

CHESTERFIELD TOWNSHIP

ORDINANCE NO. 2018-23

AN ORDINANCE AMENDING CHAPTERS 130-40 AND 42 TO REVISE USE REGULATIONS IN ORDER TO ADDRESS CHILD CARE USES

WHEREAS, the Township Code currently allocates Transfer of Development Right (“TDR”) requirements based upon certain use groups; and

WHEREAS, Renaissance, the developer of the commercial areas of the Planned Development District has presented information regarding changes in the way that child care uses operate and their desire for in-line space as opposed to a stand-alone building akin to a civic use; and

WHEREAS, the Township has reviewed the information and agrees that the change in operations of these kinds of uses justifies a change in the TDR requirements associated with same.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chesterfield, as follows:

SECTION 1: Chapter 130-40 of the Code of Chesterfield Township shall be amended as by adding the following provisions:

§ 130-40. Use regulations.

A building or buildings may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with the regulations specified herein.

A. Development in accordance with the previously underlying Agricultural District (AG) standards (or any standards not set forth in the PVD District) is prohibited. Sewer service availability to the District negates the necessity to provide development options other than those set forth below. All new developments shall be required to have both public water and sewer service. For the purpose of this section, the term "public water and sewer service" is intended to mean centralized water and sewer service where connections are permitted to water and sewer conveyancing and treatment facilities whether owner operated or maintained and/or controlled by a public or private utility or domestic treatment works that is regulated by applicable governmental agencies pursuant to statutory authority and is consistent with the Township's approved Wastewater Management Plan. Permitted principal uses on the land and in buildings shall be as follows:

- (1) Residential uses (in PVD-1, PVD-2 and PVD-3 Districts), including:
 - (a) Homestead having acreage of greater than 100 acres.
 - (b) Perimeter village house.
 - (c) Village house.
 - (d) Triplex units.
 - (e) Mixed-occupancy dwellings, including apartments, which may be located above shops and other non-residential uses in the PVD-3 District only.
 - (f) Carriage houses and apartments, which may be above detached or attached garages on the same lot as the principal dwelling.

- (2) Civic uses (in PVD-1, PVD-2 and PVD-3 District, to be provided in the receiving area in accordance with the Land Use Village Plan), including:
[Amended 12-27-2002 by Ord. No. 2002-15]
 - (a) Houses of worship (PVD-2 and PVD-3 Districts).
 - (b) Public buildings, including but not limited to post office, community center, fire, emergency and police station facilities.
 - ~~(c) Child care centers.~~
 - (c) Educational institutions, including public and private schools.
 - (d) Parks and recreation facilities, including but not limited to tennis, basketball, football, soccer, hockey and ice skating (PVD-2 and PVD-3 Districts).
 - (e) Libraries (PVD-2 and PVD-3 Districts).

- (3) Commercial uses (in PVD-3 District only), including:
 - (a) Retail uses, including:
 - [1] Retail shops and stores.
 - [2] Financial establishments.
 - [3] Restaurants and taverns, including sidewalk cafes.
 - [4] Arts and crafts studios and shops.
 - (b) Service uses, including
 - [1] Child Care Centers
 - [2] Personal and business services, including fitness centers, postal stores, copy centers, barbershops and beauty salons, laundry/cleaners, etc.

[3] Other similar retail and service uses primarily serving the residents of the PVD Districts and surrounding community

- (c) Office uses, including:
 - [1] Professional services.
 - [2] Medical clinics and offices.
 - [3] General offices.

SECTION 2: Chapter 130-42 of the Code of Chesterfield Township shall be amended as by adding the following provisions:

§ 130-42. Density and intensity of use.

The intensity of use within the PVD-1, PVD-2 and PVD-3 Districts shall be limited according to a standard of development credits per acre rather than by the conventional standards of dwelling units per acre or floor area ratio. The credits available on a given tract are the sum of the underlying credits assigned to the parcel being developed plus the credits purchased and transferred to be utilized on lot(s) in accordance with the provisions of this chapter. Development credits may be utilized only for uses permitted in the respective PVD Districts according to this chapter.

A. The translation of development credits to use is governed by the chart entitled "Ratio of Development Credits to Uses," as follows:

| Ratio of Development Credits to Uses | |
|---|--|
| Number of Credits Required | Type of Development Permitted |
| 1.0 | Detached perimeter village lot |
| 0.9 | Detached village lot |
| 0.75 | Triplex dwelling lot |
| 0.0 | Condominium/apartment over retail |
| 0.35 | Condominium/apartment and carriage houses in freestanding structure |
| 0.0 | Low- and moderate-income housing units |
| 1.0 | Commercial uses including: retail/office/ services per 3,500 square feet |
| 0.5 | Home office |
| 1.0 | Institutional per acre for cemetery, private outdoor recreation, etc. |
| 1.0 | Institutional per 2,000 square feet for houses of worship and child-care center |
| 0.0 | Institutional for public buildings, including public schools, libraries and mu |

SECTION 3 – REPEALER: All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4 – SEVERABILITY: Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

SECTION 5 – EFFECTIVE DATE: This ordinance shall take effect following publication in accord with law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: October 25, 2018

Adopted:

| RECORD OF VOTE | | | | | | | | | | | | | |
|--|-----|-----|----|----|-----|-----|---------------|-----|-----|----|----|-----|-----|
| INTRODUCTION | | | | | | | ADOPTION | | | | | | |
| TWP COMMITTEE | AYE | NAY | NV | AB | ORD | SEC | TWP COMMITTEE | AYE | NAY | NV | AB | ORD | SEC |
| S Davis | X | | | | | | S Davis | | | | | | |
| A Katz | X | | | | | X | A Katz | | | | | | |
| D Koetas-Dale | X | | | | X | | D Koetas-Dale | | | | | | |
| J Liedtka | X | | | | | | J Liedtka | | | | | | |
| R Romeu | X | | | | | | R Romeu | | | | | | |
| X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded | | | | | | | | | | | | | |

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