hospital* shall mean a place where animals or pets are given medical or surgical treatment. The keeping or boarding of animals shall be necessary to and incidental to such hospital use.

*Animal, large* shall mean cattle, horses, mules, sheep, goats, pigs, llamas, beasts of burden, or any other animal not considered a domestic animal.

*Antique shop* shall mean any premises used for the sale or trading of articles of which eighty (80%) percent or more are over fifty (50) years old and have collectible value. Antique shop does not include "secondhand store."

*Apartment or Apartment unit.* See *Dwelling unit, types*.

*Applicant* shall mean the party applying for permits or other approval required by this chapter.

*Application* shall mean the completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the Land Use Board of the Township for development review, approval, or permitting purposes.

*Approval, final* shall mean the official action of the Land Use Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

*Approval, preliminary* shall mean the conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 48 and 49, prior to final approval after specific elements of a development have been agreed upon by the Land Use Board and the applicant.

*Approving authority* shall mean the Land Use Board of Lafayette Township as designated by ordinance unless a different agency is designated by ordinance when acting pursuant to the authority of N.J.S.A. 40:55D-1 et seq.

*Aquifer* shall mean a saturated geologic formation that will yield a sufficient quantity of water to serve as a private or public water supply.

*Arcade* shall mean a continuous passageway parallel to and open to a street, open space or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

*Arch* shall mean a curved structure in a vertical plane capable of spanning a space or opening while supporting significant weight.

*Area, gross.* See *Gross area*.

*Area of protection* shall mean a vegetated area consisting of existing or planted trees and shrubs, located or established between existing or proposed development within the Ridgeline and Hillside Viewshed Protection Area and public areas. The purpose of the Area of Protection is to totally obscure the view of development within the Ridgeline and Hillside Viewshed Protection Area and public areas as viewed from the view line. See Figure 1. in Section 13-13E.3.

*ASCE* shall mean American Society of Civil Engineers.

*ASTM* shall mean American Society for Testing Materials.

*Auction* shall mean any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

*Auction house* shall mean a building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

*Automobile* shall mean every vehicle, except motorcycles, designed for carrying ten (10) passengers or less and used for the transportation of people.

*Automobile body shop* shall mean a facility which provides collision repair services, including frame straightening, replacement of damaged parts, and painting. Body and frame repair does not include mechanical engine or power train repair.

*Automobile fueling station* – See *Motor vehicle fueling station*.

*Automobile service station.* See *Motor vehicle service station*.

*AWWA* shall mean American Water Works Association.

*Bank.* See *Financial institutions*.

*Basement* shall mean a space having one-half (1/2) or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6 1/2) feet.

*Bed and breakfast* shall mean overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

*Bedroom* shall mean a room intended for sleeping. Any room designated on the building plan submittals as a den, library, study, loft or other extra room will be considered to be a bedroom for the purposes of this ordinance.

*Berm* shall mean a manmade mound of earth in excess of two (2) feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

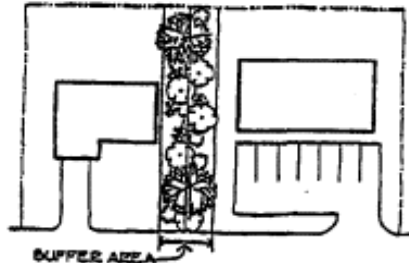
*Board* shall mean the Lafayette Township Land Use Board.

*Boarder* shall mean a person who resides in a dwelling who is not a member of the family unit that is the primary occupant of the dwelling, and who pays for or performs services in exchange for such occupancy. A boarder does not include a person who has separate cooking facilities made available to him.

*Boarding house* shall mean a single-family dwelling where more than two (2) but fewer than six (6) bedrooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one (1) common kitchen facility. No meals are provided to outside guests.

*Body shop* - See *Automobile body shop*.

*Buffer* shall mean an area of land, including landscaping, berms, fences, and building setbacks, that is located between land uses of different character.



*Buildable area* shall mean the space remaining on a lot after the minimum open space and offsets are considered and after compliance with setback requirements; excepting any environmentally sensitive areas and environmentally critical areas or similarly designated unbuildable lands.

*Building* shall mean a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

*Building Coverage* shall mean a percentage of a lot including all buildings, but does not include eave overhangs, second story balconies and decks that allow for the drainage of water through the deck surface and are a minimum of ten (10) feet above the finished grade at all points.

*Building envelope* shall mean the three dimensional space within which a structure is permitted to be built on a lot.

*Building height* shall mean the height to be measured from the lowest level of natural grade abutting the building; or in the case of a door or garage floor level below the first floor level of a building or structure, from the bottom of the door sill and level floor there from, or from the garage floor to the top most gable, peak or flat roof top, whichever height is most high, providing that the highest elevation is not more than would be if measured from the natural grade to the top most peak, gable or flat roof top.

*Building line* shall mean the building line is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area.

*Building, main or principal* shall mean a building in which is conducted the main or principal use of the lot on which the building is located.

*Building permit* shall mean a permit issued by the duly designated construction official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof. Such a permit shall not be issued without the signature of the zoning official or designee, certifying compliance with this ordinance.

*Business office*. See *Office, business*.

*Camp, day or youth* shall mean a parcel of land devoted to primarily outdoor recreation uses not including overnight accommodations for the users.

*Carport* shall mean a permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by automobiles.

*Cartway* shall mean the actual road surface area from curbline to curbline which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.

*Cellar* shall mean a space with less than one-half (1/2) of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6 1/2) feet. (Comment: Cellars should be used only for mechanical equipment accessory to the principal structure or for unhabitable space. As such they are not counted as a story or in the computation of the intensity of land use, such as floor area ratio.)

*Cemetery* shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, and mausoleums, when operated in conjunction with and within the boundary of such cemetery.

*Certificate of occupancy* shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable Federal, State and municipal codes and ordinances.

*Child care center* shall mean an establishment providing for the care, supervision, and protection of children, but not a preschool.

*Church* - See *House of Worship*.

*Circulation* shall mean systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

*Clinic, medical or dental* shall mean a facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

*Cluster* shall mean a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

*Cluster subdivision* shall mean a form of development for single family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

*Commercial use* shall mean any use involving in part or in whole the sale of merchandise, materials or services for profit.

*Commercial vehicles* shall mean trucks, buses, sedan delivery vehicles, station wagons, minivans or sport utility vehicles or any other commercially used vehicles subject to that licensing designation under N.J.S.A. 39:1-1 et seq.

*Common open space* shall mean an open space area within or related to a site designated as a development, and designed and intended for the use and enjoyment of residents and owners of the development. Common open space may contain such complementary structures or improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development, as permitted.

*Common or party wall* shall mean a vertical wall and/or horizontal separation forming a structural part of two (2) buildings or of two (2) separately owned and/or rented units in the same building. Such a wall contains no openings and extends from its footings below finish grade to the height of the exterior surface of the roof.

*Common ownership* shall mean ownership of two (2) or more contiguous parcels of real property by the same person or persons.

*Concept plan* shall mean a preliminary, nonbinding presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

*Conditional use*. See *Use, conditional*.

*Conforming lot* shall mean a parcel, plot or area of land abutting a public street complying with the minimum requirements of N.J.S.A. 40:55D-35, exclusive of any area within such public street, whose area is sufficient to provide the yard, space and setback requirements and the minimum area requirements for the zone district in which it is located and complying with all other minimum requirements for said district, as required by this chapter.

*Constrained land* shall mean land that includes environmentally sensitive areas or environmentally critical areas or any land restricted by the regulation of any County, State or Federal Code.

*Contiguous unconstrained land* shall mean the minimum contiguous area within the setbacks of a lot consisting of land suitable for construction of principal and accessory buildings and structures, excluding environmentally sensitive areas and environmentally critical areas as defined by this chapter.

*Convalescence home*. See *Rest home and convalescence home*.

*Conventional development* shall mean land development which does not utilize the techniques of lot averaging, clustering or planned development.

*Coverage ratio*. See *Impervious surface coverage or ratio*.

*Culvert* shall mean a closed or open conduit designed for the purpose of conveying an open channel under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure.

*Day camp*. See *Camp, day or youth*.

*Day care*. See *Child care center*.

*DBH* shall mean diameter of a tree trunk at breast height (typically three feet, six inches (3'6") above ground level).

*Demolition* shall mean any razing or destruction, whether entirely or in significant part (twenty-five (25%) percent or more), of the exterior of a building structure or site, including the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the facade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

*Density* shall mean the permitted number of dwelling units per gross area of land to be developed.

*Developer* shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having enforceable proprietary interest in such land.

*Developer's agreement* shall mean a legal agreement between a developer and a municipality in which the terms and conditions required for successful completion of the development are enumerated.

*Development* shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

*Development schedule* shall mean a construction schedule and plan showing the time frame in which each portion of a development will be constructed or improvements will be installed. Also referred to as a phasing plan.

*District or zone* shall mean part of the municipality to which certain uniform regulations of this chapter apply as a separate zone district.

*Domestic well* shall mean a nonpublic well that is used primarily to provide drinking and sanitary water supply for an individual dwelling unit.

*Drainage* shall mean the removal of surface water or ground water from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

*Drainage basin or area* shall mean a geographic area within which stormwater runoff, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

*Drainage pattern* shall mean the configuration of a drainage system including manmade and natural features within a drainage basin.

*Drainage right-of-way or easement* shall mean the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, in accordance with the Water Supply Management Act, N.J.S.A. 58:1A-1 to 26.

*Drainage system* shall mean a system of manmade structures, which includes grading or other appropriate means, designed to collect, convey, hold, divert, or discharge stormwater.

*Driveway* shall mean in addition to its regularly accepted common meaning, any lane, way, field entrance or privately owned road, except as hereinafter exempted in Lafayette General Ordinance subsection 9-5.4.

*Driveway, altered* shall mean a driveway is altered within the meaning of this chapter when it is widened, relocated or when its grade is changed or when it is modified in any way that alters the prior existing drainage from said driveway onto a public right-of-way or adjoining property. Normal maintenance, such as paving an existing stone driveway, replacing stone or patching asphalt shall not be considered as "altering a driveway."

*Driveway, commercial/industrial* shall mean one providing access to an office, retail or institutional building or to an apartment building having more than five (5) dwelling units or any other use classified as commercial or institutional in the Lafayette Township Land Use Ordinance, but not by way of limitation thereof. Industrial plant driveways whose principal function is to serve administrative or employee parking lots are considered "commercial driveways."

*Driveway, residential* shall mean a driveway providing access to a single family residence.

*Dwelling* shall mean a building or portion thereof designated or used primarily as living quarters for one (1) or more persons, but not including hotels, motor lodges, bed and breakfasts, boarding houses or other accommodations for the transient public.

*Dwelling unit* shall mean one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with sleeping and sanitary facilities and only one (1) cooking facility provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Dwelling unit, types:*

- a. *Single-family detached* or *one-family detached* shall mean a freestanding residential building which contains one (1) dwelling unit and which has no common walls with other dwelling units.
- b. *Duplex* shall mean a freestanding residential building containing two (2) dwelling units each of which has direct access to the outside and is totally separated from the other by an unpierced wall extending from basement to roof.
- c. *Triplex* shall mean a freestanding residential building containing three (3) dwelling units each of which has direct access to the outside and is totally separated from the other units by an unpierced common wall extending from the basement to the roof.
- d. *Efficiency* shall mean a residential dwelling unit without a separate bedroom and not exceeding six hundred (600) square feet of gross floor area.
- e. *Apartment* or *apartment unit* shall mean a suite of rooms, with a full private bath and cooking accommodations, used or designed for use as a residence by a person or persons.

*Easement* shall mean the right to use real property belonging to another person or entity for certain limited purposes.

*Educational use* shall mean public, parochial and private elementary and secondary schools duly licensed by the State of New Jersey, attendance at which is a sufficient compliance with the compulsory education requirements of the State. Educational uses shall also include pre-schools and institutions of higher education duly licensed by the State Department of Education. Day or Youth camps shall not be considered as educational uses or accessories to such uses.

*Environmentally critical area* shall mean an area or feature that poses a physical or chemical hazard or concern, including predevelopment slopes of fifteen (15%) percent, or greater, seasonable high water table within two (2) feet of the surface, shallow depth to bedrock of 0 to 3.5 feet, rock outcrop, flood plains, streams, brooks, rivers, and their corridors, ponds, lakes, and open waters, land overlying known or suspected faults, slides, sinkholes, subsidence locations, lands underlain by carbonate bedrock or expansive soil, lands underlain by groundwater that has had its use restricted by the State due to the presence of contaminants, or land impacted by contaminants above unrestricted use standards or criteria adopted by or otherwise applied by the State.

*Environmentally sensitive area* shall mean an area or feature of significant environmental value, including surface waters, any water resource which is utilized as a public water or nonpublic water supply, groundwater recharge areas, wellhead protection areas, wetlands and wetland transition areas, submerged vegetation habitats, prime forest land or unique forest land, natural heritage priority sites, or habitats of endangered or threatened plant and animal species.

*Essential services* shall mean the erection, construction, alteration or maintenance, by public utilities, municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, including electrical substations, telephone dial centers, poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety or general welfare. "Essential services" shall include firehouses, first aid and emergency aid squad, whether provided by a municipal or nonprofit agency, pumping stations, sewage treatment facilities, stand poles and water storage tanks.

*Extractive industrial use* shall mean the quarrying, handling and processing of stone, sand and gravel which are extracted from the premises.

*Facade* or *face* shall mean the total wall surface, including door and window areas, of a building's facade front. In the case of corner buildings which front on more than one (1) street, only one (1) face shall be used to calculate facade area.

*Facade, front* shall mean those portions of the facade which face and are most closely parallel to the front lot line.

*Facility* shall mean a structure which is built, installed, or established to serve a particular purpose.

*Family* shall mean any number of persons related by blood, marriage or adoption or unrelated individuals maintaining a household. A "family" shall, also, include foster children but shall not include roomers or members of a fraternity or sorority.

*Farm* shall mean a parcel of land containing at least five (5) acres for the primary purpose of agricultural use.

*Farm stand.* See *Roadside stand.*

*Fence* shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, but not to include berms.

*Final plat.* See *Plat, final.*

*Final subdivision approval.* See *Approval, final.*

*Financial institution* shall mean an establishment that provides financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are

generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, and lending establishments. Not included are freestanding automatic teller machines.

*Flag* shall mean any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

*Flag lot*. See *Lot, flag*.

*Flagpole* shall mean a freestanding structure or a structure attached to a building or to the roof of a building and used for the sole purpose of displaying flags.

*Flood hazard area design flood* shall mean the flood resulting from the 100-year flood discharge increased by twenty-five (25%) percent.

*Flood, regulatory* shall mean the 100-year flood along non-delineated watercourses or the flood hazard area design flood along delineated watercourses as per current N.J.A.C. 7:13.

*Flood plain* shall mean the area inundated by a regulatory flood including the water course that creates it as per current N.J.A.C. 7:13.

*Floor* shall mean top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Floor area, gross (GFA)* shall mean the floor area within the inside perimeter of the exterior walls of the building under consideration exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts as defined by the International Building Code, New Jersey Edition.

*Floor area ratio (FAR)* shall mean the sum of the area of all floors of buildings or structures compared to the total area of the site.

*Fraternity* shall mean a local or national organization of college or university students, including sorority, organized for the purpose of sharing cultural, scholarly or religious interests, where involvement requires regular meetings and formal written membership requirements.

*Front lot line*. See *Lot line, front*.

*Garage, private* shall mean a detached building or portion of the principal building, including a carport, which is used primarily for storing automobiles or other motor vehicles of a rated capacity of not more than one and one-half (1.5) tons.

*Garage, public* shall mean a structure, or portion thereof, other than a private garage, used for the parking and/or storage of motor vehicles and available to the general public.

*Grocery store* shall mean a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least five thousand (5,000) square feet, but not more than twenty-five thousand (25,000) square feet of gross floor area.

*Gross area* shall mean the total horizontal area within a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

*Group home* shall mean a nonprofit or for-profit home for the sheltered care of persons with special needs, which, in addition to providing food and shelter may also provide some combination of personal care, social or counseling services, and transportation.

*Growth share* shall mean the affordable housing obligation generated in each municipality by the methodology detailed by the appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey.

*Habitable floor area*. See *Floor area*.

*Habitable room* shall mean a room occupied or designed to be occupied by one (1) or more persons for living, sleeping, eating, or cooking, including kitchens serving a dwelling unit, but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage, and other similarly approved spaces that are not used frequently or for extended periods.

*Home occupation* shall mean any employment or occupation conducted within a dwelling which shall constitute either entirely or partly a source of income of a person living in such dwelling in accordance with section 13-8.3d.

*Homeowner's association* shall mean a duly incorporated organization composed of all owners of property in a development.

*Horticulture* shall mean the use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

*Hospital* shall mean an institution, licensed by the State Department of Health providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

*Hotel* shall mean a building containing more than five (5) rooms used, rented or hired out, to be occupied for sleeping purposes by guests, where general kitchen, dining room and/or banquet rooms are provided within the building.

*House of worship* shall mean a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses and entitled to exception from taxation pursuant to provisions of N.J.S.A. 54:4-3.6.

*IES* shall mean Illuminating Engineering Society.

*Impervious surface* shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

*Impervious surface coverage or ratio* shall mean a measure of the intensity of land use determined by dividing the total of all impervious surfaces on a site by the gross site area.

*Improvement* shall mean any manmade, immovable item which becomes part of, is placed upon, or is affixed to land or an existing structure or building.

*Improvements, off-site* shall mean improvements required to be made off site as a result of an application for development including but not limited to streets, water, drainage, or sewer line improvements.

*Inclusionary development* shall mean a housing development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to, new construction, the conversion of a nonresidential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

*Institutional use* shall mean a use by a public or nonprofit, quasi-public, or private institution for educational, religious, charitable, medical or civic purposes.

*Interested party* shall mean:

- a. In criminal or quasi-criminal proceedings, any citizen of the State of New Jersey; and
- b. In the case of a civil proceeding in any court or in an administrative hearing or proceeding before a State, County or municipal agency, any person whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this chapter, or whose rights to use, acquire or enjoy property under this chapter or under any other law of Sussex County, the State of New Jersey or of the United States have been denied, violated or infringed by an action or failure to act under this chapter.

*Intersection* shall mean a point where two (2) or more streets meet and/or cross.

*ITE* shall mean Institute of Transportation Engineers.

*Junk* shall mean any scrap, waste, reclaimable material and debris, whether or not stored or used in conjunction with the dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk may include, for purposes of illustration, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, plaster, household appliances, wood, lumber, brush and building materials.

*Junkyard* shall mean any area, lot, parcel, building or structure used for the storage, sale, processing, or abandonment of junk.

*Land* shall mean the earth, water, and air above, below, or on the surface, including any improvements or structures customarily regarded as the land.

*Light Industrial use* shall mean the following:

- a. The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials; bones, cellophane, canvas, cork, cloth, rope, cord, twine, plastics, natural and synthetic rubber, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plaster, metals, precious or semi-precious stone, shell, tobacco, textile, wood and yarns.
- b. The manufacture, compounding, processing, packaging or treatment of such products as candy, drugs, pharmaceutical and food products.
- c. The manufacture of ceramic products, using only previously pulverized clay.
- d. Manufacture of musical instruments, toys, novelties, and metal stamping.
- e. Manufacture and assembly of electrical or electronic devices, home, commercial and industrial appliances and instruments, including the manufacture of accessory parts or assemblies.

*Light pollution* shall mean the upward emitting of stray light which may illuminate clouds, dust and other airborne matters and may obscure the night sky.

*Light trespass* shall mean any artificial light greater than 0.10 foot candles falling outside the boundaries of the property upon which the outdoor lighting unit is installed. Light trespass occurs when neighbors of an illuminated space are affected by the lighting systems inability to contain its light within the area intended.

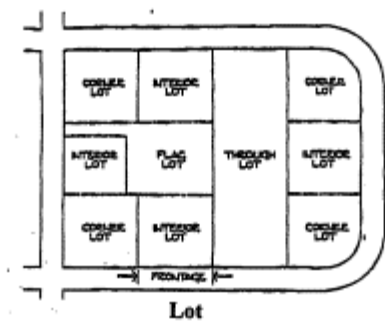
*Loading, off-street* shall mean a space designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

*Loading space.* See *Loading, off-street.*

*Lodging house.* See *Boarding house.*

*Lot* shall mean a parcel of land occupied or intended for occupancy by one (1) principal use permitted in this chapter, including one (1) principal building and its

accessory buildings or as otherwise provided in this chapter, and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.



*Lot area* shall mean the total area within the lot lines exclusive of any area within an abutting street right-of-way and exclusive of any area within any proposed street right-of-way as shown on the Master Plan, subdivision map or official map of the State, County or Township.

*Lot averaging* shall mean a technique whereby one (1) or more lots in a subdivision are reduced from the conventional minimum sizes and one (1) or more lots are oversized, but the overall average lot size is not less than the minimum lot size permitted in the zone for conventional development. In no case are lots permitted which are below the minimum standard for the lot averaging technique. The purpose of lot averaging is to produce a more logical development pattern which preserves environmentally critical land, environmentally sensitive land, preserves historic structures, or accomplishes other public purposes.

*Lot corner* shall mean a lot abutting two (2) or more streets at their intersection or abutting two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

*Lot coverage* shall mean a measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to all areas covered by buildings, accessory structures, parking structures, driveways, roads, sidewalks, and any area of concrete or asphalt. Also including patio covers, storage sheds, trash dumpster enclosures etc. and architectural features eg. (chimneys, balconies, decks, porches, stairs, etc...).

*Lot depth* shall mean the horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines. On corner lots, the depth shall be measured from the street or portion of the street upon which the lot has the least frontage.

*Lot, flag* shall mean a parcel or plot of land abutting a public street, complying with the minimum requirements of N.J.S.A. 40:55D-35, whose width at the street line and/or at the building setback line is less than that required by the zone district in which it is located and whose principal portion shall be to the rear of a conforming lot. Such lots are not permitted in the Township.

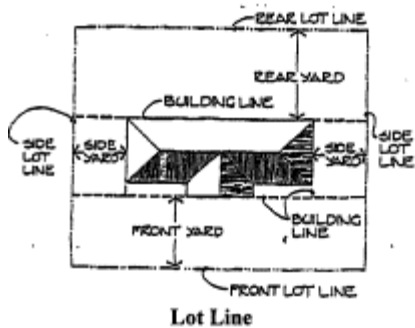
*Lot frontage* shall mean the uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the side line right-of-way. If a lot has frontage on more than one (1) street, the minimum lot frontage requirements shall apply to each street on which the lot has frontage.

*Lot line* shall mean the recorded boundary of a lot.

*Lot line, front* shall mean that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the applicant.

*Lot line, rear* shall mean a lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangle-shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

*Lot line, side* shall mean any lot line other than a front or rear lot line.



*Lot width* shall mean the horizontal distance between the side lot lines measured along the required building setback line. On corner lots, the width shall be measured between the side lot line and the side street at a setback from the street upon which lot has the least frontage.

*Low income* shall mean income of fifty (50%) percent or less of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD) Section 8 Income Limits (uncapped) averaged across counties for the housing region of the appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey.

*Low Income housing* shall mean housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to fifty (50%) percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

*Maintenance agreement* shall mean a recorded legal agreement setting forth the maintenance obligations of the various parties to the agreement.

*Maintenance guarantee* shall mean any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash.

*Major subdivision* shall mean subdivisions not classified as minor subdivisions.

*Market.* See *Retail sales establishment*.

*Market-rate units* shall mean housing not restricted to low and moderate income households that may sell at any price determined by a willing seller and a willing buyer.

*Master plan* shall mean a composite of one (1) or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to N.J.S.A. 40:55D-28.

*Maximum permitted disturbed land area* shall mean the maximum percentage of a lot which is permitted to be disturbed by development activities such as grading, removal of existing vegetation, paving, building, landscaping and excavation of subsurface waste disposal and other facilities, but shall not include disturbance related to agricultural activities.

*Medical office.* See *Office, medical*.

*Minor subdivision* shall mean the division of a parcel of land meeting one or more of the following conditions:

- a. The division of a parcel of land for the purpose of enlarging an adjoining parcel wherein the remaining parcel is not in conflict with the Zoning Ordinance nor is its future use or development adversely affected.
- b. The division of a parcel of land into not more than two (2) lots in any five (5) year period plus the remainder of the parcel being subdivided wherein all such lots or parcels meet all of the following requirements:
  1. Said lots are not in conflict with the Zoning Ordinance, Master Plan or official map.
  2. All lots front on an existing street that provides direct access to the lot as defined in this chapter and which is of the width shown on the Master Plan and which is improved to meet all requirements of N.J.S.A. 40:55D-35 so that a building permit could be issued to construct a building on each lot. Each lot shall be served by a residential driveway (in accordance with Lafayette General Ordinances subsection 9-5.1 et seq.) that provides direct access from an existing street to the lot.
  3. No new streets or roads are involved.
  4. The resulting lots are suitable for their intended purpose without the necessity of making unusual changes in grades of the lots.
  5. The creation of the lots will not produce a drainage problem or result in the necessity for drainage improvements or any other types of off-site improvement.
  6. The creation of the lots will not adversely affect the uniform and comprehensive development of any remaining parcel or adjoining land.
  7. Notwithstanding the foregoing, not more than two (2) lots and a remainder shall be created by minor subdivision if complete development of the remaining lot or parcel, as permitted by the Zoning Ordinance, would require a new road or roads. Subsequent subdivision of the remaining lot or parcel shall be accepted only as a major subdivision.
  8. The lot to be subdivided is not part of a lot that has previously been created by virtue of a subdivision within five (5) years of the date of the application.

*Minor subdivision plat.* See *Plat, final*.

*Mixed use* shall mean low and moderate income housing apartments located in the same structure with a commercial use as permitted under Lafayette General Ordinances Subsection 13-11.2.

*MLUL* shall mean the Municipal Land Use Law as found at N.J.S.A. 40:55D-1 et seq.

*Mobile home* shall mean a transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

*Mobile home park* shall mean any parcel of land or portion thereof which is used or offered for use as a location for one (1) or more mobile homes.

*Moderate income* shall mean more than fifty (50%) percent but less than eighty (80%) percent of the median gross household income for households of the same size within the housing region in which the household is located, based upon the U.S. Department of Housing and Urban Development's (HUD's) Section 8 Income Limits (uncapped) averaged across counties for the appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey housing regions.

*Moderate income housing* shall mean housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than fifty (50%) percent but less than eighty (80%) percent of the median gross household income for households of the same size within the housing region in which the housing is located.

*Motel* shall mean a building or series of buildings in which lodging is offered for compensation and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each lodging unit.

*Motor vehicle* shall mean any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys or other public ways.

*Motor vehicle fueling station* shall mean the entire lot on which there is a land area, building or other premises used for the retail dispensing or sales of motor fuels.

*Motor vehicle service station* shall mean the entire lot on which there is a land area, building or other premises used for the servicing and repair of motor vehicles.

*Natural feature* shall mean components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

*Natural grade* shall mean the elevation of the ground surface in its natural state, before man made alterations.

*Natural materials* shall mean materials found to exist naturally and/or have undergone minor modification, reduction or alloying by man; which can be reused (recycled) or are biodegradable. Such materials would include wood, stone, brick, rapid oxidizing metals such as iron, recyclable metals and minerals such as copper and glass and some alloys such as tin, bronze and brass. Plastics, polyvinyl chlorides, special polymers, aluminum, chromium, special steels and other exotic man-made or highly refined materials are specifically and generally excluded.

*Night glow.* See *Sky glow*.

*Nitrate dilution model* shall mean a mathematical model used to estimate the average area required per disposal system to generate enough groundwater recharge to dilute the nitrate in the systems effluent to acceptable levels.

*Nonconforming lot* shall mean a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

*Nonconforming structure* shall mean a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

*Nonconforming use* shall mean a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

*Nonprofit organization* shall include but not be limited to a not-for-profit organization, corporation, community fund or foundation organized and operated exclusively for religious, cultural, charitable, scientific, recreational, literary, agricultural or educational purposes.

*Nuisance* shall mean an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's rights; including the actual or potential emanation of any physical characteristics, activity or use across a property line, which can be perceived by or affect a human being of ordinary sensibility or the generation of an excessive or concentrated movement of people or things such as, but not limited to:

- a. Dust
- b. Smoke

- c. Fumes
- d. Odor
- e. Glare
- f. Flashes
- g. Vibration
- h. Shock waves
- i. Heat
- j. Electronic or atomic radiation
- k. Objectionable effluent
- l. Noise or congregation of people, especially at night
- m. Passenger traffic
- n. Transportation of things by truck, rail or other means
- o. Invasion of non-abutting street frontage by parking
- p. Noise
- q. Accumulation of trash, refuse, litter or garbage
- r. Graffiti.

*Nursery* shall mean any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.

*Nursery school.* See *Pre-school*.

*Nursing home.* See *Rest home and convalescent homes*.

*Off-premises sign.* See *sign, off-premises*.

*Office* shall mean a room or group of rooms used for conducting the affairs of a business, professional service, service establishment, or government.

*Office building* shall mean a building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop or newspaper stand.

*Office, business* shall mean an office for such activities as real estate agencies, insurance agencies, travel agencies, credit bureaus (but not financial institutions), abstract and title agencies or insurance companies, stockbrokers and the like. It is a characteristic of a business office that retail or wholesale goods are not stored, shown to or sold to a customer. Barber shops, tanning salons, spas or beauty salons are not business offices.

*Office, Medical* shall mean an office used exclusively by physicians, dentists, therapists, chiropractors and similar personnel for treatment and examination solely on an out-patient basis.

*Official map* shall mean a map adopted in accordance with the provisions of N.J.S.A. 40:55D-32 et seq. Such a map shall be deemed to be conclusive with respect to the location and width of the street, public parks and playgrounds, and drainage right-of-way shown thereon.

*Off-site* shall mean located outside the lot lines of the lot in question, but within the property of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

*Off-site improvements.* See *Improvements, off-site*.

*Off-tract* shall mean not located on a property which is the subject of a development application or on the closest half of the abutting street or right-of-way.

*Onsite* shall mean located on the lot in question and excluding any abutting street or right-of-way.

*On-tract* shall mean located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

*Open space* shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the lands.

*Open space, developed* shall mean an area created for recreational purposes such as playgrounds, tennis courts, outdoor swimming pools, ball fields and picnic areas.

*Outdoor dining area* shall mean a designated area on the premises of a restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages.

*Owner* shall mean any individual, firm, association, syndicate, co-partnership, corporation or other legal entity having sufficient proprietary interest in the land to commence and maintain proceedings under this chapter.

*Package treatment plant* shall mean a pre-manufactured on-site waste treatment facility designed to handle the specific needs of a specialized, small, or remotely located waste generator.

*Parapet* shall mean the extension of the main walls of a building above the roof level often used to shield mechanical equipment and vents.

*Parcel.* See *Lot*.

*Parking area* shall mean an off-street facility including parking spaces and aisles for maneuvering developed in a way to accommodate the parking of motor vehicles.

*Parking space* shall mean an off-street space for the parking of one (1) motor vehicle exclusive of maneuvering areas.

*Parking space, handicapped* shall mean a parking space for the physically handicapped which shall be compliant with the existing standards of the Americans with Disabilities Act and the New Jersey Barrier Free Subcode.

*Parking structure* shall mean a structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

*Pedestrian walkway* shall mean a right-of-way or easement dedicated for public pedestrian access.

*Performance guarantee* shall mean any security which may be accepted by the Township as a guarantee that improvements required as part of an application for development are satisfactorily completed.

*Permit* shall mean a written document issued by the appropriate municipal authority empowering the permitted party or entity to perform some act not allowable without such authority.

*Personal services* shall mean services primarily involving the care of a person or his/her personal goods or apparel such as, but not limited to, laundry, dry cleaning, beauty and barber shops, shoe repair, funeral services, salons, spas, health clubs, and domestic services excluding professional services.

*Plant material* shall mean vegetation that is to be planted on a site in accordance with an approved landscape plan.

*Plat* shall mean (1) A map representing a parcel of land, showing the boundaries and location of individual properties and streets. (2) A map of a subdivision or a site plan.

*Plat, final* shall mean the final map of all or a portion of a subdivision or site plan that is presented to the proper review authority for final approval.

*Plat, preliminary* shall mean a proposed plat, including supporting data, indicating a proposed subdivision design or site plan, prepared by an authorized person under N.J. State Statute in accordance with the ordinances and regulations of the Township of Lafayette and the statutes and regulations of New Jersey.

*Plot.* See *Lot*.

*Portico* shall mean an open sided structure attached to a building and sheltering an entrance or serving as a semi-enclosed space.

*Premises* shall mean land and the improvements thereon.

*Pre-school* shall mean a facility designed to provide day-time care and or instruction for five (5) or more children from two (2) to five (5) years of age inclusive, and operated on a regular basis and meeting minimum State requirements.

*Principal structure.* See *Structure, principal*.

*Principal use.* See *Use, principal*.

*Professional home office.* See *Home occupation*.

*Professional services* shall mean a business that offers any type of service such as, but not limited to, services which may be lawfully rendered by certified public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys-at-law, physical or occupational therapists and insurance agents and all other professionals licensed, registered, certified or otherwise authorized to practice independently by New Jersey Law.

*Property.* See *Premises*.

*Public areas* shall mean:

- a. Public parks, playgrounds, trails, paths and other recreation areas.
- b. Other public open spaces.
- c. Scenic and historic sites.
- d. Sites for schools and other public buildings and structures.
- e. Public way.

*Public building.* See *Public facilities*.

*Public drainageway* shall mean the land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen non-point source pollution.

*Public facilities* shall mean any facility, including but not limited to buildings, property, recreation areas, and roads, which are owned, leased or otherwise operated or funded by a governmental body or public entity.

*Public open space* shall mean an open space conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, State or County agency, or other public body for recreational or conservation uses.

*Public use.* See *Institutional use*.

*Public utility* shall mean any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to N.J.S.A. 48:2-13.

*Public utility facility* shall mean a building or structure used or intended to be used by any public utility, including but not limited to any gas treatment plant, reservoir, tank or other storage facility, water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles, and any parking lot for parking vehicles or automobiles to serve a public utility.

*Public utility uses* shall mean telephone or telegraph systems, plant or equipment; electric power plants, substations or equipment; cable television, plant antenna and transmission facilities; water company wells, storage facilities and pumping equipment; and gas transmission pumping stations, for public use or to provide services to the public, excluding actual transmission lines.

*Public way* shall mean any street, alley, pedestrian walkway, pathway, channel, viaduct, bridge, easement, right-of-way, or other way in which the public has a right of use.

*Recreational vehicle* shall mean a portable structure, or a wheel-based structure built on a chassis, which is self-propelled or designed to be transported by traction or carried on a self-propelled vehicle, and which is designed and intended to be used as a temporary dwelling for travel, recreation or vacation purposes. The term "recreational vehicle" shall include the following:

- a. *Travel trailer* - a wheel-based vehicle built on a chassis designed to be hauled by traction which has a body width not exceeding eight (8) feet and a body length not exceeding twenty-four (24) feet.
- b. *Pickup coach* - A structure designed primarily to be mounted on a pickup or truck chassis and for use as a temporary dwelling for travel, recreational, and vacation uses.
- c. *Motorized home* - A temporary dwelling designed and constructed as an integral part of a self-propelled vehicle. (See also Trailer.)
- d. *Tent camper* - A trailer with a built-in or attached tent designed and equipped to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

*Redevelopment* shall mean the removal and replacement, rehabilitation or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed and which may include construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks, open space and other public facilities.

*Rest home and convalescent home* shall mean a home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided food and shelter for compensation; but not including hospitals. The home must have all necessary licenses and approvals from the State and have no greater than semi-private room occupancy.

*Restaurant* shall mean an establishment where food and beverages are prepared primarily for table service. No food shall be served at a drive-through window.

*Restaurant, fast-food* shall mean restaurants where customers order and are served their food at a counter in packages prepared to leave the premises or to be taken to a table for consumption. No food shall be served from a drive-through window.

*Resubdivision* shall mean (a) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or (b) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

*Retail sales establishment* shall mean establishments engaged in selling goods in small quantities to the ultimate consumer or customer.

*Retail sales establishment, neighborhood* shall mean a use devoted exclusively to the retail sale of goods. The total enclosed area for such a use shall not exceed four thousand (4,000) square feet.

*Retail service establishment* shall mean establishments providing services or entertainment, as opposed to the sale of products, to the general public for personal or household use, including restaurants, fast food, hotels and motels, financial institutions, real estate and insurance offices, personal services, theaters, amusement and recreation services, health, education and social services, museum and galleries.

*Retail store, convenience* shall mean a retail establishment with up to five thousand (5,000) square feet selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared food such as sandwiches and salads for off-premises consumption.

*Ridgeline* shall mean the line of maximum elevation that connects the crests along the range of hills within the Ridgeline and Hillside Viewshed Protection Area, as indicated on the current Lafayette Township Zoning Map. For the purpose of this section, the ridgeline is also defined as a line along a hillside, which when viewed from any public way or public areas or public open space appears to be the highest elevation of the hill or chain or line of hills above six hundred forty (640) feet elevation and represents a line marking or following that ridge top as it appears when viewed from these public areas.

*Ridgeline and Hillside Viewshed Protection Area* shall mean the area within the Ridgeline and Hillside Viewshed Protection Overlay Zone located between elevation six hundred forty (640) feet and the Ridgeline, or between elevation six hundred forty (640) feet and an edge of the side of a hill or hilltop plateau, where there is one, or between elevation six hundred forty (640) feet and that point of the hill chain or line of hills which appears to be the highest elevation when viewed from the public way and/or public areas or public open space. The ridgeline and hillside viewshed protection area shall also include all lands within 100 feet of the mapped ridgeline and hillside viewshed protection area.

*Right-of-way* shall mean a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

*Roadside stand* shall mean a temporary structure not permanently affixed to the ground and is readily removable in its entirety. No roadside stand will be more than three hundred (300) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premises.

*Roadway* shall mean a portion of a public road right-of-way on which travel is conducted.

*Room.* See *Habitable room*.

*Roomer.* See *Boarder*.

*Rooming house.* See *Boarding house*.

*School* shall mean any building or part thereof that is designed, constructed or used for nonprofit educational instruction in any branch of knowledge, but not a child care center.

*Second-hand store* shall mean any store selling previously used merchandise such as clothing, household furnishings or appliances and sports or recreational equipment but does not include antique shops.

*Self Storage* shall mean a building or group of buildings containing separate, individual and private storage spaces of varying sizes available for lease or rent for varying periods of time with no outdoor storage.

*Semi-private room* shall mean a room designed for and occupied by no more than two (2) persons in a rest home or convalescent home.

*Septic system* shall mean a subsurface wastewater system consisting of a settling tank and a subsurface disposal field and subject to the requirements of N.J.A.C. 7:9A.

*Service establishment* shall mean any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

*Service station, automotive.* See *Motor vehicle service station*.

*Setback line.* See *Building line*.

*Shared parking* shall mean a joint utilization of a parking area for more than one (1) use in a zone or district in which more than one (1) use per lot is permitted.

*Shopping center* shall mean a group of permitted retail sales and permitted retail service establishments, planned, constructed and managed as a total entity, with (a) customer and employee parking provided on site, (b) provision for goods delivery separated from customer access, (c) aesthetic considerations, (d) landscaping and signage in accordance with an approved plan, and (e) safe pedestrian walkways.

*Sight distance* shall mean the distance of clear sight required in the alignment of streets, roads and driveways.

*Sight triangle* shall mean an area of land at the intersection of streets, or street and a driveway, within which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of a motorist entering or leaving the intersection or driveway.

*Signs* shall mean any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination thereof) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall include flags or sign banners used for promotional purposes.

*Sign, A-frame* shall mean a sign typically mounted on an A-frame with copy on both sides, directing attention to products sold or services supplied.

*Sign, back-lit* shall mean a sign illuminated with an internal source of light that shines through a translucent surface.

*Sign, banner* shall mean a sign of lightweight fabric or similar nonrigid material that is mounted with no enclosing framework.

*Sign, freestanding* shall mean any sign not affixed to a building and that is not a portable sign.

*Sign, height* shall mean the vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

*Sign, LED* shall mean digital signage that uses Light Emitting Diode (LED) screens as the digital display where content is displayed as an image.

*Sign, monument* shall mean a freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is designed to conform to the applicable design standards.

*Sign, neon* shall mean any sign that uses neon, argon, or any similar gas to illuminate transparent or translucent tubing or other materials, or any use of neon, argon, or similar gas lighting which is readily visible from the outside of a building.

*Sign, off-premises* shall mean a sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign.

*Sign, pole* shall mean a freestanding sign that is fixed, attached or erected on a pole that is not itself an integral part of, or attached to, a building or structure.

*Sign, political* shall mean a temporary sign presenting information expressing support for or opposition to a candidate or candidates for public office, a political party, or ballot measure, presenting an issue to be voted upon, or pertaining to protected speech or an upcoming election.

*Sign, projecting* shall mean a sign other than a wall sign that is attached to or projects more than eight (8) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

*Sign, roof* shall mean a sign erected, constructed, maintained, and/or mounted on or over the roof of any building, principally supported by the roof of the building.

*Sign, structure* shall mean the supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or V-type or otherwise.

*Sign, temporary* shall mean a sign that is temporary in nature, is not permanently attached to the ground or a structure or other sign surface, and is used for special events such as, but not limited to, grand openings, seasonal sales, liquidations, going out of business sales, and promotions.

*Sign, wall* shall mean a sign that is in any manner affixed to any exterior wall of a building or structure and that projects no more than eight (8) inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

*Sign, window* shall mean a sign that is applied to or attached to the exterior or interior of a window or placed within three (3) feet of an exterior window, but excludes merchandise in a window display.

*Silo* shall mean a tall cylindrical structure utilized for storage, related to agricultural uses only.

*Silviculture* shall mean the development and/or maintenance of a forest or wooded preserve.

*Single ownership* shall mean ownership by one (1) person or ownership by two (2) or more persons jointly as joint tenants, as tenants by the entirety or as tenants in common of a separate lot not adjacent to land in the same ownership.

*Site plan* shall mean a development plan of one or more lots on which is shown: (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the County Planning Board adopted pursuant to N.J.S.A. 40:55D-37 et seq.

*Sight triangle. See Sight distance triangle.*

*Sky glow* shall mean the brightening of the night sky attributable to manmade sources of light resulting in light pollution that reduces the ability to view the nighttime sky, interferes with the viewing of astrological events and causes an adverse impact on wildlife and nocturnal ecosystems.

*Soil* shall mean all unconsolidated mineral and organic material of any origin.

*Special needs* shall mean the needs of people with physical or mental disabilities.

*Specialty store* shall mean a retail store specializing in a specific range of merchandise and related items and catering to a specific market.

*Square footage. See Floor area.*

*Stand. See Roadside stand.*

*Store - retail. See Retail sales establishment.*

*Stormwater* shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

*Story* shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principal use.

*Story, half* shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor

level, and in which space the possible floor area with a head room of five (5) feet or less occupies at least forty (40%) percent of the total area of the story directly beneath.

*Street* shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way (a) which is an existing State, County or municipal roadway, or (b) which is shown upon a plat heretofore approved pursuant to law, or (c) which is approved by official action as provided in the Lafayette Township code, or (d) which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may compromise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

*Street line* shall mean the dividing line between the street and the lot. The street line shall be the same as the legal right-of-way.

*Street trees* shall mean trees planted along any public and/or private street.

*Structure* shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

*Structure, principal* shall mean a structure in which is conducted the principal use of the lot on which it is located.

*Subdivider* shall mean any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as defined herein and including any agent of the subdivider.

*Subdivision* shall mean the division of a lot or parcel of land into two (2) or more lots, parcels or other subdivisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this Act if no new streets are created:

- a. Divisions of land found by the Land Use Board or subdivision committee thereof to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;
- b. Divisions of property by testamentary or intestate provisions;
- c. Divisions of property upon court order, including but not limited to judgments of foreclosure;
- d. Consolidation of existing lots by deed or other recorded instrument; and
- e. The conveyance of one (1) or more adjoining lots or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal Development Regulations and are shown and designated as separate lots or parcels on the Tax Map of the municipality.

The term "subdivision" shall also include the term resubdivision.

*Subdivision plat. See Plat, final or Plat, preliminary.*

*Subsurface sewage disposal system. See Septic system.*

*Supportive housing* shall mean permanent housing for homeless persons or person at risk of homelessness who may be men, women, youth or families who earn less than twenty (20%) percent of median income as determined by the sponsoring agency and have chronic mental and/or physical illnesses that require linked support services.

*Surface water* shall mean water at or above the land's surface which is neither groundwater nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial water bodies.

*Swale* shall mean a low lying or depressed land area, which can function as an intermittent drainage way.

*Technical Review Committee (TRC)* shall mean a committee consisting of one (1) or more persons organized to review applications for development.

*Textured concrete masonry units* shall mean a large rectangular block made from cast concrete, such as Portland cement and aggregate, usually sand and fine gravel in the case of blocks.

*Tilt-up concrete masonry panels* shall mean concrete slabs created by assembling forms and pouring large slabs of concrete directly on site. The panels are raised into position around the building's perimeter forming the exterior walls.

*Tractor* shall mean a motor vehicle specifically designed or equipped to haul or pull any wheeled vehicle licensed to go upon public roads or highways.

*Trailer* shall mean a wheel-based vehicle that is designed to be transported by traction.

*Trailer or Mobile home park or court. See Mobile home park.*

*Trucking terminal* shall mean a premises which is used for the temporary parking of motor freight or cargo vehicles between trips and for the transfer of freight or cargo between trucks or between trucks and rail facilities for shipment elsewhere and where the storage of freight or cargo is only temporary, and which also may contain facilities for dispensing motor fuels.

*Unconstrained land* shall mean land that does not include environmentally sensitive areas or environmentally critical areas.

*Use* shall mean the specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. If a use is not provided for in the Zoning Ordinance, it is prohibited.

*Use, accessory* shall mean a use naturally and normally incident and subordinate to the principal use of the structure or lot and located on the same lot as the principal use to which it relates.

*Use, conditional* shall mean a use permitted in a particular zoning district only upon a showing that such use in a specific location will comply with the conditions and standards for the location or operation of such use as contained in the Zoning Ordinance and upon the issuance of an authorization therefor by the Land Use Board.

*Use, principal* shall mean the primary use of the premises of which there can only be one (1).

*Variance* shall mean permission to depart from the actual or literal requirements of this chapter as provided for in the Municipal Land Use Law (N.J.S.A. 40:55D Sections 40, 60 and 70).

*View line* shall mean a straight line measuring the line of sight between any public view, public road, public area, and or the public way and the ridgeline and hillside viewshed protection area.

*Waiver* shall mean permission to depart from the requirements of an ordinance with respect to the submission of required documents.

*Warehouse* shall mean a building used for the storage of goods, materials or merchandise for later or subsequent distribution or delivery elsewhere for purposes of processing or sale.

*Water supply system* shall mean the physical infrastructure on an individual lot, including but not limited to a domestic well, pumps, and water lines, that is operated and maintained to deliver water to any structure or for any use upon the lot, subject to the approval of health and sanitation offices having jurisdiction.

*Wetlands* shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adopted for life in saturated soil conditions, commonly known as hydrophytic vegetation as classified pursuant to N.J.D.E.P regulation.

*Wholesale establishment* shall mean an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial commercial, institutional, or professional business users, or other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

*Wildlife* shall mean animals or plants existing in their natural habitats.

*Wing walls* shall mean retaining walls located adjacent to the foundation of a building, either as an independent wall or an integral component of the foundation wall.

*Yard* shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the rear yard, the minimum horizontal distance between the lot line and any buildings shall be used.

a. *Front yard* - A yard, unoccupied, except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the abutting street line and the nearest part of the principal structure on the lot. On corner lots, a front yard shall abut each of the street frontages.

b. *Side yard* - A yard, unoccupied, except by a use as hereinafter specifically permitted, extending from the front yard to the rear yard of a lot and lying between the side lot line and the nearest part of the principal structure on the lot.

c. *Rear yard* - A yard, unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the rear lot line and the nearest part of the existing or proposed principal structure on the lot. If there is no rear lot line, as in the case of a triangular shaped lot, or if there is doubt as to determination of rear yard measurement, the rear yard requirement of this chapter shall be construed as conforming provided there can be drawn entirely within the property a rectangle formed by the rear line of the existing or proposed principal building, the extension of the sidelines of the principal building toward the rear of the principal building and a line connecting said extended building side lines, which rectangle shall have an average depth measured from the rear of the building equal to at least the required minimum rear yard. In no event shall the principal building be located closer to the property line at any point other than the minimum side yard requirement.

*Zoning permit* shall mean a document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement of the use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and (2) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance there from duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 70.

(Ord. 12/3/91, § 13-5; Ord. 12/17/96, § 1; Ord. 5/16/00, § 3; Ord. No. 2007-04, § 1; Ord. No. 2007-11; Ord. No. 2007-14, § 4; Ord. No. 2007-20; Ord. No. 2009-01; Ord. No. 2010-03, § 3; Ord. No. 2010-10, §§1-3; Ord. No. 2010-13, § 1)

## **13-6 GENERAL REGULATIONS.**

### **13-6.1 Conformity to Chapter.**

No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to or enlarged, rebuilt nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone by this chapter and meeting the requirements as herein set forth. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, parking space, and such other regulations of this chapter for the zone in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this chapter. (Ord. 12/3/91, § 13-6.1)

### **13-6.2 Frontage on Improved Street.**

Every principal building shall be built upon a lot with frontage upon a street improved to meet the township's standards. A lot used for a dwelling unit may contain only one (1) principal structure and every principal structure shall be built upon a lot with frontage upon a street approved and maintained by the Township, County or State. (Ord. 12/3/91, § 13-6.2)

### **13-6.3 Parking.**

See subsection 12-7.2b. (Ord. 12/3/91, § 13-6.3)

### **13-6.4 Accessory Structures.**

a. An accessory structure attached to or abutting the main structure shall not be erected, nor shall an accessory use be permitted, prior to the construction of the main structure, or the establishment of the principal use, upon the lot.

b. *Location.* An accessory structure may be erected in rear and side yards only and shall be set back from side and rear lot lines as prescribed in each zone, except that if erected on a corner lot, the accessory structure shall be set back from the street to comply with the setback line applying to the principal structure for that side street and except further that no poultry or livestock shelter (excluding dog runs or other shelters for household pets) shall be erected closer than fifty (50) feet to any other property line.

c. *Residence Prohibited.* No accessory structure shall be used or occupied for residence purposes.

d. Except as otherwise provided in this chapter, a display of products or services rendered, signboard or advertising sign of any nature shall in no case be permitted as an accessory use, or part thereof. Any such signs, advertising, etc., which are permitted, shall conform with all requirements and regulations of any present and/or subsequent ordinances of the township regulating the use of signs.

e. *Height Restriction.* A detached accessory structure shall not exceed fifteen (15) feet in height, except structures connected with agricultural use. (Ord. 12/3/91, § 13-6.4)

### **13-6.5 Corner Lots.**

Corner lots shall meet the minimum front yard requirements for the respective zone for both intersecting streets. (Ord. 12/3/91, § 13-6.5)

### **13-6.6 Yard; Open Space.**

No yard or other space provided about any buildings for the purpose of complying with the provisions of the chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot. (Ord. 12/3/91, § 13-6.6)

### **13-6.7 Clearance at Intersections.**

At the intersection or interception of two (2) or more streets, no hedge, fence or wall higher than two (2) feet above curb level, nor any obstruction to vision, between the height of two (2) to ten (10) feet above the curb level other than a post or a tree, shall be permitted within the triangular area formed by the intersecting street lines and straight line joining the street lines at points which are twenty-five (25) feet distant from the point of intersection measured along the street line or such distance as recommended by the Township Engineer to insure traffic safety. (Ord. 12/3/91, § 13-6.7)

### **13-6.8 Exceptions to Height Limitations.**

The height limitations of this chapter shall not apply to chimneys, silos, church spires, cupolas, standpipes, flagpoles, residential television and radio antennas which are not mounted on or connected to a private radio tower, or water tanks and similar structures and necessary mechanical appurtenances for the zone in which the building is

located provided that no such exceptions, when connected to and a part of a principal building, shall cover at any level more than ten (10) percent of the area of the roof on which it is located. All such items in excess of height regulations shall be set back from the property line at least a distance equal to their height. (Ord. 12/3/91, § 13-6.8)

### **13-6.9 Resource Conservation.**

When planning the development of land within the township, conservation of existing resources on the tract, e.g., trees and water, as well as maximizing solar access and passive solar construction as provided for in the Township's Renewable Energy Ordinance is highly encouraged. (Ord. 12/3/91, § 13-6.9; Ord. 12/17/96, § 1)

### **13-6.10 Outdoor Sales in Certain Districts.**

Commercial and industrial uses in the VC, HC and LI zones may display goods for sales purposes provided that such outdoor selling shall not encroach upon any of the required parking areas or required yard areas for the zone in which located. In the calculation of the percentage of the lot occupied by buildings and required parking areas, the outdoor selling area shall be included in the same manner as the area for the principal building. (Ord. 12/3/91, § 13-6.10)

### **13-6.11 Prohibited Uses All Districts.**

Any use not specifically permitted in a zoning district established by this chapter is hereby specifically prohibited from that district, and the following uses and activities are specifically prohibited in the township.

- a. Carousel, roller coaster, ferris wheel, or train rides, outdoor concerts, exhibitions, midways, sideshows and similar outdoor commercial recreation facilities other than on a temporary basis granted by permit from the Township Committee.
  - b. Junkyards, automobile wrecking or disassembly yards, the sorting or baling of scrap metal, paper, rags or other scrap of waste material except under the Township's recycling ordinance.
  - c. Outdoor drive-in theaters.
  - d. Sanitary landfills, resource recovery facilities and site used to dispose of sewage collected from septic systems.
  - e. Wholesale establishments, warehouses, warehouse sites including disposal sites which wholesale, warehouse, sell or store any of the following substances:
    1. Oil sludge, oil refuse, oil mixed with other wastes and crude oils.
    2. All pesticides designated as "prohibited", "restricted" or "specially restricted" pursuant to the New Jersey Pesticide Control Act of 1971 (N.J.S.A. 13:1F1 et seq., as amended) and N.J.A.C. 7:30-1.5 through 1.7.
    3. Substances identified as hazardous by the Federal Environmental Protection Agency at 40FRS9961, December 30, 1975 pursuant to section 311 Ib (2) (a) of the Federal Water Pollution Control Act Amendments of 1972 53USC 1251 et seq. as amended.
    4. Explosives, acids, plastics which generate toxic fumes when ignited, halogenated hydrocarbons and their derivatives, fireworks, radioactive materials and other dangerous, hazardous or toxic materials.
    5. Any other dangerous, hazardous or toxic materials added to the lists of materials in paragraphs f, 2 and 3 above.
  - f. Sales from motor vehicles or wheeled vehicle of food items, beverages, or any other merchandise either within the right-of-way of any public road or any private property.
  - g. Mobil home parks.
- (Ord. 12/3/91, § 13-6.11)

### **13-6.12 Commercial Vehicles.**

Any vehicle containing advertising matter intended to promote an interest of any business or any commercial vehicle used in connection with any business or commercial activity, shall not be parked, stored or maintained in any residential zone except in compliance with the following conditions:

- a. Not more than one (1) commercial vehicle per dwelling unit shall be kept on a lot.
  - b. The vehicle shall not exceed a curb weight of 12,000 pounds. No box trucks, semis, tractor trailers or buses shall be permitted.
  - c. The vehicle is parked in the driveway.
  - d. The vehicle is used by a resident of the dwelling unit.
  - e. The vehicle is not parked on the street.
  - f. This subsection shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.
- (Ord. 12/3/91, § 13-6.12)

**13-6.13 Parking and Storage of Recreational Vehicles and Trailers as an Accessory Use to a Single Family Dwelling Unit.**

Recreational vehicles, boats, snowmobiles and trailers may be parked in any residential zone subject, however, to the following restrictions and regulations:

- a. All parking or storage shall be in the side or rear yard areas only and shall meet the requirements applicable to accessory structures for the zone in which they are located, with respect to setback requirements.
  - b. The area, exclusive of garage area, that may be used for storage of such recreational vehicles shall not exceed seven (7) percent of the total lot area or three hundred twenty (320) square feet, whichever is less.
  - c. Parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this section.
  - d. Such vehicles must be owned by the resident of the single family dwelling unit and occupancy of such parked vehicle shall be prohibited.
- (Ord. 12/3/91, § 13-6.13)

**13-6.14 Number of Structures Restricted.**

There shall be no more than one (1) principal structure on each lot in any residence district, except that any farm structures shall not be considered a second principal structure. (Ord. 12/3/91, § 13-6.14)

**13-6.14A Number of Uses Restricted.**

There shall be no more than one (1) principal use per lot in all zones except where expressly permitted by ordinance. (Ord. No. 2007-17, § 1)

**13-6.15 Design of Dwellings.**

No dwelling unit shall hereafter be erected, constructed, placed, altered or enlarged which shall be like or substantially like any neighboring building then in existence or for which a building permit has been issued if said neighboring building is within six hundred (600) feet of the building to be erected, constructed, placed, altered or enlarged and faces on the same street. End-to-end reversal of house plans or roofline changes alone shall not render a dwelling unit substantially unlike a neighboring building to allow its construction, placement, alteration or enlargement within the prohibited distance above set forth. (Ord. 12/3/91, § 13-6.15)

**13-6.16 Private Radio Towers.**

The installation, or construction of a private radio tower or the modification of an existing private radio tower shall be subject to the following conditions:

- a. The tower height of a private radio tower shall not exceed sixty-five (65) feet, unless the tower is mounted on the roof of a building or structure within the residential zone, in which case the tower shall not exceed ten (10) feet beyond the highest portion of the building or structure it is attached to.
- b. A private radio tower shall have attached to it no more than five (5) antennas.
- c. A building permit shall be required prior to the installation or construction of a private radio tower, as well as increasing the height of an existing private radio tower.
- d. Applications for a building permit for a private radio tower shall be made upon such forms as prepared by the Township of Lafayette and shall have attached thereto the items listed below. This application shall be submitted to the Construction Official. The plan need not be prepared and sealed by a licensed engineer. However, upon review by the Township of Lafayette, the township may require resubmission of a plan prepared and sealed by a licensed engineer. The items to be included on the form are:
  1. A location plan for the private radio tower.
  2. Manufacturer's specifications for the private radio tower and details of footings, guys and braces.
  3. A permit fee for ground mounted private radio towers as per Construction Department Fee Schedule.
- e. All private radio towers must be constructed from one (1) of the following materials: Aluminum, galvanized steel, or equally weather resistant steel. All ground mounted private radio towers exceeding thirty-five (35) feet in height shall be mounted in concrete, or erected in such a manner so as to be able to withstand a minimum wind velocity of eighty (80) m.p.h. (impact pressure of twenty-five (25) pounds per square foot). A private radio tower may be bracketed to the principal structure, so long as the requirements of this paragraph are satisfied.
- f. All private radio towers shall satisfy the electrical requirements as set out by the National Electric Code.
- g. A private radio tower shall not be erected in the front yard of any lot.
- h. A private radio tower shall not be erected in the side yard or rear yard of any lot unless the setback from any lot boundary line shall be equal to or greater than the actual height of the tower.
- i. A private radio tower shall only be erected on a lot that contains the principal structure.

j. A private radio tower shall only be designed for use by the residents of the principal structure. However, this requirement shall not prohibit another licensed operator from using the radio equipment in the principal structure with the consent of the owner.

k. No lot may contain more than one (1) private radio tower.

l. To the extent possible, every private radio tower shall be placed so it is screened by natural growth on the lot in order to minimize, to the greatest extent possible, visibility from any adjacent property or street.

m. Power control and coaxial cables to and from the private radio tower shall be underground conduit complying with the applicable codes requirements. Any feed line for a wire antenna requiring an open wire feed line may be connected to and from the tower above ground. All such above ground connections shall comply with applicable code requirements.

(Ord. 12/17/96, § 2)

### **13-7 NONCONFORMING LOTS, USES, STRUCTURES.**

a. *Continuation of Use.* A use, building or structure, lawfully in existence at the effective day of this chapter, which shall be made nonconforming at the passage of this chapter may be continued except as otherwise provided by law.

b. *Regulation of Nonconforming Structures and Nonconforming Uses.*

1. No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or as follows:

(a) Restoration. Any nonconforming use or nonconforming structure partially destroyed by fire, casualty or Act of God may be repaired, restored, reconstructed or used as before, provided that the area of such use or structure shall not exceed the area which existed prior to such damage. All repairs shall be commenced within one (1) year after damage occurs and shall be completed within two (2) years of such date or such use shall not be rebuilt except as a conforming use.

(b) Repairs. Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use and does not increase the number of dwelling units.

2. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Construction Official or other authorized state or township official.

(Ord. 12/3/91, § 13-7)

### **13-8 R-5.0, R-4.0 AND R-2.5 RESIDENTIAL DISTRICTS.**

#### **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, greenhouses under five hundred (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.

(Ord. 12/3/91, § 13-8.1; Ord. No. 2010-4)

#### **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.

(Ord. 12/3/91, § 13-8.2; Ord. No. 2010-04)

#### **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 principal 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 principal use.
  - d. Home occupations, provided that:
    - 1. Not more than one (1) person living outside of such dwelling is employed on the premises.
    - 2. Not more than two (2) customers will visit the dwelling during a day.
    - 3. Not more than twenty-five (25%) percent of the total floor area or five hundred (500) square feet of such dwelling, whichever is smaller, can be devoted to such employment or occupation.
    - 4. There shall be no display of goods offered for sale in connection with such employment or occupation which is visible from the street or any adjoining lot, and there shall be no motor vehicle or equipment or other items used in connection with or upon which any service is performed in connection with such employment or occupation stored or kept in any location on the lot except in an enclosed building.
    - 5. No equipment or process shall be used in such employment or occupation which creates noise, vibration, glare, fumes, odors, hazardous waste, electrical, radio or television interference or other condition detectable to the normal senses off the premises of which constitutes a nuisance. All noise created by the home occupation shall be in accordance with the provisions of the "Noise Ordinance" of the Lafayette Township Ordinances.
    - 6. The residential character of the building or buildings shall not be changed.
    - 7. The use does not increase the parking or yard requirements of the principal residential use.
    - 8. No signs other than those permitted in Section 13-17 shall be allowed.
  - e. All buildings, structures, motor vehicles and large animals incident to agricultural uses, including roadside stands.
- (12/3/91, § 13-8.3; Ord. No. 2010-04; Ord. No. 2010-13, § 2)

#### **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. (Ord. 12/3/91, § 13-8.3; Ord. No. 2010-04)

#### **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:

<i>Conventional Development</i>	
<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:

<i>Lot Averaging Development</i>		
<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. Land area equal to a minimum of thirty (30) percent of the tract of land proposed for development shall not be included in lots or streets and shall be set aside for conservation, open space, recreation or other public purposes. Land proposed for such public purposes shall be offered to the Township of Lafayette. All lands not accepted by the township shall either be owned and maintained by a homeowners' association or any other entity determined by the Land Use Board to adequately safeguard the preservation of such lands. In any case, all streets within the development shall be deeded to the township.
- 5 Forty (40) percent of the open space lands shall be unconstrained land.
6. The developer shall submit to the Township Committee, upon final Planning Board approval, an open space easement for the land not to be developed to insure the public's interest that the remaining open space shall not be developed, with the exception of land needed for facilities in the development such as recreational facilities.
7. The lands offered to the township shall meet the following requirements:
  - (a) Lands offered for recreational purposes shall be improved by the developer including equipment, walkways and landscaping in order to qualify the lands for acceptance by the township.
  - (b) Any land offered to the township or a homeowners' association shall be optimally related to the overall plan and design of the development and improved to best suit the purpose(s) for which it is intended.
  - (d) The lands offered to the township or a homeowners' association shall be subject to review by the Land Use Board which, in its review and evaluation of the suitability of such land, shall be guided by the Master Plan of the township, by the ability to assemble and relate such lands to an overall plan and by the accessibility and potential utility of such lands. The Land Use Board may request an opinion from other public agencies or individuals as to the advisability of the township's accepting any lands to be offered to the township.
  - (e) Every parcel of land offered to and accepted by the township shall be conveyed to the township by deed at the time final plan approval is granted by the township. The deed shall contain such restrictions as may reasonably be required by the Land Use Board. Should the subdivision consist of a number of development stages, the Land Use Board may require that acreage proportionate in size to the stage being considered for final approval be donated to the township simultaneously with the granting of final subdivision approval for that particular stage, even though these lands may be located in a different section of the overall development.
8. The developer is required to create a Homeowners Association approved by the Township Committee upon the review and approval of the Land Use Board.
9. An association, established for the purpose of owning and maintaining common lands and facilities including conservation, open space, flood plain,

recreation and park areas and other lands, which would otherwise be dedicated to the township.

10. 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.

11. Should a tract be located in more than one (1) zone, the maximum density calculations shall be applied to each zoned portion of the tract which is in a separate zone.

12. 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.

13. The developer shall comply with all applicable provisions of the Land Subdivision Chapter in obtaining preliminary and final approval, respectively.

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.

e. *Maximum Permitted Disturbed Land Area.* For conventional residential development, the maximum permitted land disturbance area for each lot shall be forty-five (45%) percent of the lot area.

For residential developments utilizing lot averaging or clustering, the maximum permitted land disturbance area shall be fifty (50%) percent of the lot area. However, land disturbed to create active recreation facilities which are approved by the Land Use Board in accordance with subsection 12-8.3c. of the Lafayette Land Use Ordinance concerning "Recreational Open Space Requirements for Residential Developments" shall be excluded from the calculation of the maximum permitted land disturbance area. (Ord. 12/3/91, 13-8.5; Ord. No. 2010-04; Ord. No. 2010-13, §§2, 3)

**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.  
(Ord. 12/3/91, § 13-8.6; Ord. No. 2008-06, § 1; Ord. No. 2010-04)

**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. Recreational vehicles that have sleeping facilities may be parked or stored only. They may not be occupied at any time.  
(Ord. 12/3/91, §13-8.7; Ord. No. 2010-04)

**13-8.8 Signs.**

Refer to Section 13-17. (Ord. 12/3/91, §13-8.8; Ord. No. 2010-04)

**13-8A AH-1 RESIDENTIAL AFFORDABLE HOUSING DISTRICT.**

**13-8A.1 Purpose.**

The purpose of the Affordable Housing (AH-1) District 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. (Ord. No. 2006-22, § 2; Ord. No. 2010-4)

**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 appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey 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 appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey 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 appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey as the Rules and Regulations may be amended from time to time.

b. Public facilities.

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

(Ord. No. 2006-22, § 3; Ord. No. 2010-04)

**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. (Ord. No. 2006-22, § 4; Ord. No. 2010-04)

**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<br>(Accessory structures) |   |
|    | From front lot line                             | 50 feet   |
|    | From side or rear lot lines                     | 25 feet   |
| e. | Maximum principal 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 (6) 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.  |
- l. 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.
- (Ord. No. 2006-22, § 5; Ord. No. 2010-04)

### **13-9 EXTRACTIVE INDUSTRY DISTRICT.**

#### **13-9.1 Principal Uses and Buildings Permitted.**

- a. Extractive industrial uses.
  - b. Agricultural uses.
  - c. Essential services.
  - d. Public facilities subject to a concept plan review by the Land Use Board.
- (Ord. 12/3/91, § 13-9.1)

#### **13-9.2 Conditional Uses Permitted.**

None. (Ord. 12/3/91, § 13-9.2)

#### **13-9.3 Permitted Accessory Uses.**

- a. Buildings, machinery and outdoor storage related to the conduct of the principal use.
- (Ord. No. 12/3/91, § 13-9.3)

#### **13-9.4 Height Limitations.**

No 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. (Ord. 12/3/91, § 13-9.4; Ord. 12/17/96, § 4)

#### **13-9.5 Area and Yard.**

- a. The area and yard regulations for the LI Zone shall apply to permitted principal buildings in the EI Zone.

- b. In no case shall any extractive activity be conducted within two hundred (200) feet of a property line.
- c. Except for entrance and exit roads, there shall be a two hundred (200) foot buffer established along all property lines.  
(Ord. 12/3/91, § 13-9.5)

#### **13-9.6 Site Plan Review.**

All uses are subject to site plan review and approval. A site plan prepared in accordance with standards and requirements established by this chapter and the township site plan approval ordinance shall be submitted to the Land Use Board with every application for a building permit for construction of a new building or alteration of an existing building. Site plan approval shall also be required before a certificate of occupancy is issued for any change of use. (Ord. 12/3/91, § 13-9.6)

#### **13-9.7 Off-Street Parking.**

The required minimum number of on-site parking spaces shall be 1/400 sq.ft. GFA.  
(Ord. 12/3/91, § 13-9.7)

#### **13-9.8 Signs.**

See section 13-17. (Ord. 12/3/91, § 13-9.8)

### **13-10 PUBLIC DISTRICT.**

#### **13-10.1 Principal Buildings and Uses Permitted.**

- a. Buildings owned and occupied and used by Lafayette Township, the Lafayette Township Board of Education, Sussex County or the State of New Jersey.
- b. Public open space.  
(Ord. 12/3/91, § 13-10.1)

#### **13-10.2 Conditional Uses.**

None. (Ord. 12/3/91, § 13-10.2)

#### **13-10.3 Permitted Accessory Uses.**

Any use customarily incidental to a permitted principal use. (Ord. 12/3/91, § 13-10.3)

#### **13-10.4 Conceptual Plan Review.**

All uses shall be subject to conceptual plan review by the Land Use Board. (Ord. 12/3/91, § 13-10.4)

### **13-11 VC VILLAGE COMMERCIAL DISTRICT.**

#### **13-11.1 Principal Uses and Buildings Permitted.**

- a. Retail sales establishments, retail sales establishments neighborhood, retail store convenience, or retail service establishments provided that:
    - 1. Any goods or products fabricated or processed incidental to such use shall be sold at retail on the premises.
    - 2. Such fabricating or processing shall be confined within the building and no supplies, materials or goods used in such fabrication shall be stored outdoors.
    - 3. No more than six (6) persons are employed in the retail sales establishment, retail sales establishment neighborhood, retail store convenience or retail service establishment during any operating hours.
  - b. Offices and financial institutions.
  - c. Detached single-family dwelling units.
  - d. Duplex dwelling units provided that each dwelling unit shall have its own domestic well and domestic septic system.
  - e. One apartment unit within the building of the above listed permitted principal uses provided that the dwelling unit shall have its own domestic well and domestic septic system. The following minimum floor areas shall apply to apartments:
 

Efficiency	550 square feet
1 bedroom	700 square feet
2 bedroom	850 square feet
3 bedroom	1,000 square feet
  - f. Public facility uses subject to concept plan review by the Land Use Board.
  - g. Public open spaces.
  - i. Agricultural uses.
  - h. Antique shops.
  - i. Restaurants.
- (Ord. 12/3/91, § 13-11.1)

#### **13-11.2 Conditional Uses Permitted.**

The following uses shall be permitted in all VC Zones subject to the review and approval of the Land Use Board in accordance with the provisions of Section 13-14.

- a. Houses of worship in accordance with Section 13-14 b, 1.

b. Schools provided that all such schools meet the highest current published standards for lot size and building construction of the New Jersey Department of Education and be in accordance with subsection 13-14 b, 2.

c. Essential services in accordance with Section 13-14b3.

d. Animal hospitals in accordance with Section 13-14b6.

e. Clubs, lodges and fraternal organizations in accordance with Section 13-14b7.

f. Rest homes and convalescent homes in accordance with Section 13-14 b8.

g. Cemeteries in accordance with Section 13-14 b4.

h. Mixed Use - Low and moderate income housing apartments located in the same structure with a commercial use shall be permitted at a greater density than permitted in the zone and permitted to share well and septic systems on the condition that: 1) the apartment or apartments satisfy an affordable housing obligation under the Housing Element and Fair Share Plan for the Township of Lafayette filed with the appropriate agency charged with the responsibility of implementing affordable housing in the State of New Jersey; 2) they comply with the square footage required in subsection 13-11.1g. above; and 3) comply with all other requirements of the applicable government regulatory agencies, building and health departments.

(Ord. 12/3/91, § 13-11.2; Ord. No. 2006-02)

### **13-11.3 Permitted Accessory Uses.**

The following accessory uses shall be permitted in all VC Zones:

a. Private garages for the storage of automobiles and commercial vehicles utilized in conjunction with a permitted use.

b. Home occupations.

c. Offices located within a single-family detached dwelling unit provided that at least one (1) of the professionals is a resident of the dwelling, not more than two (2) persons who are not residents of the dwelling are employed in such office, not more than fifty (50) percent of the gross floor area of the dwelling is devoted to such use, and two (2) parking spaces are provided in addition to the two (2) spaces required for a single-family detached dwelling unit.

(Ord. 12/3/91, § 13-11.3)

### **13-11.4 Height Limits.**

No structure shall be erected or enlarged to exceed thirty-five (35) feet in height except as provided in subsection 13-6.8. (Ord. 12/3/91, § 13-11.4)

### **13-11.5 Area and Yard.**

a. *Lots.*

1. The minimum area and width of lots shall be determined by the parking area and off-street loading provisions of this section, but in no event shall the lot area be less than one (1.0) acre, nor have a frontage of less than one hundred fifty (150) feet, nor have less than five-tenths (0.5) acre of contiguous unconstrained land as defined in Section 13-5.

2. The floor area ratio shall not exceed 0.25.

3. Front yards shall have a minimum of twenty-five (25) feet in depth from the street line. No parking shall be permitted between the principal building and the street or streets upon which the lot abuts nor in any side yard. Where the average setback of existing buildings on either side of the subject lot is less than twenty-five (25) feet, the required minimum setback may be reduced to that average.

4. Side yards shall have a minimum width of eighteen (18) feet each, except that driveways and parking areas shall not be within seven (7) feet of the side line.

5. Rear yards shall have a minimum of one hundred (100) feet in depth.

6. An attached group of retail sales establishments, retail sales establishments neighborhood, retail store convenience and/or retail service establishments may be considered as one (1) building in applying the above yard space requirements.

7. A densely planted area composed of evergreens at least ten (10) feet in width and initially at least six (6) feet in height shall be created along any side or rear property line which is adjacent to any residential zone or any existing residential use, except where to do so would interfere with sight triangle.

8. Maximum building size: Twenty thousand (20,000) square feet.

(Ord. 12/3/91, § 13-11.5; Ord. No. 2007-14, § 4; Ord. No. 2008-13, § 4)

### **13-11.6 Maximum Lot Coverage.**

Lot coverage shall not exceed seventy (70) percent of the total area of unconstrained lands. (Ord. 12/3/91, § 13-11.6)

### **13-11.7 Parking.**

a. For commercial uses, one (1) parking space shall be provided for each two hundred (200) square feet of gross floor area of the portion of the building used for commercial purposes, and two (2) spaces shall be provided for each apartment unit. Such parking shall be provided in the rear yard of the subject property and/or in the rear yard

of an adjacent commercial property provided the adjacent property is in a VC Zone and contains sufficient parking for its own use independent of the parking to be shared.

b. There shall be provided sufficient parking to accommodate the maximum demand without use of on-street curb side spaces, driveways, lawn area or other areas not designated and constructed as parking spaces.

(Ord. 12/3/91, § 13-11.7)

#### **13-11.8 Signs.**

See Section 13-17. (Ord. 12/3/91, § 13-11.8)

#### **13-11.9 Off-Street Loading Requirements.**

Each commercial use shall provide off-street loading space in the side or rear of the principal building at the rate of one accessible ten (10) foot by thirty-five (35) foot off-street loading space for each five thousand (5,000) square feet of gross floor area or fraction thereof in each building. Where in the judgment of the Land Use Board the provision of an off-street loading space will be detrimental to the character of the Village Commercial Zone, the requirement for a separate off-street loading space may be waived. (Ord. 12/3/91, § 13-11.9)

#### **13-11.10 Appearance of Buildings.**

New buildings and modifications to existing buildings shall be of an architectural style which is compatible with the predominant style of the buildings in the Village Commercial or Gateway Overlay zone. For design standards for the Gateway Overlay zone see 12-8.2d and 12-8.3f. (Ord. 12/3/91, § 13-11.10)

### **13-12 HC HIGHWAY COMMERCIAL DISTRICT.**

#### **13-12.1 Principal Uses and Buildings Permitted.**

a. Principal uses permitted in the VC Zone.  
b. Retail sales establishments, retail sales establishments neighborhood, retail sales convenience or retail service establishments provided that:

1. Any goods or products fabricated or processed incidental to such use shall be sold at retail on the premises.

2. Such fabricating or processing shall be confined within the building and no supplies, materials or goods used in such fabrication shall be stored outdoors.

c. Restaurants.

d. Restaurants, fast food.

e. Mortuary or funeral homes.

f. Theaters, auditoriums and other places of public assemblage.

g. Sports and health centers.

h. Public open space.

i. Motor vehicle service station

(Ord. 12/3/91, § 13-12.1)

#### **13-12.2 Conditional Uses Permitted.**

The following uses shall be permitted in all HC Zones subject to review and approval by the Land Use Board in accordance with the provisions of Section 13-14:

a. Conditional uses permitted in the VC Zone, subsection 13-11.2.

(Ord. 12/3/91, § 13-12.2; Ord. No. 2009-01)

b. Motor vehicle service station in accordance with Section 13-14b5.

#### **13-12.3 Permitted Accessory Uses.**

Accessory uses permitted in the VC Zone shall also be permitted in the HC Zone. (Ord. 12/3/91, § 13-12.3)

#### **13-12.4 Height Limits.**

No structure shall be erected or enlarged to exceed thirty-five (35) feet in height except as provided in subsections 13-6.8 or 13-6-16 of this chapter. (Ord. 12/3/91, § 13-12.4; Ord. 12/17/96, § 5)

#### **13-12.5 Area and Yard.**

a. *Lots.*

1. The minimum area and width of a lot shall be determined by the parking and off-street loading provisions of this section, but in no event shall the lot area be less than three (3.0) acres nor have a frontage and width less than two hundred (200) feet. 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.

2. The floor area ratio (FAR) shall not exceed 0.20.

3. Front yards shall have a minimum depth of seventy-five (75) feet. No parking area shall be permitted within the required front yard.

4. Side yards shall have a minimum width of eighteen (18) feet each, except that driveways and parking areas shall not be within seven (7) feet of the side line.

5. Rear yards shall have a minimum depth of one hundred (100) feet if parking and off-street loading is to be provided in the rear of the building and shall have a minimum depth of fifty (50) feet in any case.
6. An attached group of store buildings to include but not limited to retail sales establishments, retail sales establishments neighborhood, retail service establishment, retail store convenience, restaurant, and restaurant fast food may be considered as one building in applying the above yard space requirements.
7. A densely planted area composed of evergreens at least ten (10) feet in width and initially at least six (6) feet in height shall be created along any side or rear property line which is adjacent to any residential zone or any existing residential use except where to do so would interfere with the site triangle.
8. Maximum building size: Twenty thousand (20,000) square feet.  
(Ord. 12/3/91, § 13-12.5; Ord. No. 2007-14, § 4; Ord. No. 2007-21, § 2; Ord. No. 2008-13, § 5)

**13-12.6 Maximum Lot Coverage.**

Lot coverage shall not exceed fifty (50) percent of unconstrained lands. (Ord. 12/3/91, § 13-12.6)

**13-12.7 Parking.**

The required minimum number of parking spaces shall be as follows:

<i>Type of Use</i>	<i>Parking Spaces</i>
Retail sales establishments, retail sales establishments neighborhood, retail sales convenience, retail service establishments	1/200 sq. ft. GFA
Sports and health center	1/200 sq. ft. GFA
Financial institutions	1/225 sq. ft. GFA
Financial institutions with drive-up windows	1/250 sq. ft. GFA plus 8 lane spaces per drive-up window
Office, business	1/250 sq. ft. GFA

<i>Type of Use</i>	<i>Parking Spaces</i>
Business offices	1/200 sq. ft. GFA
Medical offices	1/150 sq. ft. GFA
Restaurants	1/3 seats
Restaurants (fast food)	1/100 sq. ft. GFA
Clubs, houses of worship and public assembly uses	1/2.5 seats
Theaters	1/3 seats
Mortuary or funeral home	1/50 sq. ft. GFA
Residential	2/dwelling unit

For uses not listed above, the standard which applies to the most similar use shall apply. (Ord. 12/3/91, § 13-12.7)

**13-12.8 Signs.**

See Section 13-17. (Ord. 12/3/91, § 13-12.8)

**13-12.9 Off-Street Loading.**

Each commercial use shall provide an off-street loading space on the side or rear of the principal structure at the rate of one accessible space ten (10) foot by thirty-five (35) foot off-street loading space with adequate ingress and egress for each five thousand (5,000) square feet of gross floor area (GFA) or fraction thereof in each structure. (Ord. 12/3/91, § 13-12.9)

**13-13 LI LIGHT INDUSTRY DISTRICT.**

**13-13.1 Principal Uses and Buildings Permitted.**

- a. Light industrial uses
  - b. Offices
  - c. Scientific or research laboratories devoted to research, design or experimentation and processing and fabrication incidental thereto.
  - d. Warehousing provided such activities and inventories are conducted entirely within an enclosed structure, or are conducted in open yard areas which are adequately screened from view from adjacent lots and roads.
  - e. Wholesale establishments.
  - f. Agricultural uses in accordance with subsection 13-8.1b.
  - g. Public facility subject to concept plan review by the Land Use Board.
  - h. Public Open Space
  - i. Self storage.
- (Ord. 12/3/91, § 13-13.1)

**13-13.2 Conditional Uses Permitted.**

None. (Ord. 12/3/91, § 13-13.2)

**13-13.3 Permitted Accessory Uses.**

- a. Handling and fabrication incidental to the principal use.
  - b. Garage space for the storage of commercial vehicles utilized in conjunction with a permitted use.
- (Ord. 12/3/91, § 13-13.3)

**13-13.4 Height Limits.**

No 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. (Ord. 12/3/91, § 13-13.4; Ord. 12/17/96, § 5)

**13-13.5 Area and Yard.**

a. A minimum lot of three (3.0) acres shall be required where it can be demonstrated that such area is sufficient to accommodate the potable water and sanitary sewage disposal needs of the use and where it can be demonstrated that there is a minimum of one-half (0.5) acre of contiguous unconstrained land which is of a shape that can reasonably accommodate a building, a well and a septic system. 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.

b. The total gross floor area shall not exceed twenty (20) percent of the total lot area.

c. There shall be a front yard of at least one hundred (100) feet and a rear yard of at least fifty (50) feet.

d. Side yards shall have a minimum width of fifty (50) feet..

e. There shall be at least two hundred (200) feet frontage on a street.

f. Impervious surface shall not exceed fifty (50) percent of the unconstrained lands.

g. Where a lot abuts a residential zone, the lot shall have a one hundred (100) foot wide densely planted buffer with evergreen plantings at least six (6) feet in height and ten (10) feet in width adjacent to the residential zone line. No surface structures, parking areas or driveways shall be permitted in the buffer.

(Ord. 12/3/91, § 13-13.5)

**13-13.6 Reserved**

**13-13.7 Parking.**

a. The required minimum number of parking spaces shall be as follows:

<i>Type of Use</i>	<i>Parking Spaces</i>
Light industrial	1/400 sq. ft. GFA
Office, business	1/250 sq. ft. GFA
Medical offices	1/150 sq. ft. GFA
Scientific or research laboratories	1/300 sq. ft. GFA
Wholesale establishment/warehouses	1/500 sq. ft. GFA
Self-storage	1/100 storage units plus 1 for office space

For uses not listed above, the standard which applies to the most similar use shall apply.

b. Where it is demonstrated that a lesser number of parking spaces is adequate for a specific use, the Land Use Board may allow for a relaxation of the parking standard subject to the following:

1. That a conforming parking area design be shown which accommodates the full number of required spaces.

2. That the portion of the parking area considered for future parking shall be landscaped.

3. That if additional parking area is required in the future, the area reserved for parking shall be converted to a parking area at the property owner's expense.

c. Parking areas shall be permitted in the side or rear yards only but in no case closer than twenty-five (25) feet to any side property line and no closer than fifty (50) feet to any rear property line except that up to ten (10) percent of the required parking area to be reserved for visitors may be permitted in front of the building provided the visitor parking area is not closer than one hundred (100) feet to the front property line.

(Ord. 12/3/91, § 13-13.7)

**13-13.8 Off-Street Loading.**

a. Off-street loading is to be located in the side or rear of the building. A buffer strip consisting of a screened wall, screened fence, or dense screen planting shall be created which will obscure vision of the loading area from the public roadway.

b. Off-street loading shall be located so that no parking area, driveway or street right-of-way is at any time used by parked vehicles or for the final maneuvering of vehicles into the loading space. Each space shall measure a minimum of twelve (12) feet in width by forty-five (45) feet in length with fifteen (15) feet of vertical clearance.

c. Each use shall provide sufficient off-street loading facilities to accommodate the type vehicles used for the delivery and distribution needs of that use. The following uses shall have these minimum requirements:

1. Manufacturing, fabrication, assembly and laboratory operations, a minimum of one (1) space with a second space required at thirty thousand (30,000) square feet of gross floor area plus one (1) space for each multiple of thirty thousand (30,000) square feet thereafter.
2. Warehouses shall have at least one (1) space with a second space required at twenty thousand (20,000) square feet of gross floor area plus one (1) space for each multiple of twenty thousand (20,000) square feet thereafter.
3. Office buildings and clinics shall have at least one (1) designated area for loading and unloading that may have smaller dimensions than those outlined above except that when the gross floor area reaches ten thousand (10,000) square feet, at least one (1) loading space is required with a second space required at fifty thousand (50,000) square feet of gross floor area plus one (1) space for each multiple of fifty thousand (50,000) square feet thereafter.  
(Ord. 12/3/91, § 13-13.8)

**13-13.9 Signs.**

See Section 13-17. (Ord. 12/3/91, § 13-13.9)

**13-13A GC-GOLF COURSE DISTRICT.**

**13-13A.1 Principal Uses and Buildings Permitted.**

Golf courses including regulation golf courses, executive golf courses, 9 hole golf courses, a portion of which may be located on contiguous land in an adjoining municipality, but not including any agricultural or residential uses. (Ord. 5/16/00, § 4)

**13-13A.2 Accessory Uses.**

- a. Sand trap, chipping, driving and putting green practice areas.
- b. Maintenance facilities for golf carts and turf management equipment and storage areas.
- c. Pro shop for the retail sale of golf sport equipment including golf shoes and clothing.
- d. Parking facilities.
- e. Signs normally associated with golf courses and golf course operations.
- f. A clubhouse for the golf course facilities which may include a restaurant, bar, grill, snack bar, banquet facility, conference rooms, indoor/outdoor swimming pools, offices, locker room and rest room facilities.
- g. Above ground water storage tanks or similar structures shall not be permitted.  
(Ord. 5/26/00, § 4)

**13-13A.3 Height Limits.**

No clubhouse building shall be erected or enlarged to exceed thirty-five (35) feet in height and no other accessory building shall exceed twenty-five (25) feet in height, except as provided in subsection 13-6.8 of this chapter. (Ord. 5/16/00, § 4)

**13-13A.4 Yard and Dimensional Requirements.**

Minimum lot frontage:	1,000 ft.
Minimum building* setback to street right-of-way**	500 ft.
Minimum building setback from Lawrence Road	100 ft.
Minimum building coverage	2%
Maximum lot coverage (impervious surfaces):	5%
Minimum green and fairway setback to property line:	75 ft.
Maximum disturbed area:	50%

\*For principal and accessory buildings

\*\*Pierce Road, Garrison Road, and County Route 663 only.

(Ord. 5/16/00, § 4)

**13-13A.5 Other Zoning Requirements.**

- a. *Lighting.*
  1. Sand traps, chipping, driving and putting practice areas shall not be lighted.
  2. All exterior lighting fixtures shall have recessed and concealed sources of illumination and shall not exceed fifteen (15) feet in height.
  3. Except for security lighting, all lighting shall be limited in duration to the times when the illuminated facility is in active use.

b. *Parking Area Screening.* Parking areas shall be screened from all residential properties and municipal roadways by vegetation or earthen berms or a combination thereof.  
(Ord. 5/16/00, § 4)

**13-13A.6 Parking.**

<i>Uses</i>	<i>Required Parking Spaces</i>
Golf course	3.0 parking spaces per hole and one loading area
Club House Retail Sales Area	1 per 200 square feet
Club House/Restaurant	1 per every 3 seats
Conference/Banquet Areas	1 per every 3 seats*
Accessory Uses	Parking requirement shall be provided as required under the appropriate provisions of the Lafayette Township Zoning Ordinance.

\*The required parking for conference on banquet facilities may be reduced where the applicant can demonstrate that parking can be reasonably shared with other facilities to functionally assure an adequate supply during the peak demand of all uses.  
(Ord. 5/16/00, § 4)

**13-13A.7 Signs.**

One (1) free-standing or monument sign shall be permitted at each principal entrance to a golf course facility. Signs shall be permitted pursuant to Section 13-17 other than:  
Accessory informational signs oriented to the users of the golf course indicating rules of play, hole distances, and the like shall be permitted provided no one (1) sign exceeds an area of five (5) square feet or is closer than seventy-five (75) feet to a property line. (Ord. 5/16/00, § 4)

**13-13A.8 Performance Standards.**

All golf course uses shall be constructed and operated so that there is no measurable degradation of the ground and surface waters on and adjacent to the golf course due to such construction or operation and that significant areas of natural vegetation remain to harbor wildlife. In advancement of these standards, the following four (4) plans are required to be submitted to and approved by the Land Use Board and are required to be updated reflecting any subsequent changed conditions in golf course operation:

a. *Integrated Turf and Pest Management Plan.* The applicant shall provide an integrated Turf and Pest Management Plan concerning the management of turf and pest species including the type of seed mixes proposed, the use of eudophyte rich and drought resistant grasses, the type and use of fertilizers, anticipated rate of fertilizer application, the method for monitoring the need and use or pesticides and fungicides emphasizing the integration of surveillance, mechanical, preventative and biological techniques. A list of pests most frequently encountered in golf course turf and a selection of proposed treatment techniques shall also be provided. The possible use of fertigation should also be addressed.

b. *Ground/Surface Water Monitoring Plan.* The applicant shall submit a ground and surface water monitoring plan including at a minimum the annual sampling of outfall from at least three (3) greens directly following a major rainfall. If there is a surface stream, outfall from the one (1) predevelopment test and the annual summer or spring post development tests shall be required for each on-site perennial downgradient stream or for the nearest receiving water body. The plan shall include a program schedule/parameter list. The initial ground/surface water report and the annual tests will be submitted to the Board of Health. The Ground/Surface Water Monitoring Plan shall use a predevelopment base line test acceptable to the Land Use Board Engineer.

c. *Irrigation System Design Plan.* The applicant shall provide a description of the type of irrigation system (if any) proposed, detailing the number of sprinkler heads, the spacing of the sprinkler heads, the gallons per minute and the pressure at which the system will operate, the method including weather monitoring which will be used to determine the need and timing of irrigation. The plan shall also state the method to determine the evapotranspiration indicating rainfall, wind, soils, soil moisture and their influence upon the operation of the irrigation system, the source and storage plan for water to operate the system, and the use of irrigation with reclaimed water and/or fertigation.

d. *Wildlife Management Plan.* The applicant shall provide a wildlife management plan for the facility which shall include a map of the different forest stages on the site, a listing of the rare, endangered and threatened species associated with the site the and vicinity provided by the New Jersey Natural Heritage Program Database, an inventory of flora and fauna including fish and benthic species found on the site, a map demonstrating how spawning, breeding, nesting, resting and feeding habitats will be preserved or replaced for resident and migratory wildlife and the proposed habitual enhancement activities and structures such as bird boxes, nesting areas, feeding stations or plantings.  
(Ord. 5/16/00, § 4)

### **13-13B VR VILLAGE RESIDENTIAL DISTRICT.**

#### **13-13B.1 Principal Uses.**

- a. Single family detached dwelling units.  
(Ord. No. 2007-14, § 4)

#### **13-13B.2 Conditional Uses.**

- a. Public facilities subject to a concept review by the Land Use Board.
- b. Houses of worship subject to the requirements of subsection 13-14b,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 subsection 13-14b,2 of this chapter.
- d. Essential services, subject to the requirements of subsection 13-14b3.  
(Ord. No. 2007-14, § 4)

#### **13-13B.3 Accessory Uses.**

Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot pursuant to the requirements of subsection 13-8.3 of this chapter.  
(Ord. No. 2007-14, § 4)

#### **13-13B.4 Bulk Requirements.**

- a. Minimum lot size: Fifteen thousand (15,000) square feet.
- b. Maximum height: thirty-five (35) feet.
- c. Minimum lot width: one hundred (100) feet.
- d. Minimum lot frontage: one hundred (100) feet.
- e. Minimum front yard: twenty-five (25) feet.
- f. Minimum side yard: twenty (20) feet.
- g. Minimum rear yard: seventy-five (75) feet.
- h. Maximum lot coverage: twenty-five (25%) percent.  
(Ord. No. 2007-14, § 4)

#### **13-13B.5 Parking.**

Parking shall be provided as required in the New Jersey Residential Site Improvement Standards. (Ord. No. 2007-14, § 4)

#### **13-13B.6 Signs.**

Signs shall be permitted pursuant to Section 13-17 of this chapter. (Ord. No. 2007-14, § 4)

#### **13-13B.7 Site Design.**

New building and modifications to the existing buildings shall be of an architectural style that is compatible with the predominant style of the existing buildings in the Gateway Overlay zone and shall conform with subsections 12-8.2d. and 12-8.3 of the Lafayette General Ordinances as amended. (Ord. No. 2007-14, § 4)

### **13-13C GOZ GATEWAY OVERLAY ZONE.**

#### **13-13C.1 Design Standards.**

All development in the GOZ shall be governed by the design standards set forth in subsections 12-8.2d. and 12-8.3f. (Ord. No. 2007-14, § 4)

#### **13-13C.2 Bulk Regulation for Commercial Development.**

The maximum building size for any commercial building in the GOZ shall be the size specified in the underlying zoning, except that the size shall not, irrespective of what the underlying zoning may allow, exceed twenty thousand (20,000) square feet. (Ord. No. 2007-14, § 4; Ord. No. 2008-13, § 3)

#### **13-13C.3 Where These Regulations Apply.**

The regulations for the GOZ apply to the zones and property located within the Lafayette Gateway Boundary as set forth on the map titled "Gateway Overlay Zone, Township of Lafayette, Sussex County, New Jersey" prepared by H2M Group, dated 8-6-07 and attached as Exhibit "B". (Ord. No. 2007-14, § 4)

#### **13-13C.4 Uses in the Underlying Zoning.**

All determinations regarding the use of land in the GOZ shall be controlled by the requirements and restrictions of the underlying zoning. Other than what is specified in this section, the GOZ shall have no affect on existing zoning and land use regulations. Where a conflict appears to exist between the GOZ and the underlying zone requirements, the more restrictive zoning regulation shall apply. (Ord. No. 2007-14, § 4)

---

\*Editor's Note: Exhibit B, referred to herein, may be found at the end of this chapter.

### **13-13D GCD GATEWAY COMMERCIAL DISTRICT.**

#### **13-13D.1 Principal Uses.**

- a. Office, business
  - b. Office, medical
  - c. Financial institutions
  - d. Retail sales establishments
  - e. Retail sales establishment neighborhood
  - f. Retail services establishments
  - g. Specialty stores
  - h. Restaurants
  - i. Agricultural uses
  - j. A mixed-use development comprised of residential dwelling units above first-floor retail stores
  - k. Public utility uses
  - l. Public facility
  - m. Child care centers
  - n. Open space
  - o. Retail store convenience
- (Ord. No. 2008-13, § 2)

#### **13-13D.2 Accessory Uses.**

- a. The following accessory uses shall be permitted:
    1. Accessory uses and accessory buildings customarily incidental to the above uses and located on the same lot.
- (Ord. No. 2008-13, § 2)

#### **13-13D.3 Prohibited Uses.**

- a. Outdoor storage
  - b. Adult entertainment
- (Ord. No. 2008-13, § 2)

#### **13-13D.4 Bulk Requirements.**

- a. Multiple buildings and multiple permitted principal uses on a lot shall be allowed.
  - b. Minimum lot size: Three (3) acres.
  - c. Maximum floor area ratio: 0.18
  - d. *Maximum Height.* No structure shall contain more than two and one-half (2 1/2) stories or be greater than thirty-five (35) feet in height except as provided in subsection 13-6.8.
  - e. *Maximum Lot Coverage.* Lot coverage shall not exceed 50 percent of the unconstrained land.
  - f. *Building Setback from the Roadway.*
    1. Buildings fronting on Route 15/Route 94 shall have a minimum setback of fifteen (15) feet and a maximum setback of twenty-five (25) feet.
    2. Buildings fronting on local streets shall have a minimum setback of zero (0) feet and a maximum setback of fifteen (15) feet.
    3. Parking and circulation aisles between the building and the street, which abuts the front property line, are prohibited.
  - g. Side yards shall have a minimum width of fifteen (15) feet.
  - h. Rear yards shall have a minimum of seventy-five (75) feet in depth.
  - i. Maximum building size: Twenty thousand (20,000) square feet.
  - j. New building and modifications to the existing buildings shall be of an architectural style that is compatible with the predominant style of the existing buildings in the Gateway Overlay zone. Newer buildings shall be designed in accordance with the design standards listed in subsection 12-8.3f.
  - k. A minimum fifteen (15) foot wide landscaped buffer is required along the frontage of Route 15. The landscaped buffer may consist of a variety of landscaping materials, walls and berms to create an attractive edge.
    1. Local streets shall have a minimum four (4) foot wide sidewalks and a four (4) foot wide planting strip. The planting strip shall be comprised of grass and street trees.
- (Ord. No. 2008-13, § 2)

#### **13-13D.5 Parking.**

- a. Minimum parking area setback from building, including parking spaces and service aisles, is ten (10) feet except for off-street loading areas.
- b. Driveways shall be located at a minimum distance of ten (10) feet from a side or rear property line. The distance between the driveway and the property line shall be landscaped as provided in the design standards for this area. Where shared parking is provided, two-way driveways may straddle the common property line or provide no setback to a side or rear lot line.

c. Driveways designed for one-way traffic shall have a minimum width of ten (10) feet and a maximum width shall be twelve (12) feet on roads within the jurisdiction of the township.

d. Driveways designed for two-way traffic shall have a minimum width of eighteen (18) feet and a maximum width shall be twenty-four (24) feet on roads within the jurisdiction of the township.

e. The required minimum number of parking spaces shall be as follows:

<i>Type of Use</i>	<i>Requirement</i>
Retail sales establishments, Retail sales establishments neighborhood, Retail service establishments, Specialty stores	1/250 sq. ft. GFA
Office, business	1/200 sq. ft. GFA
Office medical	1/150 sq. ft. GFA
Restaurants	1/3 seats

(Ord. No. 2008-13, § 2)

**13-13D.6 Signs.**

Signs permitted in the Village commercial, VC Zone and Highway Commercial HC Zone according to subsection 13-17.13 of the Lafayette General Ordinance shall apply to the Gateway Commercial District. Freestanding and/or monument signs as regulated in this district are permitted within this area, provided such signs are no closer than five (5) feet to the front lot line and are placed in a manner that will not reduce sight distance at any driveway. All signs must comply with Section 13-17 of the Lafayette General Ordinance. (Ord. No. 2008-13, § 2)

**13-13D.7 Off-Street Loading Requirements.**

a. All loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading and unloading operations.

b. Off-street loading space shall be provided in the side or rear of the principal building at the rate of one (1) space for each five thousand (5,000) square feet of floor area or fraction thereof in each building. Shared loading and unloading areas are encouraged where ever possible.

c. Each loading space shall be twelve (12) foot wide and thirty-five (35) feet in depth.

(Ord. No. 2008-13, § 2)

**13-13E RIDGELINE AND HILLSIDE VIEWSHED PROTECTION OVERLAY ZONE.**

**13-13E.1 Purpose.**

The purposes for ridgeline and hillside protection include protection of community character, which is, in part; defined by scenic views and vistas of the Township’s hilly and mountainous terrain. These features in the terrain establish the setting and essential character of a community.

Ridgeline and hillside viewsheds and vistas are valued assets of the landscape which require protection from destruction, diminution and loss that can result in visually undesirable impacts of development. Lafayette Township’s unique topography is characterized by sloped hillsides and distant ridgelines, which meet areas of lesser slope, near the top of hills. This line where the hillside meets the edge of the change in slope is perceived to be the ridgeline (top of the hill) when viewed from the public way or public areas or public open space. Undisturbed sloped hillsides enhance Lafayette’s ridgeline and hillside viewshed, and these hillside areas contribute heavily to the undisturbed quality of these distant views.

Development along the ridgeline and side slopes of hills at elevations near and proximal to the elevation of the ridgeline results in undesirable visual impacts and changes in valuable views and vistas. A “ridgeline and hillside viewshed protection area” is identified, which includes ridgeline and hillside topography located above approximately six hundred forty (640) feet elevation. The purpose of ridgeline protection in Lafayette Township includes protection of slopes, forested and open areas and views of these features found within the ridgeline and hillside viewshed protection area. Development controls are designed to prevent such undesirable visual impacts and in other cases to limit disturbance and minimize the visual impact of permitted development to the extent reasonably achievable.

The regulation of development within the ridgeline and hillside protection area is intended to promote a desirable visual environment through good civic design and arrangements by requiring development to be sited behind existing vegetation and requiring the establishment of vegetated buffers (‘areas of protection’) to screen proposed development within ridgeline and hillside viewshed protection areas from public view in accordance with the purposes of zoning, which are found at N.J.S.A. 40:55D-2.

The purpose of ridgeline and hillside viewshed protection includes the tree and forest protection, the maintenance of views of open agricultural fields and minimizing land disturbance within the defined ridgeline and hillside viewshed protection area, except as

otherwise specifically permitted under this section. This ridgeline and hillside viewshed protection ordinance seeks to protect the scenic views and vistas of vegetated areas and open fields located within the Ridgeline and Hillside Viewshed Protection Area as viewed from the public way, public area or public open space.

a. *Municipal Land Use Law Purposes.* The public purposes for ridgeline and hillside protection are also derived from the purposes of zoning, which are found in the Municipal Land Use Law at N.J.S.A. 40:55D-2. The following purposes of the law reinforce the local rationale for ridgeline and hillside protection and the objective of preserving the view of the ridgelines and hillside views for the benefit of the general public.

1. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole (N.J.S.A. 40:55D-2d).

2. To provide sufficient space in appropriate locations for a variety of residential uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens (N.J.S.A. 40:55D-2g).

3. To promote conservation of open space and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through the improper use of land (N.J.S.A. 40:55D-2j).

(Ord. No. 2010-03, § 4)

### **13-13E.2 Applicability.**

This section applies to all properties within the boundaries of the Township of Lafayette that lie within the Ridgeline and Hillside Viewshed Protection Area as defined in Section 13-5.

a. The requirements, guidelines and controls promulgated under this section shall be applicable to site plan and subdivision applications, driveway permits and building permits for new buildings. The Lafayette Township Land Use Board shall review all plans submitted under this section as part of any application for site plan, subdivision or variance approval for any lands located entirely or partially within the Ridgeline and Hillside Viewshed Protection Area. The Construction Official shall refer applications for zoning permits, building permits, or driveway permits on parcels of land situated within the Ridgeline and Hillside Viewshed Protection Area to the Township Engineer for review to assure compliance with this section.

b. Within the Ridgeline and Hillside Viewshed Protection Area, all of the underlying land use regulations shall remain in effect, except as they are specifically modified by this section. In the case of a conflict between this section and any other section of the Ordinance, this section shall control.

c. In the case of an application for subdivision approval in the Ridgeline and Hillside Viewshed Protection Area, conventional subdivision design is encouraged to avoid the over concentration of development and its potentially negative visual impacts.

d. *Review Fees.* All applications for development including subdivision approval, site plan approval, a zoning permit, building permit or driveway permit for lands situated entirely or partially within the Ridgeline and Hillside Viewshed Protection Area shall be accompanied by a review escrow or review fee of five hundred (\$500.00) dollars.

(Ord. No. 2010-03, § 4)

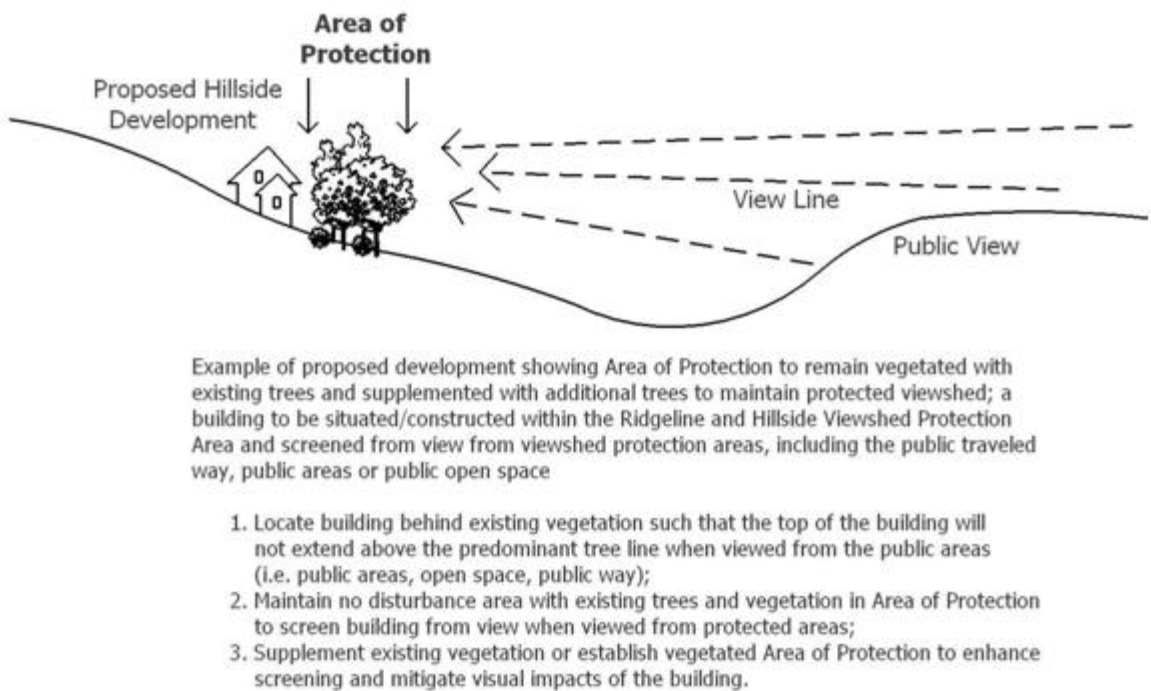
### **13-13E.3 Development Review Requirements and Procedures.**

a. *Requests for Zoning Permits, Driveway Permits and/or Building Permits.*

1. Applicants for zoning permits, driveway permits and/or building permits where no approvals from the Land Use Board are required shall initially determine whether the ridgeline and hillside area depicted on a map entitled "Ridgeline and Hillside Viewshed Protection Area," (March 24, 2009) adopted by this section, is within one hundred (100) feet of the property which is the subject of the building permit application and shall depict all Ridgeline and Hillside Viewshed Protection Areas as shown on the map which are on or within one hundred (100) feet of applicant's property. The determination of the presence of all ridgeline areas above-mentioned shall be done on a map provided by the applicant with topography depicted at two-foot contour intervals. All determinations by the applicant concerning the location of ridgelines shall be subject to the review and approval of the Township Engineer. In addition, the applicant shall initially determine and then depict on a map all Ridgeline and Hillside Viewshed Protection Areas as defined in this section on or within one hundred (100) feet of the property which is the subject of the application. The applicant shall utilize a sketch to define the area of protection within or adjacent to the Ridgeline and Hillside Viewshed Protection Area as set forth in Figure 1. The sketch set forth in Figure 1 below depicts the manner in which buffer treatments are to be retained or provided as may be appropriate to maintain an undisturbed view of the Ridgeline and Hillside Viewshed Protection Area. The maps and sketches abovementioned shall be at a scale of one (1) inch equals fifty (50) feet and shall be provided by the applicant with the topography depicted at two-foot contour intervals. All determinations by the applicant concerning the location of the

Ridgeline and Hillside Viewshed Protection Areas shall be subject to review and approval of the Township Engineer and Township Planner.

Figure 1



2. If it is then determined that the parcel in question is located within the Ridgeline and Hillside Viewshed Protection Area, no permit shall be issued until a Ridgeline and Hillside Viewshed Protection Area certificate of compliance is procured from the Land Use Board. Said certificate of compliance will document that the proposed activity has received the regulatory approval for the construction proposed within the Ridgeline and Hillside Viewshed Protection Area. This certificate of compliance shall be required when applicable as a condition for the issuance of a building permit for the particular property in question.

b. *Site Plan, Subdivision and Variance Applications to the Land Use Board.*

1. All applicants for site plan, subdivision and/or variance approval are encouraged to submit conceptual development plans to the Land Use Board prior to incurring the expense of fully engineered designs for development.

2. Applicants to the Land Use Board shall initially determine whether the ridgeline area depicted on the map entitled "Ridgeline and Hillside Viewshed Protection Area," dated March 2009, adopted by this section, is within one hundred (100) feet of the property which is the subject of the application and shall depict all ridgeline areas as shown on said map which are on or within one hundred (100) feet of applicant's property. In addition, the applicant shall initially determine and then depict on a map all ridgeline and hillside viewshed protection areas as defined in this section on or within one hundred (100) feet of the property, which is the subject of the application. The applicant shall utilize a sketch to define the area of protection for Ridgeline and Hillside Viewshed Protection Areas as set forth in Figure 1.

3. The maps and sketches abovementioned shall be at a scale of one (1) inch equals fifty (50) feet and shall be provided by the applicant with the topography depicted at two-foot contour intervals. All determinations by the applicant concerning the location of the ridgeline area and the Ridgeline and Hillside Viewshed Protection Areas shall be subject to review and approval of the Township Engineer and Township Planner.

(Ord. No. 2010-03, § 4)

**13-13E.4 General Requirements.**

a. *Standards of Review.*

1. Applicants for construction on properties to which this section applies shall demonstrate to the satisfaction of the Land Use Board or Township Engineer, as the case may be, that the proposed buildings or structures will not extend above the predominant tree line along and within the Ridgeline and Hillside Viewshed Protection Area.

b. *Viewshed Protection Requirements.*

1. Applicants for construction within the Ridgeline and Hillside Viewshed Protection Area as depicted on the map submitted by the applicant as set forth above and approved or confirmed by the Township Engineer and Township Planner shall demonstrate to the satisfaction of the Land Use Board and Township Engineer and Township Planner, as the case may be, that all construction within the Ridgeline and

Hillside Viewshed Protection Area shall maintain the view of vegetated hills and open fields as viewed from the public way, public areas or public open space.

2. Views of Ridgeline and Hillside Viewshed Protection Areas are to be protected permanently by screening development from view behind existing woodland and forest vegetation or through the establishment of landscaped buffer plantings of indigenous deciduous and coniferous trees.

3. Development constructed within Ridgeline and Hillside Viewshed Protection Areas shall utilize materials which are designed to camouflage the appearance of the structure within the landscape and viewscape. The use of earth tone colors and textures on roofing and siding shall be required to protect Ridgeline and Hillside Viewshed Protection Area vistas and reinforce the integrity of these views. In addition, building heights shall be adjusted, road network oriented in such a way to eliminate visibility from the public way or preserved areas and other innovative and flexible design and development methodologies employed as required by the Land Use Board with the active participation of the applicant.

4. Existing undeveloped parcels of land within Ridgeline and Hillside Viewshed Protection Areas shall be required to comply with the General Requirements and Design Requirements, Standards and Limitations set forth in subsection 13-13E.4b and subsection 13-13E.8.

5. Development shall be sited behind and below visual buffers such as trees, ridgelines and other topographic features. The height and location of development shall not alter the views of, and from, the natural ridgeline. An areas of protection shall be established and maintained, which shall include existing forested areas. Where proposed development requires the establishment of areas of protection, applicants shall establish a planted area of protection to visually screen development. Areas of protection shall be established to screen development as viewed from the view line extending between all public areas, public ways and public views and the Ridgeline and Hillside Viewshed Protection Area. Areas of protection shall be placed in perpetual conservation easement areas.

6. Areas of Protection – Always required. Where existing vegetation does not establish an effective area of protection to shield development from public view, reforestation shall be provided in accordance with the following requirements and planting schedule so as to establish an effective visual buffer screen and area of protection. All planting stock shall be deer-resistant, native, indigenous species, and subject to review and approval by the Land Use Board and/or Township Engineer:

(a) Deciduous trees shall be not less than two to two and one-half (2 - 2-1/2) inches caliper (dbh) at the time of planting, and

(b) Coniferous trees shall be not less than six (6) feet to ten (10) feet in height at the time of planting.

(c) Understory shrubs shall be a minimum of four (4) to five (5) feet in height at the time of planting.

(d) Plantings shall be provided at a rate of not less than two hundred fifty (250) trees and not less than three hundred fifty (350) shrubs per acre. An even mix of deciduous and coniferous trees shall be provided.

(e) A two-year maintenance guarantee shall be provided on all planting stock.

(f) Tree and shrub deer protection shall be provided and maintained for two (2) years to protect all plantings within the reforested area of protection.

(g) The minimum planted width of the area of protection shall be not less than fifty (50) feet wide, with width being defined as the dimension measured perpendicular from the outermost edge of the area of protection facing the public view toward the innermost edge of the area of protection facing the building, structure or disturbance within the Ridgeline and Hillside Viewshed Protection Area that is to be screened from public view.

7. Notwithstanding the requirements of this section, the Board may require additional planting materials and/or limit the amount of clearing adjacent to proposed development to provide screening and to maintain a forested backdrop to ensure that ridgelines and hilltops remain wooded.

(Ord. No. 2010-03, § 4)

### **13-13E.5 Deed Restrictions.**

Subdivision plats shall be required to provide appropriate deed restrictions and conservation easement areas to protect Ridgeline and Hillside Viewshed Protection Areas, areas of protection and any environmentally critical areas that may exist. (Ord. No. 2010-03, § 4)

### **13-13E.6 Exemptions.**

The following activities are exempt from the Ridgeline and Hillside Viewshed Protection Area requirements:

a. Planting of trees, landscaping and/or screening associated with any use or development, not involving the removal of any trees.

b. Agricultural activities as provided in accordance with the Right to Farm Act.

c. Forestry activities when conducted in accordance with approved Forestry Management Plan regulated by the New Jersey Department of Environmental Protection – Division of Parks and Forestry or New Jersey Forest Service.

d. No certificate of compliance shall be required for an addition to an existing dwelling or garage two hundred fifty (250) square feet or larger located within the Ridgeline and Hillside Viewshed Protection Area except when such addition shall increase the footprint and/or gross floor area of a dwelling by more than twenty-five (25%) percent. Incremental additions occurring after the date of adoption of this section (February 16, 2010), which result in a cumulative increase in footprint or floor area of two hundred fifty (250) square feet beyond the footprint or floor area of the dwelling as of February 16, 2010, shall be permitted only when such certificate of compliance has been received. Construction of new accessory structures such as detached garages on existing developed lots of record as of February 16, 2010, within the Ridgeline and Hillside Viewshed Protection Area shall require the issuance of a Ridgeline and Hillside Viewshed Protection Area certificate of compliance prior to the issuance of a building permit.

e. Notwithstanding the building height limits established in this section, no certificate of compliance shall be required for an addition to an existing dwelling or garage located within the Ridgeline and Hillside Viewshed Protection Area that results in an increase in building height of five (5) feet or less. Incremental building height additions occurring after the date of adoption of this ordinance (February 16, 2010), which result in a cumulative increase in height more than five (5) feet of an existing building height as of February 16, 2010, shall be permitted only when a Ridgeline and Hillside Viewshed Protection Area certificate of compliance has been received.  
(Ord. No. 2010-03, § 4)

#### **13-13E.7 Height Limits.**

- a. Maximum building height: 30 feet  
(Ord. No. 2010-03, § 4)

#### **13-13E.8 Design Requirements, Standards and Limitations.**

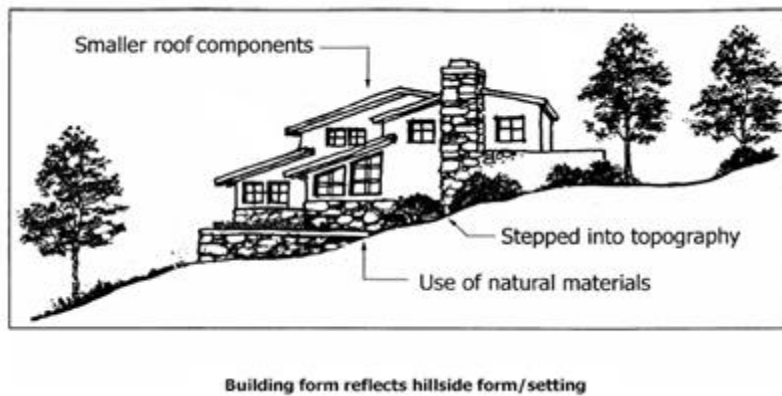
a. *Building Placement.* Buildings shall be located behind and below visual buffers (the area of protection) in the Ridgeline and Hillside Viewshed Protection Area. The Land Use Board may, upon review, approve the location of buildings in areas of the Ridgeline and Hillside Viewshed Protection Area where the trees on the lot exceed forty (40) feet in height and can be demonstrated to establish an effective area of protection as a buffer or visual screen to prevent the view of development from public areas, the public way or public open space. These areas of protection as required herein shall be maintained or established and placed in conservation easement to remain undisturbed. The area of protection shall include a deed restriction against tree removal.

1. Buildings shall be designed to be compatible with the natural setting.
2. All buildings should be oriented in a manner that preserves the view line between any public view, public way or public area and the Ridgeline and Hillside Viewshed Protection Area.
3. The concentration of home sites and cleared areas within the Ridgeline and Hillside Viewshed Protection Area shall be avoided. Cleared areas on individual lots shall be separated by a distance of at least two hundred fifty (250) feet (see limits on clearing and disturbance in subsection 13-13E.8c.)
4. In the case of development proposed in parcel of land including open field(s), development shall be sited behind and below existing trees in wooded portions of the lot and open fields shall be maintained. Where a parcel of land contains only open field(s), areas of protection shall be established to screen development from the public view. See Figure 1 and subsection 13-13E.4b.

b. *Architecture.* All applicants for site plan, subdivision, variance or building permit shall submit architectural plans for proposed buildings for review of consistency with the architecture requirements set forth in this section. Buildings and structures shall be designed to conform to the requirements this section (see Figures 2., 3. and 4. below), and to be compatible with the natural surroundings of the area using the following techniques:

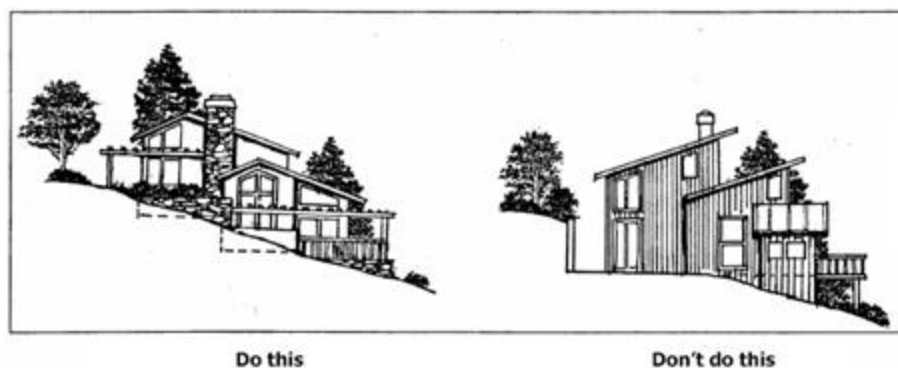
1. Varied setbacks, roof lines, building forms and low retaining walls which blend structures into the terrain shall be used.

#### **Figure 2**



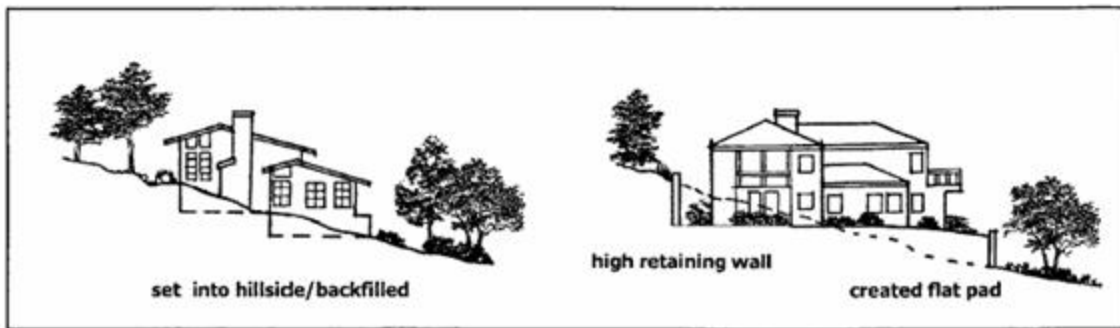
2. Rooflines shall be broken into smaller components to reflect the natural ridge patterns and shall be oriented in the same direction of the slope of the contour.
3. Varied rooflines shall serve to reduce the scale of the **building** and provide for interesting design.

**Figure 3**



4. No rooftop mechanical equipment for heating, cooling or other purposes shall be permitted. Rooftop solar collection panels shall be permitted.
  5. Buildings shall use articulation (i.e., insets, pop-outs, etc.) and roof orientation as a means to avoid the creation of large massing of buildings.
  6. Windows, balconies, and outdoor living areas shall be located to protect the privacy of adjacent homes and yards.
  7. Building materials and colors shall be compatible with the natural setting. Exterior colors shall be limited to earth tones and materials shall be non-reflective. The color, material and texture palette shall be reinforced with compatible landscaping. Building materials shall conform to the requirements of this section. Samples of the color, material and texture palette shall be submitted to the Land Use Board for approval.
  8. Patios, pools and ancillary structures shall be screened from public view.
- c. *Site Grading and Disturbance.*
1. All site disturbance on any individual lot shall be limited to twenty thousand (20,000) square feet.
  2. Grading shall be limited to which is necessary to construct buildings, driveways and usable open space. Grading cut/fill volume shall be limited to not more than one hundred (100) cubic yards of soil removal or fill.
  3. Grading shall be designed to conserve natural topographic features and appearances by sculpting the land to blend slopes and benches with natural topography and retain major natural topographic features, including natural drainage courses, prominent knolls, ravines, wildlife habitats and existing vegetation.
  4. Excavation is prohibited in environmentally critical areas.
  5. The overall slope, height or grade of any excavation or fill slope shall be developed to appear similar to the natural contours in scale with the natural terrain of the site.

**Figure 4**



**Do this**

**Don't do this**

*Minimize lowest finished grade height to ensure building follows slope*

6. Following all grading and development activity, and prior to the issuance of a certificate of occupancy, all graded and cleared areas shall be restored as closely as possible to its original topography, which restoration shall include the reestablishment of vegetation.

7. No excavation or other earth disturbance shall be permitted within the Ridgeline and Hillside Viewshed Protection Area.

d. *Landscaping.*

1. Buildings shall be sited to incorporate existing vegetation into the site design to preserve the natural Ridgeline image and character of the area (see subsections 13-13E.4b. and 13-13E.8c. above).

2. Existing vegetation shall be retained wherever possible and shall be used to soften structural mass and help blend buildings into the natural setting and to minimize their visibility. All development shall minimize the removal of native vegetation including the opening up of scenic views and panoramas for the benefit of a private property owner.

3. The removal of all trees within a section of forest, or thinning of trees on any area located within the Ridgeline and Hillside Viewshed Protection Area is prohibited, except in conjunction with an approved site plan, subdivision, variance or certificate of approval for a development permit.

4. Subject to Land Use Board approval, tree removal may be permitted for the purpose of constructing pedestrian trails, which shall not exceed a width of six (6) feet.

e. *Lighting.*

1. External lighting shall be of a concealed source type, which directs light to the ground to minimize light pollution and sky glow.

2. The light source of any exterior lighting, where installed and used, shall be downward directed and shall not be visible from off site. All exterior lighting installations shall be subject to an in-service lighting inspection by the Township Engineer prior to the issuance of a certificate of occupancy, and lighting fixtures shall be fitted with side shielding as may be directed by the Township Engineer.

(Ord. No. 2010-03, § 4)

### **13-14 REGULATIONS GOVERNING CONDITIONAL USES.**

a. *Applications in General.* Application for conditional use permits shall be made to the Land Use Board pursuant to the authority of N.J.S.A. 40:55D-67. The application shall be made in accordance with the requirements of Chapter XII, of the Revised General Ordinances of Lafayette Township, and shall be accompanied by a site plan prepared in accordance with the requirements of the Site Plan Review Ordinance of Lafayette Township. Except as otherwise herein specified, all applicable zoning district requirements shall be applicable.

b. *Specific Conditions for Conditional Uses.*

1. Houses of worship.

(a) Lot size five (5) acres plus additional two (2) acres for parish house if on the same site.

(b) Parking areas attached to houses of worship which adjoin residences or residential districts shall maintain a buffer strip of at least ten (10) feet between any area used for the parking of automobiles and such adjoining residences or residential districts, which strip shall be effectively screened from such adjoining residential uses.

(c) Lighting shall be of a type which directs the light to the ground, and no light shall be cast on adjoining property.

(d) No public address system shall be permitted which is audible at any property line.

(e) Parking shall be provided at the rate of one (1) space for each three (3) seats in the largest auditorium in any building.

(f) All parking shall be in side or rear yards and shall conform to the provisions of subsection 12-7.2b. of the Revised General Ordinances.

(g) Signs shall be permitted in accordance with Section 13-17.

- (h) The maximum floor area ratio (FAR) shall be 0.25.
  - (i) The maximum lot coverage shall be fifty (50) percent.
- 2. Schools.
  - (a) Minimum lot size as mandated by the New Jersey Department of Education.
  - (b) There shall be a buffer between any playgrounds or parking areas and adjoining residential districts of evergreens or other appropriate plantings as approved by the Land Use Board.
  - (c) Lighting shall be of a type which directs the light to the ground, and no light shall be cast on adjoining property.
  - (d) All parking shall be in side or rear yards and shall conform to the provisions of subsection 12-7.2b. of the Revised General Ordinances.
  - (e) Signs shall be in accordance with Section 13-17.
- 3. Essential Services.
  - (a) Essential services shall comply with the minimum lot size, setback and other dimensional requirements for the zone in which the essential service is located.
  - (b) There shall be a buffer adjacent to all property lines which shall provide adequate year round screening of the facility. Such screening shall be of evergreens or of other appropriate plantings as approved by the Land Use Board.
  - (c) Parking, if any, shall be as specified by the Land Use Board based upon estimated requirements.
- 4. Cemeteries for Human Interment.
  - (a) Drainage. Sufficient data shall be provided to show that the drainage shall not create any erosion or flooding of adjacent lands which has not heretofore existed.
  - (b) Where a cemetery abuts a residential use, a solid year-round landscaped buffer of fifty (50) feet in width shall be established which effectively screens the cemetery use from the view of the residential use.
  - (c) Minimum setbacks:
    - (1) Graves:
      - [a] One hundred (100) feet from the center line of any public right-of-way.
      - [b] Fifty (50) feet from any other property line.
    - (2) Permitted accessory buildings:
      - [a] Two hundred (200) feet from the center line of any public right-of-way.
      - [b] Two hundred (200) feet from any other property line.
  - (d) Any cemetery shall be permitted to construct, as an accessory use, a chapel, living quarters for a caretaker and a building for storage of maintenance equipment.
- 5. Motor Vehicle Service Stations. Motor vehicle service stations shall be a conditional permitted use provided the following conditions can be met:
  - (a) Distance requirements. The motor vehicle service station shall be at least two hundred (200) feet from any residential zone line and two hundred (200) feet from any property upon which is located any building used as a theater, auditorium or other place of public assembly, capable of seating over one hundred (100) persons, such as but not limited to a church, hospital for humans, college, school, public library, or institution for dependents or children or any public playground or athletic field. The measurement for purposes of determining this distance requirement shall begin at the lot line of the motor vehicle service station and extend to the nearest lot line of the residential zone or property in question.
  - (b) Mixed use. No part of any motor vehicle service station shall be used for any other purpose.
  - (c) Minimum lot area and frontage. The minimum lot size for any lot upon which any motor vehicle service station is located shall be three (3) acres and the minimum street frontage of said lot shall be two hundred (200) feet.
  - (d) Driveways. Driveways to and from any lot upon which is located a motor vehicle service station shall have an unrestricted width of not less than sixteen (16) feet nor more than twenty-five (25) feet, shall be located not nearer than fifteen (15) feet from any lot line nor fifty (50) feet from any street intersection and shall be designed so that exiting vehicles do not have to back out across any public sidewalk, street, highway, or right-of- way. There shall be no more than two (2) driveways on any one street.
  - (e) Parking.
    - (1) The minimum number of on-site parking spaces required is two
    - (2) spaces for each bay, plus one (1) space for each employee on the largest shift.
    - (2) Parking shall be screened from public view using building location and landscaping, to the maximum extent possible.

(f) Paving requirements. The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a motor vehicle service station shall be paved.

(g) Outdoor repair prohibited. On any premises upon which a motor vehicle service station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing or filling of tires with air, shall be conducted within the confines of a building capable of being wholly enclosed.

(h) Vehicle sales. Sales and display of vehicles are prohibited.

(i) Setback restrictions. No part of any building used as a motor vehicle service station nor any part of any accessory structure shall be erected within thirty-five (35) feet of any lot line. This area shall be fully landscaped and parking and circulation aisles shall be prohibited in this area with the exception of access drives.

(j) Landscaping. Fifty (50%) percent of the planted trees and shrubs shall be evergreen species.

(k) Expansion of motor vehicle service stations. No permit for the alteration or expansion of any existing motor vehicle stations shall be issued except under compliance by the applicant with all the provisions of this chapter.

(l) Fuel and propane dispensation. The dispensation of motor fuels and propane is not permitted.

6. Animal Hospitals.

(a) Minimum lot size two (2) acres.

(b) All runs shall be screened with appropriate plantings and shields or baffles designed to minimize noise shall be installed as required by the Land Use Board.

(c) Such screening by plantings of dense evergreen shrubs or trees shall be required along the property lines abutting residential districts.

(d) There shall be minimum of eight (8) parking spaces which shall be located only in side or rear yards.

(e) Signs shall be permitted in accordance with Section 13-17.

7. Clubs, Lodges and Fraternal Organizations.

(a) Minimum lot size five (5) acres.

(b) Parking shall be provided at the rate of one (1) space for every three (3) seats in the largest auditorium. All parking shall be located in side and rear yards.

(c) Lighting shall be of a type which directs the light to the ground, and no light shall be cast on adjoining properties.

(d) Signs shall be in accordance with Section 13-17.

(e) Maximum floor area ratio (FAR) shall be 0.25.

(f) The maximum building and impervious lot coverage shall be fifty (50) percent of the unconstrained lands.

8. Rest Homes and Convalescent Homes.

(a) Minimum lot area: ten (10) acres.

(b) Lot density: four (4) semi-private rooms per acre.

(c) Floor area ratio (FAR): forty (40) percent.

(d) Maximum lot coverage: thirty (30) percent.

(e) All parking shall be permitted only in side and rear yards.

(f) Screening by plantings of dense evergreen shrubs or trees is required along all property lines abutting residential districts.

(g) Signs shall be in accordance with Section 13-17.

(h) Lighting shall be of a type which directs the light to the ground, and no light shall cast on adjoining properties.

(Ord. 12/3/91, § 13-14; Ord. No. 2009-01)

**13-14.1 Motor Vehicle Fueling Stations.**

Motor vehicle fueling stations existing as of the effective date of this subsection\* are permitted as prior nonconforming uses. Motor vehicle fueling stations are regulated as follows:

a. *Modifications.* No deviation from the approved site plan which first permitted the construction of a fueling station or combined fueling station with a retail store convenience is permitted without returning before the Land Use Board for site plan approval to make changes and must comply with the design standards of the Gateway Plan where appropriate.

b. *Paving Requirements.* The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a motor vehicle fueling station shall be paved; however, no expansion of impervious coverage is permitted without returning before the Land Use Board for site plan approval to make changes.

c. *Repairs.* Motor vehicle repairs are prohibited other than such minor items as pumping air into tires or the adding of oil to motor vehicles.

d. *Motor Vehicle Sales.* The sale and display of motor vehicles is prohibited.

e. *Propane Tanks.* Propane tanks shall be located underground for on-site use.

f. *Signage*. Motor vehicle fueling stations shall comply with the sign ordinance located at Section 13-17. In addition, customary lettering or other insignia which are a structural part of a motor fuel pump consisting only of the brand name, lead warning sign, price indicator and other information required by law is permitted.

g. *Outdoor Dining Area*. Outdoor dining is only permitted where it conforms to the outdoor dining ordinance located at subsection 13-15.2.

h. *Litter*. Litter from food or other items purchased on site is not permitted and is a violation of subsection 3-2.1 of the Lafayette General Ordinance.

i. *Lighting*. Lighting shall comply with the lighting plan approved at the time of Site Plan Approval. Any proposed change must be reviewed by the Land Use Board and conform with Gateway Plan design standards and the lighting ordinance located at subsection 12-7.2a.11.

j. *Inflatables*. Inflatable figures cannot be displayed as part of a promotion, advertisement or seasonal celebration.

k. *Landscaping*. The landscaping of the motor vehicle fueling station shall comply and be maintained in accordance with the plan provided by the landscape architect at the time of original Site Plan Approval or the owner shall return before the Land Use Board to obtain approval for changes which shall conform with the Gateway Plan found at Section 12-8.3e, if applicable.

l. *Buffering*. Buffering of all kinds required as part of site plan approval shall be maintained. If the owner wishes to deviate from the approved plan, the owner shall return before the Land Use Board with a landscaping plan that illustrates the proposed changes and conforms with Section 12-8.3e,4.

m. *Propane Sales*. The sale of propane is not permitted.  
(Ord. No. 2009-01)

**\*Editor's Note:** Ordinance No. 2009-01 a portion of which is codified herein as subsection 13-14.1 was adopted February 3, 2009.

## **13-15 SPECIAL REGULATIONS.**

### **13-15.1 Regulations or Standards.**

The following are special regulations or standards to be applied in the case of all nonresidential uses to the extent possible.

a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings.

b. In considering any application, all approving agencies shall take into consideration environmentally critical areas, environmentally sensitive areas, flood plain, wetland and soil studies and maps; topography, natural resources, water supplies, sewage disposal methods, and drainage, particularly as such factors may reasonably affect or be affected by the number of buildings, structures, parking areas and other impervious covering.

c. Site plan application is required.  
(Ord. 12/3/91, § 13-15.1)

### **13.15.2 Outdoor Dining Ordinance**

a. Outdoor dining areas are permitted as an accessory use for Restaurants including fast food Restaurants (collectively Restaurant) subject to the following conditions:

1. *Permitted Areas*. Outdoor dining areas shall be permitted on the same lot as an existing and legally operating Restaurant in an area under the control of the Restaurant. Outdoor dining shall be permitted so that the service and dining does not endanger or interfere with pedestrian traffic.

2. *Design Standards*. Outdoor dining areas shall be designed to be architecturally compatible with the existing structures on the property. Fencing and screening should be consistent with the architecture of the Restaurant.

3. *Limitation on Seating*. Seating for outdoor dining shall not exceed twenty (20) seats unless the Applicant can demonstrate to the Township Code Enforcement Officer that more than twenty (20) seats can reasonably be accommodated in the proposed outdoor dining area. In the event there is no indoor seating, the outdoor dining shall not exceed six (6) seats.

4. *Location*. Outdoor dining areas shall be located so as to minimize the impact upon adjacent property owners.

5. *Signage*. Signs shall conform with Section 13-17 of the Lafayette General Ordinance.

6. *Outside Food and Drink Preparation*. No food preparation, preparation equipment or bars shall be permitted in the outside dining area, including heating or cooking of food on open flames.

7. *Furniture Storage*. Outdoor furniture, equipment and other amenities must be removed from the outdoor dining area for extended periods of non-use and during the off-season.

8. *Noise*. Outdoor noise and sound systems must comply with Section 18-1 of the Lafayette General Ordinance.

9. Lighting. The outside dining area must have adequate illumination during evening hours and comply with the lighting design standards appropriate to the zone.

10. Alcoholic Beverages. Service of alcoholic beverages shall comply with Chapter VI of the Lafayette General Ordinance.

11. Maintenance. The outdoor dining area shall be maintained in accordance with Chapter III of the Lafayette General Ordinance. The outdoor dining area shall be maintained in an aesthetically appealing manner.

12. Application for Permit. An application shall be filed annually with the Township Clerk on forms supplied by the Clerk. The forms shall require the following information and such additional information as deemed necessary for the Code Enforcement Officer to enforce this ordinance:

(a) The name and address of the applicant.

(b) The name and address of the restaurant requesting the permit.

(c) Consent of the owner if other than the applicant.

(d) The hours of operation for the outdoor dining area.

(e) The initial payment of a permit fee in the amount of fifty (\$50.00) dollars. The permit shall be renewed annually at a fee of fifty dollars (\$50.00). Permits are valid from January 1 through December 31.

(f) An illustration showing seating capacity, the location of the proposed outdoor dining and the location of the restaurant, parking and nearby road or roads. All outdoor seating shall be located within the store front width or frontage that the seating services and not encroach on any adjoining store front. Outdoor seating may be located along the side of a store provided there is sufficient space to allow for pedestrian access and is subject to the discretion of the Code Enforcement Officer. All outdoor dining applications must include sufficient information as to the style and stability of the seating proposed.

(g) The signature of the party who will be responsible for compliance with this ordinance.

(h) A review process to ensure the location and design selected for outdoor dining is appropriate so as to minimize impacts upon neighboring properties.

13. Appeal. Any applicant who is denied approval of a permit may appeal the denial. The appeal, which shall be in writing, shall be mailed to the Clerk within five (5) days of the denial. The Township Committee shall hear the appeal within thirty (30) days of the Clerk's receipt of the appeal.

14. Transferability. An outdoor dining permit may be transferred to a new owner or operator so long as there are no changes.

15. Enforcement. This section shall otherwise be enforced by the Code Enforcement Officer but is not intended to limit enforcement by the Board of Health as to the Sanitary Code or any other appropriate entity.

16. Hours of Operation. Hours of operation shall comply with Section 18-1 of the Lafayette General Ordinance and be the same as the establishment's hours of operation.

17. In the event three (3) or more businesses located on the same tax lot make application for outdoor dining whether simultaneously or at different times, a revised site plan shall be required to be filed with the Lafayette Township Land Use Board, by the property owner, to consider all outdoor dining locations at the property.

(Ord. No. 2011-14)

### **13-16 Reserved.**

### **13-17 SIGNS; GENERAL REGULATIONS.\***

**\*Editor's Note:** Prior ordinance history includes portions of Ordinance 12/3/91.

#### **13-17.1 Purpose.**

Lafayette Township is a rural community, and in order to preserve the Township as a desirable area in which to live and do business, a pleasing, visually attractive rustic environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the rural environment and promoting the continued well-being of the Township.

The purpose of this section is to protect the safety and orderly development of the community through the regulation of signs and sign structures. Lafayette Township has a legitimate interest in aesthetics and safety, justifying the regulation of signs. This section promotes the substantial governmental goals of safety and aesthetics, without burdening substantially more speech than necessary to further government's legitimate interests. It is also the function of this section to promote public health, safety, and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory sign standards and requirements. These sign regulations are intended to:

a. Enable the identification of places of residence and business.

b. Allow for the communication of information necessary for conducting business.

c. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs that compete for the attention of pedestrians and vehicular traffic.

d. Enhance the attractiveness and economic well-being of the Township as a place to live and conduct business.

e. Protect the public from the dangers of unsafe signs.

f. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

g. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

h. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such commercial use.

i. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

j. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.

k. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists, or pedestrians.

l. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

m. Preserve and enhance the natural, rural, and scenic characteristics of the Township.

Any sign erected shall conform to the provisions of this section and the provisions of any ordinance or regulation within the Township of Lafayette.

(Ord. No. 2010-10, § 4)

### **13-17.2 General Provisions.**

a. *Signs in Rights-of-Way.* No sign other than an official sign shall be erected within two (2) feet of any street line, or within any public way, unless specifically authorized by other ordinances, statutes or regulations of the Township of Lafayette or by specific authorization of the Zoning Officer or other governmental entity.

b. *Traffic Visibility.* No signs or sign structures shall be erected in the site triangle in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

c. *Maintenance, Repair and Removal.* Every sign and sign structure permitted by this section shall be kept in good condition and repair. The repainting, relettering or repair of an existing sign shall not constitute a new sign or change in a sign as long as the area of the sign is not increased. When any sign or sign structure becomes insecure, in danger of falling or is otherwise deemed unsafe by the Code Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this section, the owner thereof or the person or firm using same shall, upon written notice by the Code Official forthwith in the case of immediate danger, and in any case within not more than fourteen (14) days, make such sign conform to the provisions of this section, or shall remove it. If within fourteen (14) days the order is not complied with, the Code Official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

d. *Obsolete Sign Copy.* Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within ninety (90) days from the date of termination of such use, unless approval for any extension of time is requested from and granted by the Code Official. Upon failure to comply in a timely manner, the Code Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which the sign is located.

e. *Illuminated Signs.* Illuminated signs shall be permitted only in nonresidential zones, and such signs shall be externally illuminated and the light source for such signs shall be above the sign and such light source shall be concealed; except that in residential zones no more than one (1) reasonable illuminated street address sign or combination nameplate and street address sign containing no advertising copy and not exceeding two (2) square feet in area shall be permitted.

f. *Design.* Signs shall be based on an integrated design theme, the design of which shall be in harmony and consistent with, the architecture and materials of the principal structures and the landscaping plan.

g. *Wall Signs.* Such signs shall not project beyond the wall on which they are mounted in any direction and shall not project more than eight (8) inches from the façade of the building.

h. *Projecting Signs.* Such signs shall not extend more than four (4) feet from the face of the structure on which mounted and in no case shall such a sign project beyond any property line or over any public rights-of-way. The bottom of the sign shall be at least eight (8) feet above ground level.

- i. *Wiring.* All wiring, whether electrical or otherwise, for freestanding signs shall be underground and in accordance with all codes.
- j. *Window Signs.* Window signs designed to promote the sale of any merchandise or business activity shall not exceed twenty (20%) percent of any total window area. (Ord. No. 2010-10, § 4)

#### **13-17.3 Existing Signs.**

Any sign legally existing at the passage of this section (June 1, 2010) that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- a. All legal nonconforming signs shall be removed or shall be altered to conform to the provisions of this section when any such sign is changed or modified in shape, size, illumination or structure.
- b. All legal nonconforming signs may be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds fifty (50%) percent of the replacement cost of the sign as determined by the Code Official.
- c. Legal nonconforming signs may be temporarily removed for maintenance, cleaning, painting or repair, provided that the sign is reattached in the same location within sixty (60) days of its removal. If the sign is not reattached in the location or within the sixty (60) day time period, the sign shall be required to conform to the provisions of this section. (Ord. No. 2010-10, § 4)

#### **13-17.4 Permits Required.**

Unless specifically exempted, a permit must be obtained from the Zoning Officer for all signs erected, altered or relocated within the Township of Lafayette. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner involved from the responsibility for the erection and maintenance of the sign in a safe manner and in a manner in accordance with all other provisions of this section. (Ord. No. 2010-10, § 4)

#### **13-17.5 Construction Documents.**

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Code Official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required. (Ord. No. 2010-10, § 4)

#### **13-17.6 Changes to Signs.**

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration. (Ord. No. 2010-10, § 4)

#### **13-17.7 Permit Fees.**

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within the Township of Lafayette.

- a. The requirement for a permit fee shall not apply to:
  - 1. Window signs
  - 2. Political signs
  - 3. Temporary real estate signs
  - 4. Temporary sign for public or nonprofit organization purposes
  - 5. A-frame signs
  - 6. Temporary construction signs

(Ord. No. 2010-10, § 4)

#### **13-17.8 Prohibited Signs.**

The following signs shall be specifically prohibited:

- a. No signs shall be attached to any utility pole, public light standard or any other public facility located within the public right-of-way.
- b. Temporary signs, except as permitted for in subsection 13-17.10.
- c. Moving or revolving signs and signs using waving, blinking, flashing, vibrating, flickering and/or sequential lighting.
- d. Roof signs.
- e. Signs causing interference with radio or television reception.

- f. Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.
  - g. Signs placed on awnings, fences or signs attached to other signs.
  - h. Signs shall not be painted on or affixed to water towers, storage tanks, silos, smokestacks or similar structures or to trees, rocks or other natural things.
  - i. The use and display of strings or streamers of flags, pennants, banners (except if a permit is approved and obtained for special promotions, events and grand openings as set forth in subsection 13-17.10b.), balloons, spotlights or spinners or similar objects and devices across, upon, over or along any premises or building, whether as a part of any sign or for advertising or public attraction or otherwise, are prohibited in any zone; provided, however, that this provision shall not apply to decorations customarily used for holiday display or Township celebration.
  - j. Advertising display signs attached to vehicles with the exception of temporary signs as provided in subsection 13-17.10 unless required by law.
  - k. Neon signs.
  - l. All billboards and all signs or advertising devices not expressly related to the business being conducted on the premises.
  - m. LED signs.
- (Ord. No. 2010-10, § 4)

### **13-17.9 Exempt Signs.**

The following signs shall be exempt from the provisions of this section, other than subsections 13-17.2 and 13-17.8:

- a. Official signs or official notices authorized by a court, public body or public safety official.
- b. Directional, warning or information signs authorized by Federal, State or municipal governments.
- c. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- d. The flag of a government or noncommercial institution such as a school, and one (1) flag per lot, a maximum of five (5) square feet in area, with such sign's copy limited to designating the business or that it is open.
- e. Religious symbols and seasonal decorations within the appropriate public holiday season.
- f. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- g. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed two (2) square feet in area. There shall be no more than one (1) sign per lot and such sign may be reasonably illuminated.
- h. Signs approved and/or required by the Farmland Preservation Program designating the property as an approved preserved farm.
- i. No Hunting, No Fishing, No Trespassing and Garage Sale signs provided that each sign shall be a maximum of four (4) square feet in area.
- j. Political signs, subject to subsection 13-17.10d.
- k. A-frame signs, subject to subsection 13-17.10f.

(Ord. No. 2010-10, § 4)

### **13-17.10 Temporary Signs.**

a. *Real Estate Signs.* Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

- 1. Real estate signs located on a single residential lot shall be limited to one (1) sign except that on a corner lot one (1) sign may face each street. The sign(s) shall not be greater than six (6) square feet in area and must otherwise conform to the general sign requirements set forth in subsection 13-17.2. Such real estate signs shall be removed not later than ten (10) days after execution of a lease agreement in the event of a lease or the closing of the sale in the event of a purchase.
- 2. Real estate signs advertising subdivisions of land and projects requiring site plan approval which have received preliminary or final approval shall be limited to one (1) sign per entrance to the subdivision or site provided that no such sign shall exceed twenty-four (24) square feet in area, nor be located closer than twenty (20) feet to any street line. Such sign permits shall be valid for a period of six (6) months and then such signs shall be removed, unless the permit is renewed. Such signs shall be removed in the case of land subdivisions, when seventy-five (75%) percent of the lots created have been sold and in the case of projects receiving site plan approval, upon the issuance of a certificate of occupancy.
- 3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings or the sale or lease of vacant commercial or industrial land shall be no greater than thirty-two (32) square feet and shall be limited to one (1) sign per street front. Such real estate signs shall be removed not later than ten (10) days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

4. Not more than one (1) additional real estate sign shall be displayed on any property scheduled for an open house. The sign may only be displayed seven (7) days in advance of the open house and must be removed immediately after the event is concluded. The sign shall not exceed six (6) square feet in area and must otherwise conform to the general sign requirements set forth at subsection 13-17.2.
- b. *Special Promotion, Event and Grand Opening Signs.* Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for approved uses in all nonresidential zones only, subject to the following limitations:
  1. Such signs shall be limited to one (1) sign per street front.
  2. Such signs may be displayed not more than fourteen (14) consecutive days in any 3-month period, and not more than fifty-six (56) days in any calendar year. The signs shall be erected no more than twelve (12) days prior to the event or grand opening, and shall be removed not more than two (2) days after the event or grand opening.
  3. The total area of all such signs shall not exceed twenty-four (24) square feet.
  4. No sign displayed to advertise special promotions, events and grand openings shall be erected until the proper permit is obtained.
- c. *Public or Nonprofit Organization Purposes.* Signs temporarily displayed to advertise public or charitable purposes or events shall be permitted in any zone subject to the following limitations:
  1. No such sign shall advertise, promote or be for the special advantage or benefit of any individual, company, business use or establishment or product.
  2. No sign shall be erected more than thirty (30) days before the event is to take place; and all signs shall be removed within seven (7) days after the event.
  3. Permits are required, but the fees shall be waived for any public organization or a nonprofit organization that has been approved for a 501(c)(3) designation. The application for the sign shall contain the signature of the owner of the property, indicating consent, and the signature of an authorized representative of the organization, indicating the organization is responsible for the sign.
  4. The sign may be attached to a vehicle but such sign shall conform to all other requirements for signs in the zone in which the sign is located.
  5. The total area of all signs on any lot advertising a public use or nonprofit organization event shall not exceed twenty-four (24) square feet in area, and no more than four (4) signs for any one (1) event may be placed upon any lot.
- d. *Political Signs.* Political signs may be placed in any zone, subject to the following requirements:
  1. No more than four (4) political signs may be placed upon any lot.
  2. No political sign shall exceed four (4) square feet in area.
  3. No political sign shall be erected more than sixty (60) days before the political event is to take place and all signs shall be removed within seven (7) days after the political event.
- e. *Construction Signs.* Signs pertaining to the construction, repair and/or remodeling of any building may be placed in any zone, subject to the following conditions:
  1. There shall be only one (1) sign and it shall be located at the principal entrance to the lot.
  2. The sign will not exceed sixteen (16) square feet in area.
  3. The sign shall be removed within seven (7) days after completion of the construction work.
- f. *A-frame Signs.* Temporary signs which are typically mounted on an A-frame and have copy on both sides which direct attention to products sold or services supplied may be placed in all but residential zones subject to the following conditions:
  1. All A-frame signs shall be located within five (5) feet from the main entrance of the business.
  2. The total area of the sign shall not exceed six (6) square feet per side.
  3. One (1) sign for each lot is permitted except for lots with multi-businesses which are limited to one (1) A-frame sign per business.
  4. All A-frame signs must be removed nightly and may not interfere with pedestrian or vehicular traffic.

(Ord. No. 2010-10, § 4)

#### **13-17.11 Sign Area Measurement.**

The area of any sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented, including in such background, any decorative motif or moldings and also including any enclosed open space, such as space between name panels or open space which is part of an ornamental design. Where a sign has a double face, only one (1) side of the sign will be used when computing the total square footage of the sign. If the lettering, illustration or display is not affixed to a background but is affixed directly to the wall of a building or other structure, the area of a sign shall be computed as the product of the largest horizontal distance and the largest vertical distance of the lettering, illustration or display. The

supporting members of any sign, which are used exclusively for such purpose, shall not be included in the computation of the area of the sign. Window signs shall not be included in calculating the total sign area of a building. (Ord. No. 2010-10, § 4)

#### **13-17.12 Signs Permitted in the R-5, R-4, R-2.5 and AH-1 Zones.**

The following signs shall be permitted:

- a. Temporary real estate signs as per regulations in subsection 13-17.10a.
- b. Temporary public use or nonprofit organization purposes signs per regulations in subsection 13-17.10c.
- c. Political signs per regulations in subsection 13-17.10d.
- d. No more than one (1) street address sign or combination nameplate and street address sign per lot that contains no advertising copy and which does not exceed two (2) square feet in area, and may be reasonably illuminated.
- e. For agricultural uses the following signs are permitted:
  1. One (1) identification sign, not more than eighteen (18) square feet in area, identifying the farm, the address and the type of farm.
  2. For agricultural products produced and sold on site, not more than two (2) additional signs that advertise the availability of the agricultural products are permitted, the total area of which will not exceed sixteen (16) square feet per sign.
- f. In residential zones permitting cluster development, one (1) sign, not exceeding eighteen (18) square feet in area, publicizing the name of the cluster development.
- g. One (1) freestanding sign advertising professional services or home occupations, not exceeding two (2) square feet in area and one (1) attached building sign not exceeding three (3) square feet in area.
- h. Signs permitted in the front yard area of residential zones shall be set back at least ten (10) feet from the street line and shall not exceed six (6) feet in total height nor be closer to the ground than three (3) feet, except as may be hereinafter specifically permitted. Signs in all other yards shall conform to the setbacks required for all structures.

(Ord. No. 2010-10, § 4)

#### **13-17.13 Signs Permitted in Zones Other Than the R-5, R-4, R-2.5 and AH-1 Zones.**

The following signs shall be permitted:

- a. All signs permitted in the R-5, R-4, R-2.5 and AH-1 Zones.
- b. Any business establishment may display one (1) or more signs relating to its business. The maximum area of any single sign shall not exceed twenty-four (24) square feet and the maximum area of all signs on a single lot shall not exceed fifty (50) square feet.
- c. In the case of a shopping center or industrial park development, the maximum area of any single sign shall not exceed twenty-four (24) square feet and the maximum area of all signs for each use located in the shopping center or industrial park shall not exceed twenty-four (24) square feet.
- d. The total area of all signs permitted on the face of any wall shall not exceed five (5%) percent of the area of the face of the wall, including windows and doors, upon which such signs are attached and the maximum height of any such sign shall not exceed ten (10%) percent of the height of the wall, except that such sign can be at least two (2) feet in height. The maximum width of any sign shall not exceed fifty (50%) percent of the width of the wall to which it is attached or twelve (12) feet in width, whichever is less.
- e. Where a sign extends more than three (3) inches from the face of the wall, the bottom of such sign shall be at least eight (8) feet above ground level. Signs overhanging any public or private walkway shall not extend more than three (3) inches from the face of the wall to which it is attached.
- f. No more than one (1) sign shall be permitted on one (1) façade of a building for each use, business or person coming within the provision of this section.
- g. One (1) freestanding sign may be permitted on each lot, in the front yard area, not exceeding eighteen (18) square feet in area.

(Ord. No. 2010-10, § 4)

#### **13-17.14 Enforcement.**

- a. *Inspection.* The Code Official shall inspect each sign for which a permit is required upon completion of its installation.
- b. *Violations.* In the event any sign is found to be in violation of this section, the Code Official shall notify the owner of such sign and the owner of the property on which the sign is erected of such violation in writing, and the owner shall within fourteen (14) days correct such violation.
- c. *Penalties.* Noncompliance with any of the provisions or requirements of this section shall constitute a violation thereof, and any person who so violates this section and does not correct such violation within fourteen (14) days of notice of such may be subject to a fine not to exceed fifty (\$50.00) dollars per day. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 2010-10, § 4)

**13-17.15 Severability.**

Should any subsection, paragraph, sentence, clause or phrase of this section 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 section shall remain in full force and effect. (Ord. No. 2010-10, § 4)

**13-18 ADMINISTRATION AND ENFORCEMENT.**

**13-18.1 Enforcement by Zoning Officer.**

The office of Zoning Officer is hereby created. It shall be the duty of the Zoning Officer to enforce this chapter in accordance with the provisions of this chapter and the "Land Use Procedures Ordinance of Lafayette Township" (Chapter XIV of the Revised General Ordinances). Pursuant to that duty, the Zoning Officer shall investigate any violation or alleged violation of this chapter coming to his attention. All applications to the Construction Official for building permits shall be examined by the Zoning Officer as to compliance with this chapter and all such permits shall be signed by the Zoning Officer as well as the Construction Official. The Zoning Officer shall require two (2) sealed plot plans with an embossed seal prepared by a New Jersey Licensed Professional Engineer, land surveyor or architect drawn to scale and showing the size and location of all existing and proposed buildings, structures and other facilities sufficient to enable him to determine whether all zoning requirements are met. The requirement for sealed plot plans may be waived for additions, alterations or accessory structures to existing single-family dwellings and a sketch prepared by the owner or applicant accepted in lieu thereof. Where there is a question as to the size, location or other zoning requirement, the Zoning Officer may require a sealed location survey. In the event of any material deviation from the approved application, plot plan or building plans, the Zoning Officer may stop construction by posting a stop notice at the building site. The Zoning Officer and the Construction Officer, and either of them, shall have the right to enter any building or premises during the daytime in the course of duty after proper legal notification to the property owner or occupant of the property. (Ord. 12/3/91, § 13-18.1)

**13-18.2 Zoning Permits.**

- a. A zoning permit shall be required in the following instances:
  1. Before using or allowing the use of any structure, building or land or part thereof hereinafter created, erected, changed, converted or enlarged, wholly or partly.
  2. Before changing the use of any building, property, or part thereof or allowing a change of use of any building, property or part thereof.
  3. Before changing the occupancy of commercial buildings.
- b. A zoning permit shall show that every building, or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or in conformity with the provisions of a variance granted according to law and not required to have a site plan review.
- c. All zoning permits shall be issued in triplicate and one (1) copy shall be posted conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other persons shall perform any building operations of any kind unless the zoning permit covering such operation has been previously issued. Furthermore, no building operations of any kind shall be performed after notification of the revocation of said zoning permit.
- d. A record shall be kept of all zoning permits issued and the original applications therefore shall be kept on file in the same manner as applications for building permits. No owner, tenant, or other persons shall use or occupy any building or structure thereafter erected or altered, the use of which shall be changed after passage of this chapter, without first obtaining a zoning permit.
- e. A zoning permit, unless revoked, shall continue in effect so long as there is no change of use or occupancy of the premises.
- f. The Zoning Officer shall act upon all such applications within fifteen (15) days after receipt of a fully filled-in application, or shall notify the applicant, in writing, of his refusal to issue such permit and the reasons therefore.
- g. Failure to notify the applicant in case of such refusal within fifteen (15) days shall entitle the applicant for a zoning permit to file an appeal to the Land Use Board as in the case of a denial.
- h. The Zoning Officer may waive plans on minor alterations not affecting structural change.
- i. The Zoning Officer shall collect a fee of ten (\$10.00) dollars for each zoning permit so issued, except that if a certificate of occupancy is required, no additional charge shall be made for issuance of a zoning permit.
- j. If it shall appear at any time to the Zoning Officer that the application or accompanying plans is in any material respect false or misleading, or that the work being done upon the premises is materially different from that called for in the application previously filed with him or may be in violation of any provision of this chapter, or that

the conditions imposed by the Land Use Board are not being met within the time or in the manner required by the approving authority, he may forthwith revoke the zoning permit. (Ord. 12/3/91, § 13-18.2)

### **13-18.3 Registration and Certification of Nonconforming Uses.**

a. The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply, in writing, for the issuance of a certificate stating that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming.

b. Application pursuant hereto may be made to the Zoning Officer within one (1) year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Land Use Board.

c. Such application shall contain the name and address of the applicant, the nonconforming use so operated, the date on which the use commenced, the tax lot and block number of its location, any buildings or structures in which such use is contained or are necessary for the operation of such use, and the numbers and types of equipment and/or vehicles utilized in the operation of said use.

d. The applicant shall have the burden of proof as to all matters alleged.

Where application is to the Zoning Officer, it shall be in the form of an affidavit and shall be notarized. Where application is made to the Land Use Board, the application shall be processed as in the case of all other application to the Board. Notice of such application shall be given in accordance with the provisions of N.J.S.A. 40:55D-12.

e. If the Zoning Officer fails or refuses to issue a certificate, he shall notify the applicant, in writing, as to the reasons therefore within forty-five (45) days from the date of application. Such denial may be appealed to the Land Use Board in accordance with the provisions of N.J.S.A. 40:55D-72, notice of which shall be given in accordance with N.J.S.A. 40:55D-12.

f. An application to the Zoning Officer shall be accompanied by payment of a fee of ten (\$10.00) dollars.

g. For an application for the issuance of a certificate of nonconforming use to the Land Use Board pursuant to this section, applicant shall pay a fee of ten (\$10.00) dollars. (Ord. 12/3/91, § 13-18.3)

### **13-18.4 Certificate of Occupancy.**

It shall be unlawful for an owner to use or permit the use of any building, or the change in occupancy of any building, or part thereof, hereafter erected, altered, converted or enlarged, wholly or in part, until a certificate of occupancy, or a certificate of continued occupancy, shall have been issued by the Construction Official in accordance with the provisions of the Uniform Construction Code of the State of New Jersey. (Ord. 12/3/91, § 13-18.4)

### **13-18.5 Special Permits for Sales Promotions.**

The Zoning Officer is hereby authorized to issue temporary permits for not exceeding ten (10) days duration to permit temporary sales promotions, uses or events and events such as concerts, shows, circuses, etc., subject to the following provisions:

a. Any sale promotion shall take place on the same premises as the principal business.

b. The Zoning Officer shall ascertain that applicant's plans for traffic control are sufficient.

c. Applicant shall post a cash bond, letter of credit or other acceptable security in an amount determined by the Zoning Officer to be sufficient to assure clean up and restoration of the premises.

(Ord. 12/3/91, § 13-18.5)

### **13-18.6 Temporary Use Permits.**

Recognizing, in certain instances, for the necessity of certain temporary uses, the Land Use Board, after hearing, may authorize temporary use permits pursuant to the authority of N.J.S.A. 40:55D-70(b).

a. Such permits may be issued for a period not to exceed one (1) year and on further application to the Land Use Board, may be extended, for good cause shown, for an additional period not to exceed one (1) year. Thereafter, such temporary use permit shall expire and the use as permitted shall be abated. Any structures erected in connection therewith shall be removed. Where it deems appropriate, the Land Use Board may require such guarantees it deems sufficient to cause such abatement and/or removal.

b. Where a building permit has been issued, a temporary certificate of occupancy for a dwelling house may be granted to a developer to permit such dwelling house to be used, temporarily, as a sales and management office for the sale of those homes within a subdivision provided all of the following requirements are met:

1. The house to be used as such office is built upon a lot approved as part of a subdivision that has been approved by the Land Use Board.

2. The house is of substantially the same quality of construction as those homes to be sold within the subdivision.

3. No other business than that which is accessory to the management and the sale of lands owned by the developer shall be permitted.

4. The dwelling house shall meet all other requirements of the zone district in which it is located.

c. Where a building permit has been issued, the Land Use Board may grant a temporary use permit for a nonconforming use incidental to construction projects on the same premises such as the storage of building supplies and machinery and/or the assembly of building materials. For example, but not by way of limitation, such temporary use permit may be issued to permit the parking of a "construction trailer" on such a site.

d. The Land Use Board may grant a temporary use permit for the erection and maintenance of temporary structures or buildings for the conduct of permitted uses where such permitted uses have been interrupted by reason of fire or other casualty. Such temporary use permit shall expire at the time the necessary repair or reconstruction of the permanent structures or buildings has been accomplished or within one (1) year, whichever comes first.

e. The Land Use Board may grant temporary use permits for the location of temporary structures, in connection with permitted uses, on the site of such permitted use, which use is either existing or about to be established, upon the construction of a permanent structure. Such temporary structure shall provide facilities during construction of permanent facilities to house the permitted use or which will result in permanent facilities to house the permitted use. For example, but not by way of limitation, such temporary use permits may be issued to permit the parking of a trailer housing financial institutions, temporary office space, temporary classroom space and/or temporary warehouse space on such a site.

(Ord. 12/3/91, § 13-18.6)

#### **13-18.7 Sign Permit.**

A sign permit shall be required prior to the erection or alteration of any sign. Such permit shall be obtained as required in Section 13-17. (Ord. 12/3/91, § 13-18.7)

#### **13-18.8 Temporary Certificates of Occupancy and/or Zoning Permits.**

The Zoning Officer may issue a temporary zoning permit and the Construction Official may issue a temporary certificate of occupancy for a use of land or a building which is related to the development of a permitted use of the property. In evaluating any application for such temporary permits, the building or structure in question must meet the minimum requirements as set forth in the New Jersey Uniform Construction Code Act for the issuance of temporary certificates of occupancy and a bond shall be posted which is sufficient, in the judgment of said Zoning Officer and Construction Official, that will guarantee the completion of the project. Such temporary permits shall be issued for a period not to exceed six (6) months. (Ord. 12/3/91, § 13-18.8)

#### **13-18.9 Records and Reports.**

a. *Records.* It shall be the duty of the Zoning Officer to keep a record of all applications for zoning permits, a record of all permits issued, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office, and shall be available for the use of the Township Committee and of other officials of the township.

b. *Reports.* The Zoning Officer shall prepare a monthly written report for the Land Use Board summarizing, for the period since his last report, all zoning permits issued, complaints of violations received and action taken by him with respect thereto. Such report shall be in a form and shall contain such information as the Township Committee may direct. A copy of such reports shall be made available to the Construction Official and to the Tax Assessor.

(Ord. 12/3/91, § 13-18.9)

### **13-19 VIOLATIONS AND PENALTIES.**

For any and every violation of the provisions of this chapter, the owner, contractor or other persons interested as general agent, architect, building contractor, owner, tenant or any other person who commits, takes part in or assists in any violation of this chapter, or who maintain any building or premises in which any violation of this chapter shall exist, and who shall have refused to abate said violation within five (5) days after written notice shall have been served upon him, either by certified mail or personal service, shall, for each and every violation, be subject to a fine of not more than one thousand (\$1,000.00) dollars or imprisonment in the county jail for a period not exceeding ninety (90) days or both at the discretion of the court or judicial officer for whom a conviction may be had, and each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter. (Ord. 12/3/91, § 13-19)

### **13-20 VALIDITY.**

If any section, paragraph, sentence, clause or provision of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not

affect, impair, invalidate or nullify this chapter as a whole and such adjudication shall apply only to the section, paragraph, subdivision, clause or provisions so adjudged and the remainder of this chapter shall be deemed valid and effective. (Ord. 12/3/91, § 13-20)

**13-21 REPEALS.**

Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms and provisions of this chapter are hereby repealed to such extent as they are so in conflict or inconsistent, provided, however, that the adoption of this chapter shall not prevent or bar the continuance of or institution of any proceedings for offenses heretofore committed in violation of any existing ordinances of the Township of Lafayette. (Ord. 12/3/91, § 13-21)

**13-22 CONSTRUCTION.**

This chapter shall be read in para materia with the Land Use Procedure Ordinance of the Township of Lafayette and, where appropriate, with the Land Subdivision and Site Plan Review Ordinances of the township. (Ord. 12/3/91, § 13-22)

**13-23 EFFECTIVE DATE.**

The chapter shall take effect immediately upon passage and publication in the manner provided by law. (Ord. 12/3/91, § 13-23)

**13-24 NOTICE REQUIREMENTS.**

The Municipal Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this chapter to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this chapter, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this chapter, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. (Ord. 12/3/91, § 13-24)

**Editor's Note:** Ordinance 6/7/95 established a Land Use Board and abolished the Planning Board and Zoning Board of Adjustment. Any reference in this chapter to the Planning Board and/or Zoning Board of Adjustment shall be deemed to mean Land Use Board.

Prior ordinance history includes portions of Ordinance 8/5/86, 4/21/87, 1/19/88 and 5/3/88.

NOTICE

The above ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on February 7, 2012 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on February 21, 2012.

Mayor:

Municipal Clerk: