

Ordinance No. 2174-14

**ORDINANCE AMENDING THE LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO ADDRESS SUBSTANCE ABUSE TREATMENT CENTERS**

WHEREAS, the Township Council of the Township of Lawrence (“Township Council”), a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township to address the growing need for facilities to treat substance abuse; and

WHEREAS, the Township Council takes note that the Legislature of the State of New Jersey has found, pursuant to *N.J.S.A. 26:2BB-1*, that alcoholism and drug abuse are major health problems facing the residents of this State and that the full resources of New Jersey including, counties, municipalities and residents must be mobilized in a persistent and sustained manner in order to achieve a means of addressing not only the systems of substance abuse but their root causes; and

WHEREAS, the Zoning Board of Adjustment of Lawrence Township (“Zoning Board”) heard and carefully considered application number ZB-14/10 wherein the applicant requested permission to operate a residential medical detoxification center which the Zoning Board found to create substantial negative impacts on surrounding property and substantial impairments to the zone plan as more fully set forth in its denials of the application per Resolution Nos. 16-11z (memorialized on August 17, 2011) and 18-12z (memorialized on November 28, 2012) on remand from Superior Court; and

WHEREAS, the Zoning Board recommended in its 2013 Annual Report (Resolution 9-14z) to the Township Council and Planning Board, pursuant to *N.J.S.A. 40:55D-70.1*, additional discussion on medical uses, such as residential detoxification facilities, that are not specifically addressed in the Lawrence Land Use Ordinance (“LUO”); and

WHEREAS, the Township Council finds that outpatient treatment for substance abuse utilizing buprenorphine hydrochloride (Subutex) and naloxone hydrochloride (Suboxone) by physicians certified in Addiction Medicine is permitted as part of medical care in the offices of the such physicians and furthermore that residential medical detoxification is a use allowed within a residential health care facility which is a principal permitted use in the Education, Government and Institutions zoning district; and

WHEREAS, the Superior Court of New Jersey, the Hon. Mary

Jacobson, A.J.S.C., has held in the decision of Docket No. MER-L-2325-II that residential medical detoxification centers are inherently beneficial uses and that there is a statewide need for such facilities; a finding that such use heretofore had not been so designated; and

WHEREAS, the Township Council finds that new and specialized treatments for substance abuse have been developed since the LUO was adopted in 1997 and further finds that no other municipality in Mercer County has specific land use regulations for substance abuse treatment centers including residential medical detoxification centers; and

WHEREAS, notwithstanding that residential medical detoxification center is a permitted use in the Education, Government and Institutions zoning district as a type of residential health care facility, the Township Council finds that an expansion of the locations where such use is permitted is warranted but in such places where its negative impacts may be minimized consistent with the New Jersey Legislature's recognition that methadone substance abuse treatment facilities are appropriate in some zoning districts but not others in *N.J.S.A. 40:55D-66.10*; and

WHEREAS, the Township Council hereby declares that the Mixed Use 2 ("MX-2") zoning district is particularly suited for the provision of additional substance abuse treatment because of its proximity to the regional highway network, distance from established neighborhoods where a 24-hour operation would have a substantial impact, being served by a public sewer and water system, and with adequate land resources for new construction and with existing buildings suitable for conversion to such facilities; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance set forth herein are consistent with the goals and objectives of the Master Plan but inconsistent with the specific land use recommendations for this area of the municipality but that nonetheless represent sound land use regulation and therefore favorably recommends to the Township Council that the LUO be so amended; and

WHEREAS, this Ordinance involves a classification and/or boundary change not recommended in a periodic reexamination of the Master Plan pursuant to *N.J.S.A. 40:55D-89* and consequently individual public notice has been served in accordance with *N.J.S.A. 40:55D-62.1*.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §201, Definitions, as modified, shall be amended by the addition or revision of the following words and meanings:

BEHAVIORAL HEALTH CARE FACILITY: A building or portion of a building, whether private profit or non-profit, or institutional, principally engaged in providing services for inpatient and outpatient services for treatment of victims of addiction, psychiatric, psychological, or other behavioral health condition where care may be provided on a short term or long term basis whose operators are licensed to provide such services by the State of New Jersey, but not to include hospitals and other health care facilities, or residential medical detoxification centers; a Level I, Level II.1, Level II.5, Level III.1, Level III.5, or Level III.7 treatment facility as classified by the Division of Addiction Services, NJ Department of Human Services.

HEALTH CARE FACILITY: A building or portion of a building such as a hospital, whether private or an institution, principally engaged in providing inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients; acute care facility; rehabilitation hospital; ambulatory surgical center. Care may be provided on a short term or long term basis. Outpatient services may also be provided as a secondary service. Such facilities may include laundries, cafeterias, gift shops, laboratories, and medical offices as accessory uses.

MEDICAL CLINIC: A public health facility, blood donor center, kidney dialysis center, or walk-in medical office not requiring prior appointment.

OFFICE, MEDICAL: A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis, but not to include a behavioral health care center or residential medical detoxification facility. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, cardiologists and other various specialties.

OFFICE, RESEARCH AND DEVELOPMENT: A building or portion of a building principally engaged in developing new products or procedures, or to improvement of existing products or procedures. Research and development offices may include laboratory space, pilot manufacturing and production space and/or office space.

RESIDENTIAL MEDICAL DETOXIFICATION CENTER: Medically monitored intensive inpatient treatment for substance abuse that provides 24-hour per day physician-supervised evaluation and withdrawal management in a permanent facility with beds based on substance-specific clinical protocols and policies and that may include Suboxone induction, or similar medication, for opioid dependence; a Level III.7D facility as classified by the Division of Addiction Services, NJ Department of Human Services.

URGENT CARE CENTER: A type of medical clinic in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended-hour access for acute illness and injury care that is beyond the scope or availability of the typical primary care practice or other medical clinic. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

Section 2. §422, Limited Industrial 1 (I-1) District, shall be renamed the Mixed Use 2 (MX-2) District and shall be amended by adding conditional uses for residential medical detoxification center, behavioral health care facility, and other revisions, as follows:

§ 422 Mixed Use 2 (MX-2) District.

- A. Purpose. The Mixed Use 2 (MX-2) district is intended for low intensity uses in areas characterized by environmentally sensitive lands. The district is intended to provide locations for offices, limited residential, limited specialty medical office uses, light industrial, recreational, open space, landscape nursery and contracting uses.
- B. Permitted Uses. In the MX-2 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Offices and medical offices.
 - 2. Research and development offices.
 - 3. Laboratories.
 - 4. Light manufacturing.
 - 5. Wholesale distribution and warehouses.
 - 6. Agriculture.
 - 7. Garden centers.
 - 8. Animal hospital and veterinarian clinic.
 - 9. Animal kennel, provided that any such use is located a minimum of 200 feet from a residential use.
 - 10. Outdoor commercial recreation, including, but not limited to, golf driving range, canoe and bicycle rental, batting cages, and miniature golf, but not to include amusement and go-cart rides, water parks, and arcade games or similar theme park uses.
 - 11. Detached single-family dwellings.
 - 12. House of worship.

13. Long term care facility; hospice.
 14. Governmental use.
 15. General and landscape contractors; design-build establishments.
- C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with a principal use:
1. Off-street parking.
 2. Fences and walls.
 3. Signs.
 4. Garages, storage buildings and tool sheds.
 5. Restaurant or employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees of the principal use designated on the site plan as approved by the Board.
 6. Rectory, parish house, priest house or similar house for a religious leader(s) in conjunction with a house of worship.
 7. Satellite dish and television antennae.
 8. Accessory uses for residential uses shall be as permitted by §401.C. only.
 9. Accessory uses customarily incidental to a principal use.
- D. Conditional Uses Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:
1. Public self-storage facility limited to a maximum FAR of .20 conforming to the following conditions:
 - a. No storage of hazardous or combustible materials shall be permitted.
 - b. No sale of material shall be permitted from the premises, except for the purpose of satisfying unpaid rent pursuant to law.
 - c. No animals or livestock shall be permitted on the premises.
 - d. No outside storage shall be permitted except that boats and recreational vehicles may be stored in the rear yard provided that they are properly screened from the traveling public in accordance with §525.H.
 - e. Buildings shall be separated by a minimum of 30 feet except where the buildings' long axes parallel each other, in which case the minimum separation shall be 25 feet.
 - f. Every self-storage facility shall be fully enclosed with fencing or walls, or a combination thereof a minimum of six feet in height. Fencing and walls facing a public right-of-way shall be decorative, including but not limited to, wrought and cast iron, painted aluminum picket, split face and polished concrete masonry units, and brick acceptable to the Board of Jurisdiction. Any other enclosing material may be used in other locations, except that any chain link or similar wire fencing shall be coated with vinyl or other suitable material in a subdued color.

- g. The facility shall be landscaped in accordance with §525.
 - h. A single residential unit for the use of a caretaker and immediate family shall be permitted.
 - i. Each gate controlling entry to the self-storage facility shall have a minimum of two vehicle stacking spaces in front of the gate without blocking access to drive aisles, parking aisles or parking spaces.
 - j. Any other provisions not herein modified shall apply.
2. Behavioral health care facility and residential medical detoxification center, conforming to the following conditions:
- a. Such use shall be located east of Rt. 1 and south or west of I-295.
 - b. The minimum lot area shall be 3 acres.
 - c. The maximum number of patients served at the location of the facility shall not exceed 50 persons.
 - d. The use shall not be combined with a single family detached, manufacturing or industrial use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Behavioral health care facility and residential medical detoxification center.
- a. Lot size shall be as indicated in –D.2.b hereinabove.
 - b. Minimum lot frontage: 200 feet
 - c. Minimum lot width: 200 feet
 - d. Minimum lot depth: 300 feet
 - e. Minimum front yard: 50 feet
 - f. Minimum side yard: 50 feet
 - g. Minimum rear yard: 50 feet
 - h. Maximum floor area ratio:
 - i. Individual principal use in single building .10
 - ii. Combined principal uses in single or separate buildings .15
 - i. Maximum impervious surface ratio: .30
 - j. Maximum height: 35 feet
2. Non-residential uses.
- a. Minimum lot area: 5 acres
 - b. Minimum lot frontage: 300 feet
 - c. Minimum lot width: 300 feet
 - d. Minimum lot depth: 300 feet
 - e. Minimum front yard: 125 feet

- f. Minimum side yard: 75 feet
- g. Minimum rear yard: 75 feet
- h. Maximum floor area ratio:
 - i. Light manufacturing: .20
 - ii. Wholesale distribution and warehouses: .20
 - iii. All other non-residential uses: .10
- i. Maximum impervious surface ratio: .30
- j. Maximum height: 35 feet
- k. Accessory uses.
 - i. No accessory building or use shall be located in a front yard.
 - ii. Minimum side yard: 50 feet
 - iii. Minimum rear yard: 50 feet
 - iv. Minimum distance to other building: 50 feet

3. Residential uses.

- a. Minimum lot area: 3 acres
- b. Minimum lot frontage: 200 feet
- c. Minimum front yard: 50 feet
- d. Minimum side yard: 50 feet
- e. Minimum rear yard: 50 feet
- f. Minimum buildable area: 1 acre
- g. Minimum useable yard area: 20% of each yard
- h. Maximum impervious surface ratio: .12
- i. Maximum height: 35 feet
- j. Accessory uses.
 - i. No accessory building or use shall be located in a front yard.
 - ii. Maximum height: 35 feet
 - iii. Distance from property line: A distance > than the structure's height

4. Parking area setback.

- a. From street line: 50 feet
- b. From any other lot line: 25 feet

F. Additional Regulations for Non-residential Uses. The following additional regulations shall apply to a non-residential use in the MX-2 district:

- 1. No merchandise, products, waste, equipment or similar material or objects shall

be displayed or stored outside unless specifically approved as part of a site plan submission.

2. All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

Section 3. §415, the Mixed Use (MX) District, shall be renamed the Mixed Use 1 (MX-1) District and its name and symbol revised throughout the section.

Section 4. §423, the Limited Industrial 2 (I-2) District, shall be renamed the Limited Industrial (LI) District and its name and symbol revised throughout the section.

Section 5. §300, Zoning Districts, shall be modified by renaming the Mixed Use (MX) District, Mixed Use 1 (MX-1) District; inserting the Mixed Use 2 District and its symbol MX-2 after the Mixed Use 1 (MX-1) District, removing the Limited Industrial 1 and its symbol I-1, and renaming the Limited Industrial 2 (I-2) District to Limited Industrial (LI).

Section 6. §301, Zoning Map, as modified, shall be further revised by revising the legend to rename the Limited Industrial (I-1) District, Mixed Use 2 (MX-2); rename the Mixed Use District, Mixed Use 1 (MX-1) District; rename the Limited Industrial 2 (I-2) District, Limited Industrial (LI) District, and to revise the symbols representing such zoning districts as required.

Section 7. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 8. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 9. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 10. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: March 18, 2014

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X					X	
Mr. Kownacki	X						
Dr. Maffei	X						X
Mr. Powers	X						
Mayor Lewis	X						