

**ORDINANCE 2015-6 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING
CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED
“ZONING”**

WHEREAS, Chapter 340 of the Code of the Township of Berlin, entitled “Zoning,” regulates, inter alia, fences and accessory structures within the Township of Berlin; and

WHEREAS, the Township Engineer and Code Enforcement Officer of the Township of Berlin have made recommendations for amendments to the current accessory structure and fence regulations; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Township Council of the Township of Berlin, as follows:

SECTION 1: Chapter 340, entitled “Zoning,” Article IV, entitled "General Provisions," Section 18, entitled "Fences," is hereby amended, revised and/or supplemented as follows:

§340-18 Fences

(A) [NO CHANGE]

(B) [NO CHANGE]

(C) [NO CHANGE]

(D) [NO CHANGE]

(E) [NO CHANGE]

(F) [NO CHANGE]

(G) Fence Materials and Colors

(a) The following fences and fencing materials are specifically prohibited: barbed-wire fences (except in industrial zones), sharp-pointed fences and canvas, cloth and electrically charged or temporary fences such as snow fences, expandable fences and collapsible fences at any location on the lot upon which a dwelling or structure is situated.

(b) Fences may only be white, brown, beige or wood and/or wood-grain in color, except metal fences which may be black, silver, white or green.

(c) All fences shall be one color. Multi-colored fences are prohibited.

(H) [NO CHANGE]

(I) [NO CHANGE]

(J) [NO CHANGE]

SECTION 2: Chapter 340, entitled "Zoning," Article IV, entitled "General Provisions," Section 19, entitled "Accessory structures," is hereby amended, revised and/or supplemented as follows:

§340-19 Accessory Structures

(A) Accessory Structures

(1) [NO CHANGE]

(2) [NO CHANGE]

(3) No accessory structure shall exceed dimensions of 12 feet by 20 feet.

(4) [NO CHANGE]

(5) No accessory structure shall be placed any closer than 5 feet to any side or rear property line.

(6) Accessory structures shall not occupy more than 25% of the rear yard area.

(7) In the case of a corner lot abutting two or more streets, accessory structures shall not be located nearer the street line of the street forming the side yard boundary than the required front yard setback on such street.

(8) No more than two (2) accessory structures are permitted on any one lot.

(9) The floor areas of all accessory structures shall not exceed 20% of the footprint of the principal building on that lot, unless limited elsewhere in this chapter.

(10) Accessory structures shall be included in computing the maximum percentage of lot coverage, impervious coverage and other bulk standards.

(11) No accessory building shall be used for a residence.

(B) Ground-Mounted Equipment.

(1) In any non-residential zone, ground-mounted equipment structures such as mechanical heating and ventilating equipment, air-conditioning units, transformer

boxes, emergency generators, or any other ground-mounted structure may only be placed in the side and rear yards and must be screened by an enclosure approved by the Municipal Zoning Officer. Ground-mounted equipment shall not be located in the front yard.

- (2) In any single-family residential zone or any property used for single-family residential purposes, ground-mounted generators for emergency use when the municipal power grid is off-line are permitted to be installed and used in accordance with the following regulations:
 - (a) ground-mounted generators must be located so as to minimize noise and visual impact on adjacent properties by using appropriate sound-attenuated enclosures, screening and landscaping approved by the Municipal Zoning Officer;
 - (b) notwithstanding the requirements of Section 340-18(A), ground-mounted generators may not be located in the front or side yard and may only be placed in the rear yard with a minimum setback of 15 feet from the rear and side property lines;
 - (c) generator noise and/or operating sound output may not exceed New Jersey Department of Environmental Protection noise regulations and requirements, as same may be amended from time to time;
 - (d) ground-mounted generators may only be operated during power loss or for maintenance operation, provided that maintenance operation shall be permitted only between the hours of 11:00A.M. and 1:00P.M. Monday through Friday and in accordance with manufacturing specifications.
 - (e) ground-mounted generators must be in compliance with all applicable federal, state and local laws and regulations.
- (3) In any townhouse, condominium and/or multi-family residential areas under condominium and/or common ownership, application shall be made to the Berlin Township Joint Land Use Board by the homeowner's association for placement of any new mechanical devices, such as emergency generators.
- (C) No accessory structure or ground-mounted generator shall be erected or installed without first obtaining all required zoning permits and construction permits.

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 340 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: 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.

SECTION 6: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced: June 22, 2015

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 22, 2015 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on September 14, 2015 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk