

ORDINANCE 2024-10 OF THE TOWNSHIP OF BERLIN AMENDING CHAPTER 340 ENTITLED “ZONING”, TO REPEAL AND REPLACE ARTICLE XVII “SENIOR CITIZEN COMMUNITY HOUSING” WITH THE “ARR-1 AND ARR-2 AGE RESTRICTED RESIDENTIAL ZONING DISTRICTS”, AND TO ADD PARTICULAR LOTS TO THE NEW ARR-1 and ARR-2 ZONES 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, the 2016 Master Plan Reexamination Report had identified zoning conflicts along Cooper Road and Taunton Avenue where age restricted (senior citizen) housing had been developed in the I-1 Light Industrial zoning district, and it was 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 creation of a new Age Restricted Residential Zone that will be the base zone applicable to the Montebello development and the Taunton Run development, and the deletion of the Senior Citizen Community Housing Overlay, in order to reflect current conditions and provide standards for the communities as they evolve into the future; and

WHEREAS, the new Age Restricted Residential Zoning District will apply to the following lots and will replace the I-1 Light Industrial Zoning District for the listed lots:

ARR-1 Age Restricted Residential District	
Block	Lots
1904	14.01
ARR-2 Age Restricted Residential District¹	
Block	Lots
2201	All
2203	All
2204	All
2401	All
2402	All

¹ 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, lot 43 in block 2404 was incorrectly shown as lot 44, and lot 44 in block 2404 was incorrectly shown as lot 42. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

2403	All
2404	1 through 41, 44 and 45
2501	All
2503	All
2504	All
2505	All
2603	All

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 1: Amend the Berlin Township Zoning Map to rezone the following lots from the I-1 Light Industrial Zone/Senior Citizen Community Overlay to the ARR-1 and ARR-2 Age Restricted Residential Zoning District:

ARR-1 Age Restricted Residential District	
Block	Lots
1904	14.01
ARR-2 Age Restricted Residential District²	
Block	Lots
2201	All
2203	All
2204	All
2401	All
2402	All
2403	All
2404	1 through 41, 44 and 45
2501	All
2503	All
2504	All
2505	All
2603	All

² 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, lot 43 in block 2404 was incorrectly shown as lot 44, and lot 44 in block 2404 was incorrectly shown as lot 42. The list of lots to be rezoned includes the correct lot numbers, with the understanding that the tax map is being corrected.

SECTION 2: Replace Article XVII in its entirety with the ARR Age-Restricted Residential Zoning Districts as follows:

- 340-96 Purpose. The purpose of the ARR age-restricted residential zoning districts is to provide opportunities for a variety of housing types to meet the needs of senior citizens in a manner that is compatible with surrounding development, and in areas with access to infrastructure, shopping, and recreation opportunities; and proximate to other developed areas where family and friends may live.
- 340-97 Minimum Age Requirement and Deed Restriction
- A. All residential units shall “age restricted” or “senior” housing. The housing units shall be designed for and occupied by permanent residents at least 55 years of age, except that the spouse or one immediate relative, domestic companion, or nurse aged 18 years or older may reside in the unit. The deed or covenant reserving the unit as age-restricted or senior citizen housing shall remain in effect for as long as the housing unit exists. The deed or covenant shall be subject to the review and approval of the Township solicitor.
 - B. All age-restricted multi-family apartments shall be affordable units, available to very low-, low-, and moderate-income households. The affordable units shall be restricted, regulated, and administered consistent with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).
- 340-98 Minimum Development Area and Maximum Residential Density
- A. The minimum lot area for the ARR-1 zone is 8 acres
 - B. The maximum residential density for the ARR-1 zone is 15 dwelling units per acre.
 - C. The minimum overall tract area for the ARR-2 zone is 50 acres and the minimum individual lot size for residential dwellings is 6,000 square feet.
 - D. The maximum density for the ARR-2 zone is 4.25 dwelling units per acre.
- 340-99 Principal Permitted Use of Land and Buildings
- A. Single Family Detached Dwelling Units
 - B. Multi-family Garden Apartments in the ARR-1 zone only
 - C. Open Space and Outdoor Recreation
- 340-100 Permitted Accessory Uses and Structures
- A. Common recreation facilities for the use and enjoyment of residents and their guests.
 - B. Community centers for the use of residents and their guests.
 - C. Stormwater management structures and facilities including green infrastructure.
 - D. Public water and public sewer utility infrastructure.

- E. Minor home occupations in accordance with the requirements of 340-4.
- F. 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.
- G. Off Street Parking
- H. Fences and walls in accordance with the requirements of this article and section 340-18.
- I. Signs in accordance with the requirements of this article and article XIII.
- J. Electric Vehicle Charging and Service Equipment
- K. 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.
- L. Trash and recycling enclosures as set forth below

340-101 Bulk, Area, and Yard Requirements

Requirement	Single Family Detached Lots	Multi-family Garden Apartments
Minimum Lot Area	6,000 square feet	5 acres
Minimum Lot frontage	50 feet ³	125 feet
Minimum side yard	5 feet each side/ 15 feet aggregate ⁴	25 feet
Minimum front yard setback ⁵	20 feet	50 feet
Minimum rear yard setback	18 feet 8 feet when abutting permanently preserved open space	50 feet
Maximum building coverage per lot	50%	50%
Maximum impervious coverage per lot	75%	75%
Minimum distance between buildings	15 feet	25 feet
Maximum height	35 feet or 2 stories, Whichever is less	35 feet or 2 stories, whichever is less

³ Lots on a cul-de-sac may have a minimum of 35 feet of frontage but must have 50 feet of width at the building setback.

⁴ Minimum distance between adjacent homes shall be 15 feet.

⁵ Front yards are measured from each street frontage.

Accessory Structure Setbacks (attached to house or detached)	8 feet from rear and 5 feet to side for lots that do not adjoin open space. 5 feet from rear and side for lots that adjoin open space. ⁶ Not permitted in front yard	15 feet to side and rear. Not permitted in front yard.
Accessory Structures	Maximum height 15 feet	Maximum height 15 feet

340-102 General Requirements

- A. A minimum of 25% of the tract area shall be maintained as common open space. This area may consist of natural areas and maintained open space areas. A maximum of one-third of delineated wetlands may be utilized in calculating the required open space area. For example, if there are 6 acres of wetlands on a site, a maximum of 2 acres (1/3) may count toward the open space requirement.
- B. No single family detached 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.
- C. No single family or townhouse lot shall have direct access from any arterial or collector road (Cooper Road and Taunton Avenue)
- D. Minimum tract perimeter buffer is 50 feet. Perimeter buffers shall not be located on any single family or townhouse lot. No parking or accessory structures shall be permitted within the perimeter buffer area.
- E. Recreation facilities shall be provided to benefit the residents of the community. On-site recreational facilities shall be owned and maintained by the property owner for rental community or a Homeowners Association for a for-sale community.
 - 1. Indoor recreational, social, and community meeting facilities shall be provided. For single family and townhouse communities, the gross floor

⁶ Unenclosed, at grade accessory structures (patios) may be setback 0 feet from the rear property line when the lot abuts permanently preserved open space. In this instance, the applicant must provide grading to demonstrate how and where runoff will flow. Additionally, the applicant must install landscaping on the open space lands to create a screen, including pine trees a minimum of 6 feet in height and understory shrubs a minimum of 5 feet in height.

area of the indoor facilities shall be a minimum of 25 square feet per residential dwelling unit for the first 250 units plus 5 square feet for each unit above 250 or a minimum of 7,000 square feet. For garden apartment communities the facilities shall be a minimum of 4,000 square feet for each 100 residential units.

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. Each age restricted residential development shall include areas designated as common green areas and open spaces, to be utilized by residents of the community for passive recreational purposes. A minimum of 25% of the overall tract shall be retained as common open space. A maximum of 1/3 of the freshwater wetland areas on the tract may be counted toward the common open space area.
- F. Subdivision of lots for permitted uses and permitted community accessory uses (such as community center, pump station, water storage) is permitted.
- G. Parking Requirements
1. 1.5 parking spaces per one- or two-bedroom age-restricted apartment.
 2. 2 off-street parking spaces per age-restricted single-family home
 3. One parking space for each 400 square feet in a community center and outdoor active recreation space.

340-103 Design Requirements

- A. Pedestrian pathways and sidewalks shall be provided and separated from motor vehicle cartways. Sidewalks shall be provided parallel to and on both sides of internal streets, on at least one side of all driveways, and in front of all buildings, structures, parking areas.
- B. Curbing shall be provided along all streets, roadways, parking areas for the purpose of defining the area and separating landscaped areas.
- 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 for single family homes must be setback a minimum of 5 feet from side property lines.
- F. Parking shall not be permitted on roads serving as collector streets.
- G. 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 (HOA) documents.

340-104 Landscape and Buffers

- A. Within the minimum 50-foot perimeter buffer area in the ARR-2 zone, a minimum 25 foot wide area shall be planted with a variety of landscape buffer materials. Natural buffers shall be maintained when feasible and supplemented to ensure adequate year-round screening.
- B. The minimum perimeter buffer area within the ARR-1 zone is 25 feet and the entire buffer area shall be planted to ensure visual screening and attractive yard areas.
- C. 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.
- D. Existing trees shall be retained to the greatest extent possible and shall be supplemented as needed to achieve the intended buffer effect.
- E. No stormwater facilities, parking, or accessory structures shall be permitted within 25 feet of the tract boundary.
- F. For every 100 linear feet of buffer area the landscaping shall include 4 large or medium trees, 4 small or ornamental trees, 15 evergreen or conifer trees, and 30 shrubs. At least 75%, and preferably more, of the 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.
- G. Common areas (other than natural areas), buffer areas, and areas immediately surrounding multi-family buildings must be irrigated with subsurface automated irrigation systems with rain sensors.

340-105 Enclosures for Trash and Recyclables for Multi-Family Development

- A. Trash and recycling storage areas must be enclosed and sufficiently sized to contain the dumpsters or containers for both trash and recyclable materials. Dumpsters or other trash containers are not permitted to sit in the open anywhere on the site.
- B. If outside of the building footprint, trash and recyclables enclosure areas must be masonry structures with an exterior façade to match the building.
- C. Trash enclosures must be a minimum of six feet in height and a maximum of eight feet, as needed to shield the trash containers.
- D. Trash enclosure gates shall be constructed with a steel frame. Chain link gates must be black vinyl coated.
- E. Trash enclosures that are outside the principal building footprint must be set back a minimum of five feet from side and rear property lines.
- F. The applicant shall submit an operations statement to outline the plan for solid waste and recyclables management and collection.

340-106 Homeowners Association

- A. Each age restricted community that includes fee simple or condominium units must establish a homeowners or condominium association. The association documents shall be reviewed and approved by the Township solicitor prior to final approval of the plans.
- B. The association shall be legally and financially responsible for the following services unless otherwise agreed to by the Township.
 - 1. Maintenance of common areas, including active and passive recreation areas.
 - 2. Maintenance of all private roads, driveways, parking areas, sidewalks, and irrigation systems.
 - 3. Stormwater management facilities
 - 4. Lighting
 - 5. Snow removal
 - 6. Trash and recycling removal
 - 7. Landscaping

340-107 Emergency Standby Generators. Notwithstanding anything in this article to the contrary, and, in addition thereto, the following bulk and design regulations shall apply to all emergency standby generators installed within the zone:

- A. All requirements of § 340-19B of the Code relating to ground-mounted equipment shall apply, except as follows:
 - 1. Permanent emergency standby generators shall be installed not less than 3.0 feet from any rear property line.
 - 2. Permanent emergency standby generators shall be installed not less than 1.5 feet from any side property line.
- B. In addition to the requirements set forth in § 340-19B, the following requirements regarding emergency standby generators also shall apply:
 - 1. All emergency standby generators shall be ground-mounted only;
 - 2. All emergency standby generators shall be powered only by liquid propane or natural gas sources;
 - 3. The enclosure of every emergency standby generator must be manufactured by the general manufacturer, and the appearance of the enclosure must be compatible with the residential character of the residential development within which the generator is to be located; and
 - 4. In any residential development subject to the control and/or operation of a homeowners' association, the property owner shall first obtain the written consent of the homeowners' association and provide proof of same to the Zoning Officer at the time of application for a permit to install each such emergency standby generator

340-108 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 a development of single-family homes.
- 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.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby superseded to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Introduced: June 24, 2024

Adopted: July 22, 2024

Phyllis Magazzu, Mayor

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 July 22, 2024.

Catherine Underwood, Township Clerk