

**ORDINANCE # 4-2023**

**ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH,  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY  
AMENDING CHAPTER 15 OF THE EAST GREENWICH TOWNSHIP  
CODE BUILDINGS AND CONSTRUCTION TO ADD SECTION 25,  
ENTITLED IN-LAW SUITES**

**WHEREAS**, the Township Committee of the Township of East Greenwich in the County of Gloucester, State of New Jersey (the "Township") desires to create land use regulations in regard to accessory structures, specifically "In-Law Suites"; and

**WHEREAS**, in order to address In-Law Suites, it is necessary to add a section within Chapter 15 of the Code of the Township of East Greenwich to address an "In-Law Suite" within a residential home in the Township for purposes of definition, clarification and requirements; and

**WHEREAS**, the Township desires to permit an alternative for residents to provide care for immediate elderly and/or disabled family members within their home and to regulate same while prohibiting the unauthorized conversions of single-family dwelling units into multiple dwelling units within the Single-Family Zone; and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Mayor and Committee of the Township of East Greenwich, County of Gloucester, State of New Jersey as follows:

**SECTION I. Introduction:**

This purpose of this document is to provide guidance with clarifying zoning and building permit requirements for an "In-Law Suite" in a home.

**SECTION II. Amendments:**

**Chapter 16.02.0230 – Definitions**

**"Dwelling Unit"** Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by a single housekeeping unit.

**"Immediate Family"** Those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles and first cousins.

**"In-Law Suite"** A self-contained living area within the interior of a single family dwelling unit occupied by an immediate family member of the property owners who live in the principal unit of the single-family residence.

## **Chapter 15.25 - In-Law Suite**

### **Chapter 15.25.10 - Purpose**

The purpose of permitting In-Law Suites is to provide an economically feasible alternative to nursing home and boarding home care so that immediate elderly family members (55 years of age or older), or disabled family members over the age of 18, can live with family members while maintaining some degree of overall independence. Additionally, this Ordinance attempts to halt the proliferation of unauthorized conversions of Single-Family Dwelling Units into Two/Multiple Dwelling Units in a Single-Family Zone and/or unauthorized rental units.

### **Chapter 15.25.20 – In-Law Suite Defined.**

**“In-Law Suite”** A self-contained living area within the interior of a single family dwelling unit occupied by an immediate family member of the property owners who live in the principal unit of the single-family residence and give the immediate family member unrestricted access to the common areas of the residence.

### **Chapter 15.25.30 – In-Law Suite Requirements.**

In-Law Suite located within any single-family zoning district must meet the following requirements:

- A. There must be a doorway of not less than 36” width which provides access to the common areas of the Dwelling Unit (e.g. the kitchen, bathroom, living room, etc.);
- B. The “In-Law Suite” shall not have separate gas and electric utilities, (more than one meter per utility would constitute a separate Dwelling Unit and is prohibited);
- C. The “In-Law Suite” shall not be located in an accessory building (this would constitute a separate Dwelling Unit) such as a unit over a garage;
- D. The “In-Law Suite” shall be connected to the main heated living area of the dwelling (the suite shall not be connected to the building by a breezeway as this would constitute a separate Dwelling Unit);
- E. The “In-Law Suite” shall have principal means of access to the outside of the Dwelling Unit via the Dwelling Unit’s main exterior doorways (single access to the outside to the “suite” would constitute a separate Dwelling Unit);
- F. The “In-Law Suite” may have a kitchen, sitting area, and bathroom as well as a bedroom.

### **Chapter 15.25.40 - Additional Building Permit Application Requirements:**

All permit applications shall be accompanied by the following additional information:

- A. Construction documents including a floor plan acceptable to the construction code official indicating the use of each room, doorway locations and demonstrating compliance with Section 25.30 of this Ordinance;
- B. A signed and notarized affidavit from the property owner stating who will reside in the “In-Law Suite” and acknowledging that the “In-Law Suite” is prohibited from use as an apartment; (change in owner or occupant requires a new affidavit)
- C. Any deviation from this Ordinance requires Combined Planning and Zoning Board of Adjustment approval;
- D. Nothing in this Ordinance is intended to supersede “The Right to Farm” for temporary living for migrant workers.

**15.25.50 - Appeals:**

Appeals from this Ordinance or their interpretation are decided by the Combined Planning and Zoning Board in accordance with the “Appeal of Zoning Officer determination” process. The appellant should contact the Land Use Department or the Zoning Officer in order to obtain additional information regarding the appeals process.

**15.25.60 – Violations and Penalty:**

Any property owner found to be in violation of any Section of this Ordinance shall be subject to a fine of up to \$1,000 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**BE IT FURTHER ORDAINED**, should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling and that should any section, subsection, clause or portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder of this Ordinance.

**BE IT FURTHER ORDAINED**, that all other sections of Chapter 16.02.030 and Chapter 15 shall remain in full force and effect.

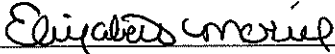
**BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon final passage and publication as required by law. Introduced at a regular meeting of Township Committee on March 14, 2023 and passed upon a second reading of Township Committee held on March 28, 2023.

**TOWNSHIP OF EAST GREENWICH**

BY:

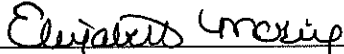
  
DALE L. ARCHER, MAYOR

**ATTEST:**

  
ELIZABETH A. MCGILL, TOWNSHIP CLERK

**CERTIFICATION**

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of East Greenwich at a meeting held on the 14<sup>th</sup> day of March, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting to be conducted on the 28<sup>th</sup> day of March, 2023 at the East Greenwich Township Municipal Building, 159 Democrat Road, East Greenwich Township, New Jersey, and beginning at 7:00 p.m.

  
Elizabeth A. McGill, Clerk