

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-06

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE ZONING
PROCEDURES, SPECIFICALLY SECTION 13-13E ENTITLED
“RIDGELINE AND HILLSIDE VIEWSHED PROTECTION OVERLAY ZONE” TO
PROVIDE FOR BOARD ENGINEER REVIEW

WHEREAS, the Land Use Board of the Township of Lafayette has determined that a revision to Section 13-13E “Ridgeline and Hillside Viewshed Protection Overlay Zone” is necessary to allow for the Board Engineer to review all Ridgeline and Hillside Viewshed Protection Overlay Zone issues, as he has familiarity with the Township Land Use Board and relevant ordinances; and

WHEREAS, the Governing Body has reviewed and determined to allow for the Board Engineer to review requirements and procedures for the Ridgeline and Hillside Viewshed Protection Overlay Zone, instead of the Township Engineer.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII, Section 13-13E, of the Revised General Ordinances of the Township of Lafayette, “Ridgeline and Hillside Viewshed Protection Overlay Zone”, shall be and is amended as follows:

Section 1. Section 13-13E.2(a), “Applicability”, shall be revised to replace “Township Engineer” with “Board Engineer” in the last sentence by revising the current sentence as follows:

“... to the Board Engineer for review to assure compliance with this section.”

Section 2. Section 13-13E.3(a)(1), “Requests for Zoning Permits, Driveway Permits and/or Building Permits”, shall be revised to replace “Township Engineer” with “Board Engineer” in the third sentence by deleting the current sentence and replacing it as follows:

“...All determinations by the applicant concerning the location of ridgelines shall be subject to the review and approval of the Board Engineer...”

Section 3. Section 13-13E.3(a)(1), shall be revised to replace “Township Engineer and Township Planner” with “Board Engineer” in the final sentence and shall read as follows:

“...shall be subject to review and approval of the Board Engineer.”

Section 4. Section 13-13E.3(a)(2), second paragraph, shall be revised to replace “Township Engineer” with “Board Engineer” as follows:

“...Where it is clearly demonstrated to the satisfaction of the Board Engineer...
...pursuant to a plan submitted to the Board Engineer; a Ridgeline and Hillside Viewshed Protection Area Certificate of Compliance may be issued administratively by the Board Engineer.”

Section 5. Section 13-13E.3(a)(2), fourth paragraph, first sentence, shall be revised to replace “Township Engineer” with “Board Engineer” as set forth below:

“The fees for an application for a Certificate of Compliance from the Board Engineer...”

Section 6. Section 13-13E.3(b)(3), “Site Plan, Subdivision and Variance Applications to the Land Use Board”, third paragraph, last sentence, shall be revised to replace “Township Engineer and Township Planner” with “Board Engineer” in the last sentence of the paragraph as set forth below:

“...shall be subject to review and approval of the Board Engineer.”

Section 7. Section 13-13E.4(a)(1), “Standards of Review”, shall be revised to replace “Township Engineer” with “Board Engineer” as set forth below:

“...shall demonstrate to the satisfaction of the Land Use Board or Board Engineer....”

Section 8. Section 13-13E.4(b)(1), “Viewshed Protection Requirements”, shall be revised to replace “Township Engineer and Township Planner” with “Board Engineer” as set forth below:

“...confirmed by the Board Engineer and shall demonstrate to the satisfaction of the Land Use Board and Board Engineer, as the case may be...”

Section 9. Section 13-13E.4(b)(6), “Areas of Protection”, shall be revised to replace “Township Engineer” with “Board Engineer” in the last sentence, as set forth below:

“...All planting stock shall be deer-resistant, native, indigenous species, and subject to review and approval by the Land Use Board and/or Board Engineer....”

Section 10. Section 13-13E.8(e)(2), “Lighting”, shall be revised to replace “Township Engineer” with “Board Engineer” in the last sentence as set forth below:

“...lighting inspection by the Board Engineer prior to the issuance of a certificate of occupancy, and lighting fixtures shall be fitted with side shielding as may be directed by the Board Engineer.”

Section 11. 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 12. 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 13. This Ordinance may be renumbered for codification purposes.

Section 14. 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. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 15. 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 May 1, 2018 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on May 15, 2018.

Mayor:

Municipal Clerk: