

ORDINANCE # 2024-02

**AN ORDINANCE AMENDING CHAPTER 335, ZONING AND LAND USE,
OF THE CODE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND STATE OF
NEW JERSEY, TO INCORPORATE PINELANDS DEVELOPMENT CREDITS
REQUIREMENTS INTO THE PC-3 DISTRICT**

WHEREAS, portions of the Borough of Berlin are located within the Pinelands Management Area;
and

WHEREAS, the Pinelands Commission has jurisdiction to review and certify municipal land development regulations for all lands within the Pinelands Area; and

WHEREAS, the Pinelands Commission requires that for certain developments within the Pinelands Area, Pinelands Development Credits be obtained by a developer prior to receiving approval from the municipality or the Pinelands Commission; and

WHEREAS, the Borough of Berlin’s zoning and land use ordinance does not currently require that Pinelands Development Credits be required of certain developments in the PC-3 Pinelands Commercial 3 District, which appears to be an error of omission; and

WHEREAS, in order to maintain consistency with the requirements of the Pinelands Commission and the Pinelands Comprehensive Management Plan, the Borough’s zoning and land use code should be updated to reflect the requirement that for certain development projects located within the Pinelands, Pinelands Development Credits may be required in each zoning district located within the Pinelands.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Berlin, County of Camden and State of New Jersey, that the Borough’s Zoning and Land Use Ordinance, Chapter 335 of the Borough Code, shall be amended as follows:

SECTION 1: Chapter 335, Zoning and Land Use, Article III, General Provisions, §335-16, Planning Board, is hereby amended by revising subsection B(2)(j)[4][c] as follows:

- [c] When a variance or other approval for a residential use in the ~~PC-1~~, PC-2, PC-3 or PI-3 Districts is granted by the Borough, Pinelands development credits shall be used for 50% of the authorized units for parcels under 10 acres in size; for 75% of the authorized units for parcels between 10 and 20 acres in size; and for 100% of the authorized units for parcels over 20 acres in size.

SECTION 2: Chapter 335, Zoning and Land Use, Article VI, Zoning Regulations, §335-77, General zoning provisions, is hereby amended by revising subsection K(1)(a) as follows:

- (a) All development in Districts PR-1, PR-2, PC-2, **PC-3**, and PI-3 (areas of the Borough in the Pinelands Protection Area) shall comply with pinelands development standards, the zoning and design standards set forth in this chapter, the special procedures regarding development in the Pinelands Area and a lot area of at least one acre unless served by a centralized wastewater treatment plant

SECTION 3: Chapter 335, Zoning and Land Use, Article VI, Zoning Regulations, §335-77, General zoning provisions, is hereby amended by revising subsection K(16)(g)[4] as follows:

- [4] When a variance or other approval for the development of a residential use in the **PC-1**, PC-2, **PC-3** or PI-3 Districts is granted by the Borough, Pinelands development credits shall be used for 50% of the authorized units for parcels under 10 acres in size; for 75% of the authorized units for parcels between 10 and 20 acres in size and for 100% of the authorized units for parcels over 20 acres in size; and

SECTION 4: Amendment of Zoning Map. The Zoning Map of the Borough of Berlin shall be and is hereby supplemented and amended so as to provide for the zoning changes reflect herein.

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: Upon adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board and the New Jersey Pinelands Commission and other agencies as required by law.

SECTION 8: This Ordinance shall take effect immediately upon final passage and publication in accordance with law, and approval from the New Jersey Department of Community Affairs.

Introduced: February 8, 2024

Adopted: March 14, 2024


RICHARD MILLER, MAYOR


RACHEL VON DER TANN, RMC
BOROUGH CLERK

I, Rachel Von Der Tann, RMC, Borough Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of March 14, 2024 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

Rachel von der Tann

RACHEL VON DER TANN, RMC
BOROUGH CLERK

Date: 3/16/24

