

**ORDINANCE O020-2023**

**WASHINGTON TOWNSHIP  
GLOUCESTER COUNTY**

**ORDINANCE AMENDING CHAPTER 125 (LAND USE PROCEDURES) AND  
CHAPTER 285 (ZONING) OF THE CODE OF THE TOWNSHIP OF WASHINGTON,  
GLOUCESTER COUNTY, NEW JERSEY**

**WHEREAS**, the Municipal Land Use Law ("MLUL") of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

**WHEREAS**, the Township of Washington ("Township") undertook a review of its Land Development Ordinance with regard to the regulation of community residences for people with disabilities; and

**WHEREAS**, the Township recognizes that the Fair Housing Act (42 U.S.C. §3601) provides protections for persons with disabilities; and

**WHEREAS**, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the Township as long as the zoning regulations are consistent with state and federal law, including the Fair Housing Act; and

**WHEREAS**, community residences should be permitted in the appropriate zoning districts to promote the purposes for which they were intended; and

**WHEREAS**, the Township desires to amend Chapters 125 and 285 of the Code of the Township of Washington to include zoning regulations that achieve those legitimate government interests and provide clarity and certainty to the public and the prospective operators of community residences for people with disabilities on where such community residences may locate as of right and by conditional use permits.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Washington, County of Gloucester and State of New Jersey shall be amended as follows:

**SECTION 1.** Section 285-9, "Definitions" is hereby amended and supplemented by the addition of the following:

*"Cooperative sober living residence means a recovery home that has been issued a Class "F" License by the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 et seq."*

**SECTION 2.** Section 125-31, entitled "Notice requirements for hearing" is hereby amended, supplemented and revised as follows:

*"Whenever a hearing shall be required on an application for development, pursuant to N.J.S.A. 40:55D-1 et seq. or for a conditional use application ..."*

**SECTION 3.** New Section 285-107.1A, "Conditional Uses" in the O-1 Office Residential\_\_\_\_\_ District shall be added as follows:

"§285-107.1A. – Cooperative Sober Living Residence

1. Purpose. These regulations are intended to provide a reasonable accommodation for persons with disabilities.

2. All Cooperative Sober Living Residences shall comply with the following conditions:

a. The owner obtains a Class F license to operate a cooperative sober living residence from the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:27-1.1 *et seq.*

b. Minimum distance to any childcare facility, public or private school: 500 feet.

c. Structures are regulated under the residential regulations of the O-1 zoning district."

**SECTION 4.** Permitted and Conditional uses, pursuant to Sections 285-23,24,28,29, 33,34,38,39,62,63,72 and 79.2 of the Code of the Township of Washington are hereby amended by the addition of the following:

"Cooperative sober living residences and all other rooming and boarding houses are prohibited."

**SECTION 5.** All Ordinances or parts of Ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION 6.** This Ordinance may be renumbered for codification purposes.


**SECTION 7.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 8.** This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

INTRODUCTION: September 13, 2023


Members	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Yerkes		X	X				
Del Borrello			X				
Brown	X		X				
Bennett			X				
DellaPia			X				

TOWNSHIP OF WASHINGTON

  
By: \_\_\_\_\_  
Anthony DellaPia, Council President

I, Christine Ciallella, do hereby attest the above Ordinance 0020-2023 was introduced at the Township of Washington Meeting on September 13, 2023. A public hearing will occur on September 27, 2023 at 7:00PM.

ATTEST:

  
Christine Ciallella, RMC, CMR  
Township Clerk

ADOPTION: October 11, 2023

Members	Motion	Second	Ayes	Nays	Abstain	Absent	Recuse
Yerkes		X	X				
Del Borrello			X				
Brown			X				
Bennett	X		X				
DellaPia			X				

I, Christine Ciallella, do hereby attest the above Ordinance O020-2023 was adopted at the Township of Washington Meeting on October 11, 2023 by Township Council after a public hearing which was scheduled for October 11, 2023. Said Ordinance shall take effect in accordance with the law.

**ATTEST:**

  
Christine Ciallella, RMC, CMR  
Township Clerk

On this 16<sup>th</sup> day of October 2023, I hereby approve the above Ordinance **O020-2023**.

  
JOANN GATTINELLI, MAYOR