

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-05

AN ORDINANCE TO AMEND CHAPTER XIII, “ZONING”, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE BY DELETING
SECTION 13-13A, THE GC-GOLF COURSE DISTRICT

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed its current zoning ordinances and determined that changes are necessary to delete the GC-Golf Course District and rezone the area; and

WHEREAS, a golf course is no longer feasible in this area of the Township and existing properties with residences are more properly zoned R-5.0; and

WHEREAS, the Land Use Plan Element of the Lafayette Township Master Plan calls for the designation of the GC-Golf Course District, which is inconsistent with the Land Use Board’s determination to delete the GC-Golf Course District and rezone the area R-5.0 because a golf course is no longer feasible in this area of the Township; and

WHEREAS, N.J.S.A. 40:55D-62, “Power to zone”., subsection “a” provides in part that “...the governing body may adopt a zoning ordinance or amendment to revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recoded in its minutes when adopting such a zoning ordinance; and provided further that, notwithstanding” the requirement of Section D-62 of the Municipal Land Use Law that states that the “zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements”; and

WHEREAS, N.J.S.A. 40:55D-2, “Purpose of the act.” sets forth the purposes of zoning to advance the public health, safety, morals and general welfare of the citizens of the State of New Jersey; and

WHEREAS, the Township Committee recognizes that the R-5.0 District permits residential uses as a principal permitted use in the R-5.0 District (13-8.1.b), which is consistent with and promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods; and

WHEREAS, the R-5.0 District permits agricultural uses as a principal permitted use in the R-5.0 District (13-8.1.1), which is consistent with and promotes the Lafayette Township Master Plan goals and objectives to promote and encourage agricultural uses throughout Lafayette Township and retain Lafayette Township’s farmland areas and agricultural economic base; and

WHEREAS, N.J.S.A. 40:55D-2.g encourages municipal action and zoning “To provide sufficient space in appropriate locations for a variety of agricultural, residential...uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and

WHEREAS, N.J.S.A. 40:55D-2.j encourages municipal action and zoning “To promote the conservation of...open space,...and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and

WHEREAS, the Township Committee finds that there are sufficiently sound planning reasons derived from the purposes of zoning in the Municipal Land Use Law to support the Township Committee’s desire to rezone the GC-Golf Course District to the R-5.0 District.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, “Zoning”, shall be and is hereby amended as follows:

Section 1. 13-13A, GC-Golf Course District, is hereby deleted in its entirety and any such area previously zoned GC is hereby rezoned as R-5.0. A revised Township Zoning Map shall be created to confirm this change.

Section 2. 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 3. 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 4. 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. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk further directed to publish notice of the passage and to file a copy of this Ordinance, as fully adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 5. 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 April 3, 2018 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on April 17, 2018.

Mayor:

Municipal Clerk: