

LAFAYETTE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY

**ORDINANCE 2026-01**

**An Ordinance to Amend Chapter 13 to Correct Section 13-12.1(I) to Remove Motor Vehicle Service Station as a Principal Use in the Highway Commercial Zone as a Motor Vehicle Service Station is also Permitted as a Conditional Use in the Highway Commercial Zone at Section 13-12.2(B) and to Revise the Definition of Motor Vehicle Fueling Station to Include a Convenience Store Element and Charging Stations for Motor Vehicles Powered by Electricity as the Use is Permitted as a Nonconforming Use in Section 13-14.1 and to Repeal and Replace Section 13-14.1 to Permit Charging Stations.**

**WHEREAS**, the Township of Lafayette has identified an inconsistency in its Zoning Ordinance at 13-12.2 (b) wherein conditional uses in the Highway Commercial District presently state motor vehicle service stations are a conditional use; and

**WHEREAS**, the Township of Lafayette has recognized an inconsistency with 13-12.1 (i) wherein motor vehicle service stations are also included as a permitted principle use in the Highway Commercial District, and

**WHEREAS**, the Lafayette Township Land Use Board has reviewed the inconsistency and determined that the intent of the Ordinance was to allow for consideration of a motor vehicle service station to be a permitted conditional use in the Highway Commercial District as that use is defined at Ordinance 13-5; and

**WHEREAS**, the Lafayette Township Land Use Board recognizes that a motor vehicle service station as defined at 13-5 is both a principal permitted use in the Highway Commercial District and a conditional use in that same District and further recognizes that the Land Use Board adopted separate definitions for the terms Motor Vehicle Service Station and Motor Vehicle Fueling Station in Ordinance 2012-06 wherein sweeping changes were adopted to the Zoning Ordinance including the creation of the Gateway Overlay Zone at 13-13C; and

**WHEREAS**, upon reviewing Ordinance 2012-06 it has become apparent that an error was made in failing to remove Motor Vehicle Service Station from the list of principal uses permitted by Ordinance 13-12.1(i) when the intent was to permit a Motor Vehicle Service Station as a conditional use subject to the standards set forth at 13-14b5; and

**WHEREAS**, the Lafayette Township Land Use Board also recognized the evolving nature of businesses maintaining, servicing and fueling motor vehicles and had discussions concerning the appropriate standards that would be adopted for these types of businesses and whether they should be a permitted principal use or a conditional use; and

**WHEREAS**, the Land Use Board has recognized that the intent of allowing a Motor Vehicle Fueling Station as a prior nonconforming use at Section 13-14.1 included allowance of a convenience store to address the more modern approach that the industry dispenses fuel and other household products to the public and that there is a need to further address a standard in the Ordinance at Section 13-6.14A prohibiting more than one principal use per lot unless the ordinance states otherwise; and

**WHEREAS**, after adoption of 2012-06, motor vehicles powered by electricity have been introduced and have gained popularity resulting in the need for charging stations to be available to owners of these motor vehicles powered by electricity; and

**WHEREAS**, incorporating such charging stations at locations historically used to provide motor vehicle fuels to the general public makes good planning sense and is consistent with newer statutes and regulations pertaining to the electric motor vehicle industry and the Lafayette Master Plan; and

**WHEREAS**, the Land Use Board proposes to revise the definition of Motor Vehicle Fueling Station to allow for a charging station component and the convenience store element to remove the existing conflict with Ordinance 13-6.14A.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee as follows:

**Section 1.** Ordinance 13-12.1(i) “Motor Vehicle Service Station” shall be removed entirely.

**Section 2.** Ordinance 13-14b5 shall be repealed and replaced as follows:

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 200 feet from any residential zone line and 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 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) No part of any Motor Vehicle Service Station shall be used as a dwelling unit.

(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 acres and the minimum street frontage of said lot shall be 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 16 feet nor more than 25 feet, shall be located not nearer than 15 feet from any lot line nor 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 driveways on any one street.

(e) Parking.

(1) The minimum number of on-site parking spaces required is two spaces for each bay, plus one 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 or adding oil or windshield wiper fluid to reservoirs, and charging car batteries 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 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 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 Service Station 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.

(m) Unregistered, unlicensed, junk or abandoned vehicles. Operators of Motor Vehicle Service Station shall not allow for storage of any unregistered, unlicensed, junk, or abandoned vehicles on the lot.

**Section 3.** Ordinance 13-14.1 Motor Vehicle Fueling Stations shall be repealed and replaced as follows:

#### 13-14.1 Motor Vehicle Fueling and Charging Stations

Motor Vehicle Fueling and Charging Stations existing as of adoption of Ordinance 2012-06 on February 21, 2012 are permitted as prior nonconforming uses. Motor Vehicle Fueling and Charging 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 and Charging 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. Outdoor Repairs Prohibited. Outdoor motor vehicle repairs are prohibited other than such minor items as changing or filling of tires with air or adding oil or windshield wiper fluid to reservoirs and charging car batteries. All other motor vehicle repairs shall be conducted within the confines of a building capable of being wholly enclosed.
- 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 and Charging stations shall comply with the Sign Ordinance located at § 13-17, except that the petroleum price display portion of any sign related to a Motor Vehicle Fueling and Charging Station may be lit with energy efficient LED technology as per Subsection 13-17.2e provided the maximum number of grades of petroleum on the sign shall be four; and the maximum height of the pricing numbers shall be 13 inches, and shall be red, blue or green in color. The maximum brightness of such signs shall not exceed 0.2 footcandle over ambient light levels measured within 150 feet of the source. The sign brightness shall be reduced if the Board Engineer determines that the light level exceeds the levels specified, and the sign shall be programmed to dim and brighten automatically in response to changes in ambient light. Prior to the issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been preset to automatically adjust the brightness to these levels or lower. 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.

[Ord. No. 2018-16 § 1]

- 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 12-7.2a11.
- 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 and Charging 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 Subsection 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 § 12-8.3e4.
- m. Propane Sales. The outdoor sale of propane is not permitted.
- n. No part of any Motor Vehicle Fueling and Charging Station shall be used as a dwelling unit.
- o. Distance Requirements. The Motor Vehicle Fueling and Charging station shall be at least 200 feet from any residential zone line and 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 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 fueling and charging station and extend to the nearest lot line of the residential zone or property in question.
- p. Minimum Lot Area and Frontage. The minimum lot size for any lot upon which any Motor Vehicle Fueling and Charging Station is located shall be three acres and the minimum street frontage of said lot shall be 200 feet.
- q. Driveways. Driveways to and from any lot upon which is located a Motor Vehicle Fueling and Charging Station shall have an unrestricted width of not less than 16 feet nor more than 25 feet, shall be located not nearer than 15 feet from any lot line nor 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 driveways on any one street.
- r. Parking. Parking requirements shall be governed by the standards for retail sales convenience as per Ordinance 13-12.7. Parking shall be screened from public view using building location and landscaping, to the maximum extent possible.
- s. Setback Restrictions. No part of any building used as a Motor Vehicle Fueling and Charging Station nor any part of any accessory structure shall be erected within 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.

**Section 4.** Ordinance 13-5 shall be corrected to repeal and replace the definition of Motor Vehicle Fueling Station as follows:

"Motor Vehicle Fueling and Charging 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 vehicle fuels or the charging of motor vehicles powered by electricity. A convenience store selling food, beverages, household items or other similar products may be accessory to this business.

**Section 5.** 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 6.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**Section 7.** 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 January 20, 2026 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on February 17, 2026.

Mayor:

Municipal Clerk: