LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY

ORDINANCE 2026-06

An Ordinance of The Township of Lafayette, County of Sussex State of New Jersey Repealing and Replacing Chapter 13-8.3 of The Lafayette Township Ordinance to Allow Cottage Food Licensees Sanctioned by the State of New Jersey Department of Health to Operate as an Accessory Use in Certain Zones and Maintain Roadside Stands as a Permitted Accessory Uses and to Supplement Regulations Applicable to All Roadside Stands and to Add a Definition of Cottage Food Licensees Ordinance 13-5 and Supplement the Definition of Roadside Stand at Ordinance 13-5

WHEREAS, the Lafayette Township Committee recognizes Lafayette Township's rich agricultural heritage and seeks to maintain, sustain and encourage continued agricultural use of the land and maintain an economically viable agricultural and roadside stand industry in Lafayette Township; and

WHEREAS, the Lafayette Township Committee recognizes that the State of New Jersey previously barred the preparation, distribution, and sale of homemade prepared foods that did not need time or temperature controls to stay safe until October 2021 when the State adopted regulations allowing for a Cottage Food Operator's Permit provided an application was submitted to the State agency and certain processes were followed including potential water testing in the residence where permitted identified food products were prepared in a home kitchen; and

WHEREAS, the State of New Jersey, Department of Health agency adopted regulations governing the Cottage Food Operations in the State by adopting N.J.A.C. 8:24-11 that requires an applicant for a cottage food operator permit shall ascertain and comply with applicable local laws of the municipality in which the applicant seeks to operate a cottage food operation; and

WHEREAS, the Township of Lafayette seeks to clarify its ordinance and set forth the local laws of the municipality relating to cottage food operators as expressly authorized by state regulation and seeks to allow for a properly licensed cottage food permittee to operate from their home, while ensuring proper protections for the health, safety and welfare; and

WHEREAS, the Lafayette Township Committee recognizes that the Township does not maintain a public water supply triggering the need for any potential Cottage Food Operator to have their water tested in compliance with N.J.A.C. 8:24-11.1, with the exception of a small number of residences that rely upon water imported from the Township of Sparta; and

WHEREAS, the Lafayette Township Committee referred the issue to the Lafayette Township Land Use Board to determine whether the Township should consider allowing Cottage Food Permittees to operate in the Township and determine if the use was appropriate in certain zones within the Township; and the Township of Lafayette Land Use Board held discussions on the topic on December 18, 2025 and again on February 19, 2026 and has made recommendations to the Township in line with the State of New Jersey, Department of Health agency that permittees obtain approval from their local zoning boards and officials; and

WHEREAS, Lafayette Township's Farmland Preservation Plan Element of the Master Plan encourages Township to take actions that promote agriculture as an industry in Lafayette Township and to promote the retention of farmland, and the Township recognizes that Cottage Food operators often sell their products at on-site roadside stands and local farmer's markets;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Lafayette, County of Sussex, State of New Jersey, as follows:

SECTION 1 Subsection 13-8.3 addressing Permitted Accessory Uses in the R-5.0, R-4.0, and R-2.5 Residential Zones shall be repealed and replaced as follows;

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 large animal shall be permitted on the 1 1/2 acres encompassing the principal structure.
2. One-half-acre additional shall be required for each additional large animal.
3. Large animals shall be sheltered in a structure located at least 50 feet from the principal structure and 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 person living outside of such dwelling is employed on the premises.
2. Not more than two customers will visit the dwelling during a day.
3. Not more than 25% of the total floor area or 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 § **13-17** shall be allowed.

e. All buildings, structures, motor vehicles and large animals incident to agricultural uses.
f. Affordable accessory apartments.
g. Renewable Energy Systems, subject to the requirements of Subsection **13-6.17**.
h. Cottage Food Operator subject to requirements of N.J.S.A. 8:24-11 and compliance with the Lafayette annual Food Handler license process.
i. Roadside Stands provided that:

1. The roadside stand fits within the definition of the term as defined at Ord. 13-5.
2. The roadside stand is not situated in the public right of way or at a location that creates a hazard to the public or unreasonably infringes upon the right of quite enjoyment by neighboring residences.
3. The roadside stand sells agricultural products grown or produced on the lands where the roadside stand is located or sells permitted cottage food items produced by a Cottage Food Operator living at the residential property who has complied with all regulations enacted by the New Jersey Department of Health, Public Health and Food Protection Program set forth at N.J.A.C. 8:24-11 et. seq.
4. The roadside stand operator applies for and obtains a zoning permit issued by the Lafayette Township zoning officer who will review the application for a roadside stand and as necessary the Cottage Food Operator's permit and perform a site visit to determine if the location of the roadside stand is appropriate. As part of the application for the zoning permit the roadside stand operator shall provide a written certification verifying that the person is the owner of the property or a written certification from the

property owner approving the roadside stand operated by any tenant or resident living at the property.

5. The operator of the roadside stand submits a zoning application with the payment for the zoning permit.
6. Any person violating the terms of this ordinance shall be subject to issuance of a summons and penalty of up to $250 a day to the Township, with each day of noncompliance being a separate offence and may otherwise be subject to the State penalties provided by New Jersey Department of Health, Public Health and Food Protection Program.

SECTION 2. Subsection 13-5 of the Zoning Ordinance shall be revised or supplemented with the following needed definitions:

Cottage Food Operator

A person who holds a New Jersey cottage food operator permit issued by the New Jersey Department of Health, Public Health and Food Protection Program.

The current definition of Roadside Stand shall be repealed and replaced with the following:

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 300 square feet in ground area, shall not be placed in the public right of way, and there shall not be more than one roadside stand on any one premises.

SECTION 3. SEVERABILITY. 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 4. 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 5. This Ordinance shall take effect after publication and passage according to law.

NOTICE

TAKE NOTICE the above-entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting on March 3, 2026 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on April 7, 2026.

ANNAROSE FEDISH, RMC
Municipal Clerk