LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY

ORDINANCE 2026-20

AN ORDINANCE REVISING CHAPTER 13 ENTITLED "ZONING", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, NEW JERSEY, ADDING "ACCESSORY APARTMENT" AS A PERMITTED CONDITIONAL USE FOR CERTAIN FAMILY RELATIONSHIPS WITHIN ALL RESIDENTIAL DISTRICTS AND ADDING CONDITIONAL USE STANDARDS FOR ACCESSORY APARTMENTS AND ADDING A DEFINITION OF ACCESSORY APARTMENT WITHIN A SINGLE-FAMILY RESIDENCE AT 13-5 PURSUANT TO RECOMMENDATION OF THE LAFAYETTE TOWNSHIP LAND USE BOARD REEXAMINATION REPORT ADOPTED JUNE 25, 2026

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex recognizes that living accommodation opportunities for the older aging population in need of assistance as health circumstances change are limited and existing assisted living facilities are often expensive and unaffordable to many on fixed incomes, and

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex further recognizes that living accommodation opportunities for both the younger and older aging population can be limited and hard to locate or otherwise can be challenged to afford, and

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex further acknowledges that children of residents that have been educated and living in the Township since a young age are increasingly leaving the area in search of job opportunities and more affordable living arrangements, and

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex further recognizes that permitting accessory apartments within single family residences as a conditional use for certain immediate family members provides a housing opportunity to address the aforesaid existing housing limitations and provides an opportunity to enhance the choice of goods and services available within the Township and may afford an opportunity for children of residents growing up in the community to continue to reside in the Township and affords a living arrangement that can assist aging family members and younger family members alike, and

WHEREAS, the Master Plan of Lafayette Township sets forth the vision for future development in the Township that involves retaining its character as a small rural town and at the same time continuing to thrive as an active livable community while maintaining a positive economic climate; and

WHEREAS, permitting an accessory apartment within a single-family residence dwelling unit in the residential zones for family members will not change the character of the residential neighborhoods with adoption of certain conditions and procedures that will be required to be connected to the accessory apartment, and

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex has reviewed the Major problems and Objectives section of the Township Master Plan and numerous Reexamination reports adopted over the years including the Lafayette Township Reexamination Report adopted by the Lafayette Township Land Use Board on June 25, 2026 that recommended that accessory apartments within single family residences be considered as a permitted conditional use in residential zoning districts,

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Lafayette, Chapter 13 of the Revised General Ordinances of the Township of Lafayette, being "Zoning", shall be revised to include adding "Accessory Apartments within a single-family residence" as a permitted conditional use within the R-5, R-4.0, R-2.5 RESIDENTIAL DISTRICTS and the VR VILLAGE RESIDENTIAL DISTRICT. The changes are as follows:

SECTION 1. Ordinance 13-5

Accessory Apartment Within a Single-Family Residence

See Dwelling Unit, Types

DWELLING UNIT, TYPES

(h) **ACCESORY APARTMENT WITHIN A SINGLE-FAMILY RESIDENCE**

Shall mean a suite of rooms, with a full private bath and cooking accommodations, used or designed for use as a separate residence within a single-family detached dwelling unit by a specified person or persons related to one of the principal occupants of the single-family residence.

SECTION 2. Ordinance 13-8.2 Conditional Uses Permitted

(j) Accessory Apartments within a single-family residence in accordance with Section 13-14(b)12.

SECTION 3. Ordinance 13-13B.2 Conditional Uses Permitted

(f) Accessory Apartments within a single-family residence in accordance with Section 13-14(b)12.

SECTION 4. Ordinance 13-14 REGULATIONS GOVERNING CONDITIONAL USES**.**

(b) Specific Conditions for Conditional Uses.

(12) Accessory Apartments Within a Single-Family Residence in the R-5, R-4, R-2.5, and VR districts

a. The number of apartments within a single-family residence shall be limited to one and shall be located within the principal building.
b. Not more than 25% of the floor area of the principal building may be used for the apartment.
c. The applicant shall demonstrate that adequate off-street parking is available for the combination of the principal residential use and the apartment.
d. The applicant shall demonstrate that adequate on-site septic system capacity exists to support the addition of the proposed accessory apartment, which shall include a letter from the Department of Health approving the septic system for the additional dwelling unit within the single-family dwelling.
e. The exterior appearance of the principal structure shall not be substantially altered or its appearance as a single-family residence changed.
f. The minimum size of apartments shall conform to FHA minimum unit size by bedroom count.
g. The occupants of the apartment shall be limited to the mother, father, son, daughter, brother, sister, grandparent (in any degree) and/or grandchild (in any degree), together with their respective spouses and children, of one of the principal occupants of the single-family residence.
h. At such time as the apartment becomes unoccupied, or at such time as the occupants of the apartment do not, or no longer, bear the requisite relationship to a principal occupant of the single-family residence pursuant to Subsection (g) of this section, the conditional use approval shall terminate. In the event that ownership of the premises changes, there shall be a rebuttable presumption that such requisite relationship no longer exists.
i. The owner of the premises which has been granted approval for such conditional use shall certify annually, on a form provided by the Municipal Clerk/Administrator, that the conditions for the conditional use are still being satisfied.

SECTION 5. 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 6. 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 7. This Ordinance shall take effect after publication and passage according to law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Township Committee of the Township of Lafayette, Sussex County, New Jersey held on August 4, 2026 and will be considered for final passage after public hearing at a regular meeting of the Township Committee to be held on September 1, 2026 at 7:00 pm in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ.

ANNAROSE FEDISH, RMC
Municipal Clerk