

**LAFAYETTE TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-17

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF LAFAYETTE, SECTION 13-5, DEFINITIONS, AND SECTION 13-14,  
REGULATIONS GOVERNING CONDITIONAL USES, TO PERMIT ELDER COTTAGE  
HOUSING OPPORTUNITY DWELLING UNITS

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, being the Zoning Chapter, shall be and is hereby amended to allow Elder Cottage Housing Opportunity dwellings, as follows:

**Section 1.** New definitions are added to section 13-5 for “Elder Cottage Housing Opportunity (ECHO) Dwelling Unit”, as follows:

*Elder Cottage Housing Opportunity (ECHO) Dwelling Unit* shall mean a small, removable residential unit designed to provide temporary housing for immediate relatives who are 55 years or age or older or disabled in a movable accessory residential structure on a lot containing a principal residential structure.

**Section 2.** New Subsections 13-8.2 g and 13-13 B.2 e shall be adopted as follows:

13-8.2 g. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit in accordance with § 13-14.b.10.

13-13 B.2 e. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit in accordance with § 13-14.b.10.

**Section 3.** New Section 13-14.b.10, Elder Cottage Housing Opportunity (ECHO) Dwelling Unit, shall be adopted as follows:

10. Elder Cottage Housing Opportunity (ECHO) Dwelling Unit

An ECHO unit shall be considered an accessory conditional use to an existing residential structure on any residentially used lot containing a single-family detached dwelling unit as the principal residential structure on the lot. This use is designed to provide an affordable alternative to assisted living, nursing home or boarding home care, so that immediate relatives, 55 years of age or older, or a disabled family member, may live nearby but not in the same dwelling unit. The ECHO unit shall be easily removable when it is no longer needed. A conditional use permit shall be procured from the Land Use Board to install the ECHO unit.

(a) Occupancy standards. An ECHO unit is for the use and occupancy by not more than two persons, one of whom is an immediate relative, related by blood, marriage or adoption to the owner of the primary single-family detached dwelling unit and who shall occupy the primary single-family detached dwelling unit on the premises. The ECHO unit may also house one professional caregiver if the unit is only occupied by one qualified individual. One of the ECHO unit-related occupants shall be at least 55 years of age unless the immediate relative is disabled. Should the qualified occupant vacate the unit, the caregiver and/or nonqualified occupant must also vacate the unit within 90 days.

(b) The owner of the primary single-family detached dwelling unit shall file an annual letter with the Township Zoning Officer certifying continuing compliance by the permittee with the conditions of the original conditional use permit. The Zoning Officer shall conduct an inspection upon the letter being received and the inspection fee being paid. In the event of a permanent change of address of the occupant(s) or

vacancy of the ECHO unit, the owner of the primary single-family detached dwelling unit shall give written notice to the Township Zoning Officer within 30 days of the change. Within 90 days of a permanent change of address of the occupant(s) or vacancy of the ECHO unit, the ECHO unit shall be removed from the premises and written notification of such shall be given to the Township Zoning Officer. The Zoning Officer shall have the discretion to extend the time for removal upon written request and reasonable cause. Within 60 days of the removal of the ECHO unit, the lot shall be restored to the status prior to the installation of the unit. The owner of the primary single-family detached dwelling shall give written notification of such to the Zoning Officer within this time period.

- (c) The applicant for an ECHO unit shall submit a conditional use application to the Land Use Board.
- i. The fee for the ECHO conditional use application shall be \$250.
  - ii. The escrow fee for the conditional use application shall be \$500.
  - iii. Public notice of the ECHO conditional use application shall be provided by the applicant at least ten (10) days prior to the Land Use Board meeting at which the application shall be heard, which notice include:
    - a) Notice to the owners of all real property as shown on the current tax duplicates, located in the State and within 200' in all directions of the property which is the subject of the Conditional Use application; and
    - b) Public notice by publication in the official newspaper of the municipality.
  - iv. Upon finding of consistency with the standards set forth in this section, the Land Use Board shall cause a letter to be issued to the Zoning Officer indicating approval of the ECHO conditional use application, which approval shall be conditioned upon any terms the Board may require, the requirements of this section and all applicable building and health codes for a residential dwelling.
- (d) An ECHO unit shall be subject to the following conditions:
- i. Only one ECHO shall be permitted per lot, and it shall meet the following requirements.
  - ii. ECHO units shall meet the setbacks for the principal structure.
  - iii. ECHO units shall be located within the rear yard. The Land Use Board may permit an ECHO unit to be placed in the side yard, area, provided that landscaping or other buffering approved by the Board screens the unit from view from the street and adjoining neighbors. The preferred location is within the rear yard, behind the existing single-family detached dwelling unit. ECHO units shall not be located in the front yard.
  - iv. The Land Use Board may require landscaping, buffering or treatments such as skirting or other foundation treatments, when, in the opinion of the Board, such measures are determined to enhance visual compatibility of the ECHO dwelling unit with the neighborhood or neighboring uses.
  - v. The ECHO unit shall be federally or state labeled pursuant to the National Manufactured Home Construction and Safety Standards Act of 1994 or N.J.A.C. 5:23-4A, whichever is applicable, and as may be amended.
  - vi. The ECHO unit shall not exceed 720 sq. ft. of gross floor area.
  - vii. The ECHO unit shall contain a kitchen, living facilities, not more than two bedrooms, and a single bathroom equipped with low flow plumbing fixtures as required by the Plumbing Subcode of the Uniform Construction Code.
  - viii. The ECHO unit shall be self-contained, barrier-free, energy efficient and capable of being moved to another site.
  - ix. There shall be one additional parking space provided on site that is dedicated to the ECHO unit, which shall be in addition to parking otherwise required.
- (e) Written approval of existing well and septic systems by the Board of Health shall be submitted along with the conditional use application to the Land Use Board. The existing septic system may be expanded if necessary, but a separate septic system shall not be created for the ECHO unit.

- (f) At such time as the ECHO unit is no longer occupied as required herein, an ECHO unit may be relocated within Lafayette Township in accordance with the requirements of this section upon reapplication to the Land Use Board in accordance with the procedures and requirements set forth herein.
- (g) Applicants for ECHO units shall submit 16 copies of the application form and site plan which illustrates conclusively that all conditions for the conditional use have been met. The site plan, at a scale easily readable and with dimensions clearly indicated, shall include the following:
- i. Location of existing and proposed building and structures.
  - ii. Location of existing and proposed parking.
  - iii. Proposed lighting, signs and landscaping.
  - iv. Existing and proposed pedestrian and vehicular circulation.
  - v. If additional impervious surfaces are proposed to be added, the applicant should indicate how stormwater management for the ECHO unit is proposed to be accommodated.
  - vi. An interior layout shall be included so as to permit the Board to determine that the maximum percentages of floor area will be complied with.
  - vii. Location of existing structures on surrounding lots.
  - viii. Driveways on surrounding lots and lots across from subject property.

**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.** The Township Clerk is directed to give notice at least ten 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 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 7.** This ordinance may be renumbered for codification purposes.

**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: