

CITY OF ABSECON

ORDINANCE 18-2023

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 224, ZONING, OF THE CODE OF THE CITY OF ABSECON AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT THEREWITH

WHEREAS, the City of Absecon ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

WHEREAS, the Mayor and City Council have determined it to be in the best interest of the public health, safety and welfare to amend Chapter 224 to specify and clarify certain zoning requirements related to uses in its zoning districts.

BE IT ORDAINED, by the Mayor and City Council of the City of Absecon, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 224 Zoning, Article III Definitions & Word Usage, §224-5 Definitions is hereby amended to add the following:

BOARDING HOUSE: Boarding house has the meaning set forth in N.J.S.A. §55:13B-3.

COOPERATIVE SOBER LIVING RESIDENCE, (CSLR): A recovery home that is a rooming or boarding house that has been issued a "F" License by the New Jersey Department of Community Affairs pursuant to N.J.A.C. §5:27-1.1 et seq. It does not operate as a single housekeeping unit. The 2017 New Jersey Uniform Construction Code defines a CSLR as "a residential setting that serves solely as a home for individuals who are recovering from drug or alcohol addiction and is intended to provide an environment where the residents can support each other's sobriety and recovery." In addition to the other requirements specified in the regulations, a cooperative sober living residence must satisfy the following criteria:

- a. Management by an entity or organization that provides an operator who shall reside in the residence and exercise some level of control over the operation of the residence and establishes the residence's rules;
- b. Occupancy shall not exceed 10 individuals, exclusive of the operator;
- c. The requirement of the maintenance of an alcohol and drug free environment;
- d. No provision of on-site counseling therapy, clinical treatment, or alcohol and/or drug treatment by the licensee;
- e. No provision of food, laundry, financial, or other personal services by the licensee;
- f. Ability of licensee, at its discretion, to provide nonclinical recovery and support services. The licensee may also elect to mandate or encourage residents to attend self-help recovery programs, participate in activities related to maintaining sobriety and continuing recovery, or receive off-site services deemed desirable or necessary to maintain sobriety; and
- g. Ability of licensee, at its discretion, to require drug or alcohol testing of residents.

NON-OXFORD HOUSE MODEL RECOVERY HOME: A recovery home that does not operate using the Oxford House model and does not operate as a single housekeeping unit. Examples of activities that indicate the house is a Non-Oxford House model may include but are not limited to: residents enter into individual leases with the owner or operator of the home for the occupancy of their room and the common area; there is a limited number of staff on site who will enforce rules, oversee the taking of medication, and perform random drug screening; residents are required to attend AA/NA meetings; residents are required to attend mandatory house meetings; residents are prohibited from sleeping outside the house; staff enforces a curfew; or guests are prohibited. They are rooming homes or boarding houses.

OXFORD HOUSE MODEL RECOVERY HOME: Oxford House has been authorized by Congress to provide community living arrangements for persons with drug and alcohol addiction. It is a recovery home in which the residents are self-governing, all residents contribute to the maintenance and expenses of the house, the residents determine who can reside in the house, there is no limit to how long an individual can reside in the house, there is no addiction treatment, therapy, or paid staff provided; the house operates as a single housekeeping unit, and the house is not required to be licensed by the New Jersey Department of Community Affairs.

RECOVERY HOME: A residential environment that provides people in recovery a safe alcohol and drug free place to live as they transition back into the community.

ROOMING HOUSE: A rooming house has the meaning set forth in N.J.S.A. §55:13B-3.

SECTION 2: Chapter 224 Zoning, Article XVIII Supplemental Regulations Applicable to All Zoning Districts is hereby amended to add the following as section 224-110.1:

BOARDING HOUSE, COOPERATIVE SOBER LIVING RESIDENCE, NON-OXFORD HOUSE MODEL RECOVERY HOME, OXFORD HOUSE MODEL RECOVERY HOME, RECOVERY HOME AND ROOMING HOUSE.

1. A rooming house or boarding house operating as a non-Oxford house model recovery home is a conditional use permitted in all residential zones as identified in §224, as a reasonable accommodation for persons with disabilities, only if it meets the following specified conditions and is a cooperative sober living residence (CSLR).

- i. 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;
- ii. Requires a minimum separation distance of 600 feet from any other existing or proposed CSLR facility; and
- iii. Requires a minimum separation of 1,000 feet from any school, in accordance with the most recent Drug Free School Zone Map.
- iv. Requires anyone intending to establish a sober living home in the City of Absecon to provide 60 days' written notice to the Absecon Construction Office of their intention to do so. This notice shall include the specific location of the proposed sober living home in order to allow the City's Construction official to confirm that the specified location is consistent with and permitted under all existing Absecon Ordinances.

2. All other rooming houses and boarding houses which are not operating as non-Oxford model recovery homes or Oxford House model recovery homes are prohibited in all residential zones found in § 224.

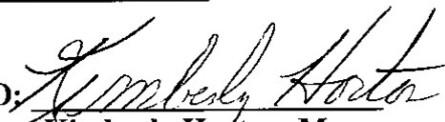
3. A residential single-family detached dwelling unit which includes an Oxford House model recovery home is a permitted use in all residential zones found in § 224.

SECTION 3: All ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5: This Ordinance shall take effect upon passage and publication as provided by law.

Dated: December 21st, 2023

APPROVED: 
Kimberly Horton, Mayor

ATTEST: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on December 7th, 2023.
Laid over and advertised for public hearing and final adoption after Planning Board Review. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on December 21st, 2023.