

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2020-14

**AN ORDINANCE AMENDING CHAPTER 130-40 OF THE TOWNSHIP CODE TO
CREATE NON-CUSTOMARY ACCESSORY USES WITHIN THE PVD-3 DISTRICT**

WHEREAS, by Developer’s Agreement, the Township of Chesterfield reached certain agreements with both Traditions at Chesterfield, LLC and Chesterfield, LLC, regarding the development of property known as Block 202, Lots 24.01, 25.01, and 25.02 comprised of single-family residential dwelling units, duplex/triplex units, apartments, and commercial square footage located within Old York Village; and

WHEREAS, in consideration of the negative economic impacts created by the COVID-19 pandemic, and the desire to promote the completion of construction, and the occupancy of the last mixed-use building within Old York Village, Chesterfield, LLC has proposed a “Work/Live Unit concept”, whereby the predominant storefront portion of a suite is dedicated to commercial use, and a subordinate rear portion is a connected living space for the lessee/operator of the suite; and

WHEREAS, the work/live arrangement is intended to foster a supportive environment that encourages artisans to live and present their creative work in the Township of Chesterfield; and

WHEREAS, the work/live arrangement helps promote sound economic development and increase employment opportunities for the Township’s residents by responding to changing economic conditions; and

WHEREAS, the proposed work/live units will allow for the architecturally appropriate incorporation of residential uses into existing non-residential structures to ensure that any

modifications are compatible with the surrounding commercial area's design and character.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington and State of New Jersey, that Chapter 130-40 of the Code of the Township of Chesterfield, is hereby amended as follows:

ARTICLE I. Amended and New Sections.

§ 130-40. Use regulations. § 130-40 of the Code of the Township of Chesterfield is hereby amended to re-number paragraph A(5) "Conditional Uses", to A(6); and to add the following new subparagraph A(5):

(5) Non-customary accessory uses (in PVD-3 District, Commercial Area Only)

(a) Work/Live Unit.

[1] Purpose. Artisans and creative professionals seek ways to closely integrate life and work. This section provides standards for the experimental development of work/live units to provide an affordable housing option for a specific genre of small businesses while also providing flexibility for development and preserving the commercial vibrancy and viability of the area. Work/live units are intended to be occupied by business operators who live in the same structure that contains the commercial activity. A work/live unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements.

[2] Definition. "Work/live Unit" shall mean a unit configured for both commercial and residential use in which the primary activity is the commercial use and the residential use is clearly subordinate and ancillary to the primary commercial activity; which contains residential accommodations for the owner/operator of the business; that meets basic habitability requirements including a sleeping area, cooking facilities, and sanitary facilities. The work/live unit shall be the dwelling of the business owner/operator, and may not be sublet to employees or other third-parties. The resident shall be responsible for the work performed in the work/live unit and there shall be a valid business license associated with the premises, issued in the name of the occupant or the business owned by the occupant.

[3] Operating Requirements.

i. Permitted commercial uses in work/live units is hereby limited to the following: Home studios of an artist and artisans, designer, photographer, craftsman, writer, composer, musician, or similar person except that home based hair and nail salons shall not to be considered studios as expressed herein, nor shall the offices of

accountants; architects; computer software and multimedia related professionals; consultants; engineers; home-based office workers, insurance, real estate and travel agents; or other licensed professionals.

ii. No more than two employees (excluding the resident of the dwelling unit) shall work or report to work on the premises at one time.

iii. No portion of the work/live unit may be rented or sold separately. The premises may not sublet to any individual, including employees.

[4] Design Standards

i. The residential component of a work/live unit shall comply with all Housing Code requirements.

ii. A work/live unit shall contain no more than 600 square feet of gross floor area of the rental space devoted to the private residential portion of the unit.

iii. Regardless of the allocation of square footage dedicated to “work” versus “live” within one of the two specific units, the accessory and subordinate nature of the “live” component, to the principle and primary nature of the “work” component, shall be based upon the total commercial square footage of the building within which the unit is situated. For example, if the unit is 1,200 square feet, but in order to meet habitability standards the “live” component must be 600 square feet, the “live” component is still subordinate and accessory to the “work” component because the space is defined by the total commercial square footage of the building and not the 1,200 square feet of the individual unit.

[5] Lease Required. The owner of the work/live unit shall agree that the commercial use will be maintained as the primary use of the unit, and that the work space will not be leased separately from the residential space.

[6] Prohibited Commercial Uses Within Work/Live Units.

i. The retail sale of food and/or beverages.

ii. Entertainment, drinking, and public eating establishments.

iii. Veterinary services, including groom and boarding, and the breeding or care of animals for hire or for sale.

iv. Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses.

v. Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;

vi. Trade or Private Schools, including private instruction (except where specifically associated with a use permitted under A(5)(a)[3] above).

vii. Any uses not consistent with those listed in subparagraph 5(a)[3](i) above.

(6) Conditional uses (in the PVD-3 District only), subject to the conditional use

provisions in the Township's ordinances and subject to architectural design standards to ensure compatibility with traditional Central New Jersey village character.

(a) Independent living units and assisted living units for occupancy by residents of age 55 or over, with or without on-site nursing care and medical facilities.

[7] Strict Construction. This section permitting and regulating work/live units shall be strictly construed to limit the menu of uses to be allowed in such units, and any questions or interpretations of same shall be, in the first instance, in the discretion of the Township Zoning Officer; and if the assistance of the Township Planning Board is sought by the Zoning Officer, the matter may be referred to the Planning Board pursuant to N.J.S.A. 40:55D-25(b)(3).

ARTICLE II. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect six months after proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: November 12, 2020

Adopted: December 10, 2020

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Dhopte	X					X	S Dhopte	X					X
D Koetas-Dale	X				X		D Koetas-Dale	X					
J Liedtka				X			J Liedtka	X					
L Panfili	X						L Panfili	X				X	
M Russo	X						M Russo				X		
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													