

**ORDINANCE 2024-3 OF THE TOWNSHIP OF BERLIN**

**AMENDING CHAPTER 340 ENTITLED ZONING, TO REPLACE ARTICLE XVIII IN ITS ENTIRETY TO REMOVE THE “SINGLE -FAMILY RESIDENTIAL OVERLAY ZONE R-4”, TO CREATE AND ADD THE “R-4 MIXED RESIDENTIAL ZONE”, AND TO ADD PARTICULAR LOTS TO THE NEW R-4 ZONE AS RECOMMENDED IN THE BERLIN TOWNSHIP MASTER PLAN REEXAMINATION AND AMENDMENT ADOPTED BY THE PLANNING BOARD ON OCTOBER 24, 2023**

**WHEREAS**, the Township of Berlin strives to adopt and implement land use regulations that advance the Township’s policies, goals, and objectives as set forth in the Master Plan and Master Plan Reexamination reports; and

**WHEREAS**, the Berlin Township Planning Board prepared and adopted a Master Plan Reexamination and Amendment which was adopted by Resolution 2023-19 at a public meeting on October 24, 2023; and

**WHEREAS**, past Master Plan Reexamination Reports had recommended that the zoning in the area around the intersection of Cooper Road and Taunton Avenue be reviewed; and

**WHEREAS**, the 2023 Master Plan Amendment recommends the deletion of the “R-4 Single Family Residential Overlay Zone” that currently applies to four lots (lots 1, 2, and 3 in block 2103 and lot 1 in block 2202) and the creation of a new R-4 Mixed Residential Zone that will be a base zone and that will apply to the four referenced lots and an expanded area to enable comprehensive planning for the area; and

**WHEREAS**, the new R-4 Mixed Residential Zoning District will apply to the following lots<sup>1</sup> and will replace the I-1 Light Industrial Zoning District for the listed lots:

<b>R-4 Residential District</b>	
<b>Block</b>	<b>Lot</b>
1909	1
2202	1
2202	2
2202	2.01
2202	2.02
2103	1
2103	2
2103	3

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<sup>1</sup> Note that at the time of the adoption of the Master Plan Reexamination and Amendment in October 2023, there was an error on sheet 24 of the Berlin Township Tax Map. At that time lot 42 in block 2402 was incorrectly shown as lot 43 and lot 43 in block 2404 was incorrectly shown as lot 44. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

2404	42
2404	43

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Council of the Township of Berlin, County of Camden, State of New Jersey that the following sections of the Township Code shall be amended as follows:

**Section I.** Amend the Berlin Township Zoning Map to rezone the following lots from the I-1 Light Industrial Zone/ R-4 Single Family Overlay to the R-4 Mixed Residential Zoning District:

<b>New R-4 Zone</b>	
<b>Block</b>	<b>Lot</b>
1909	1
2202	1
2202	2
2202	2.01
2202	2.02
2103	1
2103	2
2103	3
2404	42
2404	43

**Section II.** Replace Article XVIII in its entirety with the R-4 Mixed Residential Zoning District as follows

340-115 Designation of Area and Purpose. The R-4 residential zoning designation applies to block 2103 lots 1, 2, and 3; block 2201 lots 1, 2, 2.01, 2.02; block 1909 lot 1; and block 2404 lots 42 and 43. The purpose of the R-4 zoning district is to provide opportunities for a variety of residential neighborhoods and housing types in a compact format, while also preserving and protecting sensitive wetland and buffer areas, environmental features and passive recreation areas. The R-4 district permits flexibility in lot sizes and arrangements in order to enable the development of housing that is responsive to the needs of the community and in harmony with surrounding uses and features. All residential development in the R-4 zone must connect to the public water and sanitary sewer systems.

340-116 Principal Permitted Use of Land and Buildings  
 A. Single Family Detached Dwelling Units

- B. Single Family Attached Dwelling Units (Townhouse Dwelling Units)
- C. Municipal Use
- D. Open Space and Outdoor Recreation

340-117 Permitted Accessory Uses and Structures

- A. Common recreation facilities for the use and enjoyment of residents and their guests.
- B. Community center for the use of residents and their guests.
- C. Stormwater management structures and facilities including green infrastructure.
- D. Minor home occupations in accordance with the requirements of 340-4.
- E. Private residential sheds for storage and other customary detached residential accessory structures such as gazebos or cabanas. Only one such structure is permitted on each lot.
- F. Off Street Parking
- G. Fences and walls in accordance with the requirements of this article and section 340-18.
- H. Signs in accordance with the requirements of this article and article XIII.
- I. Electric Vehicle Charging and Service Equipment
- J. Temporary construction, sales, and leasing trailers not to exceed 1,440 square feet, set back a minimum of 50 feet from perimeter property lines and shown on an approved site plan.

340-118 Density, Area, Yard, and Site Requirements

- A. Tract and Density Requirements.
  - 1) The minimum contiguous tract area shall be 20 acres.
  - 2) Maximum permitted gross density is 2 units per acre for tracts of 120 acres or less.
  - 3) Maximum permitted gross density is 2.25 units per acre for tracts of 120 acres or more. Under this subsection, tracts of land may be non-contiguous (provided that the minimum contiguous tract area is 20 acres), but must be reviewed and approved as an overall comprehensive plan and development proposal. Construction of the development may be phased.
  - 4) The minimum tract frontage on an arterial road shall be 500 feet
- B. Ratio of dwelling types. A minimum of 60% of the total number of dwelling units shall be single family detached residential units.

- C. The maximum impervious surface coverage for the entirety of the tract is 35%
- D. A minimum of 45% of the overall tract shall open space. A maximum of 30% of the open space area may be used for stormwater management. A minimum of 7% of the open space area shall be usable (upland) area suitable for active recreation use.
- E. No single family detached residential or townhouse residential lot shall contain restricted lands such as wetlands, wetland buffers, flood plains, or stormwater basins. Green infrastructure such as rain gardens, rain barrels, or drywells may be on individual lots with a point-of-sale disclosure to the buyer that includes maintenance obligations.
- F. No single family or townhouse lot shall have direct access from any arterial or collector road (Cooper Road and Taunton Avenue)
- G. Minimum tract perimeter buffer is 50 feet. Perimeter buffers shall not be located on any single family or townhouse lot. No stormwater facilities, parking, or accessory structures shall be permitted within the perimeter buffer area.
- H. Minimum building setback to existing developed commercial lots is 150 feet.
- I. Recreation facilities shall be provided to benefit the residents of the community. On-site recreational facilities shall be owned and maintained by a Homeowners Association.
  - 1) A minimum of one playground shall be provided for each contiguous development area, on a usable area of at least 10,000 square feet. Playground areas shall include play equipment, street furniture, shade structures, walkways, trees, and landscaping.
  - 2) A minimum of one dog park area shall be provided for each contiguous development area, consisting of at least 5,000 square feet surrounded by a 6 foot high decorative transparent fence, and set back a minimum of 50 feet from the nearest residential structure.
  - 3) A multi-use recreational trail shall be considered that would provide the connection intended on Figure 20 in the Camden County Bicycling & Multi-Use Trails Plan (2015). The trail location may be dictated by wetland and buffer constraints. If needed the trail may be provided parallel to the roadways.
    - a) Alternatively, if approved by the Planning Board, the applicant may provide a monetary contribution in lieu of constructing the trail together with a pedestrian access and trail construction easement for future construction of the trail. The contribution to the Township

recreation fund would be used in the future to construct a trail within the easement, to connect to trails on adjacent properties.

- 4) A ball field or multi-purpose field, or a cash contribution the Township recreation fund for expansion or improvement of existing recreational facilities shall be provided for any development of 100 units or more.

J. Subdivision of lots for permitted uses and community accessory uses is permitted.

K. Area, Bulk, Yard Requirements for Fee Simple Lots

<b>Requirement</b>	<b>Single Family Detached Lots</b>	<b>Townhouse Lots</b>
Minimum Lot Area	6,900 square feet	1,800 square feet
Minimum Lot frontage	60 feet <sup>2</sup>	20 feet inside lot 30 feet end lot
Minimum side yard	5 feet one side 15 feet aggregate	0 feet inside 10 feet end lot
Minimum front yard setback <sup>3</sup>	20 feet	20 feet
Minimum rear yard setback	25 feet	20 feet
Maximum building coverage per lot	35%	60%
Maximum impervious coverage per lot	60%	80%
Minimum distance between buildings	15 feet	20 feet
Maximum height	35 feet	40 feet/ three stories
Accessory Structure Setbacks	5 feet from side and rear. Not permitted in front yard	10 feet from rear for deck
Accessory Structures	Maximum height 15 feet	Maximum height 15 feet

<sup>2</sup> Lots on a cul-de-sac may have a minimum of 35 feet of frontage, but must have 60 feet of width at the building setback.

<sup>3</sup> Front yards are measured from each street frontage.

340-119 Standards for Single Family Residential Lots

- A. All single-family houses must have a covered porch or stoop a minimum of 24 square feet in area and 6 feet in depth. The front porch may encroach up to 8 feet into the primary front yard area.
- B. Any street facing building façade must contain at least three windows and must have façade treatment and materials consistent with the principal façade.
- C. Garages intended to be counted toward residential parking requirements must be sufficiently sized to store trash and recycling containers and equipment such as bicycles, in addition to vehicles.
- D. Each lot must contain landscaping along the building frontages.
- E. Driveways must be setback a minimum of 5 feet from side property lines.

340-120 Standards for Townhouse Residential

- A. Front porches, stoops, landings, and steps may encroach up to 8 feet into the primary front yard.
- B. Maximum number of townhouse units per building is 8.
- C. The front building wall of every two townhouse units shall be off set a minimum of two feet.
- D. Garages intended to be counted toward residential parking requirements must be sufficiently sized to store trash and recycling containers and equipment such as bicycles, in addition to vehicles.
- E. Fences throughout the development must be of a consistent style, color, and material. A detail shall be provided at the time of approval and shall be made part of homeowner association documents.

340-120.1 Landscape Buffers

- A. Landscape buffers are required to minimize and visually screen any adverse impacts or potential nuisances on a site from any adjacent area.
- B. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate fences or walls in sufficient quantities and sizes to perform their necessary screening function.
- C. Landscape buffers a minimum of 25 feet in width shall be planted within perimeter buffer areas. Existing trees shall be retained to the greatest extent possible and shall be supplemented as needed to achieve the intended buffer effect.

- D. Minimum buffer distance to adjacent developed commercial uses is 100 feet. This buffer shall not be located on any single family or townhouse lot. No stormwater facilities, parking, or accessory structures shall be permitted within the buffer area. Landscape buffers a minimum of 50 feet in width shall be planted within the minimum 100 foot buffer to adjacent developed commercial uses.
- E. For every 100 linear feet of buffer area the landscaping shall include 5 large or medium trees, 8 small or ornamental trees, 15 evergreen or conifer trees, and 30 shrubs. At least 75% of landscape materials shall be native plants. Existing vegetation may substitute for all or a portion of the required buffer plantings at the discretion of the reviewing Board.

#### 340-120.2 Architectural and Site Design Standards

- A. Representative architectural elevations showing all four sides of proposed buildings shall be provided with dimensions, materials, and colors identified.
- B. Architectural style shall be consistent throughout the development, with a minimum of four models with additional façade variations offered within the development.
- C. Façade materials shall include masonry (such as brick or stone), fiber cement, and/or vinyl siding. Horizontal siding and vertical siding are permitted, both should not be included on a single building.
- D. Front doors shall face toward the street and shall include a covered porch area.
- E. The exterior appearance of accessory structures must be compatible with the façade of the principal building.
- F. Sidewalks shall be provided along all street frontages, separated from the street by a park strip a minimum of 3 feet wide.
- G. Street trees shall be planted on the residential lots, setback a minimum of 3 feet from the sidewalk, within a 5-foot-wide street tree easement
- H. Streets serving detached single family residential developments that intersect with arterial roadways shall include center landscaped islands a minimum of 100 feet long.
- I. All common areas must have at least one street frontage (on the right-of-way) a minimum of 60 feet in width, excluding stormwater management areas which must at a minimum have an easement for access.

#### 340-120.3 R-4 District Application Requirements

- A. All applications for development must be accompanied by a report that evaluates the need for improvements to the Montebello sanitary sewer pumping station required to support the build out of the R-4 zoning district, and a plan to implement the necessary improvements.
- B. All applications for development must be accompanied by a report that evaluates the capacity of the water distribution system and adequacy of the current water allocation to accommodate the buildout of the R-4 zoning district and address any necessary improvements or anticipated shortfall.
- C. All applications for development must be accompanied by a traffic impact study that considers the build out of the R-4 district and the impacts of the development on the signalized and unsignalized intersections.
- D. Applications for development of the R-4 district south of Taunton Avenue must be accompanied either by: (i) a plan to clean and de-snag the Kettle Run Tributary within the property and along the property boundary to ensure free flow of the stream; or (ii) a Woodland Management of Forest Stewardship Plan that is applicable to the property, prepared in accordance with N.J.A.C. 18:15-2.10, et seq., and establishes an appropriate plan and schedule for the cleaning and de-snagging of impacted portions of the Kettle Run Tributary within the property and along the property boundary to ensure free flow of the stream.

**SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**BE IT FURTHER ORDAINED** that if any section, subsection, paragraph, sentence or other party of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED** this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

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**Phyllis Magazzu, Mayor**

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**Catherine Underwood, Township Clerk**

**It is hereby certified that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of the Township of Berlin on April 22, 2024.**

**Catherine Underwood, Township Clerk**