

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2026-03

**AN ORDINANCE TO AMEND CHAPTER 13 ENTITLED "ZONING", SPECIFICALLY
ADDING SECTION 13-8C, AH-3 RESIDENTIAL AFFORDABLE HOUSING DISTRICT**

§ 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) 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.

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, which may be provided in the form of stacked flat apartments, and commercial development shall be permitted. The development is intended to be separate and distinct but may share infrastructure, such as sidewalks, wastewater disposal and potable water, but specifically not including access roads connecting the AH-3 and LC Zone. The zones 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. Only upon execution of a development agreement with the Township Committee 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. 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.

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.

§ 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.
 - 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 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.
- b. Public facilities.
- c. Essential services subject to the requirements of Subsection 13-14b3.
- d. Office, business.
- e. Office, medical.
- f. Financial institutions.
- g. Retail sales establishments.
- h. Retail sales establishment neighborhood.
- i. Retail services establishments.
- j. Specialty stores.
- k. Restaurants.
- l. 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.
- m. Public utility uses.
- n. Public facility.
- o. Child care centers.
- p. Open space.

§ 13-8C.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.

- 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.
 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.
- 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 a distance of 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 through the use of 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.

- 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 GOZ, § 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.
- 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 50 feet.
- e. **Setback from Property Boundaries.** The minimum building setbacks shall be:
 1. Fifty feet from all tract boundaries.
- f. **Setback from Internal Roadways.**
 1. The minimum building setback from internal roadways shall be 30 feet from the right-of-way.
 2. Where there is no right-of-way, the minimum building setback shall be thirty 30 feet from the edge of pavement.
 3. There shall be a minimum four (4) feet planting strip between the sidewalk and any curb. The sidewalk shall be a minimum of width of four feet.
- g. **Setback from Sidewalk.**
 1. There shall be a minimum two feet building (garage) setback from the edge of the sidewalk.
- 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 flats 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 be constructed in buildings of not more than five market rate townhouses per building.
 4. Affordable housing units may be constructed as stacked flats 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: 80 feet.
 4. Side to side: 80 feet.

- j. **Building Coverage.** The maximum building coverage for the total development (residential and non-residential) shall be not more than 20% of the overall tract area.
- k. **Impervious Lot Coverage.** The maximum impervious lot coverage shall be not more than 30% of the overall tract area.
- i. **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.

NOTICE

The above-entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on February 26, 2026 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on March 13, 2026.

Mayor:

Municipal Clerk: