

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2026-04

**ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD AMENDING CHAPTER
130 THE “LAND DEVELOPMENT” CODE OF THE TOWNSHIP OF
CHESTERFIELD, TO MODIFY THE TDR CREDIT AND RECEIVING AREA
REQUIREMENTS CONSISTENT WITH THE TOWNSHIP’S FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Township of Chesterfield strives to adopt and implement land use and affordable housing regulations that advance the goals and objectives of the Township as set forth in its Master Plan and Housing Element and Fair Share Plan and that are consistent with the NJHMFA’s Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26 and the Amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as related regulations promulgated by the Department of Community Affairs; and

WHEREAS Article IX “Planned Village Development (PVD) District” was initially adopted in 1998 as part of the Township’s voluntary Transfer of Development Rights (TDR) program and to set the stage for the creation of a planned village development within the TDR receiving area where public water and sewer are available and where development would reflect the character of a traditional American village; and

WHEREAS the intent of the PVD is set forth in Township Code section 130-39 and includes the creation of a mixed-use village center that integrates pedestrian circulation, civic facilities, and open space together with other permitted residential and commercial land uses to engender a sense of community and neighborhood identity through a TDR zoning approach that provides a mechanism to transfer development from the predominantly agricultural areas of the Township to the village center where compact patterns of development are encouraged; and

WHEREAS it is also the intent of the PVD to provide for the Township's fair share of the regional need for low- and moderate-income housing and to encourage the provision of a diversity of housing types and lot sizes; and

WHEREAS the build-out of the receiving area is nearing completion and in order to satisfy the Township’s Third Round and Fourth Round affordable housing obligations the Township needs to increase the affordable housing yield above what the current PVD zoning would enable; and

WHEREAS the Township has evaluated the availability of land in the receiving area, the availability of development credits, the PVD zoning and credit requirements, the optimal use of land based on market conditions and the Township’s PVD design principles, development costs, and affordable housing subsidy costs; and

WHEREAS the Township hired a real estate economist to prepare a market study to consider the feasibility of increasing the affordable housing set aside in the receiving area without compromising the integrity of the TDR program or the character of the PVD; and

WHEREAS the Township has worked with Fair Share Housing Center, the special adjudicator, representative of the largest remaining undeveloped tract in the receiving area to determine what changes may be made to the PVD zoning and credit requirements to enable build out of the receiving area, opportunities for preservation and the sale of credits in the remaining unreserved sending area, and an increase in affordable housing yield; and

WHEREAS this Ordinance modifies the PVD credit requirements, affordable housing requirements, and zoning requirements for development that is approved in the receiving area after the adoption of this ordinance; and

WHEREAS the amended Fair Housing Act requires that this ordinance be adopted by March 15, 2026; and

WHEREAS Chesterfield Township has a fair share obligation consisting of the present need obligation of 0 units, a prior round obligation of 55 units, a third round obligation of 90 units, and a fourth round obligation of 45 units; and

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

SECTION I. Chapter 130 Article II entitled “Definitions”, Section 130-4 “Definitions” is hereby amended to include the following definitions:

DUPLEX or SEMIDETACHED – A single-family dwelling attached to one other single-family dwelling by a common, unpierced vertical wall extending from ground to roof within a structure containing two such dwelling units with each dwelling located on a separate lot and having its own front and rear access to the outside.

QUADPLEX- A multi-family building containing four connected but independent residential units, typically with two units on the first floor and two units stacked on top, designed to have the general appearance of a single-family home. The residential units may be rental units or condominium units. Quadplex units shall be affordable housing units and shall be subject to the requirements of Article X “Affordable Housing Requirements”.

SECTION II. Chapter 130 Article IX entitled “Planned Village Development (PVD) District” is hereby amended as follows:

Article IX Planned Village Development (PVD) District

130-38 Remains as written

130-39 Remains as written

130-40 Use Regulations shall be amended to add A(1)(g) and A(1)(h) as follows.

A(1)(g) Duplex or Semidetached Units

A(1)(h) Quadplex Units, for restricted affordable housing units only

130-41 Area, Bulk and Dimensional Regulations shall be amended as follows.

130-41A Revise the chart referenced as “Exhibit B Area and Bulk Regulations for PVD District” to change “Semidetached house” to “Duplex/Semidetached House” and to change “Apartment Dwelling Unit” to “Quadplex Building”.

130-42 Density and intensity of use shall be amended as follows.

130-42A(1). the translation of development credits to use for developments approved prior to the adoption of ordinance 2026-04 is governed by the chart entitled “Ratio of Development Credits to Uses A(1)” as follows:

Ratio of Development Credits to Uses A(1)	
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 house in freestanding structure
0.0	Low-and moderate-income housing units
1.0	Commercial uses including retail, office, services per 3,500 sq ft
0.5	Home office
1.0	Institutional per acre for outdoor recreation
1.0	Institutional per 2,000 sq ft for house of worship

0.0	Institutional for public buildings including public schools, libraries, municipal facilities
-----	--

130-42A(2). The translation of development credits to use for developments approved subsequent to the adoption of ordinance 2026-04 is governed by the chart entitled “Ratio of Development Credits to Uses A(2)” as follows:

Ratio of Development Credits to Uses A(2)	
Number of Credits Required	Type of Development Permitted
0.6	Detached perimeter village lot
0.54	Detached village lot
0.45	Duplex or Triplex dwelling lot
0.0	Low-and moderate-income housing units and units for which a payment-in-lieu of constructing affordable units is made as permitted by section 130-44
0.0	Institutional for public buildings including public schools, libraries, municipal facilities

130-42B Remains as written

130-42C. Applications for subdivisions approved prior to the adoption of Ordinance 2026-04(this ordinance) which do not utilize at least 67% of the maximum permitted intensity of credits, i.e., an average of at least one credit per acre in the PVD-1 District and an average of at least two credits per acre in the PVD-2 and PVD-3 Districts, and applications for subdivisions approved subsequent to the adoption of Ordinance 2026-04(this ordinance) which do not utilize at least 40% of the maximum permitted intensity of credits, shall be designed with clustered building lots so that, if the subdivision under the applicable area and bulk standards set forth herein does not consume the entire lot or tract, then the area which remains undeveloped will be of a size, shape and in a location which can be subsequently subdivided and readily integrated with the prior subdivision plan of the lot and with the conceptual development plan for the receiving district in the event that additional TDC's are purchased by the owner and utilized for additional development.

130-43 Remains as Written

130-44 Affordable Housing Requirements shall be revised to read as follows.

All residential development within the PVD Districts shall participate in the Township's Fair Share Housing Plan. For developments approved prior to the adoption of Ordinance 2026-04 the required affordable housing set aside shall be a minimum of 6% of the total number of units in the development. For developments approved subsequent to the adoption of Ordinance 2026-04 the required affordable housing set aside shall be a minimum of 10% of the total number of units in the development. Developments that would yield two or fewer affordable housing units may provide the affordable housing units on-site or may make a payment in lieu of constructing the affordable housing units on-site. Payments in lieu of on-site construction shall be established and set forth in a developer's agreement with the Township and shall be based upon the cost to subsidize an affordable housing unit. Payments in lieu will be deposited into the Township's Affordable Housing Trust Fund and used to support the production or maintenance of affordable housing in the Township. All nonresidential development within the PVD District shall be subject to the terms of the fee requirements of § 130-122, including nonresidential development associated with inclusionary residential development. All affordable housing units constructed or created in the Township shall be subject to the requirements of sections 130-45 and 130-46.

SECTION III. Chapter 130 Article XII, section 130-82 entitled "Area and bulk regulations" is hereby amended as follows:

130-82E. Required parking for perimeter village houses, village houses, or duplex/semidetached houses shall be either in a side or rear entry attached garage located at the rear wall of the principal dwelling unit or in front, side or rear entry detached garages located in the rear yard. Required parking for triplex dwellings and quadplex dwellings shall be accessed from the rear of the lot. Quadplex buildings may have a shared parking area located at the rear of the building and buffered from the roadway. Required parking for all nonresidential building types shall be accessed from the rear of the lot.

SECTION IV. Chapter 130 Article XII, section 130-83 entitled "Architectural and site design standards and guidelines applicable within the Planned Village Districts" is hereby amended as follows.

Add 130-83D(11) All development within the PVD shall connect with adjacent development within the PVD with roads and sidewalks when possible and shall provide opportunities for such connections when adjacent land in the PVD is undeveloped.

Add 130-83D(12) Quadplex buildings and any affordable housing unit that does not have a garage, shall have an enclosure for the storage of trash and recyclable containers. The enclosure shall be constructed of materials that complement the site and building design, shall not be located in the primary front yard, and shall be set back a minimum of 4 feet from side and rear property lines.

SECTION V. REPEALER; SEVERABILITY; EFFECTIVE DATE

- A. Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Burlington County Planning Board in accordance with N.J.S.A. 40:55D-16

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: February 26, 2026

Adopted: March 12, 2026

Effective Date: March 13, 2026

RECORD OF VOTE 2026-04													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S. Batra	X				X		S. Batra	X					X
R. Hughes	X						R. Hughes	X					
D. Koetas-Dale	X						D. Koetas-Dale	X				X	
J. Liedtka				X			J. Liedtka				X		
L. Panfili	X					X	L. Panfili	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Chesterfield Township Committee held on February 26, 2026 and scheduled for public hearing and adoption at a meeting of the Chesterfield Township Committee to be held on March 12, 2026.

Caryn M. Hoyer, RMC
Township Clerk