

**LAFAYETTE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-14

**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  
REVISE REVIEW REQUIREMENTS**

WHEREAS, the Governing Body and Land Use Board of the Township of Lafayette have determined that revisions to Section 13-13E “Ridgeline and Hillside Viewshed Protection Overlay Zone” are necessary to allow certain activities that have little or no effect on the Ridgeline to be permitted, without cost to property owners; and

WHEREAS, the Governing Body and the Land Use Board of the Township of Lafayette have reviewed the current Ordinance and determined to allow for additional activities and development within the Ridgeline and Hillside Viewshed Protection Overlay Zone, without requiring additional review and/or a Certificate of Compliance.

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.6(d), “Exemptions”, shall be revised by deleting subparagraph (d) in its entirety and replacing it as set forth below:

d. No certificate of compliance shall be required for an addition to an existing dwelling or garage five hundred (500) square feet or smaller located within the Ridgeline and Hillside Viewshed Protection Area except when such addition shall increase the footprint and/or gross floor area of a dwelling by more than thirty-five (35%) percent. Incremental additions occurring after the date of adoption of this section (February 16, 2010), which result in a cumulative increase in footprint or floor area of five hundred (500) square feet beyond the footprint or floor area of the dwelling as of February 16, 2010, shall be permitted only when such certificate of compliance has been received. Construction of new accessory structures such as detached garages in excess of five hundred (500) square feet on existing developed lots of record as of February 16, 2010, within the Ridgeline and Hillside Viewshed Protection Area shall require the issuance of a Ridgeline and Hillside Viewshed Protection Area certificate of compliance prior to the issuance of a building permit.

Section 2. Section 13-13E.6 “Exemptions”, shall be revised by addition of a new subparagraph (f), as set forth below:

f. Removal of ten (10) or fewer trees with a four (4”) inch caliper (dbh) or less shall be exempt from the requirements of this Ordinance.

Section 3. Section 13-13E.6 “Exemptions”, shall be revised by addition of a new subparagraph (g), as set forth below:

g. Decks and patios added to existing residences that are less than five hundred (500) square feet in size and swimming pools capable of installation without removal of any trees or within the exemption of Ord. 13-13E.6.f shall be exempt from the requirements of this Ordinance.

Section 4. 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 5. 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 6. This Ordinance may be renumbered for codification purposes.

Section 7. 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 8. 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 on August 7, 2018 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on September 4, 2018.

Mayor:

Municipal Clerk: