LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY

ORDINANCE 2026-16

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 13, ZONING, OF THE CODE OF THE TOWNSHIP OF LAFAYETTE ESTABLISHING THE AH-3 ZONING DISTRICT TO IMPLEMENT ZONING TO SATISFY A PORTION OF LAFAYETTE TOWNSHIP'S FOURTH ROUND AFFORDABLE HOUSING OBLIGATION BY PROVIDING AN INCLUSIONARY ZONING OPTION FOR THE DEVELOPMENT OF TOWNHOMES AND/OR STACKED FLAT APARTMENTS INCLUDING AFFORDABLE DWELLING UNITS ON A PORTION OF A PARCEL OF LAND DESIGNATED BLOCK 13, LOT 2 ON THE TAX MAP OF THE TOWNSHIP OF LAFAYETTE

WHEREAS, the Township of Lafayette has adopted a Housing Element and Fair Share Plan in response to the Township's Fourth Round constitutional obligation to provide its fair share of affordable housing that sets forth the municipal plan to fully address the Township of Lafayette's Fourth Round and prior rounds constitutional obligation to address its fair share; and

WHEREAS, the Township of Lafayette has identified a portion of Block 13, Lot 2 on the Tax Map of the Township of Lafayette that is available, approvable, developable and suitable to create realistic opportunity for the development of affordable housing and address a portion of the Fourth Round obligation through implementation of inclusionary zoning in accordance with the provisions set forth in the New Jersey Fair Housing Act and applicable regulations that govern the provision of affordable housing in fulfillment of municipal affordable housing obligations; and

WHEREAS, on March 13, 2026, the Lafayette Township adopted Ordinance No. 2026-03 that created and designated the AH-3 Zone on a portion of Block 13, Lot 3 in fulfillment of the Township's Fourth Round Housing Element and Fair Share Plan commitment to designate an inclusionary zoning district that will permit the development of up to 75 townhomes and/or stacked flat apartments, including a minimum of 15 affordable units in response to a portion of the Township's Fourth Round affordable housing obligations; and

WHEREAS, following adoption of Ordinance No. 2026-03 on March 13, 2026, Fair Share Housing Center requested adjustments to Ordinance No. 2026-03 that Lafayette Township has agreed to make as part of a Consent Order with Fair Share Housing Center for their approval and endorsement of Lafayette Township's Fourth Round Compliance Certification by the Superior Court of New Jersey;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Ordinance No. 2026-03 is hereby repealed in its entirety.

Section 2. § 13-3.1 Districts Designated, in Chapter 13, Zoning, of the Code of the Township of Lafayette, is hereby amended and supplemented by adding the following two types of zones to the list of zones set forth in § 13-3.1, as follows:

AH-2/LC Residential Affordable Housing/Limited Commercial District
AH-3 Residential Affordable Housing District

Section 3. § 13-3.2 Zoning Map, subsection "b. Zoning Map Amendments" in Chapter 13, Zoning, of the Code of the Township of Lafayette, is hereby amended and supplemented by adding the AH-3 Residential Affordable Housing District designation on a portion of Block 13, Lot 2, to the official Zoning Map of the Township of Lafayette as depicted on the attached map entitled "Lafayette Township Zoning Map Amendment, AH-3 Residential Affordable Housing District, Portion of Block 13, Lot 2, Lafayette Township, Sussex County, July 2026."

Section 4. Chapter 13, Zoning of the Code of the Township of Lafayette is hereby amended and supplemented by adding the following new §§ 13-8C. RESIDENTIAL AFFORDABLE HOUSING DISTRICT through § 13-8C.12. Restoration Bond.

§ 13-8C. AH-3 RESIDENTIAL AFFORDABLE HOUSING DISTRICT.

§ 13-8C.1. Purpose.

a. The purpose of the AH-3 Residential Affordable Housing/Commercial District (the AH-3 District (12-acres)) is to provide a realistic opportunity for the construction of affordable housing as part of a comprehensively planned housing development with a mixed use development option in response to Lafayette Township's affordable fourth round housing obligation. In addition, development of the AH-3 District is dependent upon sufficient water and wastewater infrastructure that must be provided. The AH-3 District is a component of Lafayette Township's Housing Element and Fair Share Plan for the fourth round (2025-2035). Residential development in the AH-3 shall comply with the regulations of this chapter governing affordable housing, § 12-20, the Uniform Housing Affordability Controls [N.J.A.C. 5:80-26.1 et seq. (U.H.A.C.)], the NJ Fair Housing Act, and applicable regulations of the State of New Jersey governing affordable housing. AH-3 Zone permitted uses (§ 13-8C.2. b. – p. below) are only permitted when developed as part of an inclusionary affordable housing development in accordance with § 13-8C.2. a. below.

b. The AH-3 District provides for mixed-use development within which inclusionary residential development of a maximum of 75 townhouses or stacked flat units shall be permitted, which shall include a 20% set aside of 15 affordable units. The 75 residential units permitted may be provided in the form of mixed-use stacked flat apartments and commercial development. The development is intended to be separate and distinct from the IC Zone, but shall share infrastructure, such as sidewalks, wastewater disposal and potable water, but specifically not including access roads connecting the AH-3 and IC Zone. The zone is delineated on the attached map entitled "AH-3 — Affordable Housing Overlay District," dated December 2025.

c. All development in the AH-3 District shall either be served by:

1. A centralized sewer collection system to be extended to the site; or
2. An on-site wastewater collection and treatment system within the AH-3 District.

The Township of Lafayette assumes no responsibility for an approval to extend wastewater collection facilities to the District except to cooperate with the developer's efforts for approval of same, such as by providing a resolution of support for the developer's application to the NJDEP that may be required as part of an amendment to the Lafayette Township Chapter of the Sussex County Wastewater Management Plan to extend sewer collection lines to the District.

The capacity of an on-site wastewater collection and treatment system is subject to negotiation with the Township Committee, which shall, at a minimum, be of sufficient capacity to service residential development. Only upon execution of a development agreement with the Township Committee, which shall not be unreasonably withheld, shall the Land Use Board approve development within the AH-3 District, provided that (1) the on-site collection and treatment system complies with all applicable NJDEP regulations, and (2) the Land Use Board finds that the proposed development complies with the development requirements and standards in Lafayette Township's ordinances for subdivision and or site plan approval, and provides at least 15 affordable units. The Land Use Board's approval shall be conditioned upon the posting of a sufficient performance guarantee for the construction and maintenance of an on-site wastewater treatment system and maintenance of required landscaped buffering.

d. Prior to any development approval within the AH-3 District, an applicant shall demonstrate that an adequate water supply is provided for which sufficient performance guarantees shall be required for the construction and maintenance of water supply to the development.

e.

§ 13-8C.2. Permitted Principal Uses the AH-3 District.

In the AH-3 District there shall be permitted:

a. Townhouse and stacked flats dwelling units. The affordable unit buildings shall be dispersed throughout the development, which may be provided as stacked flats in buildings designed to look like and blend in with the surrounding townhouses. A maximum of 75 townhouse

and stacked flat dwelling units shall be permitted including a 20% affordable housing set aside of not less than 15 affordable housing units. Affordable units shall be provided according to the requirements of N.J.A.C. 5:80-26.5 (a) 1-6, as applicable.

b.

1. The affordable housing units shall be constructed as low- or moderate-income housing of which at least 50% shall be low-income units; not less than 13% of the total affordable units shall be affordable to very-low-income households. Affordable units shall be governed by deed restrictions ensuring long-term affordability controls of not less than 40 years 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 in accordance with applicable regulations including but not limited to N.J.A.C. 5:80-26.1 et seq. (U.H.A.C.), as may be supplemented and amended, and any other affordable housing regulations that may be applicable.

2. The development, phasing and marketing of the dwelling units constructed for low- and moderate-income households shall be undertaken in accordance with the the New Jersey Housing Mortgage Finance Agency's Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended.

c. Public facilities; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

d. Essential services subject to the requirements of Subsection 13-14b3; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

e. Office, business; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

f. Office, medical; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

g. Financial institutions; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

h. Retail sales establishments; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

i. Retail sales establishment neighborhood; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

j. Retail services establishments; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

k. Specialty stores; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

l. Restaurants; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

m. A mixed-use development comprised of residential dwelling units above first-floor retail stores or other permitted non-residential development, which shall be permitted as a development option that may include a portion of the maximum of 75 dwelling units and may include market-rate townhouses and affordable units otherwise permitted.

n. Public utility uses; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

o. Public facility; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

p. Child care center; only when developed as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a s.

q. Open space, as required as part of an inclusionary affordable housing developed in accordance with § 13-8C.2. a.

§ 13-8C.3. Permitted Accessory Uses.

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

a. Each unit of residential development shall contain not less than 512 cubic ft. (8' x 8' x 8') of fully enclosed storage which shall be used for no other purpose than occupant's storage.

b. Trash and recycling facilities shall be provided within enclosed structures throughout residential neighborhoods, which shall be conveniently located to residents, and which shall provide for ample storage of trash, recycling and disposal of household generated refuse. Such structures may be used for storage of such materials as snow salt to supplement snow removal. Such facilities shall be designed, constructed and maintained in such a manner as to prevent nuisance animal disturbance and pest infestation.

§ 13-8C.4. Design and Architectural Standards and 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:

a. Preservation of the site's rural character through the design of any new buildings to reflect the rural and historic characteristics of Lafayette Township.

1. Incorporation of common open space for passive/active recreation and community space for the use of the residents of the development. Recreation areas shall include:

(a) Active recreation play fields, such as for soccer, baseball, volleyball, field hockey and facilities for court games, such as tennis and basketball.

(b) Tot lot and playground equipment.

(c) Walking paths shall be provided throughout the entire site in addition to sidewalks along roads. Pedestrian paths establishing convenient walking access among residential neighborhoods and nonresidential development in the AH-3 District shall be provided, which paths shall be a minimum width of five feet.
Passive and active recreation areas shall be devoted solely to this use and shall not be used for any other purpose above or below ground such as drainage facilities, leach fields and overhead power line rights-of-way.

2. Incorporation of landscaping, building materials and design to minimize nuisances to adjoining properties and sky glow.

(a) Provide landscaping in public areas, on recreation sites and adjacent to buildings, to screen parking areas, mitigate adverse impacts, and provide windbreaks for winter winds and summer cooling for buildings, streets and parking.

(b) Select the plant or other landscaping material that will best serve the intended function, and use landscaping materials appropriate for local soil conditions, water availability, and environment.

(c) Vary the type and amount of landscaping with type of development and accent site entrances with special landscaping treatment.

(d) Consider massing trees at critical points rather than in a straight line at predetermined intervals along streets.

(e) Consider the impact of any proposed landscaping plan at various time intervals, i.e. shrubs may grow and eventually block sight distances.

(f) Design landscaping to maximize preservation of existing vegetation.

(g) Retain existing roadside hedgerows, remove invasive exotic woody plants and trees, and supplement hedgerows with native plant and tree species to maintain an unbroken screed between public roads and development.

(h) Utilize only downward directed and shielded communal and individual light fixtures that prevent a direct view of any light source from occupied dwellings and off-site vantage points.

3. Incorporation of "green" technologies where practical and feasible that promote energy conservation and the use of environmentally friendly building materials.

§ 13-8C.5. Residential Development Design.

No building shall hereafter be erected, constructed, placed, altered or enlarged which shall be like or substantially like any existing or proposed neighboring building or for which a building permit has been issued if said neighboring building is adjacent to, across the street from or within 200 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. Nothing in this section shall prohibit the townhouse buildings from having the same footprint and/or same interior floor plan.

a. Topography, privacy, building height, orientation, drainage, and aesthetics shall be considered in placement of units. Provide units with private outdoor space where appropriate and practical.

b. Space shall be provided between and among buildings so that adequate privacy is provided for units. A minimum of 40 feet between buildings shall be provided, subject to the provisions of § 13-8C.11.

c. Space shall be provided between and among buildings so that emergency apparatus is provided between all buildings. Suitable surface treatment shall be provided to accommodate emergency apparatus access.

d. The facades of all townhouse buildings shall vary such that the front exterior wall of each townhouse is offset from the adjoining front exterior wall with a minimum offset of four feet to be provided.

e. Each townhouse building within the development shall vary in exterior architectural detail and color such that no two adjoining units shall be the same color or same architectural style; however, each townhouse facade shall be thematically coordinated for a unified architectural appearance. Varying exterior treatments shall be used on the exterior of townhouse units, which shall include materials such as brick, stone, stucco, and clapboard.

f. Exterior architectural design shall be subject to Land Use Board approval. The Land Use Board may establish an architectural review subcommittee to assist in architectural review and approval.

Residential development design shall incorporate the rural, historic, and environmental priorities of Lafayette Township consistent with those priorities and objectives as required in this chapter and the Lafayette Township Master Plan.

§ 13-8C.6. Commercial Development Design.

Commercial developments shall be designed according to the same principles governing design of residential developments, including but not limited to, locating buildings based on topography; avoiding to the maximum extent practical environmentally critical areas or environmentally sensitive areas; considering factors such as drainage, noise, odor and surrounding land uses in siting buildings; buffering where adverse impacts exist. Notwithstanding the foregoing language, all commercial development shall be governed where feasible by the design standards specific to that zone set forth at Subsection 12-8.3f.

a. All nonresidential uses shall be separated from residential uses by not less than 100 feet, except in a mixed use configuration where residential units are attached to nonresidential uses.

b. A minimum landscaped buffer of 50 feet shall be provided between all nonresidential uses and residential uses which shall be used for no other purpose except buffering.

c. Nonresidential to residential buffers shall establish an effective year-round screen which shall be established with a berm, fence, landscaping or a combination of the three.

d. Noise attenuation shall be established to buffer noise generated by non-residential uses from residential development. Such noise attenuation shall include measures and structures designed to reduce noise generated by HVAC, trash, recycling and other nonresidential development equipment, functions and appurtenances.

e. Exterior architectural design of all nonresidential buildings shall be subject to Land Use Board approval. The Land Use Board may establish an architectural review subcommittee to assist in architectural review and approval.

f. Nonresidential development design shall incorporate the rural, historic, and environmental priorities of Lafayette Township consistent with those priorities and objectives as required in this chapter and the Lafayette Township Master Plan.

g. Affordable low- and moderate-income housing units shall be provided in accordance with the following schedule whether some or all of the affordable units are incorporated into the AH-3zone in a mixed-use configuration (i.e. above the non-residential uses), or the affordable units are provided in the AH-3 Zone:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
No more than 10 percent	1 affordable unit
No more than 25 percent of market units plus 1	25 percent of affordable units
No more than 50 percent of market units	50 percent of affordable units
No more than 75 percent of market units	75 percent of affordable units
No more than 90 percent of market units	100 percent of affordable units

1. No certificates of occupancy shall be issued for market-rate units above the maximum percentage of market housing units completed until and unless the minimum percentage of low- and moderate-income affordable housing units required have been completed and received certificates of occupancy.

§ 13-8C.8. Gateway Overlay Zone.

The AH-3 District is situated within Lafayette Township's GOZ, Gateway Overlay Zone and the Township's GCD, Gateway Commercial District.

a. All residential development in the AH-3 District shall conform to the requirements of the GOZ, § 13-13C.

b. All nonresidential development in the AH-3 District shall conform to the requirements of the GCD, § 13-13D.

c. All development in the AH-3 District shall conform to the design standards found at §12-8.

§ 13-8C.9. Homeowners' Association.

All residential development and common areas in the AH-3 District shall be incorporated into a Homeowners' and/or Condominium Association, which shall be approved by the Township Committee after review by the Land Use Board to ensure that:

a. Roads and sidewalks shall be owned and maintained by the Homeowners' and/or Condominium Association.

b. The Homeowners' and/or Condominium Association shall be responsible for maintenance of all roads, sidewalks, common areas, and passive and active recreation areas and facilities.

§ 13-8C.10. Roads and Parking Areas.

a. All roads and parking for residential development shall conform to the requirement of N.J.A.C. 5:21-1.1 et seq., the NJ Statewide Residential Improvement Standards (RSIS). There may be, subject to Land Use Board approval and the approval of the State Department of Transportation and the County of Sussex, a roadway connection between residential and nonresidential development in the AH-3 District.

§ 13-8C.11. AH-3 Area, Yard and Bulk Requirements.

a. Minimum Tract Area. The minimum tract area for the AH-3 District shall be 12 acres. All development in the AH-3 District shall be under the control of a Homeowners' and/or Condominium Association.

b. Maximum number of residential units: 75, of which 15 units shall be affordable units.

c. Tract Frontage and Width. The minimum tract frontage and width shall be 100 feet.

d. Setback from Rights-of-Way. The minimum building setback from existing public rights-of-way shall be 75 feet.

e. Setback from Property Boundaries. The minimum building setbacks shall be:

    1. Fifty feet from all tract boundaries, not including existing public rights-of-way.

f. Setback from Internal Roadways and parking.

    1. Townhomes and stacked flats:

        i. The minimum building setback from internal roadways shall be 30 feet from the edge of the right-of-way.

        ii. Where there is no right-of-way, the minimum building setback shall be 30 feet from the edge of pavement of a private roadway or drive aisle.

        iii. There shall be a minimum four feet planting strip between the sidewalk and any curb or edge of pavement if there is no curb. All sidewalks shall be a minimum width of five feet.

        iv. There shall be a minimum of 20 feet between any common area parking space and townhome building.

        v. There shall be a minimum setback of 10 feet between the inner side of

sidewalk, and any multi-family stacked flat unit building adjacent to parking.

vi. There shall be a setback of 18 feet between any stacked flat building and any curb, parking space and or edge of pavement if there is no curb or sidewalk.

g. Setback from Sidewalk.

1. Townhomes: There shall be a minimum twenty-two feet (22') building setback between a townhome garage and the inner edge of the sidewalk abutting a curb, drive aisle or internal road.

2. Stacked flats: There shall be a minimum 10 feet between any multi-family stacked flat building and the inner edge of any sidewalk abutting a curb, drive aisle or internal road.

h. Dwelling Configuration.

1. Market-rate dwellings shall be provided as townhouses with a garage.

2. Low- and moderate-income housing may be provided as townhouses or stacked flat apartments and may include a garage. If the affordable units are provided as stacked flat apartments, the buildings shall be designed to look like and blend in with the surrounding townhouses.

3. Townhouses may not be constructed in buildings of not more than five market rate townhouses per building.

4. Affordable housing units may be constructed as stacked flat apartments of not more than four units per affordable building.

i. Distance Between Residential Buildings. The minimum distance between residential buildings shall be as follows:

1. Front to front: 90 feet.
2. Rear to rear: 50 feet.
3. Rear to side: 40 feet.
4. Side to side: 40 feet.

j. Building Coverage. The maximum building coverage for the total development (residential and non-residential) shall be not more than 30% of the overall tract area.

k. Impervious Lot Coverage. The maximum impervious lot coverage shall be not more than 50% of the overall tract area.

l. Building Height. The maximum building height shall be no greater than 35 feet.

§ 13-8C.12. Restoration Bond.

As a condition of any approval that may be granted for development in the AH-3 District, the applicant/developer shall post a performance and restoration bond to ensure that all improvements approved are constructed and/or to provide sufficient funding for site restoration if approved development is commenced and not completed. The performance and restoration bond amount shall be subject to approval by the Township Engineer. Notwithstanding the foregoing, the development may be phased in accordance with a phasing plan to be approved by the Land Use Board, in which case only the improvements for each phase need to be bonded.

Section 5. **Renumbering.** This ordinance may be renumbered for codification purposes.

Section 6. **Repealer**. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 7. **Severability**. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. **Effective Date**. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST: TOWNSHIP OF LAFAYETTE

AnnaRose Fedish, RMC
Municipal Clerk

Richard Hughes, Mayor