

*****ADOPTED MARCH 5, 2018*****

TOWNSHIP OF DELANCO

ORDINANCE 2018-6

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

WHEREAS, the Township Committee of the Township of Delanco (“Township Committee”), 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 State and Nation-wide growing need for facilities to treat substance abuse; and

WHEREAS, the Township Committee 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 Superior Courts of the State New Jersey have held that residential medical detoxification centers are inherently beneficial uses and that there is a statewide need for such facilities; and

WHEREAS, the Township Committee finds that new and specialized treatments for substance abuse have been developed since initial zoning regulation within the municipality; and

WHEREAS, the Township desires to establish appropriate zoning for residential medical detoxification centers to permit such uses where their negative impacts may be minimized consistent with the New Jersey Legislature’s recognition that 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 Committee hereby finds that the I-2 Industrial Zone is the most suited for the provision of substance abuse treatment centers because of its proximity to the regional highway network, distance from established neighborhoods where a 24-hour operation would have a substantial impact, availability of public sewer and water, and adequate land resources for new construction or conversion of existing buildings; and

WHEREAS, the Planning Board of the Township of Delanco 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, 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 will be served in accordance with N.J.S.A. 40:55D-62.1, assuming the ordinance advances through the stages of adoption.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Delanco that the Land Use Ordinance be and hereby is amended as follows:

Section 1. Chapter 110-6 governing "Definitions" shall be modified by the following additions or revisions:

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. Chapter 110-39.1 is hereby established as the “Specialized Health Overlay District.”

§ 110-39. Specialized Health Overlay District.

A. Purpose. The Specialized Health Overlay District shall be an overlay district for a limited portion of the I-2 Industrial District. It shall permit and govern, as conditional uses, residential medical detoxification centers and behavioral health care facilities, with related provisions.

B. This District shall be bordered to the north by Coopertown Road, to the east by the eastern boundary of lot 11, in block 2000; to the south by the southern boundaries of lots 7, 9, 9.01, 9.02, 9.03, 10, 11, and 11.02 in block 2000; and to the west by the western boundary of lot 7.

C. Permitted Conditional Uses.

- (1) Behavioral health care facility
- (2) Residential medical detoxification center

Section 3. Chapter 110-10 governing “Conditional Uses” shall be amended to add the following:

110-10. Conditional Uses.

AA. Behavioral health care facility and residential medical detoxification center

1. The minimum lot area shall be 3 acres.
2. The maximum number of patients served at the location of the facility shall not exceed 50 persons.
3. The use shall not be combined with a single family detached, manufacturing, or industrial use.
4. The use shall be located 200’ from residential zones; public parks and recreation; and private recreation and entertainment facilities, such as but not limited to, skating facilities.
5. Off-street parking shall be provided pursuant to §110-14; sufficient space shall be provided for patient pick-up and drop-off by vehicles, ambulances, transportation services and vans.
6. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:
 - a. Behavioral health care facility and residential medical detoxification center.

- (1) Lot Size Minimum: 3 acres.
- (2) Minimum lot frontage: 200 feet
- (3) Minimum lot width: 200 feet
- (4) Minimum lot depth: 300 feet
- (5) Minimum front yard: 50 feet
- (6) Minimum side yard: 50 feet
- (7) Minimum rear yard: 50 feet
- (8) Maximum floor area ratio:
 - (a) Individual principal use in single building .10
 - (b) Combined principal uses in single or separate buildings .15
- (9) Maximum impervious surface ratio: .30
- (10) Maximum height: 35 feet

Section 4. Chapter §110-14. Off-street parking and loading.

§110-14 shall add at §110-14:A “Parking Spaces Required”

Medical Clinic	1 per 150 square feet of gross floor area
Health Care Facility	
Residential Medical Detoxification Center	
Urgent Care Center	
Office, Research and Development	1 per 500 square feet of gross floor area

Section 5. Repealer, Severability, and Effective Date.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

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 it’s 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.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.