





## Chapter 298

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[HISTORY: Adopted by the Mayor and Council of the Borough of Clementon 6-20-1966 by Ord. No. 66.10.1 Amendments noted where applicable.]

1. Editor's Note: This ordinance, as amended, and all maps accompanying it were made the Interim Zoning Ordinance of the Borough of Clementon from 2-1-1978 until 1-13-1979, pursuant to Ord. No. 78-5, adopted 4-24-1978.

## GENERAL REFERENCES

Planning Board — See Ch. 5, Art. I.

Land use procedures — Ch. 38.

Housing and Zoning Inspector — See Ch. 42, Art. I.

Unsafe buildings — See Ch. 91.

Certificates of occupancy — See Ch. 96.

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## ARTICLE I

## Title

## § 298-1. Title.

This chapter shall be known as "A Comprehensive Ordinance Regulating and Restricting the Use of Land and the Use and Location of Buildings and Structures; Regulating and Restricting the Height and Bulk of Buildings and Determining the Area of Yards, Courts and Other Places Surrounding Them; Regulating and Restricting the Density of Population; Dividing the Borough of Clementon into Districts for Such Purposes; Adopting Maps of Said Borough Showing Boundaries and the Classification of such Districts; Establishing a Zoning Board of Adjustment and Prescribing Penalties for the Violation of its Provisions," and may be cited as the "Zoning Ordinance of the Borough of Clementon."

## ARTICLE II

## Purpose

## § 298-2. Purpose.

The purpose of this chapter is to encourage the most appropriate use of land throughout the municipality; to conserve and stabilize the value of property; to prevent the overcrowding of land and buildings; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; to provide adequate open spaces for light and air; to promote health, safety, morals and general welfare; and to accomplish such other projects and purposes of zoning as are now and may be hereinafter set forth in the enabling legislation. For this purpose, this chapter designates, regulates and restricts the location and use of buildings, structures and of stories and size of buildings and other structures hereafter erected or altered; regulates and determines the size of yards and other open spaces; and regulates and limits the density of population. In order to effect its purpose, the chapter divides the Borough into zoning districts of such number, shape and area as may be deemed best to carry out the chapter.

ARTICLE III  
Definitions

## § 298-3. Word usage; terms defined.

A. For the purposes of this chapter, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and directory. The word "used" includes "designed," "intended" or "arranged to be used."

B. Certain words and terms in this chapter are to be interpreted as defined below:

ACCESSORY USE OR BUILDING — A subordinate use or building, the purpose of which is customarily incidental to that of the main use or building and on the same lot.

ALTERATION — As applied to a building or a structure, a change or rearrangement in the structure parts or in the existing facilities, or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another.

AMUSEMENT DEVICE ARCADE — Any structure, facility or building containing more than six coin-operated amusement devices, as defined in Chapter 74, Article II, of the Code of the Borough of Clementon, where the principal purpose of said building, structure or facility is to house and operate the coin-operated amusement devices for profit. [Added 12-20-1982 by Ord. No. 82-12]

AUTOMOBILE WRECKING — See definition of "junkyard."

BUILDING — Any structure having a roof supported by columns, piers or walls, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or having other supports, and any unroofed platform, terrace or porch having a vertical face higher than three feet above the level of the ground from which the height of the structure or object is measured.

BUILDING AREA — That horizontal ground area which is directly under a building or buildings, excluding cornices, caves, gutters or chimneys projecting not more than 18 inches, steps, bay windows not extending through more than one story and not projecting more than three feet.

BUILDING HEIGHT — The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof, to the deckline of a mansard roof and to the average height between the plate and ridge of a gambrel roof.

BUILDING LINE — A line that outlines or inscribes the building area.

CERTIFICATE OF OCCUPANCY — A certificate issued by the Zoning Inspector upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies that all requirements of the Zoning Ordinance, or such adjustments thereof which have been granted by the Board of Adjustment, and all other

applicable requirements have been complied with. [Amended 9-16-1968 by Ord. No. 68-13]

**DWELLING UNIT** — One or more rooms providing living facilities for one family, including equipment for cooking or provisions for the same.

**FACADE SIGN** — A sign attached to, or erected against, the primary exterior wall of a building, with the face parallel to the building wall and extending not more than one foot therefrom. [Added 8-25-1986 by Ord. No. 86-8]

**FAMILY** — A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds.

**FLOOR AREA** — The total enclosed habitable floor area of a building. The floor area measured shall have a clear height of at least seven feet three inches and shall not be more than three feet below the average ground level. Accessory buildings shall not be included in computing minimum floor area.

**FREESTANDING SIGN** — A sign erected on a freestanding frame, mast or pole and not attached to any building. [Added 8-25-1986 by Ord. No. 86-8]

**GARAGE, PRIVATE** — A building or space used for storing motor vehicles as an accessory to the main building and in which no occupation, business or service for profit is carried on.

**GARDEN APARTMENTS** — A group of architecturally harmonious residential buildings of two stories in height, spaced not less than 20 feet apart on a landscaped area and containing not more than 12 dwelling units per building.

**HIGH-RISE APARTMENTS** — A group of one or more buildings of six stories or more, designed and erected as a project with singleness of use and operation and where joint or communal use is to be made of open acres by the occupants, whether it is for recreation, parking of automobiles or other communal purposes. [Added 6-21-1971 by Ord. No. 71-16]

**ILLUMINATED SIGN** — Any sign which is lighted from within or without only by white light. [Added 8-25-1986 by Ord. No. 86-8]

**JUNKYARD** — Any area or structure used for the collecting, storage or abandonment of any waste or discarded material or the dismantling, demolition, salvaging or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof.

**LOT** — A piece, parcel or plot of land occupied or designed to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are arranged and designed to be used in connection with such buildings.

**LOT AREA** — The total horizontal area included within lot lines.



LOT COVERAGE — That percentage of the lot covered by building area.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT FRONTAGE — The portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots, the length of the frontage may be considered to be the same as the lot width, except that the actual distance of the street line shall not be less than 1/2 of any minimum frontage herein required.

LOT WIDTH — The mean horizontal distance between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

MINOR SITE PLAN — A development plan of one or more lots which does not involve a planned development, any new street or the extension of any off-tract improvement. Generally, this would be a plan of a minor or nominal nature which does not require engineering review, has no significant impact on traffic or surrounding areas, contains no additional curb cuts, does not require any paving increases more than 10% of the existing area, does not require additions to an existing building more than 25% of the total usable floor area, disturbs less than 5,000 square feet of ground area and which site is surrounded by the similar or more intense land uses. [Added 3-25-1991 by Ord. No. 91-6]

MULTIFAMILY — A building on a lot designed and occupied exclusively as a residence for three or more families living separate and apart from each other. [Added 11-23-1970 by Ord. No. 70-13]

MOTOR VEHICLE SERVICE STATION — A building or space used or designed to be used for the supply and sale of motor vehicle fuels or accessories, including the care and repair of automobiles or other motor vehicles.

NONCONFORMING BUILDING — A building which in its design or location upon a lot does not conform to the regulations of this chapter for the zone in which it is located.

NONCONFORMING LOT — A lot of record existing at the date of the passage of this chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING USE — Use of a building or of land that does not conform to the regulations of the zone in which it is located.

PARKING SPACE — An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PORTABLE SIGN — Any sign, temporary in nature, not permanently attached to the ground or a building, which is capable of being easily carried or moved about. [Added 8-25-1986 by Ord. No. 86-8]

**PRINCIPAL BUILDINGS** — A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

**PROFESSIONAL OFFICE** — The office of a member of a recognized profession, as hereinafter indicated, when conducted on a residential property, which practice shall be conducted by a member or members of the residential family entirely within a residential building and shall include the offices of physicians, surgeons, dentists, ministers, architects, professional engineers, lawyers, accountants and such similar professional occupations which may be so designated by the Board of Adjustment upon finding by such Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

**SALE, RENT OR LEASE SIGN** — A sign to sell, lease or rent the land or buildings upon which it is placed. This is not a sign identifying or advertising a real estate broker's office or other office devoted to the sale of real estate. [Added 8-25-1986 by Ord. No. 86-8]

**SIGN** — Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

**SIGN AREA** — The area defined by the frame or edge of a sign. Where there is no geometric frame or edge to the sign, the area shall be defined by the projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

**SIGN, COMMERCIAL** — Any sign or billboard which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs, or any sign advertising a commodity not sold or produced on the premises.

**SIGN, IDENTIFICATION** — Any sign which shall be used to advertise and identify the business conducted on the premises where the sign is located.

**SIGN, NONCONFORMING** — A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.<sup>2</sup> [Added 11-23-2010 by Ord. No. 2010-07]

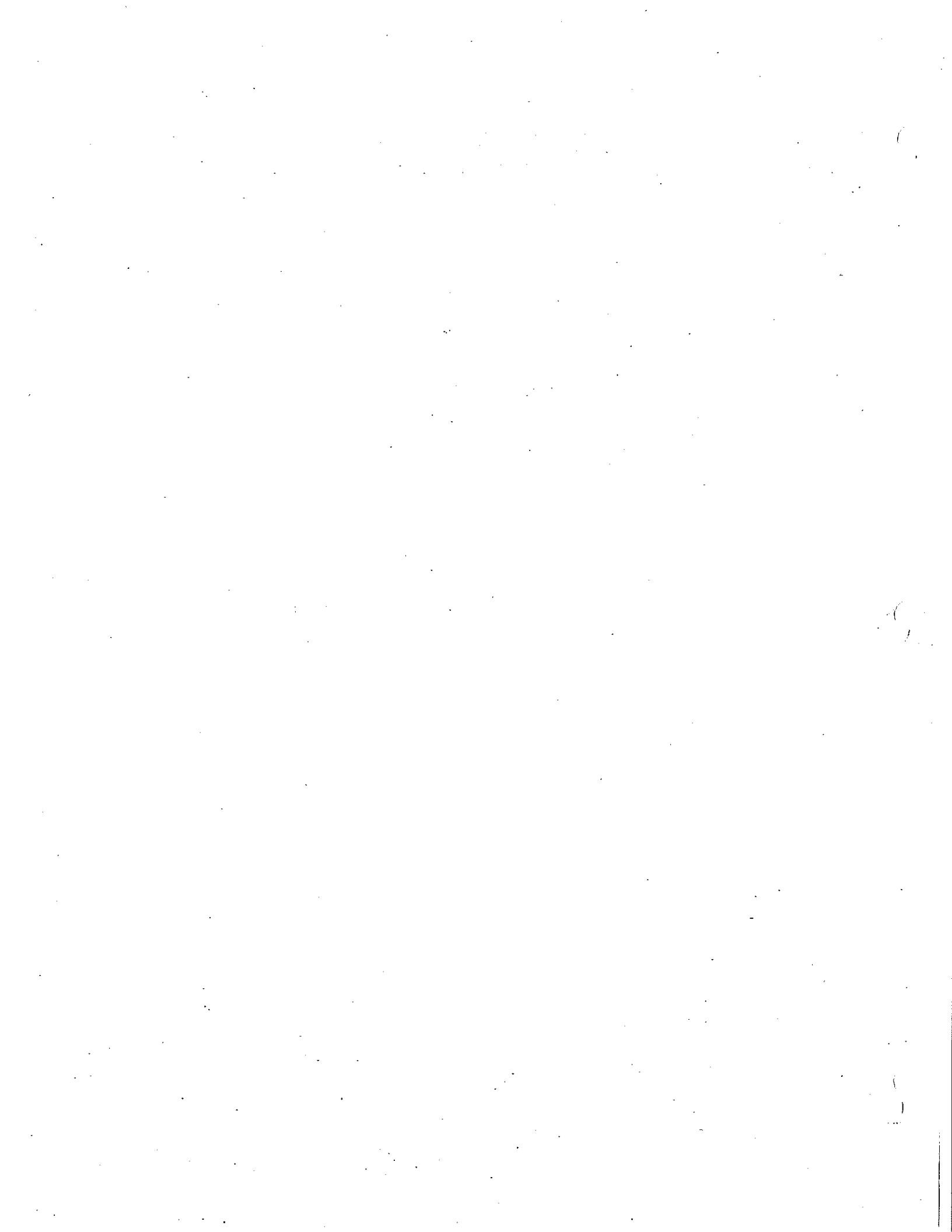
**SITE PLAN** — A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Board in unusual or special cases.

2. Editor's Note: See § 298-56, Signs.

STREET — A public thoroughfare which has been dedicated or deeded to the public for public use which has been improved in accordance with Borough standards and which has been accepted by the Borough.

STREET LINE — That line determining the limit of the highway rights of the public, either existing or contemplated.

STRUCTURE — See "building."



TEMPORARY SIGNS — A sign which is not permanently affixed and which is used for a limited period of time. [Added 8-25-1986 by Ord. No. 86-8]

TOWNHOUSE DWELLING UNIT — One of a series of single-family dwelling units which is attached by a common fireproof and sound-resistant wall (which wall should start at the lowest footing line and go to the underside of the highest roof sheathing) to one or more adjacent units. [Added 6-21-1971 by Ord. No. 71-16]

TOWNHOUSE LOT — The parcel of land which has been or is intended to be leased to an individual lessee, together with a townhouse dwelling unit constructed thereon. [Added 6-21-1971 by Ord. No. 71-16]

TOWNHOUSE PARCEL — The entire tract upon which a townhouse complex shall be or has been built. [Added 6-21-1971 by Ord. No. 71-16]

TOWNHOUSE STRUCTURE — A development project of one or more townhouse dwelling structures, including individual townhouse lots and common lands or facilities. [Added 6-21-1971 by Ord. No. 71-16]

USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

YARD, FRONT — An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of that lot. The depth of the front yard shall be measured at right angles to the street lines.

YARD, REAR — A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot or, if the lot is not rectangular, then in the general direction of its side building lines.

YARD SALE — Includes all sales known as "garage sales," "lawn sales," "attic sales" and any similar casual sale of tangible personal property held in or upon a residence which is for the limited specific purpose as stated herein and which is advertised by any means whereby the public at large is, or can be, made aware of said sale. These types of sales shall offer only used items of personal property owned by the person or family owning the property upon which the sale is conducted. [Added 8-25-1986 by Ord. No. 86-8]

YARD, SIDE — An open, unoccupied space between the side line of the lot and the nearest line to the building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the street or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

ZONING BOARD — The Zoning Board of Adjustment as established under this chapter.

ARTICLE IV  
Zones and Zoning Map

§ 298-4. Designation of zones. [Amended 6-21-1971 by Ord. No. 71-16; 11-24-1975 by Ord. No. 75-17; 4-26-2005 by Ord. No. 2005-17]

For the purpose of this chapter, the Borough of Clementon is hereby divided into 11 zones, differentiated according to use and building regulations and to be designated as follows:

- R-1 One-Family Residential Zone
- R-2 One-Family Residential Zone
- R-3 Garden Apartment Zone
- R-4 Townhouse and High-Rise Apartment Residential Zone
- R-5 One-Family Residential Zone
- B-1 Commercial Zone (Central)
- B-2 Commercial Zone (Highway)
- B-3 Commercial Zone (Regional Shopping Center)
- M-1 Light Industrial Zone
- A-P Amusement Park Zone
- P Parkland Zone

§ 298-5. Zoning Map. [Amended 4-23-1973 by Ord. No. 73-6]

The aforesaid zones are hereby established by the designations, locations and boundaries thereof set forth and indicated on the current revision of the Zoning Map originally designated "Revised to July, 1965" and prepared by Hoxworth, Behnke & Girard Associates. Said map shall be known as the "Zoning Map of the Borough of Clementon" and is hereby decreed to be a part of this chapter.<sup>2</sup>

§ 298-6. Interpretation of zone boundaries.

Where uncertainty exists as to any of said boundaries as shown on said Map, the following rules shall apply:

- A. Zone boundary lines are intended to follow the center line of the streets, railroad rights-of-way and streams, and lot or property lines as they exist on plats of record at the time of the passage of this chapter, unless such zone boundary lines are fixed by dimensions shown on the Zoning Map.
- B. Where such boundaries are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than 25 feet distant therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

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2. Editor's Note: The Zoning Map is on file in the Borough offices.

- C. Where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Map, shall be determined by the use of the scale appearing thereon.

ARTICLE V  
Schedules<sup>3</sup>

§ 298-7. Interpretation of schedules.

The schedules attached to this chapter as the last page hereof setting forth area, yard, building and bulk requirements are an integral part of this chapter and not intended to be separate and distinct therefrom. The requirements as set forth therein shall be considered as the minimum requirements under the terms of this chapter.

ARTICLE VI  
R-1 One-Family Residential Zone

§ 298-8. Permitted uses.

- A. One-family dwellings.
- B. Such municipal buildings, parks, playgrounds or other municipal facilities, including public schools, as are deemed necessary and appropriate by the governing body of the Borough of Clementon.

§ 298-9. Permitted accessory uses.

- A. Home occupation with specific permission of the Zoning Board of Adjustment in accordance with Article XXI, § 298-78.
- B. Home professional offices.
- C. A use customarily incidental to the principal use of the building.
- D. Private garage space for not more than two motor vehicles.
- E. Signs in accordance with the following regulations: [Amended 8-25-1986 by Ord. No. 86-8]
- (1) Identification of school, church or public building. One sign which may be illuminated identifying a school, church, public building or other similar use, located not less than 10 feet from any street or property line and not exceeding 10 square feet in area.
  - (2) Illuminated signs. Any allowable illuminated sign shall be shielded so as to prevent glare. No sign shall be illuminated by intermittent or varying lighting

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3. Editor's Note: The Schedule of Area Requirements and the Schedule of Bulk Requirements are included at the end of this chapter.

intensity. Illuminated signs may operate only between the hours of 8:00 a.m. and 10:00 p.m.

- (3) Nameplate signs. One nonilluminated residential nameplate sign, situated within the property lines and not exceeding 72 square inches in area.
  - (4) Professional office sign. This is allowable only when there is an accessory home professional office or permitted home occupation. The sign may be illuminated and is utilized only as an identification of the aforementioned accessory home professional office or permitted home occupation. The sign must be situated within the property lines and may not exceed 72 square inches in area.
  - (5) Sale, rent or lease sign. This is a nonilluminated temporary sign pertaining to the lease or sale of the same lot or building upon which it is placed. It must be situated within the property lines of the related premises and must not exceed 10 square feet in area. This sign must be removed from the premises within two days after the sale or lease of the property.
  - (6) Temporary signs. These signs are political, educational, religious or civic in nature, and they are allowed with a maximum size of 40 square feet. These signs are generally used to advertise or publicize a specific event or occasion. These signs may not be erected more than 30 days prior to the event and must be removed within 10 days thereafter.
  - (7) Yard sale signs. These signs may be used in connection with the conduct of any private sale. Not more than two signs advertising such private sales shall be permitted. They shall be placed only on the premises on which the private sale is to be held. The placement of any such sign upon any other property, public or private, is expressly prohibited. The size of these types of signs shall not exceed 10 square feet. These signs must comply with Chapter 222, Article I, of the Code of the Borough of Clementon.
- F. No signs shall be permitted on trees, rocks or other natural features, telephone poles, fire hydrants, fences or other signs. [Added 8-25-1986 by Ord. No. 86-8]

**§ 298-10. Special uses. [Amended 1-22-2002 by Ord. No. 2001-17]**

The following special uses are permitted in this zone:

- A. Churches, synagogues and similar places of worship.
- B. Parochial and private schools, but not trade or business schools.
- C. Public utilities.
- D. Quasi-public buildings and recreation areas.



**§ 298-11. Other provisions and requirements.**

- A. Area and bulk requirements previously mentioned in the schedule of Article V of this chapter shall apply.<sup>4</sup>
- B. Off-street parking space, with appropriate access thereto, shall be provided on the same lot it is intended to serve in accordance with the following standards:
- (1) One-family dwelling: two spaces.
  - (2) Home professional office: three spaces for public use.
  - (3) All other uses and special uses permitted in this zone: as specified in Article XVII, § 298-55.

**ARTICLE VII  
R-2 One-Family Residential Zone**

**§ 298-12. Permitted uses.**

Permitted uses shall be as specified in Article VI, § 298-8.

**§ 298-13. Permitted accessory uses.**

Permitted accessory uses shall be as specified in Article VI, § 298-9B, C, D and E.

**§ 298-14. Special uses.**

Special uses shall be as specified in Article VI, § 298-10.

**§ 298-15. Other provisions and requirements.**

As specified in Article VI, § 298-11A, B(1), (2) and (3).

**ARTICLE VIII  
R-3 Garden Apartment Zone**

**§ 298-16. Permitted uses.**

- A. Garden apartments.

**§ 298-17. Permitted accessory uses.**

- A. Private garage space for the residents of the permitted uses.

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4. Editor's Note: The schedules are included at the end of this chapter.

- B. Accessory buildings and uses customarily incidental to any permitted uses, provided they are not erected in the required buffer strips.
- C. Signs, subject to the provisions of Article VI, § 298-9E(1), (2), (3), (4) and (5).

§ 298-18. Special uses. [Amended 1-22-2002 by Ord. No. 2001-17]

- A. Public utilities.
- B. Quasi-public buildings and recreation areas.

§ 298-19. Other provisions and requirements.

- A. Area and bulk requirements as specified in the schedules of this chapter.<sup>5</sup>
- B. As specified in Article XVII, § 298-53.
  - (1) Spacing and orientation of buildings.
    - (a) Walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposures.
    - (b) Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
  - (2) Landscaping. Areas not used for buildings, terraces, drives and parking shall be seeded or landscaped and kept in an attractive condition.
  - (3) Circulation.
    - (a) Building and vehicular-circulation open spaces shall be so arranged that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
    - (b) There shall be an adequate, safe and convenient arrangement of pedestrian-circulation facilities, roadways, driveways, off-street parking and loading space.
  - (4) Off-street parking.
    - (a) Parking areas shall be buffered from adjacent property by means of screen, fencing, evergreen trees, and/or other barriers deemed suitable by the Planning Board in order to minimize noise from motor vehicles and to prevent the direct glare of headlights from falling on adjacent properties.
    - (b) The entire area of the site traversed by motor vehicles shall be hard-surfaced.

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5. Editor's Note: The schedules are included at the end of this chapter.

- (c) Off-street parking spaces shall be provided in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards (N.J.A.C.5:21). [Amended 11-23-2010 by Ord. No. 2010-08]
- C. Density. The area shall have an average overall density of not more than 18 units per gross acre under the following conditions:
- (1) One-bedroom dwelling units shall have a minimum of 600 square feet of floor area and 2,000 square feet of lot area.
  - (2) Two-bedroom dwelling units shall have a minimum of 800 square feet of floor area and 3,500 square feet of lot area.
  - (3) Three-or-more-bedroom apartment dwellings are prohibited.
  - (4) The construction of two-bedroom dwelling units shall be further restricted in that there shall be at least two one-bedroom dwelling units constructed for each two-bedroom dwelling unit constructed.
- D. Requirements for minimum initial construction. In any R-3 Garden Apartment District, the builder shall be required to construct not less than 35% of the number of approved dwelling units in the initial phase of construction. No zoning or building permit shall be issued for fewer than four units, except as an addition to an existing apartment development, and no occupancy permit shall be issued until such minimum number of units has been completed.
- E. Special uses shall comply with Article XX, § 298-75B.

## ARTICLE IX

R-4 Townhouse and High-Rise Apartment Residential Zone  
[Added 6-21-1971 by Ord. No. 71-16]

## § 298-20. Purpose; required units.

It is the purpose of this zone to permit specified areas within the Borough appropriate for the development of high-density residential uses or a combination of single-family developments and high-density residential uses and accessory uses. Within this zone, no lot or building shall be used, and no high-rise residential structure shall be erected or altered to be used, in whole or in part, unless it contains 60 or more dwelling units and at least 1/2 of said dwelling units contain more than one bedroom.

- A. Townhouse complexes.
- B. (Reserved)<sup>7</sup>
- C. (Reserved)<sup>8</sup>
- D. High-rise apartments.

7. Editor's Note: Former Subsection B was repealed 6-26-1972 by Ord. No. 72-15.

8. Editor's Note: Former Subsection C was repealed 6-26-1972 by Ord. No. 72-15.

**§ 298-21. Permitted accessory uses.**

Signs, subject to the provisions of Article VI, § 298-9E(1), (2), (3), (4) and (5), and those specified in Article VI, § 298-9.

**§ 298-22. Special uses. [Amended 1-22-2002 by Ord. No. 2001-17]**

- A. Public utilities.
- B. Quasi-public buildings and recreation areas.

**§ 298-23. Other provisions and requirements.****A. Townhouse complex and parcel requirements.**

- (1) The minimum area of a townhouse parcel shall be four acres.
- (2) The minimum frontage of a townhouse parcel upon a duly accepted public street, improved at least to the standards of the street specifications of the Borough of Clementon, shall be 200 feet.
- (3) No townhouse structure shall be closer than 25 feet to any boundary of the townhouse parcel.
- (4) There shall not be more than 10 townhouse dwelling units per gross acre of townhouse parcel.
- (5) All portions of a townhouse parcel shall be owned, leased, offered for dedication to and accepted by the Borough, or put into common ownership by a vehicle approved and acceptable to the Borough. Said vehicle shall establish such common land as open space in perpetuity and contain provisions for the maintenance of such open space which shall be enforceable by liens against the owner of the townhouse dwelling units in favor of the Borough. Said common land may be utilized as parks, playgrounds, pedestrian walkways; for swimming pools, tennis courts or similar recreation facilities.
- (6) Every townhouse dwelling unit within a complex shall be served by public water and public sanitary sewer which shall be installed by and at the expense of the developer. In addition, the developer shall install, at his own expense, roads, drives, parking facilities, all-weather pedestrian walkways, streetlights, fire hydrants, and any other improvements, such as drainage facilities, as required in accordance with the standards and ordinances of the Borough of Clementon, except where specific waiver is granted, as provided for within the standards and ordinances of the Borough of Clementon.
- (7) All utilities within a townhouse complex shall be installed underground.
- (8) The Borough may require all streets or drives within the complex which do not directly implement the proposals of the Comprehensive Plan or Official Map for the Borough, and do not provide a direct connection between existing streets

outside the complex, to be retained by the owner for maintenance and repairs. Any street retained by said owner shall be constructed to the standards of the Borough of Clementon for minor streets to a width of not less than 25 feet.<sup>8</sup>

- (9) Two off-street parking spaces shall be provided for each townhouse dwelling unit. All common off-street parking areas shall be retained by the owner for maintenance and repairs and shall not be included within the land area of any lot. If garages are to be provided, they shall be an integral part of the townhouse dwelling units and not separate structures. Garages shall be applied to the off-street parking requirement in accordance with their capacity.
- (10) Wherever medial grass strips or other landscaped areas are proposed which will be visible to the general public within the development, the owner shall provide for the maintenance of such areas.
- (11) Development of a townhouse complex shall be on a sale basis by the original developer or sponsor so that each individual townhouse dwelling unit, when initially built, shall be for sale. [Amended 6-26-1972 by Ord. No. 72-15]
- (12) The minimum width of any townhouse lot shall be 20 feet.
- (13) The minimum depth of the front yard of any townhouse lot shall be 20 feet.
- (14) The minimum depth of the rear yard of any townhouse lot shall be 20 feet.
- (15) Not more than eight townhouse dwelling units shall be contained within any one townhouse structure and not more than four of those eight units may contain more than one bedroom.
- (16) The front facade of any townhouse structure shall not continue on the same plane for a distance of more than the width of two adjacent dwelling units. Offsets between front facade planes shall be at least two feet.
- (17) An overall theme of designs and architectural modes shall be utilized within every townhouse complex for the purpose of presenting an aesthetically desirable effect and shall be such that it provides varied building elevations, design and structural appearance within the context of the overall theme. Identical front facades for townhouse dwelling units shall not be repeated at a closer interval than every fourth dwelling unit.
- (18) The minimum distance between townhouse structures shall be 30 feet, measured perpendicular to the walls of the structure.
- (19) No townhouse structure shall be located closer than 25 feet to any original townhouse parcel boundary.
- (20) The maximum height of any townhouse structure shall be 35 feet from the top of the lowest footing.

8. Editor's Note: See provisions of Ch. 249, Subdivision of Land.

- (21) The minimum floor area of a townhouse dwelling unit shall be 850 square feet for a one-bedroom unit, of which at least 425 square feet shall be on each floor. The minimum floor area of a two-bedroom townhouse unit shall be 1,050 square feet, of which at least 525 square feet shall be on each floor. The minimum floor area of a three-bedroom townhouse unit shall be 1,500 square feet, of which at least 750 square feet shall be on each floor. Where a garage is provided as a part of the townhouse dwelling unit, it shall not be countable against the square foot requirement. [Amended 11-15-1971 by Ord. No. 71-25]
- (22) No floor area of a room having more than 1/2 of its height below the average finished grade immediately adjacent to the structure shall be countable toward meeting the minimum floor area requirement for dwelling units.
- (23) Every townhouse dwelling unit shall have direct access to the privilege patio area which is provided for that dwelling unit.

B. High-rise apartment requirements.

- (1) The structures shall have a maximum density of 20 dwelling units per acre covered by the structure or structures and a maximum land coverage of 25% of the total development area, including parking areas.
- (2) The structure or structures shall have a minimum height of six stories.
- (3) The structure or structures shall have a minimum front yard setback, measured from the front property line, of 100 feet, minimum side and rear yard setbacks of 200 feet. For each story exceeding six stories, the minimum (side and rear yard) setbacks shall be increased by 10 feet. Where the zone abuts a nonresidential use or a major limited access highway, the total required setback on the side or rear yard abutting such use or highway may be reduced up to a maximum of 50% at the discretion of the Planning Board. In using its discretion, the Planning Board shall consider the desirability of retaining open areas, the effect of such reduction on traffic flow and public safety and the economic impact of such reduced setback on the adjacent use and the apartment use.
- (4) Structures of a dwelling group project shall be so arranged or grouped as to be reasonably widely distributed over the entire development areas. Distribution shall be such that not more than 50% of the area covered by buildings shall be within any area equal to 1/3 of the entire development area. Said buildings may contain accessory uses permitted herein.
- (5) No principal high-rise structure shall be located closer than 100 feet to another principal high-rise structure. For each story exceeding six stories, the minimum principal structure-to-structure setback shall be increased by 10 feet.
- (6) Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and working facilities, as well as living space, and shall have a minimum habitable floor area in accordance with the following schedule:
  - (a) Efficiency dwelling units shall have a minimum habitable floor area of 600 square feet.

- (b) One-bedroom dwelling units shall have a minimum habitable floor area of 700 square feet.
  - (c) Two-bedroom dwelling units shall have a minimum habitable floor area of 950 square feet.
  - (d) Three-or-more-bedroom dwelling units shall have a minimum habitable floor area of 1,500 square feet.
- (7) All dwelling units shall be soundproof to a limit of at least 45 DB.
  - (8) Each principal structure shall have at least one elevator of at least eight feet in length and 3.5 feet in width.
  - (9) Sufficient laundry and drying facilities shall be provided within each principal structure. Garbage and trash storage shall be provided within a permanently enclosed area for each principal structure, with provisions made for the private disposal of the same, other than by incineration at the site.
  - (10) Unless the project abuts a major street, a major access road shall be provided to a major street.
  - (11) Adequate recreation area and facilities to serve the needs of the anticipated population of the development shall be provided and maintained and shall consist of at least the following and two separate and distinct areas:
    - (a) For preschool children, one enclosed and equipped play area containing a minimum of 300 square feet for the first 10 dwelling units in the development, and an additional 20 square feet for each dwelling unit thereafter.
    - (b) For school-age children and adults, space shall be provided for active and passive recreation at the ratio of 400 square feet per dwelling unit. For all projects of 100 or more dwelling units, this ratio may be 300 square feet per dwelling unit.
  - (12) Adequate provision shall be made for the collection and dispersal of storm and surface waters from the project and contributory areas. All storm and sanitary sewage collection and dispersal systems, sidewalks, roads, streets and parking construction shall meet engineering standards specified by the Municipal Engineer.
  - (13) All telephone and electric service utilities shall be underground.
  - (14) Interior roads shall be designed to minimize hazards to pedestrians and to motor vehicles operating on roads within the proposed development and on roads in adjacent areas.
  - (15) No garage structure apart from such facilities contained within the dwelling structures or underground shall be permitted.
  - (16) Pedestrian walks shall not be less than four feet in width and shall be provided wherever normal pedestrian traffic will occur.

- (17) All high-rise developments shall be provided with a liberal and functional landscaping scheme consisting of shade trees, plantings and lawn areas, as approved by the Planning Board.
- (18) Sufficient illumination of interior roads, parking areas, dwelling entrances and pedestrian walks shall be provided to meet standards specified by the Municipal Engineer. When required by the Planning Board, lights shall be shielded downward.
- (19) There shall be no parking place within 10 feet of principal high-rise structures nor within 20 feet of other property lines.
- (20) Off-street parking areas shall not open directly onto public streets or interior project roads, but shall be provided with access drives.
- (21) All such roads, access drives and parking areas shall be hard-surfaced and provided with curbing.
- (22) Such parking area may be provided entirely or in part within the high-rise structures or underground.
- (23) The provisions of Title 39 of the Revised Statutes of New Jersey shall, pursuant to N.J.S.A. 39:5A-1 et seq., be made applicable to all street level private roads, access drives and parking areas.
- (24) Permitted accessory uses. With the approval of the Planning Board, the high-rise structure or structures may contain commercial uses, provided said uses are wholly within the structure and are limited to service-type uses designed to serve the needs of residents of the high-rise apartment group primarily.

**§ 298-24. Application procedures.**

- A. At the time of application for a permit, as required by this ordinance of the Borough of Clementon, the developer shall submit plans showing areas to be used for dwelling units, specifying the location of the various types of dwelling units proposed, the density of the proposed complex, the proposed arrangement of structures, parking, landscaping by type, and all other improvements and utilities, including drainage facilities proposed on each lot and in all open space. Typical elevations of all sides of proposed structures and typical floor plans of proposed dwelling units shall also be submitted. Such plans shall be accompanied by appropriate written information to supplement them, as required to provide full information to the Borough on the proposed complex.
- B. A sketch plan of sufficient detail to show intent shall be submitted informally to the Planning Board for discussion purposes prior to formal application for a permit.
- C. Upon formal application for a permit in accordance with this chapter of the Borough of Clementon, the Zoning Inspector shall refer one copy of all plans and supporting data to the Planning Board for study and the preparation of recommendations. In order to provide sufficient time for study by the Planning Board, the time within which a permit shall be granted or refused shall be deemed to begin 60 days after application for such



between the Borough of Clementon and the Borough of Lindenwold, as shown on said Map: thence in a general easterly direction, measured along said boundary line, a distance of 505 feet, more or less, to an angle point in same; thence southeastwardly, still measured along the boundary line between the Borough of Clementon and the Borough of Lindenwold, a distance of 235 feet, more or less, to a point in same and corner to Lot 6, Block 63 as shown on said Map; thence southwestwardly, measured along the division line between Blocks 59 and 63, as shown on said Map a distance of 1,515 feet, more or less, to a point in same; thence northwestwardly being parallel with and distant 190 feet, more or less, measured at right angles from the division line between Blocks 59 and 60 as shown on said Map, a distance of 240 feet, more or less, to the point of intersection with the former southeasterly line of Woodward Avenue (50 feet wide), vacated by ordinance dated December 27, 1972; thence northeastwardly measured along same a distance of 80 feet, more or less, to the point of intersection with the former southwesterly line of Emma Avenue, since vacated and shown on said Map; thence southeastwardly measured along same a distance of 10 feet, more or less, to a point corner to same; thence northeastwardly measured along the southeasterly lines of said Emma Avenue a distance of 50 feet to a point corner to same as shown on said Map; thence northwestwardly measured along the northeasterly line of said Emma Avenue a distance of 340 feet, more or less, to the point and place of beginning; being part of Lot 1, including a portion of Woodward Avenue as vacated by ordinance dated December 27, 1957, as shown on Block 59, Plate 6, of the official Tax Assessment Map of the Borough of Clementon as revised to October 1, 1972; containing within said bounds approximately 770,354 square feet or 17.68 acres of land.

#### ARTICLE X

##### R-5 One-Family Residential Zone [Added 9-26-2000 by Ord. No. 2000-6]

##### § 298-26. Purpose. [Amended 4-26-2005 by Ord. No. 2005-17]

The purpose of this zone is to provide flexibility for the design of residential housing sites where the topography dictates a need for creative design.

##### § 298-27. Permitted uses. [Amended 4-26-2005 by Ord. No. 2005-17]

Permitted uses shall be limited to parks, municipal buildings and single-family detached dwellings.

##### § 298-28. Permitted accessory uses. [Amended 4-26-2005 by Ord. No. 2005-17]

Permitted accessory uses shall be as specified in Article VI, § 298-9B, C, D and E.

##### § 298-29. Other provisions and requirements.

As specified in Article VI, § 298-11A, B(1), (2), and (3).

permit in the case of application for approval of a townhouse complex. [Amended 9-16-1968 by Ord. No. 68-13]

- D. During its review of the proposed townhouse complex, the Planning Board shall determine that the proposal meets all of the requirements of this chapter and all other applicable Borough ordinances and standards, and that the design of the structure is consistent within the intent of securing acceptable architectural designs and treatments, and that the site planning is consistent with the intent of creating attractive and usable open space, preserving desirable natural features and tree cover and offering maximum visual protection to the adjacent property.
- E. During the course of its study of the proposed townhouse complex, the Planning Board may arrange to meet with the developer and may utilize such outside professional services as they deem appropriate and necessary.
- F. The Planning Board shall submit a written communication to the Zoning Inspector regarding any proposed townhouse complex within 60 days of application for a permit, as required herein. In the event such communication indicates that the application should be denied, the reasons shall be specifically set forth. [Amended 9-16-1968 by Ord. No. 68-13]
- G. Each application for a townhouse project shall be accompanied by a fee of \$100, and all such fees shall be paid into the Borough Treasury.
- H. Upon receipt of the report from the Planning Board, the Zoning Inspector shall grant or refuse a permit as provided herein. Such permit shall be granted or refused within 70 days after the initial application has been filed with the Zoning Inspector. In the event the action of the Zoning Inspector is contrary to the recommendations of the Planning Board, such action shall not be effective until it has been reviewed by the governing body of the Borough of Clementon, which may affirm, reverse or modify the action. The governing body shall review the matter and render a final decision not later than its second regular meeting after the action of the Zoning Inspector. [Amended 9-16-1968 by Ord. No. 68-13]
- I. A certificate of occupancy may be issued upon the completion of each townhouse dwelling structure, provided the installation of all utilities, all-weather pedestrian walkways, parking areas, roads and landscaping or other improvements required affecting that particular structure have been completed in a satisfactory manner.

§ 298-25. Addition to R-4 Zone. [Added 2-26-1973 by Ord. No. 73-2]

All that certain tract or parcel of land situate in the Borough of Clementon, County of Camden and State of New Jersey bounded and described as follows:

- A. Beginning at a point in the southeasterly line of Brand Avenue (35 feet wide), said point being the intersection with the former northeasterly line of Emma Avenue (50 feet wide), since vacated, as shown on Block 59 of the Borough of Clementon Tax Assessment Map; thence northeastwardly measured along the southeasterly line of said Brand Avenue a distance of 1,030 feet, more or less, to the intersection of same with the boundary line

## ARTICLE XI

## B-1 Commercial Zone (Central)

## § 298-30. Permitted uses.

- A. Stores and shops for the conduct of any retail or service use such as but not limited to: department stores; general and specialized merchandise stores; furniture, home-furnishing and equipment; household appliance, radio and television stores; automobile dealers and automotive accessory stores; wearing apparel and accessory stores; drugstores and pharmacies; stationery stores; food stores; restaurants; jewelry stores; and sporting goods stores. [Amended 9-16-1968 by Ord. No. 68-13]
- (1) The term "restaurants" as used herein, and as used in § 298-38, shall be limited to only such establishments as provide for the sale and service of food or refreshments to patrons within the building or enclosed structure, and excludes establishments or businesses commonly known as "drive-ins" where a substantial portion of the food sold is for off-premises consumption or where customers may purchase food and refreshments in motor vehicles parked on or about the premises or at outdoor tables, benches or booths upon the premises.
  - (2) Dance halls which the public may attend upon payment of an admission fee or other compensation are herewith prohibited. Public poolrooms or billiard parlors are herewith prohibited.
- B. Banks and fiduciary institutions; business and professional offices; telephone exchanges, telegraph and express offices; newspaper printing offices and facilities; schools conducted for gain; and hotels.
- C. Service uses such as barbershops, shoe repair shops, bakeries, dry-cleaning establishments, laundromats, florist shops, tailor shops, appliance and television repair shops and similar service uses.
- D. <sup>10</sup> Such municipal facilities deemed necessary and appropriate by the governing body of the Borough of Clementon.
- E. Amusement device arcades, bowling alleys, indoor theaters and similar recreational uses. [Amended 12-20-1982 by Ord. No. 82-12]
- F. Animal hospitals and funeral homes.<sup>11</sup>

10. Editor's Note: Former Subsection D, regarding transportation terminal facilities, was deleted 3-23-1992 by Ord. No. 92-3. Said ordinance also redesignated former Subsections E, F and G as Subsections D, E and F, respectively.

11. Editor's Note: Former Subsections H and I, added 11-23-1970 by Ord. No. 70-13, which immediately followed this subsection and which listed, respectively, public housing for the elderly and apartments as permitted uses, were repealed 3-26-1984 by Ord. No. 84-4.

§ 298-31. Permitted accessory uses. [Amended 8-25-1986 by Ord. No. 86-8]

- A. Signs in accordance with § 298-56. [Amended 11-23-2010 by Ord. No. 2010-07]
- B. Private garage space for the storage of commercial vehicles when related to and used in conjunction with a permitted business.
- C. Other customary accessory uses and structures which are clearly and obviously incidental to the principal use and structure. Questions pertaining to this subsection may be brought to the Clementon Zoning Board of Adjustment for opinion and interpretation.

**§ 298-32. Special uses. [Amended 1-22-2002 by Ord. No. 2001-17]**

Special uses shall be as follows:

- A. Public utilities.
- B. Motor vehicle service stations and public garages.

**§ 298-33. Other provisions and requirements.**

- A. Area and bulk requirements shall be as specified in the schedules of this chapter.<sup>11</sup>
- B. Where municipal parking lots are not provided, off-street parking space shall be provided as follows:
  - (1) Bowling alleys, indoor theaters and similar recreational uses, and places of public assembly, whether equipped with fixed or movable seats, shall provide one parking space for each five seats, based on maximum functional seating capacity.
  - (2) Business or professional offices shall provide one parking space for each 400 square feet of rentable floor area.
  - (3) Restaurants shall provide one parking space for each five seats. [Amended 9-16-1968 by Ord. No. 68-13]
  - (4) Retail stores and personal service establishments shall provide one square foot of parking area for each square foot of customer floor area where municipal parking lots are not provided.
  - (5) Parking areas shall be on the same lot with the building or premises for which spaces are provided or within 200 feet of the principal building or use. Joint provision of parking space by private owners is permitted, provided that the individual parking requirements of all participants are met.
  - (6) Truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and products in other than a public street or public parking area.
  - (7) Apartments shall provide one parking space for each dwelling unit. [Added 11-23-1970 by Ord. No. 70-13]
- C. As specified in Article XVII, § 298-53.

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<sup>11</sup> Editor's Note: The schedules are included at the end of this chapter.

ARTICLE XII  
B-2 Commercial Zone Highway

§ 298-34. Permitted uses. [Amended 9-16-1968 by Ord. No. 68-13]

- A. All uses permitted in the B-1 Central Business Zone, except for public housing for elderly and apartments. [Amended 11-23-1970 by Ord. No. 70-13]
- B. Stores and shops for the conduct of any retail or service use such as but not limited to: department stores; general and specialized merchandise stores; furniture, home furnishing and equipment stores; household appliance, radio and television stores; automotive accessory stores; wearing apparel and accessory stores; drugstores and pharmacies; stationery stores; food stores; restaurants; jewelry stores; sporting goods stores. The term "restaurant" as used herein and as used in § 298-38 shall be limited to only such establishments as provide for the sale and service of food or refreshments to patrons within the building or enclosed structure, and excludes establishments or businesses commonly known as "drive-ins" where a substantial portion of the food sold is for off-premises consumption or where customers may purchase food and refreshments in motor vehicles parked on or about the premises or at outdoor tables, benches or booths upon the premises. [Amended 6-26-1972 by Ord. No. 72-15]
- C. Dance halls which the public may attend upon payment of an admission fee or other compensation are herewith prohibited. Public poolrooms or billiard parlors are herewith prohibited.

§ 298-35. Permitted accessory uses.

All uses permitted in the B-1 Central Business Zone.

§ 298-36. Special uses.

- A. All special uses permitted in the B-1 Central Business Zone.
- B. Churches. [Amended 1-22-2002 by Ord. No. 2001-17]
- C. Quasi-public buildings and recreation areas. [Amended 1-22-2002 by Ord. No. 2001-17]

§ 298-37. Other provisions and requirements.

Other provisions and requirements shall be as follows:

- A. As specified in the B-1 Commercial Zone (Central).
- B. All B-2 lots and parts of B-2 lots adjacent to a residential district shall have a solid and continuous landscaped screen. Said landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least four feet in height.

- C. As specified in Article XVII, § 298-53.
- D. Off-street parking shall be provided in accordance with section § 298-55. [Added 11-23-2010 by Ord. No. 2010-08]

## ARTICLE XIII

## B-3 Commercial Zone (Regional Shopping Center)

## § 298-38. Permitted uses.

Permitted uses shall be retail shopping centers consisting of an integrated development of such uses as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants and theaters or auditoriums, housed in an enclosed building or buildings and utilizing such common facilities as customer parking areas, pedestrian walks, truck-loading and -unloading space and utilities and sanitary facilities.

## § 298-39. Permitted accessory uses. [Amended 8-25-1986 by Ord. No. 86-8]

Permitted accessory uses shall be all uses permitted in the B-1 Commercial Zone (Central), except as modified by this section. Only one freestanding sign is permitted within the shopping center complex; and this sign may set forth the name of the shopping center and the businesses contained therein. The sign may not exceed 400 square feet. Each store facility within the shopping center may have a sign, not to exceed 15% of the front area of the store. This sign must be attached to the facade as set forth in the definition section of this chapter. This section pertains only to those businesses located within the shopping center complex. With regard to the remainder of the B-3 Zone, the permitted accessory uses are as set forth in the B-1 Commercial Zone (Central).

## § 298-40. Special uses.

Special uses shall be as specified in Article XI, § 298-32.

## § 298-41. Other provisions and requirements.

- A. Area and bulk requirements, if any, as specified in the schedule of this chapter.<sup>13</sup>
- B. Off-street parking shall be provided in accordance with section § 298-55. [Amended 11-23-2010 by Ord. No. 2010-08]
- C. Parking areas established in accordance with Subsection B above may be located in any required yard space, except that such parking area shall not be closer than 10 feet to any street line. In addition, wherever a property line of a lot in the B-3 Business Zone abuts the property line of a lot in a residence zone, such parking areas shall not be closer than 10 feet from said property line, and the appropriate measures shall be taken to shield

13. Editor's Note: The schedules are included at the end of this chapter.

such adjacent residential areas from the glare of headlights or other illumination on the lot as set forth in Subsection F of this section.

- D. Not more than two driveways of not less than 20 feet or more than 30 feet in width for means of ingress and egress for such parking areas shall be permitted for each 100 feet of frontage upon a public street, nor shall any driveway be located closer than 100 feet to the intersection of two public streets. Whenever possible, acceleration and deceleration lanes shall be provided.
- E. Off-street loading shall be in accordance with section § 298-55. [Amended 11-23-2010 by Ord. No. 2010-08]
- F. Landscaping.
- (1) Within appropriate buffer zones, a solid and continuous landscaped screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and size as will produce, within two growing seasons, a screen at least four feet in height.
  - (2) The landscaped screen described above shall be located so as to be not closer than five feet from a street line or a property line.
  - (3) The required height of the landscape screen as required above shall be measured in relation to the elevation of the edge of the adjacent parking area. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of adjacent parking area, the required height of the screen shall be increased in an amount equal to said difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent parking area, the required height of the screen shall be reduced in an amount equal to said difference in elevation, provided that in no case shall the required height be reduced to less than two feet.
  - (4) The entire buffer strip shall be graded and planted with grass and seed or sod and such other shrubbery or trees as may be desired by the owner. The entire area shall be attractively maintained and kept clean of all debris and rubbish.
  - (5) In the event that any of the plantings in accordance with the above requirements do not live, they shall be replaced within one year.
  - (6) The certificate of occupancy for the use on the premises shall not be issued until such time as the landscaping requirements as set forth in this section are installed in accordance with the plan reviewed by the Planning Board pursuant to Article XVII, § 298-53; until a performance guaranty is posted with the Borough Council of Clementon in the amount equal to the estimated cost of said landscaping installation. The performance guaranty shall insure that the installed landscaping complies with the requirements set forth above at the completion of the second growing season.
- G. Other provisions shall be as specified in the B-1 Commercial Zone (Central), except as specifically modified within this article. [Added 8-25-1986 by Ord. No. 86-8]



ARTICLE XIV  
M-1 Light Industrial Zone

§ 298-42. Permitted uses.

Permitted uses shall be as follows:

- A. Food and associated industries, such as but not limited to bakeries, bottling of food and beverages, food mixing and processing, food-sundry manufacturing and manufacturing of spirituous liquors.
- B. Electronics products manufacturing and processing.
- C. Photofinishing and processing.
- D. Fabrication of metal products, including sheet metal, metal furniture, metal alloying, metal foil, toys and other such metallic instruments.
- E. Manufacturing of light machinery, such as any of the following: carburetors, pumps and small machine parts; auxiliary electrical power-generating units; cash registers; typewriters; and calculators and other office machines.
- F. Fabrication of paper and wood products, such as but not limited to the following: office supplies, bags, books, bookbinding, boxes, cabinets and woodworking, toys, furniture and packaging material.
- G. Administrative and business offices.
- H. Biological, chemical, electronic and pharmaceutical laboratories; scientific or research laboratories devoted to research, design and experimental operation of equipment.
- I. Public utility installations.
- J. Any industrial use not inconsistent with the above, provided that at no time will such use result in the following:
  - (1) Dissemination of dust, smoke, smog, observable gas, fumes, odors, noise, glare, atmospheric pollution or vibration beyond the limits of the zone in which located.
  - (2) Hazard of fire, explosion or other physical hazard to any adjacent building or plant growth.

§ 298-43. Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Private garage space necessary to store any vehicles on the premises.
- B. The warehousing and storage of goods and products, provided that no goods are sold from the premises.

- C. Noncommercial recreation areas and parks owned and operated by any industry located within the zone.
- D. Signs. [Amended 8-25-1986 by Ord. No. 86-8]
- (1) Facade signs. Facade signs are permitted and may only be used to designate the name of the building and/or its occupants. Only one sign is allowed for each business and/or designating the name of the building. Only one is allowed to set forth the name of the business, and one is allowed to designate the name of the building, if appropriate. The facade signs shall not, together, exceed an area equal to 15% of the area of the facade upon which they are placed. These signs may be illuminated but shall not be of the flashing type.
  - (2) Freestanding signs. Freestanding signs may be erected to identify buildings permitted in this zone. In the case of office buildings, they may list the individual occupants, provided that not more than one sign shall be erected for each street front and that the area of one side of the sign shall not exceed 40 square feet. The signs may be illuminated but may not be of the flashing type. They shall not be within 20 feet of a public street, parking area or driveway. They shall not be within 50 feet of a residence, nor shall they be within 60 feet of another freestanding sign. In the case of a freestanding sign which is necessary to control the movement and flow of traffic, they shall be permitted so long as they provide traffic directions only. They shall not exceed a height of six feet, nor occupy an area of more than four square feet.
  - (3) No signs shall be permitted on trees, rocks, other natural features, telephone poles, fire hydrants, other signs or fences.

#### § 298-44. Special uses.

Special uses shall be as follows:

##### A. Airports.

- (1) Buildings for administration, training, control of air traffic and accommodation of patrons, employees and visitors of an airport, including eating and sleeping facilities.
- (2) Dwelling quarters for watchmen, caretakers or employees of an airport.
- (3) Outdoor or indoor recreation facilities operated in conjunction with an airport.

#### § 298-45. Other provisions and requirements.

Other provisions and requirements shall be as follows:

- A. Area and bulk requirements as specified in the schedules of this chapter.<sup>13</sup>
- B. Permitted uses must landscape front yard areas and maintain such areas in good condition.
- C. All operations, including storage, shall take place within enclosed structures or buildings.
- D. Truck-loading and -unloading areas shall be provided in an amount sufficient to permit the transfer of goods and products in other than a public street, public parking area or required front yard area.
- E. Not more than two driveways of not less than 20 feet or more than 30 feet in width, as means of ingress and egress for parking areas, shall be permitted for each 200 feet of frontage upon a public street, nor shall any driveway be located closer than 50 feet to the intersection of two public streets.
- F. Off-street parking space shall be provided at the following ratios:
  - (1) For professional and commercial office buildings, one space for each 200 feet of gross area in the buildings.
  - (2) For research, warehousing and industrial activities, one space for each employee on the maximum work shift.
- G. Provisions for site plan review shall be as specified in Article XVII, § 298-53.

ARTICLE XV  
A-P Amusement Park Zone

§ 298-46. Permitted uses.

Areas utilized by a private enterprise for profit which contain activities such as games of skill, amusement rides, bathing, dancing, skating, bowling, theaters, concerts and other similar recreational facilities shall be permitted uses.

§ 298-47. Permitted accessory uses.

Food and nonalcoholic beverage service facilities shall be permitted accessory uses.

§ 298-48. Other provisions and requirements,

- A. Area and bulk requirements, if any, shall be as specified in the schedules of this chapter.<sup>14</sup>
- B. One off-street parking space shall be provided for each 100 feet of gross area utilized as an amusement area.

13. Editor's Note: The schedules are included at the end of this chapter.

14. Editor's Note: The schedules are included at the end of this chapter.

## ARTICLE XVI

## Parkland Zone

[Added 11-24-1975 by Ord. No. 75-17]

**§ 298-49. Permitted uses.**

Areas so zoned shall be left in their natural state or improved as public parks and/or playgrounds.

## ARTICLE XVII

## General Provisions

**§ 298-50. Intent; construction of provisions.**

It is not intended by this chapter to repeal, abrogate, annul, void or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by covenant, deed or other private agreement or with restrictive covenants running with the land to which the Borough is a party. Where any restrictions or requirements of other ordinances of the Borough of Clementon overlap with provisions of this chapter, the more stringent set of restrictions or requirements shall be controlling.

**§ 298-51. Applicability of regulations.**

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used, for any purpose other than those included among the uses listed as permitted uses in each zone by this chapter and meeting the requirements set forth in the appended schedules;<sup>15</sup> nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity with the area and bulk requirements, off-street parking requirements and all other regulations designated in the schedules and this chapter for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this chapter, and the certificate of occupancy shall become void.

**§ 298-52. Preservation of natural features.**

- A. No building shall be constructed on land subject to periodic overflow or on land which has an average water table within two feet of the ground surface.
- B. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto.

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15. Editor's Note: The schedules are included at the end of this chapter.

§ 298-53. Site plan review; minor site plan; review fees. [Amended 9-16-1968 by Ord. No. 68-13; 3-25-1991 by Ord. No. 91-5]

- A. Prior to application for a building permit for the construction of any garden apartments, commercial or industrial structure, structures to be utilized as a facility in an amusement park or multifamily housing, the developer shall submit a site plan to the Zoning Officer showing the location of the buildings or the principal buildings or use, the general building dimensions and the location of parking areas or driveways, the proposed grade and drainage, proposed sewerage connections, proposed plantings and proposed screening. The Zoning Officer shall refer said site plan to the Planning Board for review and recommendation. [Amended 11-22-1993 by Ord. No. 93-15]
- B. The Planning Board shall review such site plan for spacing and orientation of buildings in relation to off-street parking and ingress and egress to the site; for safety, convenience and adequacy of vehicular and pedestrian circulation; for adequacy of landscaping and proposed site improvements (which may be referred to the Borough Engineer); and for overall conformity to provisions of the Master Plan of the Borough of Clementon. The Planning Board should initially determine whether or not the site plan can be classified as minor. If it is determined that it is a minor site plan, the review thereof should be referred back to the Construction and Zoning Officials. Thereupon, they would review the minor site plan application, unless they determined that an engineering review would be necessary. If no engineering review is deemed necessary, the application will be handled as a minor site plan.
- C. If the site plan is not classified as minor, it shall remain within the jurisdiction of the Planning Board. Both the Planning Board and/or the Construction and Zoning Officials shall, within 30 days after receipt of said plan, approve or disapprove the proposed development. The reasons for disapproval shall be clearly stated by the appropriate entity, and the Zoning and/or Construction Officials shall deny a building permit for the proposed development until such conditions have been corrected, any changes deemed necessary by the Planning Board have been made and the written approval of the Planning Board has been obtained.
- D. If it is determined that the application is a minor site plan, the obligor (applicant or developer) shall post in escrow with the Municipal Clerk an amount to cover review, inspection, planning and legal fees. This escrow for minor site plans shall be in the amount of \$500. If at any time the escrow fund shall be deemed insufficient by the Planning Board or governing body to cover actual or anticipated expenses or fees, said escrow fund shall be subject to increase upon written notice from the Secretary of the Planning Board or the Borough Clerk.
- E. Multifamily housing. Any building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other is governed by the provisions of this subsection. [Added 11-22-1993 by Ord. No. 93-15]
- (1) Any multifamily housing development requiring subdivision or site plan approval must include an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials.

- (2) The recycling area shall be large enough to accommodate a number of recycling bins and/or containers consistent with the anticipated usage.
- (3) Said recycling area shall be physically situated so as to not impair the flow of the normal collection process.
- (4) Said recycling area must be situated to be reasonably accessible to recycling personnel and vehicles.
- (5) The bins and/or containers shall be designed so as to provide maximum protection against adverse environmental conditions. Reasonable measures shall be taken to protect the recycling area against theft of the recyclable materials, bins and/or containers.
- (6) Signs and/or markers identifying the recycling area shall be posted. The bins and/or containers shall be plainly marked so as to indicate the material to be placed therein.
- (7) Protection by means of landscaping and/or appropriate fencing shall be provided around any outdoor recycling area.

**§ 298-54. Accessory buildings.** [Amended 9-23-2008 by Ord. No. 2008-16; 11-15-2008 by Ord. No. 2008-21; 11-23-2010 by Ord. No. 2010-08]

- A. Each property shall be permitted two accessory buildings: one shed not to exceed 150 square feet and one garage for storing private vehicles not to exceed 24 feet by 24 feet.
- B. Accessory buildings in the B-1, B-2, B-3, M-1 and AP Zoning Districts require site plan approval.
- C. An accessory building that is attached to a principal building shall comply with the setback and yard requirements of the zone for the principal building.
- D. Detached accessory buildings are not permitted in the front yard area, and if located in the side yard area, the accessory structure must meet the setback requirements of the principal building.
- E. When situated in the rear yard, accessory buildings in residential and nonresidential zoning districts shall be a minimum of five feet from the rear and side property lines.
- F. Accessory buildings shall not exceed 14 feet in height in residential zones and shall not exceed 25 feet in height in the nonresidential zones.

- (6) Parking for the handicapped shall be designed in accordance with application design standards at a ratio of one handicapped space for each 25 parking spaces. Each parking lot must have at least one handicap-accessible space.
- (7) Landscaped islands, containing ground cover and shrubs, shall be provided at the end of each parking row and shade trees shall be planted at forty-foot intervals around the perimeter of parking areas.
- (8) The following setbacks shall apply to parking areas other than residential driveways:
  - (a) Parking may not be closer than 10 feet to the right-of-way line.
  - (b) Parking must be set back a minimum of five feet from side and rear lot lines that abut a nonresidential property, except that when there is shared parking, the parking areas on adjacent lots may be connected.
  - (c) Parking must be set back a minimum of 10 feet from an abutting residential property.

B. Loading and service areas.

- (1) Adequate areas must be provided for all nonresidential uses (and for multifamily uses when needed) for unloading of delivery trucks, refuse collection, fuel fire and other service vehicles.
- (2) Loading areas may not be located in a front yard and may not be located in a public street.
- (3) Loading areas shall have a minimum clearance of 14 feet and shall be a minimum of 10 feet wide by 35 feet long.
- (4) At least one loading space shall be provided for each nonresidential use, unless the use is less than 5,000 square feet and sufficient evidence can be provided that a loading space will not be needed based on the operations of the site.

C. Driveways.

- (1) Driveways shall be a minimum of 12 feet wide for one-way and 24 feet wide for two-way traffic and may not be any more than 40 feet in width.
- (2) All parking lots and driveways must be surfaced and paved in accordance with Borough standards.
- (3) For nonresidential uses, no driveway edge shall be closer than 100 feet to an intersection or closer than 20 feet to a property line.

- D. No commercial vehicle parked for the purposes of advertising or display shall remain out of doors in any district for more than 48 consecutive hours. This does not include commercial vehicles with simple lettering identifying the name of a commercial business, where letters are no greater than six inches and there are no more than four lines of text.

§ 298-55. Off-street parking and loading. [Amended 3-24-1986 by Ord. No. 86-2; 10-22-1990 by Ord. No. 90-12; 11-23-2010 by Ord. No. 2010-08]

A. Required off-street parking.

- (1) The required number of parking spaces shall be prescribed by the schedule below:

Use	Number of Parking Spaces
Assembly and industrial operations	1 per 800 square feet of GFA*
Bowling alley	4 per alley or lane
Car wash	5 stacking spaces for each lane plus 1 for each employee
Church or synagogue	1 per 3 seats
Convenience store	6 per 1,000 square feet of GFA*
Financial institutions/banks	5 stacking per lane and 4 per 1,000 square feet of GFA*
Home occupation	1 per 250 square feet devoted to business in addition to residential requirement
Hotel/motel	1 per room and 1 per employee
Manufacturing	1 per 400 square feet
Medical and dental offices	1 per 200 square feet
Professional and business offices	1 per 250 square feet
Restaurant or bar	1 per 3 seats
Retail and shopping center	1 per 250 square feet
Service station	4 per bay plus 1 per employee
Warehouse	1 per 4,000 square feet

\*GFA = gross floor area

- (2) The provision of shared parking by two or more uses on adjacent lots is permitted, provided that the total parking provided shall not be less than the required spaces computed separately, and provided that a cross access and parking agreement is in place between the two properties.
- (3) Parking shall not be permitted in designated fire lanes, streets, driveways, aisles or where otherwise prohibited by Title 39 of the New Jersey Statutes.
- (4) No parking shall be permitted in any buffer area.
- (5) Parking stalls shall be a minimum of nine feet by 18 feet when set at ninety-degree angles. Parking stalls shall be 10 feet by 18 feet when shopping carts are provided for the use.



## § 298-56. Signs. [Amended 11-23-2010 by Ord. No. 2010-07]

- A. **Applicability.** The provisions of this section shall apply to the construction, erection, alteration, use, type, number, location, size, design, and maintenance of all signs. This section is intended to regulate and control signs and their placement and construction throughout the Borough of Clementon. Each site plan or subdivision application shall include, where necessary, a sign plan showing the specific design, location, size, height, construction and illumination of proposed signs in accordance with the regulations within this chapter. Sign permits are also required when a sign is proposed not in conjunction with a site plan or subdivision application.
- B. **Purpose and intent.** The purpose of the sign regulations is to provide a legal framework for a comprehensive and balanced system of signage that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and the built environment, protect and enhance the scenic qualities of the Borough, and avoid visual clutter that is potentially harmful to the character of the community, the aesthetics of the Borough, and potentially unsafe for motorists and pedestrians. The sign regulations are intended to minimize the potential for safety hazards, create a more productive, enterprising and professional business atmosphere, and to enhance the architectural and planned character of each zoning district.
- C. **Definitions.** The definitions in section § 298-3 apply.
- D. **General regulations and requirements.**
- (1) Any sign hereafter erected in Clementon Borough which is exposed to public view shall conform with the provisions of this section and any other ordinance or regulation of Clementon Borough, Camden County, or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail. Signs shall be considered accessory uses in all zoning districts when placed in conformance with the provisions of this section.
  - (2) No sign other than exempt signs shall be erected without first obtaining a sign permit from the Zoning Officer. Permit applications for signs larger than two square feet in area shall be accompanied by a plan, drawn to scale, showing details of the sign, its size, and its location on the building or lot. A color photograph of each existing sign on the property shall be submitted with the permit application. Fees for sign permits shall be paid in accordance with a fee schedule adopted by the Borough Council.
  - (3) All signs, flags, and banners as provided for in these regulations shall be kept in a proper state of repair, in accordance with the Uniform Construction Code and other pertinent regulations. Signs that fall into a state of disrepair so as to become unsightly or to pose a threat to public safety will receive a warning via certified mail from the Zoning Officer, and if after 30 days it is not removed it may be removed by the Borough at the owner's expense.
  - (4) Nonconforming signs which are structurally altered, relocated or replaced shall comply with the provisions of this section. A change in copy is not an alteration or

replacement in accordance with this section. Nonconforming signs must be maintained in good condition. If the use of a nonconforming sign ceases for a period of more than 180 days or if the premises upon which the nonconforming sign is located is abandoned, the nonconforming sign must be removed or replaced with a conforming sign.

- (5) No sign other than official traffic or other similar official signs shall be erected within or project over the right-of-way of any public street or sidewalk except as provided herein.
- (6) Signs shall not be located at the intersection of any streets within the triangular area formed by the right-of-way lines and a line connecting them at points 25 feet from their intersection. No sign may impede the safe vision of motorists and pedestrians or otherwise endanger their safety.
- (7) Exempt signs. The following signs are exempt from the need to secure permits:
  - (a) Signs required by law/ government signs.
  - (b) Any sign or graphic integrated into or on a coin-operated machine, vending machine, gas pump or telephone booth.
  - (c) Any sign carried by a person.
  - (d) Decorations for any officially recognized holiday, provided they do not create a fire or traffic hazard and provided that the decorations are removed within 30 days after the holiday.
  - (e) Political signs associated with an election or referendum, provided that such signs are on private property and are removed within seven days after the day of voting.
  - (f) Temporary yard or garage sale signs, provided that such signs are erected on private property, are no more than four square feet in area, are erected no more than seven days before the sale, and are removed within 24 hours after the sale.
  - (g) Temporary real estate signs on the lot on which the real estate for rent or for sale is located shall be limited to one per lot frontage. The signs may not be more than four square feet and four feet high for residential property and eight square feet and six feet high for commercial property. They must be removed within 14 days of the sale or rental of the property. Open-house signs are also permitted, but only on the day of the open house and not within the public right-of-way.
  - (h) Temporary "Grand Opening" signs are permitted for an occupant of a shopping center or other single-use or multi-use commercial building. The sign may not exceed 20 square feet and may not be displayed for more than two weeks out of a calendar year. The sign must comply with all requirements to protect the public health and safety.

- (i) Temporary (30 days or less) banners advertising special events sponsored by or held by the Borough, county, school district, fire department, or the like.
  - (j) Temporary signs may be erected for residential developments or commercial sites that are under construction. The temporary sign must meet the setback and size requirements for the zone and may not be installed until construction has commenced. The sign must be removed within one year or upon installation of the permanent signs.
  - (k) American, state, county and borough flags.
  - (l) No "Trespassing" signs.
  - (m) Directional signs less than two square feet in area that do not contain any advertising.
- (8) Illuminated signs in residential zoning districts and in all districts when the lot is immediately adjacent (including directly across a street) to a residential district must be turned off between the hours of 10:00 p.m. and 6:00 a.m. This does not apply to residential name plates.
  - (9) All ground and freestanding signs must be a minimum of 50 feet from the nearest other sign.
  - (10) Architectural details may extend up to 12 inches on the sides and top of the sign. For monument or ground signs, the architectural base may be up to 30 inches above grade. More expansive walls or architectural elements require site plan approval.
  - (11) Wall signs shall be attached to the face of the building in a plane parallel to such face and projecting not more than 12 inches therefrom and shall not extend higher than the top of the parapet. Wall signs shall not cover wholly or partially any wall opening, including doors, fire escapes or windows, nor shall they extend beyond the ends of the wall.
  - (12) As described in Subsection E below, shopping centers or developments with more than one use on a site are permitted one ground or freestanding sign per street frontage for the entire site, which may include tenant panels. Individual tenants or occupants may have wall or facade signs or other attached signs as described in Subsection E below, but may not have individual ground or freestanding signs.
  - (13) Ground or freestanding signs must have the address of the site identified prominently on the sign.
  - (14) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures.
  - (15) Signs advertising an establishment or use no longer in existence, or a product no longer available, shall be removed within 14 days.

(16) Each sign may have a principal message identifying the business and the service offered. Additional advertising of products and services is not permitted on the sign.

E. Schedule of sign use and bulk regulations. Signs shall be permitted in each zoning district with the issuance of a zoning permit according to the following use regulations and other applicable requirements of this section.

(1) Permitted signs in residential districts.

Use or Function	Type of Sign Permitted	Total Number of Signs Permitted	Maximum Size (square feet)	Maximum Height (feet)	Minimum Setback* (feet)
Nameplate for residence	Ground, hanging, wall	1 per lot	1 1/2	3 for ground sign	10
No Solicitation	Wall	1 within 2 of front door	1	n/a	n/a
Permanent subdivision identification	Ground	1 per entrance	20 square	6	10
Institutional uses (school, municipal facilities, library, etc.), public parks and playgrounds, religious uses, child-care centers	Ground or facade	1 per street frontage	24	8 for ground	10

NOTES:

\* Minimum setback applies to all property lines.

(2) Permitted signs in nonresidential districts.

Zone	Use	Type of Sign	Total Number of Signs Permitted	Maximum Size (square feet)	Maximum Height (feet)	Minimum Setback (feet)
All nonresidential*	Any permitted	Facade or wall	1 per street frontage on principal structure	1 for each linear foot of building frontage or 40, whichever is less	n/a (may not extend above roof)	Same as building
PO/R	Permitted office uses	Ground or monument	1 per street frontage	12	6	10

Zone	Use	Type of Sign	Total Number of Signs Permitted	Maximum Size (square feet)	Maximum Height (feet)	Minimum Setback (feet)
B-1, B-2, B-3, M-1	Any permitted but not part of a shopping center or planned development	Freestanding, ground or monument	1 per street frontage	24	6	10
AP, B-1, B-2, B-3, M-1	Amusement park or shopping centers	Freestanding (or pole), ground, or monument	1 per street frontage	40	16 for freestanding; 8 for ground	10
All nonresidential	Any permitted	Window		No more than 25% of the window area	n/a	Same as building
Any nonresidential	Gasoline filling stations only	Canopy	1 per street frontage	21	Minimum clearance for vehicles, 10	Same as building
Any nonresidential	Only permitted if a wall sign is not proposed, and only on the vertical hang	Awning	2 per street frontage	No more than 25% of the awning area and letters not more than 5 inches	15	Same as building

**NOTES:**

\*For the purposes of the sign regulations "any non-residential" means all non-residential zones including those residential zoning district in which non-residential uses are permitted as a conditional use.

**F. Design regulations.**

- (1) A total increase in size and height of up to 10% may be allowed for monument or ground signs that are designed with carved or sandblasted copy and borders.
- (2) Freestanding and ground signs shall have a landscaped area around the base. The landscaped area shall be a minimum of 1.5 times the area of the sign. For example, a twenty-four-square-foot sign must have a minimum thirty-six-square-foot landscaped area at the base. The landscaping should include evergreen shrubs and ground cover and seasonal flowers.
- (3) There should be a consistent sign design theme throughout a particular project. The design theme should include style of lettering, illumination, color, height, construction material, size, and type of pole or structure. Color of letters and background should be carefully considered in relation to the color and material of the buildings and where the signs are proposed to be located. Signs should be a subordinate feature of the plan relative to the principal structure. The design of a sign must be integrated into the design of the building to which it relates. Adjacent property owners should also seek harmony in design with the neighboring properties.
- (4) Signs must be located on a lot so that they are not within the public-right-of-way and do not interfere with sight distances at street intersections or ingress and egress points to a lot. Signs intended to be seen from a vehicle should be perpendicular to

the line of travel, while signs designed to be read by pedestrians can be parallel with walkways.

- (5) Sign lettering. The standard letter height for signs is a letter size of two inches plus one additional inch for each 25 feet of viewing distance. A sign designed to be read from 100 feet away should have letters of at least six inches.
  - (6) Illumination. Signs may be illuminated internally or from an outside source directed at the sign from above and shielded so as not to create glare or unnecessary light pollution.
- G. Prohibited signs. Any other provisions of this section notwithstanding, the following signs shall be prohibited in all zoning districts unless otherwise specified:
- (1) Signs which contain or are an imitation of an official traffic signal or hide from view any traffic street signal or sign or that have any characteristics that are likely to confuse or dangerously distract the attention of the operator of a motor vehicle operator.
  - (2) Signs which are designed to move, either by mechanical or other means.
  - (3) Signs which contain or consist of banners, posters, pennant ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices. (This does not include permitted flags.)
  - (4) Signs which flash or scroll, except for time and temperature indicator.
  - (5) Electronic message boards are only permitted for public institutions such as schools, municipal buildings, fire halls, etc., and may not change message more often than every 30 seconds. Such signs may only have one color, may not be more than 24 square feet in area, may not contain more than two lines of text, and must be approved by the Land Use Board.
  - (6) Signs which emit odors or smoke or produce noise or sounds capable of being heard even though the sounds produced are not understandable.
  - (7) Silhouetted or three-dimensional signs, e.g., signs lacking a background and having letters, figures, or devices silhouetted against the sky or other open space not a part of the sign, and/or signs in which objects or representational devices are present in the round or other than in a vertical plane.
  - (8) Any freestanding sign or any sign projecting from a building within a triangular area bounded by the intersection of two right-of-way lines and a line connecting points 30 feet from such intersection along the right-of-way lines, whether existing or shown on the Master Plan or in sight-clearance triangles specified in other regulations.
  - (9) Signs located or placed on any tree, telephone or utility pole or light standard or upon rocks or other natural features.

- (10) Tubes of lighting or strings of lights may not outline the rooflines, doors, windows or wall edges for advertising purposes. This provision does not apply from Thanksgiving Day through January 25 (during the Christmas season).
- (11) Portable signs, such as those on wheels.
- (12) Signs projecting above the roof or the main cornice line of the building to which it is affixed.

**§ 298-57. Storage of materials, refuse and recyclables. [Amended 11-23-2010 by Ord. No. 2010-08]**

**A. Trash and recycling containers.**

- (1) Refuse and recycling containers and dumpsters for multifamily residential and nonresidential uses must be contained in an enclosure and shielded from the public view. Such areas may not be located in the front yard area.
- (2) All refuse and recycling containers shall be enclosed by a decorative fence or masonry wall finished to match the principal structure, a minimum of five feet high, with locking gates on the front.
- (3) All refuse and recycling areas shall separate and provide distinct containers for recyclable and nonrecyclable trash.
- (4) All refuse and recycling areas shall be surrounded on three sides by a five-foot-wide landscaped area.
- (5) Where refuse disposal units are used for townhouse, condominium or apartment dwellings, the disposal locations shall be conveniently located between 25 and 150 feet from each building.

**B.** No front yard shall be used for open storage of portable pools, vehicles, boats or any other equipment except for in driveways where the parking of operable vehicles is permitted.

**C.** No side or rear yard shall be used for open storage of house trailers, camp cars, vehicles or boats exceeding 16 feet in length.

**D.** Where permitted, outdoor storage areas must be screened from public view by decorative fencing and/or evergreen landscaping.

**§ 298-58. Screening.**

Any use required by this chapter to be screened shall be contained within a fence or wall six feet high or a visual screen consisting of evergreen or evergreen-type hedge or shrubs, spaced at intervals of not more than six feet, located and maintained in good condition within 10 feet of the property line.

**§ 298-59. Permitted modifications and exceptions.**

- A. Height. The height limitations of this chapter shall not apply to silos, church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve. The provisions of this chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five feet. Public and quasi-public buildings, schools, churches and other similar permitted uses shall increase the front, rear and side yards by one foot for each foot by which such building exceeds the height limit herein established for such zone in which it is located, and further provided that in no case shall any building have a height greater than 50 feet unless explicitly permitted by the schedules of this chapter.<sup>17</sup>
- B. In the case of irregularly shaped lots, the minimum lot width specified in the schedule shall be measured at the rear line of the required front yard area, provided that in no case shall the frontage or the distance between side lot lines be reduced to less than 50% of the minimum frontage requirements.

**§ 298-60. Prohibited uses.**

- A. Barns, structures of temporary nature, tents and trailers shall not be used within the confines of this Borough for sleeping or dwelling purposes.
- B. The use of any real property within the confines of the Borough as a trailer camp shall be prohibited.
- C. The use of any real property within the confines of the Borough as a junkyard, dump or public or private use of that nature shall be prohibited.
- D. The use of any real property within the confines of the Borough as a gravel pit, sand pit, topsoil or turf removal or other similar surface stripping shall be prohibited.
- E. No solid fence shall be permitted upon any land, and no fence of any type of a height greater than four feet shall be permitted without the approval of the Board of Adjustment.
- F. Farm animals such as horses, cows, goats, pigs and similar animals, excluding dogs and cats, are prohibited in residential zones. [Added 10-24-2006 by Ord. No. 2006-19]

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17. Editor's Note: The schedules are included at the end of this chapter.



G. Any use not specifically permitted in a zone is prohibited. [Added 10-24-2006 by Ord. No. 2006-19]

§ 298-61. Distances between certain businesses or uses. [Added 3-28-1983 by Ord. No. 83-3; amended 3-8-2005 by Ord. No. 2005-08]

Businesses or uses commonly known as those involved in selling, exchanging, handling or otherwise disposing of used or secondhand motor vehicles cannot be situated within 1,200 feet of each other. These uses or those substantially similar thereto are specifically prohibited from being situated within 1,200 feet of each other, measured from the property line of said use.<sup>18</sup>

#### ARTICLE XVIII Nonconforming Uses

§ 298-62. Continuance.

Except as otherwise provided in this article, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:

- A. No nonconforming lot shall be further reduced in size.
- B. No nonconforming building shall be enlarged, extended or increased, unless such enlargement would tend to reduce the degree of nonconformance.
- C. No nonconforming use may be expanded.

§ 298-63. Abandonment.

A nonconforming use shall be adjudged abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied, except in conformance with this chapter.

§ 298-64. Construction approved prior to adoption.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit and the ground-story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to plans as filed within one year from the date of this chapter.

18. Editor's Note: Original Art. XV, Special Permits, §§ 78-50 through 78-55, was repealed 1-22-2002 by Ord. No. 2001-17.

**§ 298-65. Reversion.**

No nonconforming use shall, if once changed into a conforming use, be changed back to a nonconforming use.

**§ 298-66. Alterations.**

A nonconforming building may be altered, but not enlarged or extended, during its life to an extent not exceeding in aggregate 50% of the recorded true value as appraised in the records of the Tax Assessor of the building, unless said building is changed to a building conforming to the requirements of this chapter.

**§ 298-67. Restoration. [Amended 9-16-1968 by Ord. No. 68-13]**

If any nonconforming building shall be destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of more than 75% of the recorded true value, as appraised in the records of the Tax Assessor, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored or repaired except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Zoning Inspector.

**§ 298-68. District changes.**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

**ARTICLE XIX  
Regulated Uses**

**[Added 11-26-1979 by Ord. No. 79-8]**

**§ 298-69. Statement of policy.**

In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under circumstances having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

**§ 298-70. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADULT BOOK STORE** — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films and other viewing materials which

are distinguished or characterized by their emphasis on matter depicting, describing or relating to special sexual activities, sexual conduct or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT MOTION-PICTURE THEATER** — An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, sexual conduct or specified anatomical areas, for observation by patrons therein.

**MOTION PICTURE** — Film or films in which any person is shown, depicted or revealed in any act of sexual conduct or sadomasochistic abuse.

**OBSCENE MATERIAL** — Any description, narrative account, display, or depiction of sexual activity or anatomical area contained in or consisting of a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details: [Added 11-23-1999 by Ord. No. 99-13]

- A. Depicts or describes, in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibitions of the genitals;
- B. Lacks serious literary, artistic, political, or scientific value, when taken as a whole; and
- C. Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

**PERSON** — An individual, proprietorship, partnership, corporation, association, or other legal entity. [Added 11-23-1999 by Ord. No. 99-13]

**SADOMASOCHISTIC ABUSE** — Flagellation or torture by or upon a human being who is nude or clad in undergarments or in revealing or bizarre costumes or the condition of one who is nude or so clothed and is being fettered, bound or otherwise physically restrained.

**SEXUAL CONDUCT** — Human masturbation, sexual intercourse or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

**SEXUALLY ORIENTED BUSINESS** — [Added 11-23-1999 by Ord. No. 99-13]

- A. A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe obscene material, a specified sexual activity or specified anatomical area; or still or motion-picture machines, projectors or other image-producing devices which show images to one person per machine at any one time; and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity; or

- B. A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or dancing in an obscene or lewd manner, or which regularly shows films, motion pictures, video cassettes, slides, obscene material, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

SPECIFIED ANATOMICAL AREA [Amended 11-23-1999 by Ord. No. 99-13] —

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY [Amended 11-23-1999 by Ord. No. 99-13] —

- A. The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttocks, or female breasts; or
- B. Any act or simulated act of human masturbation, sexual intercourse, or deviate sexual intercourse.

§ 298-71. Regulated uses identified. [Amended 12-20-1982 by Ord. No. 82-12; 11-23-1999 by Ord. No. 99-13]

Sexually oriented businesses, obscene material, amusement device arcades, adult book stores, adult motion-picture theaters, live dance performances in an obscene or lewd manner, dance halls, poolrooms, billiard parlors, massage parlors, and bowling alleys are hereby deemed to be regulated uses.

§ 298-72. Location restrictions. [Amended 12-20-1982 by Ord. No. 82-12; 11-23-1999 by Ord. No. 99-13]

- A. No person shall operate a regulated use within 1,000 feet of any existing regulated use, or any church, synagogue, temple, or other place of public worship, or any elementary or secondary school, or any school bus stop, or any municipal or county playground or place of public resort and recreation, or within 1,000 feet of any area zoned for residential use.
- B. Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, with plantings, fence or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this subsection.
- C. No sexually oriented business shall display more than two exterior signs consisting of one identification sign and one sign giving notice that the premises are off limits to minors. The identification sign shall be no more than 40 square feet in size.

## § 298-73. Violations and penalties.

Any person, firm or corporation or other party violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not exceeding \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the judge before whom such conviction shall be entered. Each and every violation and nonconformance to this chapter, or each day that any provision of this chapter shall have been violated, shall be construed as a separate and distinct violation thereof.

## ARTICLE XIXA

## Conditional Uses

[Added 10-4-2011 by Ord. No. 2011-14]

## § 298-73.1. In-law suites.

In-law suites shall be permitted as a conditional use in all residential zones. One in-law suite to a single-family detached dwelling shall be permitted, provided that the conditions set forth in this section are met, and further provided that the accessory use, in all respects, complies with this chapter relating to the zoning district wherein the proposed in-law suite is to be constructed or to be used. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is otherwise not permitted. The conditions are as follows:

- A. The in-law suite shall occupy no more than 500 square feet of the total usable floor area of the principal residence, not including any garage.
- B. In-law suites may contain separate cooking, sleeping, living and bathroom facilities.
- C. In-law suites shall be part of the principal residence structure for this use. There shall be no separate exterior ingress or egress allowed for the in-law suite. There may not be separate utility services (electric, gas, water, sewer).
- D. The required off-street parking for the principal dwelling plus one additional off street parking space for the in-law suite shall be provided.
- E. In-law suites shall be occupied only by immediate family members such as elderly parents or dependent adult children.
- F. There shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family dwelling or which would otherwise detract from the single-family character of the neighborhood.
- G. No more than one in-law suite shall be permitted per single-family detached dwelling.
- H. Each in-law suite shall be registered with the Borough's Zoning Officer, who shall keep a record of its use to ensure compliance with this chapter. A fee shall be imposed by the Borough for the registration of said use. In-law suites are subject to biannual inspections by the Borough Zoning Officer.

- I. A certification shall be received from the Camden County Board of Health or other regulatory agency certifying that the wastewater facilities are adequate to accommodate the single-family dwelling as well as the in-law suite as defined in this section.

ARTICLE XX  
Administration

§ 298-74. Enforcement. [Amended 9-16-1968 by Ord. No. 68-13]

The provisions of this chapter shall be administered and enforced by the Zoning Inspector of the Borough of Clementon. In no case shall a permit be granted for the construction or alteration of any building, with the proposed construction or alteration or use thereof to be in violation of any provision in this chapter. It shall be the duty of the Zoning Inspector or his duly authorized assistants to cause any building, premises or plans to be inspected and examined and to order remedying of any conditions found to exist in violation of any provisions of this chapter.

§ 298-75. Certificates and permits. [Amended 9-16-1968 by Ord. No. 68-13]

- A. Zoning permits. Zoning permits shall hereafter be secured from the Zoning Inspector's office prior to the issuance of a building permit for the construction, erection or alteration of any structure or sign or part of a structure or upon a change in the use of a structure or land.
- B. Special use permits.
  - (1) Application for any special use permit as permitted by this chapter shall be made to the Board of Adjustment through the Zoning Inspector. The Board of Adjustment shall refer the matter to the Planning Board for report thereon as to its effect on the comprehensive planning of the Borough. After receipt of such report, the Board of Adjustment shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this chapter.
  - (2) The Board of Adjustment may thereafter direct the Zoning Inspector to issue such permit if, in its judgment, any one of such cases will not be detrimental to the health, safety and general welfare of the Borough and is deemed necessary for its convenience.
  - (3) In approving any such application, the Board of Adjustment may impose any conditions that it deems necessary to accomplish the reasonable application of applicable standards, and may deny any such application, but only in accordance with said standards. [Amended 1-22-2002 by Ord. No. 2001-17]
  - (4) In the event that the decision of the Board of Adjustment does not correspond with the recommendation of the Planning Board, the questions shall be resolved by the governing body in accordance with the procedure outlined in N.J.S.A. 40:55-1.13 of the Laws of the State of New Jersey.

- C. Temporary use permits. It is recognized that it may be in accordance with the purpose of this chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this chapter. If such uses are of such a nature and are so located that at the time of petition they will in no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone; or contribute materially to the general welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved; then the Board of Adjustment may, subject to all regulations for the issuance of special use permits elsewhere specified, direct the Zoning Inspector to issue a permit for a period not to exceed six months. Such period may be extended not more than for an additional period of six months.
- D. Certificates of occupancy. Certificates of occupancy shall be issued by the Zoning Inspector in the manner prescribed in the Borough Building Code. On the serving of notice by the Zoning Inspector to the owner of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, the certificate of occupancy for such use shall be deemed to be in violation of this chapter and subject to the penalties hereinafter prescribed. A new certificate of occupancy shall be required for any further use of such building or land.

§ 298-76. Records. [Amended 9-16-1968 by Ord. No. 68-13]

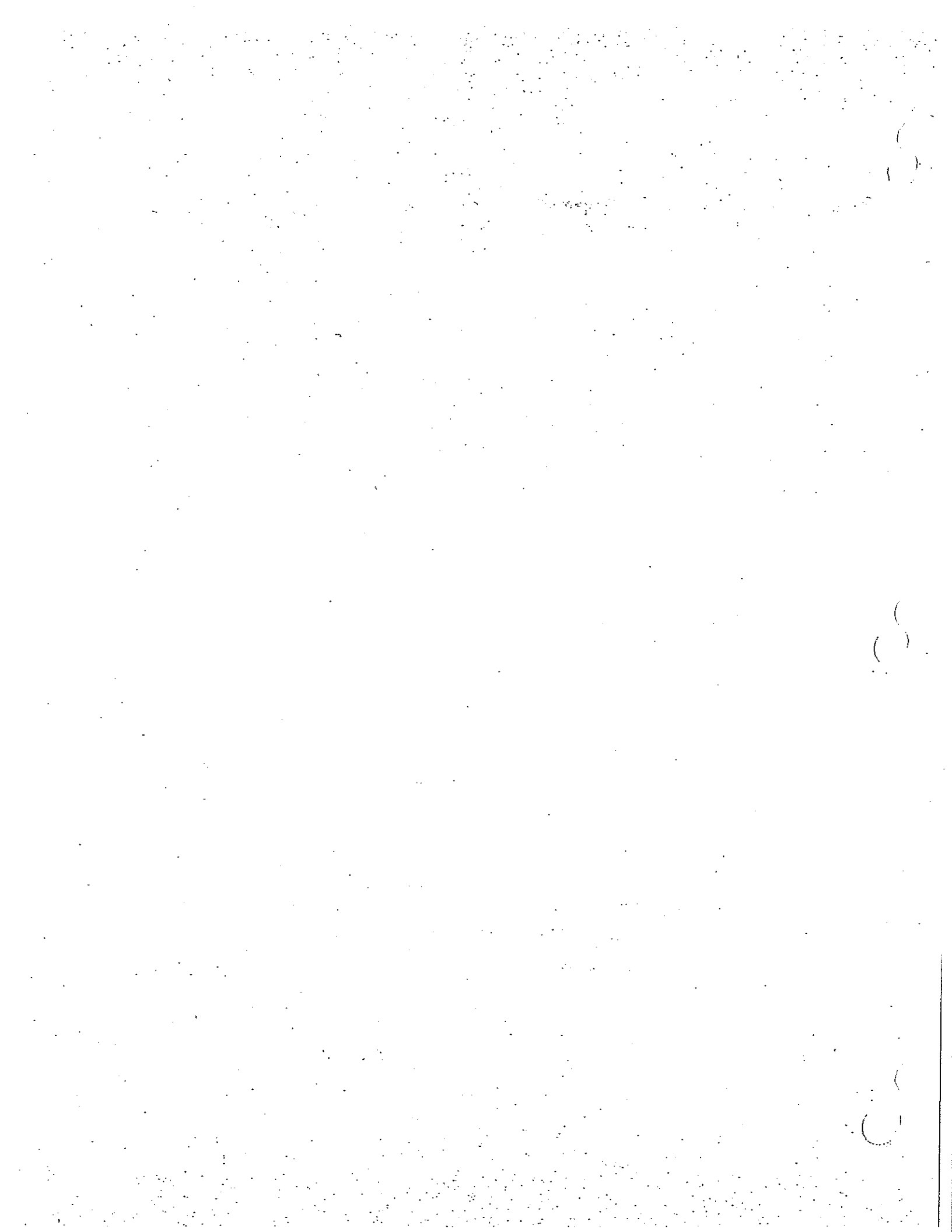
- A. It shall be the duty of the Zoning Inspector to keep a record of all applications for zoning permits, a record of all permits issued and a record of all certificates of occupancy which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the officials of the Borough of Clementon.
- B. The Zoning Inspector shall prepare a monthly report for the governing body summarizing for the period since his last previous report all zoning permits issued and certificates countersigned by him and all complaints of violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the Borough Tax Assessor at the same time it is filed with the governing body.

ARTICLE XXI

Variances

Amended 9-16-1968 by Ord. No. 68-13; 8-27-1973 by Ord. No. 73-16; 3-26-1990;  
3-25-1991 by Ord. No. 91-4; 12-15-2003 by Ord. No. 2003-19]

§ 298-77. to § 298-81.(Reserved)





**§ 298-82. Appeals procedure.**

Appeals to the Planning Board may be taken by any person aggrieved or by any officer, department, board or bureau of this Borough affected by any decision of the Zoning Inspector.

- A. Manner of appeal. An appeal shall be taken within 30 days of the action by filing with the Zoning Inspector and with the Planning Board a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Planning Board all papers constituting the record upon which the action appealed from was taken.
- B. Appeals; time for hearing; notice; appearance by attorney. The Planning Board shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Said appellant shall, at least 10 days prior to the time appointed for said hearing, give personal notice to all owners of property situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities, whose property or properties as shown by said lists are located within 200 feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to said property owners or by leaving a copy thereof at their usual place of abode, if said owners are the occupants of the property affected by such appeal or are residents of the municipality in which said property is located. Whenever said owners are nonresidents of said municipality, such notice may be given by sending written notice thereof by registered mail to the last known address of the property owner or owners as shown by the most recent tax lists of said municipality. Where the owner is a partnership, service upon any partner as provided above shall be sufficient, and where the owners are corporations, service upon any officer, as set forth above, shall be sufficient. The appellant shall, by affidavit, present satisfactory proof to said Planning Board, at the time of the hearing, that said notices have been duly served as aforesaid. Upon the hearing, any party may appear in person or by agent or by attorney.
- C. Fees. Each application shall be accompanied by a fee of \$150, payable to the Borough of Clementon.

**§ 298-83. Expiration of variances.**

- A. Any variance from the terms of this chapter hereafter granted by the Planning Board permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless there shall have been commencement of construction or alteration on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of publication of the notice of judgment or determination of the Planning Board; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.
- B. For purposes of this section, "commencement of construction or alteration" shall mean the actual commencement of physical construction or alteration in accordance with all permits, approvals and plans. Regarding construction, commencement shall require the

breaking of ground or the physical start to erecting the structure. Regarding alteration, commencement shall require physical demolition or change to the structure.

- C. In addition to the requirement that commencement be within one year from the date of publication of the notice of judgment or determination of the Planning Board, the allowable relief must be completed within two years from the date of publication of the notice of judgment or determination of the Planning Board with the same protective tolling provision as aforesaid during the pendency of any appeal. Unless the commencement and completion requirements are met, the variance shall lapse and expire.

#### ARTICLE XXII Interpretation

##### § 298-84. Interpretation and application.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for the adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

#### ARTICLE XXIII Violations, Penalties and Remedies

##### § 298-85. Remedies.

In case any building or structure is erected, constructed, altered, converted or maintained, or any building, structure, lot or land is used in violation of this chapter or any amendment thereto, the proper Borough authorities, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful erection, construction, alteration, conversion, maintenance or use and to prevent, restrain or abate such violation to prevent the occupancy of such building, structure or land or illegal conduct of business or use.

##### § 298-86. Violations and penalties. [Amended 8-25-1986 by Ord. No. 86-8]

The owner, general agent, contractor, builder or any other person, partnership or corporation who violates, takes part in or assists in the violation of any of the provisions of this chapter or who uses or maintains any building, structure or land in or upon which any such violation shall exist shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a term not exceeding 90 days, or both. Each violation of any of the provisions of this chapter, and each day that a violation continues, shall be deemed and taken to be a separate and distinct offense.

ARTICLE XXIV  
Amendments

**§ 298-87. Council may amend.**

The Borough Council of the Borough of Clementon may, from time to time, on its own motion, or on petition, or on recommendation of the Planning Board or like body, amend, supplement and repeal any of the regulations and provisions of this chapter.

**§ 298-88. Proposals to be referred to Planning Board.**

Every such proposed amendment, whether initiated by the Borough Council or by petition or recommendation, shall be referred to the Planning Board for a report thereon before the public hearing hereinafter provided for.

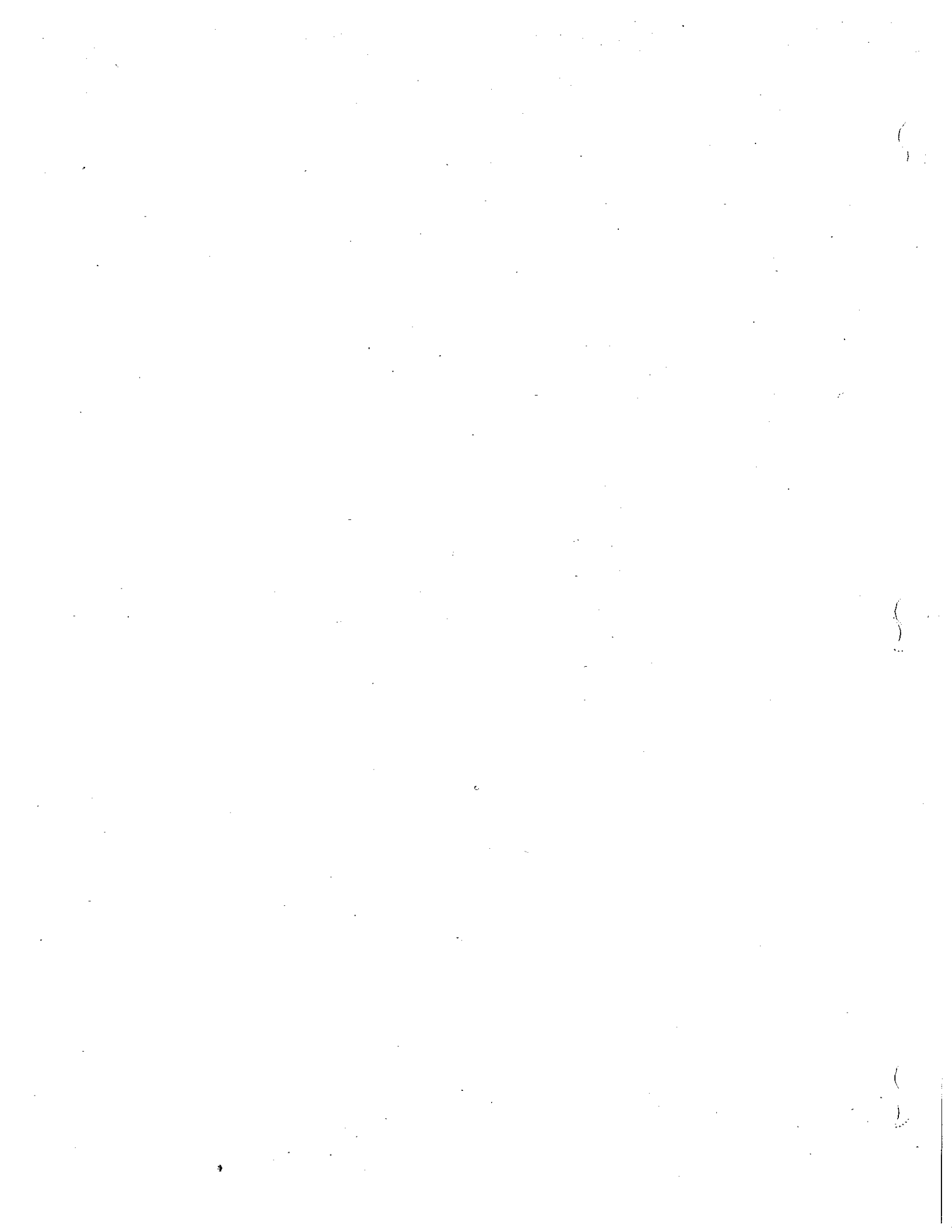
**§ 298-89. Public hearing to be held.**

The Borough Council, by resolution adopted at a meeting, shall fix the time and place of a public hearing on the proposed amendment and shall cause notice to be given as follows:

- A. By publishing a notice at least one time not less than seven, nor more than 30, days prior to the date fixed for said public hearing in one newspaper of general circulation in the Borough of Clementon.
- B. By mailing a notice thereof to every association of residents of the Borough of Clementon who shall have registered its name and address for this purpose with the Borough Clerk.
- C. The notice shall state the general nature of the proposed amendments, as well as the text.

**§ 298-90. Initiation by petition.**

The amendment or rezoning may be initiated by a petition of interested property owners or authorized agents of such owners for rezoning of any land to a less restricted district, provided that said land is adjacent to, or directly across a street or alley from, property which is already zoned in the same or a less restricted zone as that to which said property is proposed to be rezoned.



ZONING

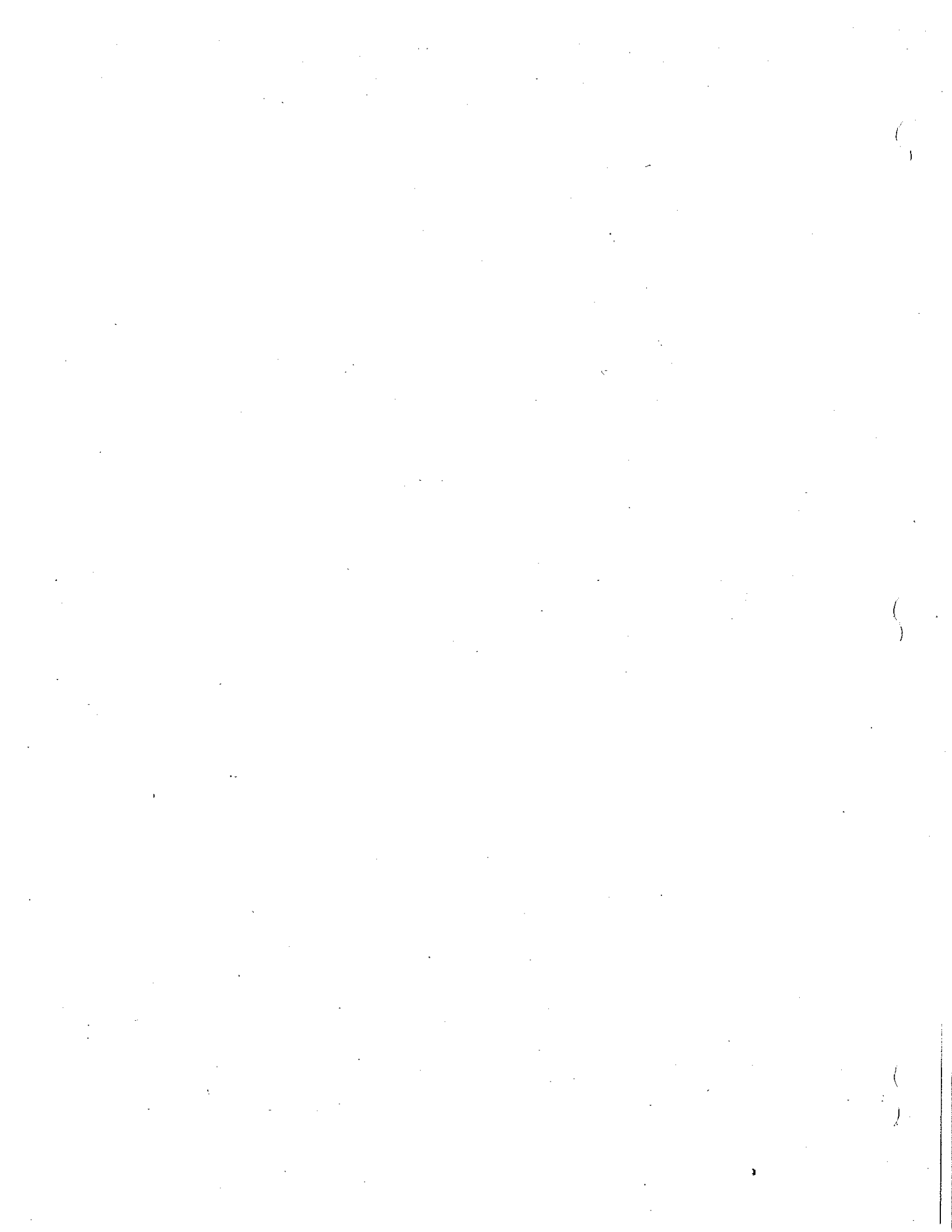
298 Attachment I

Borough of Clementon  
Schedule of Area Requirements

[Amended 11-23-1970 by Ord. No. 70-13; 9-28-1992 by Ord. No. 92-14; 9-26-2000 by Ord. No. 2000-6]<sup>1</sup>

Permitted Uses	Minimum Lot Size		Minimum Yard Setbacks: Principal Buildings					Minimum Yard Setbacks: Accessory Buildings				
	Area (square feet)	Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Street Side Yard (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Street Side Yard (feet)		
1-family residence	7,500	75	30	10	25	25	40	3	5	25		
1-family residence	15,000	100	40	15	40	25	50	8	8	40		
Garden apartments	3 acres	160	75	25	40	--	125	25	10	25		
Permitted retail and service uses	2,000	20	20	--	15	--	--	--	--	--		
Permitted retail and service uses	10,000	100	30	10	20	--	30	10	10	20		
Permitted retail and service uses light industry	50,000	200	50	50	50	--	50	50	50	100		
Amusement park	--	--	--	--	--	--	--	--	--	--		
B-1 Central Business apartments	--	--	20, plus 4 per story over 5 stories	10, plus 4 per story over 3 stories	20, plus 4 per story over 5 stories	--	--	--	--	--		

<sup>1</sup> Editor's Note: The requirements for the R-5 Zone were amended 4-26-2005 by Ord. No. 2005-17. See now the Schedule of Area and Bulk Requirements for the R-5 Zone.



# ZONING

## 298 Attachment 3

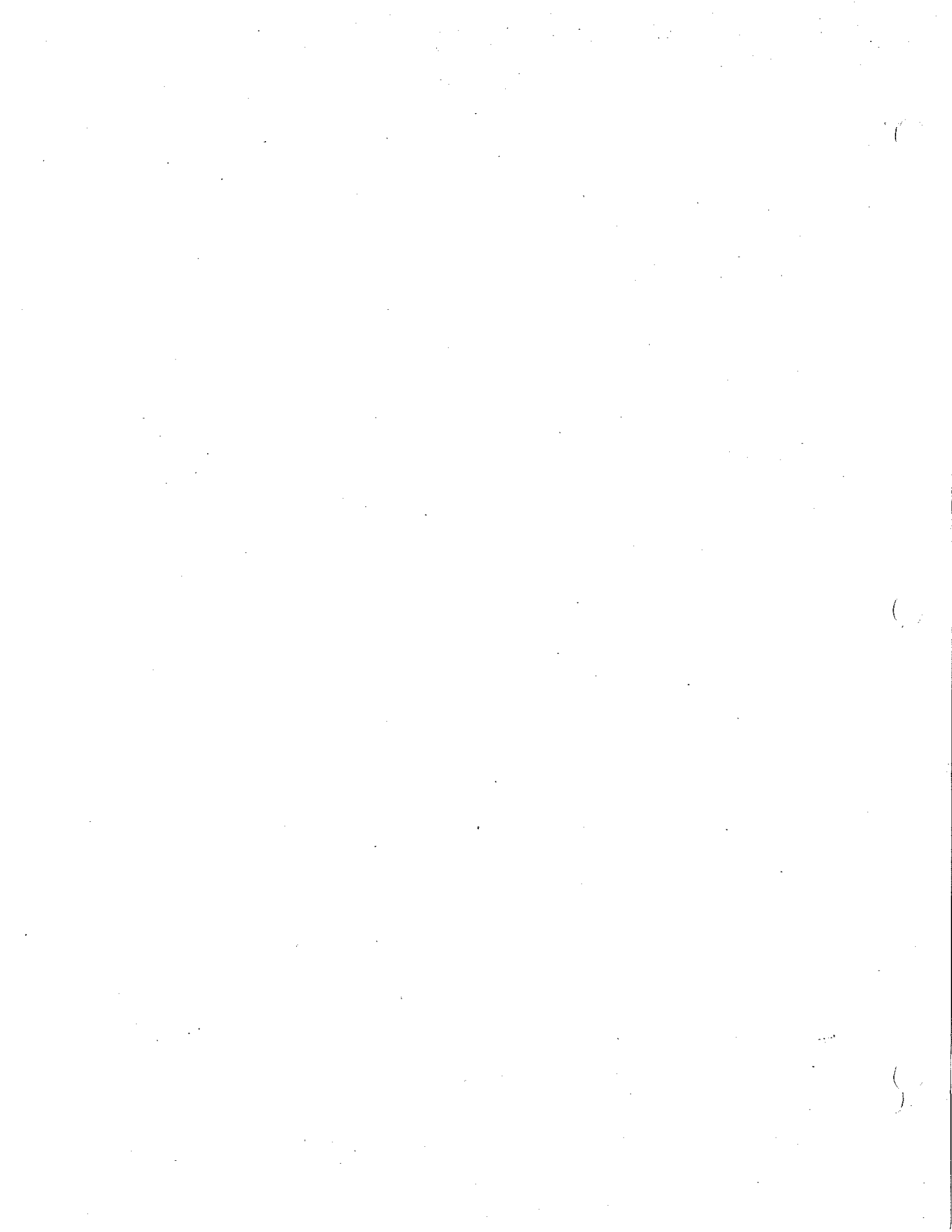
### Borough of Clementon Schedule of Area and Bulk Requirements for R-5 Zone [Added 4-26-2005 by Ord. No. 2005-17]

A. General zoning provisions.

Maximum Density	Minimum Lot Size (square feet)	Minimum Yard Setbacks			Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Building Height	Open Space Requirement (percentage)
		Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)				
—	6,000	50	35 aggregate; 15 minimum each	35	125	—	125	10% of total tract area

B. Cluster development shall be permitted in accordance with the following provisions:

Maximum Density	Minimum Lot Size (square feet)	Minimum Yard Setbacks			Minimum Lot Frontage (feet)	Minimum Lot Depth (feet)	Building Height	Open Space Requirement (percentage)
		Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)				
2 units per acre	6,000	25	6	25	55	100	—	40% of the tract and designed to save and protect mature trees, wildlife habitat and exceptional topological features. Open space area shall provide a continuous open area for passive recreation and preservation. However, the open space requirement shall be included as part of the density calculation.





ZONING

298 Attachment 2

Borough of Clementon  
 Schedule of Bulk Requirements  
 [Amended 9-28-1992 by Ord. No. 92-14; 9-26-2000 by Ord. No. 2000-6]<sup>1</sup>

	Minimum Floor Area (square feet)	Maximum Number of Stories	Maximum Coverage (%)	Maximum Height for Principal Building (feet)	Maximum Height for Accessory Building (feet)
1-family residence	1,000	2 ½	30	35	14
1-family residence	1,200	2 ½	25	35	14
Garden apartments		2	20	35	20
Permitted retail and service uses		2	40	40	25
Permitted retail and service uses		1	40	20	10
Shopping center		2	25	35	20
Light industry		2*	40	40	20
Amusement park		2	10	30	20
B-1 Central Business apartments					
Up to 3 ½ stories			60		
3 ½ to 6 stories			40		
7 or more stories			30		

NOTES:

\* An additional 1.5 feet of height may be permitted for each 50,000 square feet increment by which the total floor area exceeds 100,000 square feet; however, in no case shall the portion over 40 feet in height exceed 20% of the total floor area.

<sup>1</sup> Editor's Note: The requirements for the R-5 Zone were amended 4-26-2005 by Ord. No. 2005-17. See now the Schedule of Area and Bulk Requirements for the R-5 Zone.

