

11-21-19

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**ORDINANCE AMENDING
CHAPTER 335, ZONING AND LAND USE,
TO CREATE THE R-5 ZONING DISTRICT**

**BOROUGH OF BERLIN
COUNTY OF CAMDEN, STATE OF NEW JERSEY**

WHEREAS, the Borough Council of the Borough of Berlin (“Borough Council”), a municipal corporation in the County of Camden, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the settlement of litigation by and between *Nexus Properties, Inc. v. The Borough of Berlin and the Planning Board of the Borough of Berlin*; and *Armstrong Capital, LLC v. The Borough of Berlin and the Council of the Borough of Berlin and the Planning Board of the Borough of Berlin* (the “Parties”); and

WHEREAS, the Borough Council has determined that the revision and adoption of amendments to the Zoning and Land Use Ordinance and Zoning Map of the Borough is consistent with the Settlement Agreement between the Parties and shall effectuate such settlement; and

WHEREAS, the Planning Board of the Borough of Berlin has adopted a Master Plan that comprehensively provides for the appropriate use and development of lands in the Borough in a manner which shall promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element, however the governing body may adopt an ordinance amendment inconsistent with such element provided a majority of the full authorized Council shall approve the amendment and place their reasons on the record; and

WHEREAS, the Planning Board has determined that the creation of the R-5 Apartment and Townhouse District and corresponding amendment to the Zoning Map is consistent with the Settlement Agreement, represents sound land use planning and therefore favorably recommends to the Borough Council that the Zoning and Land Use Ordinance be so amended; and

