

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2021-16

AN ORDINANCE AMENDING CHAPTER 13, ZONING, OF THE CODE OF THE TOWNSHIP OF LAFAYETTE ESTABLISHING THE INCLUSIONARY MULTI-FAMILY OVERLAY ZONE (I-MFO) FOR BLOCK 8, LOTS 17.01, 17.02, 26.01, 26.02, 26.04 AND 26.05 TO PERMIT MULTI-FAMILY RENTAL APARTMENT HOUSING INCLUDING AFFORDABLE RENTAL APARTMENTS

WHEREAS, the Township of Lafayette desires to implement zoning standards for the provision of multi-family rental housing, including twenty-eight (28) affordable housing units, appropriately situated within the municipality to diversify the municipal housing stock and to provide an alternative form of housing not widely available within the municipality; and

WHEREAS, Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 are appropriately situated lands with frontage along NJ State Routes 15 and 94 that are partially developed with a retail outlet shopping center, an abandoned school and a single-family dwelling, which together form a contiguous tract of land capable of supporting a combination and mix of retail, professional and medical office and multi-family uses;

NOW, THEREFORE, BE IT ORDAINED:

Section One. Chapter 13, Zoning, § 13-3.2, “Zoning Map” is hereby amended and supplemented by designating Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 “Inclusionary Multi-Family (IMF) Overlay Zone, as shown on the exhibit attached hereto entitled “The Shoppes at Lafayette - IMF Overlay Zone” and dated June 2021.

Section Two. Chapter 13 Zoning, is hereby amended and supplemented by adding the following new Section 13-13G, entitled Inclusionary Multi-Family Overlay Zone, as follows:

§ 13-13G. IMF Inclusionary Multi-Family Overlay Zone. The IMF Inclusionary Multi-Family Overlay Zone shall include Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.03 and 26.04.

1. Purpose.

a. Purpose: The purpose of the IMF Inclusionary Multi-Family Overlay Zone is to provide an opportunity for the diversification of housing choices available in the Township of Lafayette by adding inclusionary multi-family rental housing as a supplemental development option to lands designated Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 that are currently developed as a retail outlet shopping center, a former school and a single-family residential home. It is the intention of this overlay zone to allow for the continuation of retail outlet shopping center uses and to supplement permitted uses to allow for individual office uses as defined per §13-5 not exceeding 10,000 sq. ft. within the existing shopping center. It is also the intention of this overlay zone to permit a maximum of 138 rental apartments including 28 affordable rental apartments of which up to six (6) affordable apartments may be provided within existing retail buildings on site. This Overlay Zone is intended to maximize the efficient use of land while at the same time accommodating a diversity of nonresidential and residential uses on site.

b. The IMF Overlay Zone establishes two separate use areas for Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 (The Shoppes at Lafayette) including Inclusionary Multi-Family IMF –residential rental apartment use oriented along Route 15 and on the northerly side of the site and the HC shopping center use on the west-central and southerly sides of the site. A maximum of 138 multi-family residential rental apartments including twenty-eight (28) affordable apartments shall be permitted and configured substantially similar to the concept plan for the site attached hereto as ATTACHMENT 1, dated June 2021, as follows:

1. Three (3) 36-unit rental apartment buildings oriented adjacent to Route 15, each including 6 affordable apartments (labeled Building 1, 2 and 3 on ATTACHMENT 1);
2. One (1) 24-unit rental apartment building on the north side of the site including 4 affordable apartments (labeled Building 4 on Attachment 1); and

3. Six (6) affordable rental apartments that may be constructed within existing retail / nonresidential buildings on site.

The remaining west-central and southerly portions of the site will remain retail shopping center with restaurant uses pursuant to HC Highway Commercial District zoning (§ 13-12) that may include individual office uses as defined at § 13-5 not exceeding 10,000 sq. ft. All uses shall share infrastructure, including driveways, parking, sidewalks, wastewater disposal and potable water. On-site circulation shall be designed to discourage cut-through traffic between State Highways 15 and 94. On site circulation driveways shall be designed and include improvements to prevent headlight glare impacts on residential units.

c. GOZ Gateway Overlay Zone regulations. Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 are included within the GOZ (§ 13-13.C.) and are subject to site plan standards for the GOZ (§ 12-8.3.f.). All determinations regarding the use of land shall be controlled by the requirements and restrictions of the IMF Overlay Zone and the HC District. GOZ standards not superseded by this section shall apply in the IMF Overlay Zone. Where a conflict appears to exist among the GOZ, the IMF Overlay Zone and underlying zone requirements, the more restrictive zoning regulation shall apply.

2. Permitted uses.

- a. Permitted uses in the HC Zone, in accordance with § 13-12.1.
- b. Within the non-residentially developed area of the IMF Overlay, individual professional and medical office uses are permitted with each leasable office space not exceeding 10,000 sq. ft. for a total of up to 30,000 sq. ft. of the nonresidential floor area of the site.
- c. Residential rental apartments:
 - i. Maximum number of residential rental apartments: 138.
 - ii. Minimum number of affordable rental apartments: 28.
 - iii. Maximum number of apartment buildings: 4.

3. Affordable units.

- a. Affordable rental apartments shall be distributed throughout each residential apartment building such that the affordable units are evenly disbursed among each rental apartment building with 6 affordable apartments per 36-unit apartment building and 4 affordable apartments per 24-unit apartment building.
- b. Up to six (6) of the required 28 affordable apartments may be established within non-residential buildings existing on site.

4. Wastewater and potable water facilities.

- a. Wastewater facilities. All development on Block 8, Lots 17.01, 17.02, 26.01, 26.02, 26.04 and 26.05 shall be served by an on-site wastewater collection and treatment system wholly contained within the tract.

The Township of Lafayette assumes no responsibility for NJDEP approvals for wastewater collection facilities 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 IMF Overlay, 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 zoning, subdivision and site plan ordinances.

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.

- b. Potable water facilities. The applicant shall submit documentation demonstrating that an adequate water supply is provided for which sufficient performance guarantees shall be required for the construction and maintenance of water supply.

5. Area, Yard and Bulk Requirements – Rental Apartments.

- a. Minimum Tract Area: 20-acres.
- b. Tract Frontage and Width. The minimum tract frontage on all public roads shall be not less than 200 feet.
- c. Setback from Rights-of-Way: 100 feet, except as provided herein below.
 - i. May be reduced by the Board to 50' provided that a landscaped berm with a stockade fence is provided between the edge of the right-of-way and a reduced building setback, as follows:
 - (1) The berm shall be not less than 4' in height and less than 30' in width.
 - (2) Berm side slopes shall not exceed 3:1 slope.
 - (3) Each side slope of the berm shall be landscaped with a double staggered row of 8' – 10' tall evergreen trees at the time of planting, which shall be planted not more than 15' on center.
 - (4) A solid wood stockade fence not less than 6' or more than 8' in height shall be erected along the centerline of the length of the berm.
 - (5) At the sole discretion of the Board, the berm may be reduced in height and width, but in no case shall the evergreen landscaping and fencing required be less than that which is required. The Land Use Board shall determine fence height and berm height and width at the time of site plan approval.
 - (6) At the sole discretion of the Board, the berm, fencing and landscaping requirements above (5.c. (1) - (4)) may be modified along the Route 15 frontage on the north side of the Route 15 access driveway to the site.

6. Building setbacks (minimum):

- a. Rear yard: 50'
- b. Side yard: 50'
 - i. A side yard landscaped buffer 25' in width and consisting of continuous row of 8' – 10' tall evergreen trees at the time of planting shall be provided in all rear and side yards. The Land Use Board may waive the required landscaping in the rear and side yard buffer where existing vegetation equivalent to the requirement is provided on site.
- c. Setback from internal roadways and parking curb line: 16'
 - i. Planting strip between sidewalk and curb (min.): 3'
 - ii. Sidewalk width (min.): 4'
 - iii. Building setback from sidewalk: 9'
- d. Distance Between Residential Buildings: 75', which may be reduced to 50' where in the opinion of the Board physical or environmental limitations exist that warrant a reduction in the distance between buildings.
- e. Building Coverage: 40% (all development on tract).
- f. Impervious Lot Coverage: 70% (all development on tract).
- g. Maximum building height: 3 stories / 43'.
- h. The NJ Residential Site Improvement Standards ((R.S.I.S.), (N.J.A.C. 5:26-1 et seq.)) shall apply to the residential development portion(s) of the site.

7. Affordable housing requirements. All twenty-eight (28) affordable units shall comply with N.J.A.C. 5:93-1 et seq. (COAH's Chapter 93, Substantive Rules) and N.J.A.C. 5:80-26.1 et seq., the NJ Uniform Housing Affordability Controls (U.H.A.C.) as may be amended, supplemented, or replaced by regulation or law, with respect to construction, affirmative marketing, administration, income qualification, bedroom mix, occupancy and affordability controls.

- a. Deed restrictions memorializing at least 30-year affordability controls shall be prepared on forms authorized in U.H.A.C. and submitted to the Township Attorney and Township Affordable Housing Administrator for review and approval. Deed

restrictions shall be recorded by the applicant as a condition of site plan approval. No certificate of occupancy shall be issued until affordability controls have been recorded. In accordance with U.H.A.C. deed restrictions shall be for at least 30 years and until the municipality releases the deed restrictions by ordinance.

- b. Phasing. Affordable housing construction and delivery shall conform to N.J.A.C. 5:92-10.4 (c) and N.J.A.C. 5:93-5.6 (d) to the extent practicable within the contours of the development contemplated.
 - c. Administration. The developer or the Township shall contract with a qualified and experienced administrative agent (“Administrative Agent”) for the administration of the affordable units and the apartment developer / owner shall have the ongoing obligation to pay all costs associated with administration and properly deed restricting the affordable units in accordance with UHAC and other applicable laws for the Deed-Restriction Period. A draft contract with the administrative agent shall be submitted by the developer with the site plan application, which shall be subject to review and approval by the Land Use Board, Township Affordable Housing Administrator and Township Attorney and executed as a condition of any approval granted by the Board.
 - i. The municipality reserves the right to accept or reject a proposed affordable housing administrative agent.
 - d. The developer and the Administrative Agent for the affordable units shall work with the Township and the Township’s Affordable Housing Administrator regarding the affordable units and any affordable housing monitoring requirements imposed by COAH or the Court. The Administrative Agent shall prepare affordable housing periodic compliance reports on the affordable units to comply with State regulation, law and as required by the Court.
 - e. The developer and the administrative agent shall comply with all affirmative marketing requirements of UHAC and the Housing Resource Center legislation passed by the New Jersey Legislature (P.L. 2020. c. 51 (C.52:27D-321.3 et seq.)), effective November 1, 2020 that requires owners, developers, property managers and all other administrative entities responsible for the affirmative marketing of any affordable housing unit to post unit listings, applications, lottery announcements 60-days prior to a lottery and include a link to an on-line fillable application form and information to request a paper application, among other affirmative marketing requirements.
 - f. Income mix requirements for the affordable units. At least 50 percent of the units (14-units) shall be affordable to a combination of very-low-income and low-income households, while the remaining affordable units shall be affordable to moderate-income households. At least four (4) of the affordable units shall be available to very low-income households (defined as units affordable to households earning 30 percent or less of the regional median income by household size), which shall be distributed across the required bedroom mix (i.e. one 1-bedroom unit, two 2-bedroom units, and one 3-bedroom unit).
 - g. Bedroom mix for the affordable units. The developer shall comply with the requirements of UHAC with respect to the bedroom mix of the affordable housing units including the requirement that at least 20% of the affordable housing units are three (3) bedroom units, no more than 20% of the affordable housing units are one (1) bedroom units, and the remainder may be two bedroom units. The developer shall require that the income mix be distributed across the bedroom sizes in accordance with UHAC.
8. Off-street parking, driveways and on-site circulation.
- a. IMF residential rental apartment development is subject to the NJDCA Residential Site Improvements Standards (RSIS); however, the addition of residential development to existing non-residential development on site with associated parking presents the opportunity for shared parking, which is desirable to reduce the amount of impervious coverage from requiring parking in accordance with applicable residential and non-residential parking requirements.
 - b. Calculations shall be provided for all required parking in accordance with ordinance requirements for non-residential parking and the RSIS.
 - i. A parking plan identifying spaces required to meet the total residential and nonresidential parking requirements for the site shall be provided that includes and clearly delineates:

1. Parking spaces that respond to Ordinance parking standards for non-residential development.
 2. Parking spaces that respond to the RSIS requirement for parking.
 3. Shared parking opportunities on the site plan, which shall include clearly delineated notations identifying the three categories of parking (1) residential, (2) non-residential, and (3) shared parking.
 4. The Land Use Board may approve a banked parking configuration.
 5. The Land Use Board may approve a number of parking spaces less than the total number of residential and nonresidential parking spaces required based on shared parking opportunities.
- c. Parking for all apartments shall be provided in proximity and adjacent to the apartments for convenient resident access.
- i. There shall be one designated parking space per apartment that is located within 100' of the front door of the building that is in closest proximity to the apartment for which the parking space is designated. The space(s) need not be assigned to an individual tenant; however, the parking plan shall demonstrate that this requirement can be met.
- d. Driveways and parking areas for the apartment buildings shall be clearly marked with directional signs to separate residential apartment traffic from nonresidential interior on-site traffic circulation, except where shared use of driveways and parking is approved by the Board.
- e. Interior driveway access shall be designed to discourage cut-through traffic between Routes 15 and 94.
- f. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with Township road specifications; provided, however, that, upon recommendation of the Land Use Board Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement edge or for similar functional purposes, and further provided that pavement construction shall be sufficient for traffic.
- i. Parking areas shall be located at least sixteen feet (16') away from a rental apartment building and fifty (50) feet from a tract boundary.
 - ii. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways and drive aisles shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic.
 - iii. Sidewalks shall be provided along at least one side of any internal road serving residential development and shall provide a pedestrian connection to walking path(s) that shall be provided for the use and enjoyment of the residents.
 - iv. Public right-of-way frontage shall be improved with pedestrian sidewalk and curb. A planting strip with a minimum width of 3' shall be provided between the curb and sidewalk.
- g. Parking areas shall be appropriately landscaped to minimize off site headlight glare impacts to adjoining residential uses and to soften lighting impacts and the view of parked vehicles from adjoining residential uses within the tract.

9. Landscaping, buffering and lighting.

- a. Landscaping shall be provided including a generous supply of foundation plantings and ornamental trees for the residential rental apartment buildings.
- i. A landscaping plan addressing the requirements of § 13-8B.5.a. 2 & 3, and 12-8.3 (Design and Architectural Standards and Considerations, and Design Standards) shall be submitted for Board review and approval, which shall identify all proposed landscaping for residential site development.
 - ii. The landscaping plan shall identify supplemental, replacement and required buffer plantings in accordance with the requirements set forth below.
 - iii. Driveways, internal roads and parking areas shall be suitably landscaped as may be necessary to minimize headlight glare impacts and screen the view of parked vehicles to residential uses off site and within the tract.
 - iv. An open space area including an open play area not less than 75' x 100' shall be provided within the residential development.
 - v. A tot lot, benches and picnic tables shall be provided to serve apartment residents.
- b. Buffers.
- i. Perimeter Buffer: A minimum 25' wide landscaped buffer shall be maintained along all boundaries, which shall not be occupied by any site improvements, including buildings, driveways, parking, etc., however a pedestrian walking path circulating

around the perimeter of the site shall be permitted within or adjacent to the landscaped buffer, and stormwater management grading may be permitted within the landscaped buffer to the extent deemed necessary by the Board.

- ii. Frontage Buffer: A minimum 20' landscaped buffer shall be maintained along Route 15, which shall include landscaping and fencing referenced in § 13-13G.5 above, except that trees planted shall attain a height of not less than twenty feet (20') within four years of planting.
 - iii. Hedgerows, tree lines, forested areas. Efforts shall be made to maintain existing significant stands of trees and common hedgerows along property lines and the public right-of-way. The objective is to minimally impact adjacent land uses and roadside features by maintaining existing vegetation to the extent achievable and practicable.
 - iv. Supplemental buffering and landscaping. When found necessary and desirable by the Planning Board, supplemental buffering and landscaping may be required to enhance visual screening of various elements of the development when viewed from off-tract.
 - v. Landscaped buffer easements shall be designated over all required buffers, which shall be protected and maintained in perpetuity. Landscaping lost to damage, pests, disease, die-off, removal or another cause shall be promptly replaced as per site plan approval.
- c. Lighting. Adequate artificial lighting shall be provided in parking areas and along sidewalks, walkways and internal roads and driveways.
- i. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines so as to prevent light pollution and light trespass as these terms are defined at § 13-5.
 - ii. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent property.
 - iii. Lighting fixture specifications shall indicate that lighting used throughout the residential development portion of the tract shall emit light in the range of 2800°K – 3500°K.
 - iv. Lighting fixtures used throughout the tract shall be thematically coordinated with similar styles and lighting sources.
 - v. All lighting shall be subject to an in-service lighting inspection by the Board Engineer. Where deemed necessary and appropriate by the Engineer to minimize off site glare, lighting fixtures shall be adjusted or fitted with shields to reduce glare and brightness.

10. Architectural design.

- a. Preliminary architectural designs of Building 1, 2 & 3 shall be refined by the developer and subject to final review and approval by the Land Use Board.
- b. Architectural design of the rental apartment building(s) shall incorporate a sufficient degree of architectural design and exterior building material variation to exude a high-quality exterior appearance. Exterior design shall conform to the requirements set forth at § 12-8.3.f.2. to the extent required by the Land Use Board.
 - i. Exterior design shall utilize exterior features such as traditional stone or brick water tables, clapboard siding and other residential design elements. Roof pitch, door and window style and placement, exterior trim and ornamentation, etc., should emulate and expand upon Lafayette Township vernacular architectural style and the architectural style of the existing development on site.
 - ii. Rental apartment building exterior architectural design, materials and colors should be coordinated, substantially consistent and harmonized among the buildings, and shall conform to the requirements of § 12-8.3.f.2.(g).
 - iii. Building 4 exterior design shall be subject to the requirements set forth in this section and shall be substantially similar and thematically compatible in architectural style and appearance and complimentary to the architectural style of existing retail development on site and subject to approval by the Board.
 1. To achieve this, the exact reproduction of the existing architectural style of existing buildings is not expected; however, exterior architectural details not included on existing buildings shall be incorporated to achieve high-quality exterior design, including earth tone building color, thematically compatible siding materials, fenestration, roof pitch, roofing material and roof color, and roof overhang with extended soffit dimensions at rake and eaves.
 2. Building design shall include exterior architectural features to add visual interest, such as corner posts, windows with sills, and lintels or headers, exterior residential-style doors with decorative pilasters, transom and hood, and

an articulated entablature at the eaves including decorative dentil, brackets and moldings, decorative wood banding across gable end walls between eaves and stone or brick water table.

11. Pedestrian Circulation.

- a. Pedestrian sidewalks and internal circulation connections shall be provided and designed in accordance with § 12-8.3.f.4.

Section Three. RENUMBERING. This ordinance may be renumbered for codification purposes.

Section Four. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section Five. REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting on June 1, 2021 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on July 6, 2021.

Mayor:

Municipal Clerk: