

*Borough of Berlin, NJ
Wednesday, June 12, 2024*

Chapter 335. Zoning and Land Use

Article VI. Zoning Regulations

§ 335-83. C-2 and PC-2 Neighborhood Commercial District.

[Amended 12-18-2002 by Ord. No. 2002:18]

- A. Purpose. The purpose of the C-2 District is to provide for neighborhood scale office, professional, service and commercial uses in areas abutting major roads including portions of the Borough formerly devoted to residential uses that have become impacted by congestion associated with increasing traffic and attendant highway improvements. In the Pinelands area, development shall comply with the C-2 District regulations, except that, to the extent there may be an inconsistency with the C-2 District regulations, the Pinelands Area regulations (§ 335-77K) shall prevail.
- B. Permitted principal uses. The following shall be permitted principal uses in the C-2 District:
- (1) The retail sale of general merchandise in structures containing a floor area of less than 25,000 square feet, such as but not limited to consumable products, pharmaceuticals, reading materials, music, gifts, flowers, stationery and related paper products, office supplies, wearing apparel and shoes, hardware, paint, wallpaper, carpets and other floor coverings, furniture and other household goods, lawn and patio equipment and related supplies, appliances, confections, and auto accessories.
 - (2) Service uses including, but not limited to the repair and servicing of appliances, shoe repair, cleaners, laundries, tailors, barbershops and beauty salons.
 - (3) Offices and banks.
 - (4) Funeral homes.
 - (5) Medical service uses including but not limited to doctors, chiropractors, dentists, and medical clinics.
 - (6) Veterinarians and animal hospitals without outside kennels.
 - (7) Restaurants and sidewalk cafes. Restaurants with drive-up window service and sidewalk cafes shall be subject to the conditional use standards for these uses as specified below.
[Amended 12-14-2017 by Ord. No. 2017-15]
 - (8) Health clubs and exercise centers including dance studios and related uses.
 - (9) Preexisting residential uses subject to the standards and controls established for the R-1 District. The establishment of new residential uses in the C-2 District shall be prohibited unless authorized by the Borough Planning Board serving in its capacity as a Zoning Board of Adjustment.
 - (10) Borough uses.
 - (11) Utility services as defined herein.

(12) Child-care centers, or day-care centers, provided that they meet the requirements of § 335-77D.

(13) Microbreweries and nanobreweries.

[Added 12-14-2017 by Ord. No. 2017-15]

(14) Distilleries.

[Added 12-14-2017 by Ord. No. 2017-15]

(15) Performing arts center.

[Added 12-14-2017 by Ord. No. 2017-15]

C. Permitted accessory uses. The following shall be permitted accessory uses in the C-2 District:

(1) Off-street parking lots and off-street loading areas subject to the standards of the Schedule of Minimum Off-street Parking and Loading Spaces^[1] established by this ordinance.

[1] *Editor's Note: Said schedule is included as an attachment to this chapter.*

(2) Residential antennas and satellite dishes subject to the provisions of § 335-77B.

(3) All uses which are normal, incidental, accessory and consistent with the principal use. In the case of offices, such accessory uses include examination rooms and laboratories in medical offices, drafting and typing and computer rooms; rooms for copying machines, printers and the storage of supplies; and areas for receptionist, bookkeeping, conferences and related activities.

(4) Fences and walls subject to the provisions of § 335-77F.

D. Conditional uses. The following shall be permitted as conditional uses:

(1) Restaurants with drive-up windows subject to the following conditions:

(a) Each drive-up window shall have the stacking capacity for minimum of eight vehicles.

(b) The driveway and circulation systems for the drive-up window shall be separate from and not interfere with parking and circulation movements for the balance of the site.

(2) Sidewalk cafes shall be permitted within shopping centers and along sidewalks along the pedestrian walkway with a minimum of 15 feet measured between the built-to-line and the parking lot and/or curbline. The outdoor seating must be ADA compliant. The outdoor seating area shall not extend past eight feet into the sidewalk and shall leave a minimum of three feet of sidewalk between the outdoor seating space and the curbline to prevent inadequate pedestrian space. Sidewalk cafes also may be permitted on corner lots; however, the seating area shall not interfere with motorists' sight triangle or pedestrian crosswalk access. Outdoor seating areas shall only be permitted between the hours of 7:00 a.m. and 10:00 p.m. Sidewalk cafes may include additional fixtures other than tables and chairs, such as umbrellas.

[Added 12-14-2017 by Ord. No. 2017-15^[2]]

[2] *Editor's Note: With this addition, former Subsection D(2) was renumbered as Subsection D(3).*

(3) Shopping centers and neighborhood-oriented retail uses containing 25,000 or more square feet subject to the following conditions:

[Amended 9-18-2006 by Ord. No. 2006-15]

(a) A shopping center shall have a minimum tract area of 130,000 square feet.

(b) Outdoor display or sales area shall be located behind the front building line, and screening in the form of walls, fences and landscaping shall be erected to shield the outdoor display or sales area from view of residential uses or public streets.

(c) A shopping center tract shall have a minimum depth of 300 feet and a minimum of 300 feet of frontage on a public street.

- (d) Compliance with the signage standards for shopping center.
- (e) No retail use or establishment may contain a floor area greater than 65,000 square feet.
- (f) No shopping center in the C-2 District shall contain a regionally oriented retail use such as a department store, home improvement center or related use with a floor area in excess of 65,000 square feet.

E. Density, bulk and yard requirements.
[Amended 10-13-2022 by Ord. No. 2022-10]

Minimum lot size	40,000 square feet
Minimum lot width and frontage	175 feet
Minimum lot depth	175 feet
Minimum front yard	50 feet
Minimum side yard	40 feet
Minimum rear yard	50 feet
Maximum building height	35 feet
Maximum floor area ratio	0.25
Maximum stories	2
Maximum lot coverage	70%

NOTE: Additional setbacks shall be provided in accordance with § 335-77Q, if applicable.

- F. Buffers. The buffer areas shall adhere to the requirements of § 335-77C.
- G. Signs. See § 335-77R.