

**LAFAYETTE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE 2015-11**

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE ZONING CHAPTER, SPECIFICALLY SECTION 13-13E, ENTITLED “RIDGELINE AND HILLSIDE VIEWSHED PROTECTION OVERLAY ZONE” AND TO AMEND CHAPTER XIV, BEING THE LAND USE PROCEDURES CHAPTER, TO REVISE SCHEDULES H AND I, REGARDING APPLICATION FEES AND REVIEW FEE ESCROW DEPOSITS

**WHEREAS**, the governing body of the Township of Lafayette has determined that the Ridgeline and Hillside Viewshed Protection Overlay Zone Ordinance should be revised to allow for the Township Engineer to issue a Certificate of Compliance for certain projects, so that applicants can avoid unnecessary cost and expense related if such applications shall have no detrimental effect on the Ridgeline and Hillside Viewshed Protection Overlay Zone within Lafayette Township.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinance of the Township of Lafayette, being the Zoning Chapter, shall be and is amended as follows:

**Section 1.** §13-13.E.3.a(2) shall be deleted in its entirety and revised, as follows:

(2) If it is then determined that a 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 issued. A Certificate of Compliance will document that the proposed activity has received the regulatory approval for the proposed construction within the Ridgeline and Hillside Viewshed Protection Area. The Certificate of Compliance shall be required, when applicable, as a condition for the issuance of a building permit for properties located within the Ridgeline and Hillside Viewshed Protection Area.

Where it is clearly demonstrated to the satisfaction of the Township Engineer, on a plan as required in this section, that the proposed development: (1) will not negatively impair the visual character of the Ridgeline and Hillside Viewshed Protection Area; (2) the proposed development does not involve subdivision, site plan, conditional use, variance or other Land Use Board approval; and (3) the proposed development complies with the general requirements and design requirements, standards and limitations set for in subsection 13-13E.4b and subsection 13-13E.8 pursuant to a plan submitted to the Township Engineer; a Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance may be issued administratively by the Township Engineer.

If an application for development with the Township Ridgeline and Hillside Viewshed Protection Area does not comport with the requirements of this section, an application shall be made to the Lafayette Township Land Use Board.

The fees for an application for a Certificate of Compliance from the Township Engineer, and the fees for an application to the Lafayette Township Land Use Board for determination regarding the Ridgeline and Hillside Viewshed Protection Area shall be as set forth in Sections 14-5, 14-6, and Schedules H & I.

**Section 2.** §14-5, Schedule H, entitled “Application Fees & Miscellaneous Fees”, shall be and is hereby revised to add the following new numbered paragraphs under #5. “Miscellaneous Costs”:

“5. Miscellaneous Costs”:

15. Application for Certificate of Compliance for Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance to the Township Engineer: \$100.00

16. Application to the Land Use Board for Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance: \$200.00

**Section 3.** §14-6, Schedule I, entitled “Escrow Fees”, shall be and is hereby revised to add the following new numbered paragraph:

6. Ridgeline and Hillside Protection Area Applications: \$500.00

**Section 4.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable; and the remaining portions of this Ordinance shall remain in full force and effect.

**Section 5.** All ordinances or parts of ordinance or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 6.** This Ordinance may be renumbered for codification purposes.

**Section 7.** The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

**Section 8.** This ordinance shall take effect after publication and passage according to law.

#### NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on July 7, 2015 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on September 1, 2015.

Mayor:

Municipal Clerk: