

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2016-16

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT SECTION OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD TO PROVIDE FOR TOWNSHIP COMMITTEE APPROVAL PRIOR TO THE ISSUANCE OF ANY PERMITS, LICENSES, OR OTHER TYPES OF APPROVALS FOR PROPERTIES LOCATED IN THE AG AGRICULTURAL ZONING DISTRICT WHICH ARE ENROLLED IN THE VOLUNTARY TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AND OTHER DEED RESTRICTED AGRICULTURAL PROPERTIES AND OTHER DEED RESTRICTED AGRICULTURAL, AND ARE OTHERWISE “DEED-RESTRICTED” UNDER SAID PROGRAM

WHEREAS, situations have arisen in the past where, uses and/or activities have been allowed on properties deed-restricted under the provisions of the Township’s voluntary Transfer of Development Rights (“TDR”) Program, which activities have sometime appeared to the Township Committee to be inconsistent with the spirit and/or language of said restrictions, and residents and taxpayers have raised concerns about said activities being allowed, despite the apparent limitations against same by said deed-restrictions; and

WHEREAS, the Township Committee wishes to ensure that misunderstandings or misinterpretations of the restrictions, when compared to the Zoning Code, are eliminated as best as possible.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

ARTICLE I. AMENDED SECTIONS.

A. Section 130-13, “Permitted Accessory Uses”, is hereby amended to add the following language at the end of subparagraph “H. Signs” as follows:

“Notwithstanding anything contained above, no permits, licenses or other forms of approval shall be issued for any of these permitted accessory uses, where the subject property is enrolled in the Township’s Transfer of Development Rights Program, and is subject to TDR Deed-Restrictions, or is otherwise farmland preservation and subject to deed restrictions under that

program, unless and until the matter has first been reviewed by the Township Committee, and the Township Committee has granted its approval for the accessory uses sought by the applicant to be permitted on the property.”

B. Section 130-135, “Enforcement”, is hereby amended to add the following subparagraph at the end of the existing text:

“A. In addition to the foregoing, for any property located in the Agricultural Zone, which is subject to deed-restrictions under the Township’s Transfer of Development Rights Program or other Farmland Preservation Programs, no licenses, permits, or other approvals shall be granted for any accessory use, whether or not same appears to be permitted, under Section 130-13, or for any conditional uses under Section 130-14, without the prior review of same by the Township Committee and its determination that said use is consistent with the deed-restrictions for said property.”

C. Section 130-136, “Certificates and Permits”, is hereby amended at subparagraph (A) to read as follows:

“A. Building and Use Permits. Subject to the provisions of Section 130-135(A) above, all buildings and use permits shall be issued in accordance with the provisions of the Uniform Construction Code, N.J.A.C. 5:23-1-1, et seq.”

D. Section 130-136(D), is hereby amended to revise the first sentence of same to read:

“D. Zoning. Subject to the provisions of Section 130-135(A) above, Zoning Permits shall be issued in accordance with the procedures set forth by the Township Committee...”

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 upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: October 27, 2016

Adopted:

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S. Davis							S. Davis						
R. Kolczynski							R. Kolczynski						
J. Liedtka							J. Liedtka						
R. LoCascio							R. LoCascio						
A. Robotin							A Robotin						
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

I, Caryn Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Ordinance to be a true and accurate copy of the Ordinance adopted by the Township Committee at a duly advertised meeting held on December _____, 2016 at which a quorum was present.