

Resolution 2018-9

RESOLUTION OF THE PLANNING ZONING BOARD OF THE TOWNSHIP OF BERLIN,
CAMDEN COUNTY, NEW JERSEY, RECOMMENDING THE MAYOR AND TOWNSHIP COUNCIL AMENDING
THE CODE OF THE TOWNSHIP OF BERLIN - LAND USE AND DEVELOPMENT
KNOWN AS CHAPTER 340, ARTICLE XVII, ENTITLED SENIOR CITIZEN COMMUNITY HOUSING

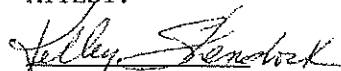
WHEREAS, The New Jersey Land Use Law N.J.S.A. 40:55D.1 et seq. requires amendments to the Zoning Map to first be reviewed and a recommendation received from the Municipal Planning Board before final adoption by the Municipal Governing Board, and

WHEREAS. The Planning and Zoning Board of the Township of Berlin has considered an amendment to the Land Use and Development Code of the Township of Berlin regarding Chapter 340 Article XVII, entitled Senior Citizen Housing, and


WHEREAS. The Board has received the recommendation of the Board's professionals and has reviewed the same at an open public meeting of the Board and is in agreement with the proposed amendment.

NOW THEREFORE, The Planning and Zoning Board of the Township of Berlin does hereby recommend that the Mayor and Township Council consider adopting the proposed Amendment to Chapter 340, Article XVII, entitled Senior Citizen Community Housing. A Copy Draft of the proposed changes, as recommended by the Board is attached hereto and made a part of this Resolution.

ATTEST:

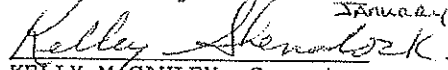

KELLY MCCAULEY
Secretary *Shendock*

BERLIN TOWNSHIP
PLANNING/ZONING BOARD


~~Andrew Simone~~ CRAIG DeGeorge
Chairman

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Berlin Township Planning/Zoning Board at a meeting held on ~~October 24th 2017~~

January 9th, 2018

KELLY MCCAULEY, Secretary
Shendock

**ORDINANCE 2017-__ OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,
AND STATE OF NEW JERSEY, AMENDING, REVISING, AND/OR
SUPPLEMENTING CHAPTER 340, ARTICLE XVII OF THE CODE OF THE
TOWNSHIP OF BERLIN ENTITLED "SENIOR CITIZEN COMMUNITY HOUSING"**

WHEREAS, Chapter 340 of the Code of the Township of Berlin, entitled "Zoning," Article XVII, entitled "Senior Citizen Community Housing," regulates, in pertinent part, the development of age-restricted communities within the Township of Berlin; and

WHEREAS, the Planning Board of the Township of Berlin, by and through a report of the Township Engineer, have requested that certain bulk restrictions applicable to the Senior Citizen Community Housing zoning district be modified to reflect existing conditions within said zoning district so as to alleviate the need for repetitive and/or numerous zoning variance applications relating to the permitted location of certain accessory structures; and

WHEREAS, the Governing Body has determined it necessary for the health, safety and welfare of the residents of the Senior Citizen Community Housing zoning district to revise Article XVII of Chapter 340 to address the issue reported by the Planning Board by revising certain bulk restrictions applicable in the zone; and

WHEREAS, pursuant to N.J.S.A. 40:55-62 et seq., the Governing Body is authorized to enact and amend ordinances regarding zoning districts and zoning district 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 XVII, entitled "Senior Citizen Community Housing," Section 108, entitled "Yard, height and lot coverage regulations," is hereby amended, revised and/or supplemented as follows:

- A. [NO CHANGE]
- B. [NO CHANGE]
- C. Except as set forth in Section 340-114(B), rear yards shall not be less than 20 feet, provided that the following accessory and/or additional structures shall be subject to the following set back requirements:

- (1) Sun rooms, Florida rooms, screened porches, patios (enclosed or unenclosed), and/or decks on lots that do not adjoin an open space lot shall be located at least 12 1/2 feet from the rear property line.
- (2) Elevated and/or raised decks and patios on lots that adjoin an open space lot or lots shall be located at least 5 feet from the rear property line that adjoins said open space lot(s).

D. [NO CHANGE]

E. Except as set forth in Section 340-114(B), side yards shall not be less than 7.5 feet for each side, provided that elevated and/or raised decks and patios on lots that adjoin an open space lot or lots shall be located not less than 5 feet from each side property line that adjoins said open space lot(s).

F. [NO CHANGE]

SECTION 2: Chapter 340, entitled "Zoning," Article XVII, entitled "Senior Citizen Community Housing," Subsection 114, entitled "Construction and design standards," is hereby amended, revised and/or supplemented as follows:

340-114 Construction and design standards:

A. The senior citizen housing community shall be designed and constructed in accordance with the specifications contained herein and in accordance with the design standards contained in Article XII and Article XIII of Chapter 200, Land Use and Development. "Density" shall be defined as "residential density" pursuant to N.J.S.A. 40:55D-6. "Dwelling unit type" shall be defined as set forth in Article II, Definitions, of Chapter 200, Land Use and Development. "Assisted living units" shall be as defined in this chapter.

B. Emergency Stand-By Generators. Notwithstanding anything in this Article to the contrary, and in addition thereto, the following bulk and design regulations shall apply to all emergency stand-by generators installed within the zone:

(1) All requirements of Section 340-19(B) of the Code relating to ground-mounted equipment shall apply, except as follows:

(a) permanent emergency stand-by generators shall be installed not less than 3.0 feet from any rear property line.

(b) permanent emergency stand-by generators shall be installed not less than 1.5 feet from any side property line.

(2) In addition to the requirements set forth in Section 340-19(B), the following requirements regarding emergency stand-by generators also shall apply:

- (a) all emergency stand-by generators shall be ground-mounted only;
- (b) all emergency stand-by generators shall be powered only by liquid propane or natural gas sources;
- (c) the enclosure of every emergency stand-by 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
- (d) 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 stand-by generator.

SECTION 3: Chapter 340, entitled "Zoning," Article IV entitled "General Provisions," Section 19, entitled "Accessory Structures," is hereby amended, revised and/or supplemented as follows:

- A. [NO CHANGE]
- B. Ground mounted equipment.

Except as may be provided elsewhere in Chapter 340, the following regulations shall apply to ground mounted equipment:

- (1) [NO CHANGE]
 - (a) Ground-mounted generators must be located so as to minimize noise and visual impact on adjacent properties and streets by using appropriate sound-attenuating enclosures, screening and landscaping approved by the Municipal Zoning Officer.
 - (b) [NO CHANGE]
 - (c) [NO CHANGE]
 - (d) [NO CHANGE]
 - (e) [NO CHANGE]
- (2) [NO CHANGE]
- (3) [NO CHANGE]

C. [NO CHANGE]

SECTION 4: Except as set forth in Sections 1 through 3 above, the balance of Chapter 340 shall not be affected by this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: 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 7: This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Introduced:

Adopted:

Phyllis J. Magazzu, Mayor

Catherine Underwood, RMC – 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 _____, 2017.

Catherine Underwood, RMC – Township Clerk