

**BOROUGH OF CLAYTON**  
**COUNTY OF GLOUCESTER, NEW JERSEY**

**ORDINANCE NO. 28-2021**

**AN ORDINANCE OF THE BOROUGH OF CLAYTON, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY ADOPTING AN AMENDMENT TO THE  
REDEVELOPMENT PLAN FOR CERTAIN PARCELS WITHIN DELSEA DRIVE  
(NJSH No 47) CORRIDOR TO ALLOW A PLANNED HIGH DENSITY APARTMENT  
RESIDENTIAL OVERLAY (PA-B)**

**WHEREAS**, in March of 2014, the Borough Council of the Borough of Clayton (“Borough”) passed Ordinance #13-2014 Adopting a Redevelopment Plan For Parcels Within The Delsea Drive (NJSH No. 47) Corridor; and

**WHEREAS**, in June of 2015, the Borough passed Ordinance #7-2015 Adopting An Amendment to the Redevelopment Plan For Parcels Within The Delsea Drive (NJSH No. 47) Corridor to allow for an Adult Planned Apartment Residential District (APA) and related bulk standards; and

**WHEREAS**, the Borough has now determined that certain additional amendments to said Redevelopment Plan are necessary to add additional permitted uses and bulk standards to certain lots and blocks within the Redevelopment area; and

**WHEREAS**, the Amended Redevelopment Plan adds Section 3.5 and creates a Planned High Density Apartment Residential Overlay (PA-B); and

**WHEREAS**, the intent of PA-B is to provide standards for the development, redevelopment or rehabilitation of appropriately sized and located lands within the Borough for high density multi-story garden apartment buildings; and

**WHEREAS**, now the Borough following referral to and upon recommendation of, the Borough of Clayton Planning Board (“Planning Board”), desires to adopt the Amended

Redevelopment Plan, for a certain area in need of rehabilitation and/or redevelopment at Block 809, Lot 4; Block 903, Lots 7 & 8; Block 904, Lots 8-11; Block 905, Lots 13-15; Block 1001, Lot 32; Block 1102.05, Lot 98; Block 1401, Lots 8 & 9, Block 1512, Lots 23-27 and Block 1513, Lot 2 within the Borough of Clayton, Gloucester County, New Jersey, which Plan has been prepared by Federici & Akin, P.A., dated September 9, 2021, and is incorporated herein and made a part hereof by reference; and

**WHEREAS**, the Planning Board has examined and considered said proposed Amended Redevelopment Plan regarding the subject designated rehabilitation and/or redevelopment area; and

**WHEREAS**, the Planning Board conducted a public meeting concerning the Amended Redevelopment Plan, which was open to the public and where said Amended Redevelopment Plan was explained and discussed and members of the public had an opportunity to pose questions and submit concerns; and

**WHEREAS**, the Planning Board has, through Resolution No. \_\_\_\_\_, reported that the proposed Amended Redevelopment Plan is consistent with the Borough Master Plan and has recommended that the Amended Redevelopment Plan be adopted by the Borough Council; and

**WHEREAS**, the Amended Redevelopment Plan, upon adoption by this Ordinance, is expected to facilitate rehabilitation, redevelopment and development of the rehabilitation and/or redevelopment area, and to provide new opportunities for private residential and non-residential development within the NJSH Route 47 Corridor in association with the development of a new garden apartments, townhomes, retail, general business and professional office, financial service organizations, day-care centers, eating establishments, custom- handicraft making and selling for the benefit of the Borough.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Clayton that, with the recommendation of the Planning Board to adopt the proposed Amended Redevelopment Plan, such recommendation is accepted and the Amended Redevelopment Plan is hereby adopted adding Section 3.5 Planned High Density Apartment Residential Overlay (PA-B).

**BE IT FURTHER ORDAINED** by the Borough Council of the Borough of Clayton that the Amended Redevelopment Plan prepared by Federici & Akin, P.A. for the subject rehabilitation and/or redevelopment areas, be and hereby is adopted to govern the Rehabilitation and/or Redevelopment Area comprised of Block 809, Lot 4; Block 903, Lots 7 & 8; Block 904, Lots 8-11; Block 905, Lots 13-15; Block 1001, Lot 32; Block 1102.05, Lot 98; Block 1401, Lots 8 & 9, Block 1512, Lots 23-27; Block 1513, Lot 2.

**BE IT FURTHER ORDAINED** the Borough Council declares and determines the Amended Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A.40A:12A-7, provides realistic opportunities for the planning development and rehabilitation of the Borough and specifically the Rehabilitation and/or Redevelopment Area, and is otherwise in conformance with N.J.S.A. 40A:12A-1 et seq.

**BE IT FURTHER ORDAINED** that any prior Ordinances or Plans which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty (20) days following final passage and publication as required by law, as the Ordinance adopting the Amended Redevelopment Plan for these designated areas, and zoning and rehabilitation and redevelopment maps for the areas, as applicable.

BOROUGH OF CLAYTON



TOM BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Clerk

**Amendment to the “Plan for Redevelopment – Delsea Drive (NJSH No. 47) Corridor”**  
**Prepared by Remington & Vernick Engineers, Inc. dated March 2014**  
**For the Borough of Clayton**  
**September 9, 2021**

**3.5. Planned High Density Apartment Residential Overlay (PA-B)**

The intent of this zoning overlay is to provide standards for the development, redevelopment, or rehabilitation of appropriately sized and located lands within the Borough for high density multi-story garden apartment buildings in accord with the spirit of this chapter. The overlay is intended to primarily serve areas or parcels of land that already lie wholly or partially in a zone that has a residential use as its primary permitted use. This overlay is designed to make special provision for high lot coverage and/or high-density apartment development in limited areas along the Delsea Drive Corridor where such development is considered appropriate by virtue of such criteria as direct access to major traffic streets, proximity to public transportation, and availability of public sanitary sewer and water facilities. The high-density apartment development will also provide a sufficient population of permanent residents, including singles, couples, and small families with children that will provide a diverse base of daily patrons located close to neighborhood businesses. Residents would also be expected to shop at the larger retail stores and the small shops along the Corridor.

The Planned High Density Apartment Residential Overlay is established over the parcels designated In Need Of Rehabilitation and In Need Of Revitalization within the Delsea Drive Corridor, except for those parcels located in the CB Central Business Zone. The area is more specifically identified as being comprised of the below listing of blocks and lots:

Block	Lots
809	4
903	7 and 8
904	8 through 11
905	13 through 15
1001	32
1102.05	98
1401	8 and 9
1512	23 through 27
1513	2

The rental of all apartment units shall be limited to permanent residents. Whereas, permanent residents are defined as people who live in the unit under a lease agreement for a term not less than 12 months.

### **3.5.1 Permitted Overlay Uses**

- (1) Principal permitted uses on the land and in the buildings.
  - a) Garden apartment buildings of 1, 2 or 3-stories maximum with rental units of 1 or 2 bedrooms.
  - b) Townhouse buildings (Rental only) of 2 stories, or 3-stories maximum, with units of 2 or 3 bedrooms.
- (2) The following principal uses are permitted conditionally, on the first or ground-level floor of the building located closest to Delsea Drive only, upon determination by the Governing Body that the use can be provided in a manner that will minimize the impact upon adjacent properties and will be compatible with the surrounding neighborhood.
  - a) Stores for the sale of retail goods.
  - b) General business and professional offices, but not including medical offices.
  - c) Financial related service organizations including realtors, stock brokers and insurance agencies, but not including banks.
  - d) Day-care centers.
  - e) Eating establishments, but not including fast-food or drive-in restaurants.
  - f) Custom handicraft making and selling.
- (3) Accessory uses permitted.
  - a) Off-street parking - to mean parking lots with parking spaces and two-way drive aisles placed adjacent to the apartment buildings, designed to provide safe and efficient pedestrian access for the residents, including the required parking spaces within 100 feet of the retail/business units of the building nearest Delsea Drive to be used by the customers and employees. (See § 88-30 for standards.)
  - b) Signs. (See § 88-40 for standards.)
  - c) Fences and walls. (See § 88-56 for standards.)
  - d) Recreational facilities for residents only.
  - e) Indoor common laundry facilities for residents only.
  - f) Model units within the project shall be permitted but only during the period necessary for the initial rental of up to 80% of the units within the project.
  - g) Rental office for use by management and maintenance personnel.
  - h) Accessory structures are not permitted except if it is part of the recreation facilities or used for storage of the property manager's maintenance equipment.

### 3.5.2 Bulk and design standards

#### (1) Garden apartments or townhouse developments.

- a) Minimum tract size: 5 acres.
- b) Maximum density: 20 dwelling units per acre.
- c) Minimum commercial/retail space: 5% of total project floor space (all buildings – all floors), or 25% of one typical building floor space (all floors), not to exceed 8,000 square feet.
- d) Lot width at building line: 100 feet.
- e) Minimum street frontage: 100 feet.
- f) Minimum lot depth: 500 feet.
- g) Minimum front yard setback from Delsea Drive: 100 feet for fully residential buildings; 50 feet for mixed use building.
- h) Minimum front yard setback from secondary street: 50 feet.
- i) Minimum side yard: one yard: 30 feet; aggregate: 80 feet.
- j) Minimum rear yard: To residential use: 20 feet per story, minimum of 50 feet. To non-residential use: 35 feet.
- k) Maximum building coverage: 30%.
- l) Maximum impervious surface coverage: 60%.
- m) Maximum building height to median roof line: 38 feet; to roof ridge: 42 feet; to parapet cap: 35 feet.
- n) Minimum distance between structures:
  - 1. Front or back to front or back: 75 feet.
  - 2. Front or back to side: 50 feet.
  - 3. Side to side: 30 feet.
- o) Minimum building setback from edge of internal road/drive aisle: 28 feet.
- p) Minimum distance from building to parking lot: 15 feet to doorway; 10 feet to wall.
- q) Accessory structures, not including fences, for any use may not be located in the front yard and may not be located closer than 10 feet to any side or rear property line.
- r) All off-street parking facilities shall be on the same site as the building and a minimum of 90% shall be located within 150 feet of the nearest entrance of the building they are intended to serve. Parallel parking is not permitted.
- s) Buildings shall be arranged in groups or clusters and not in long rows of 4 or more. The total length of any one structure shall not exceed 150 feet.
- t) Buildings shall be designed in a common architectural style. Variations in setback, fenestration, materials and design shall be encouraged.
- u) A buffer shall be provided along all public streets and adjacent to all property lines as follows:
  - 1. Adjacent to a public street: 50 feet minimum width from the right-of-way line to the proposed building or parking area; or otherwise the buffer may be the landscaped front yard setback area.

2. Adjacent to non-residential use: 25 feet minimum width, except may be reduced to 10 feet adjacent to designated open space on the abutting property previously approved by the Governing Body or Land Use Board, or, at the Board's discretion, adjacent to an established buffer area on the abutting property where the aggregate width of the on-site and off-site buffers meet the standard.
  3. Adjacent to residential use: 25 feet minimum width, except may be reduced to 20 feet adjacent to an on-site parking area, or where the on-site building is set back not less than 40 feet to a side yard or not less than 50 feet to a front or back yard.
  4. The buffer area shall provide an effective year-round screen and include on-site evergreen and deciduous trees and shrubs, and may also include on-site solid fencing, passive recreation area and stormwater management basin area. At the Board's discretion the buffer may also include stormwater management basin area and landscaped buffer area on an abutting property.
- v) All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy. All utilities shall be installed underground. No new utility poles shall be permitted within the frontage.

### **3.5.3 Common open space requirements (See § 88-34 for general standards.)**

- (1) Minimum open space: The open space shall be calculated based on the size and number of the rental units as follows:
  - a) For each one-bedroom unit – 150 square feet
  - b) For each two-bedroom unit – 200 square feet
  - c) For each three-bedroom unit – 250 square feet
  - d) Total site open space shall not be less than 10,000 square feet.
- (2) Open space shall include areas set aside for active and passive recreation such as picnic and gathering areas with tables and benches, gazebo or similar structure, tot lot, walking path along the perimeter of the site, and general open or landscaped areas and freshwater wetlands areas of not less than 5,000 square feet. Use of stormwater management basins or green infrastructure areas for open space or recreation purposes may be permitted by the Planning Board based on the depth and side slopes of the basin and the usable size of the flat bottom area.
- (3) A minimum of 75% of the proposed apartment buildings shall be located such that an entrance doorway is not more than 100 feet from one or more of the open space features listed in (2) above; provided the remaining buildings have an entrance doorway not more than 200 feet to an open space feature.



#### 3.5.4 Affordable Housing

Any redeveloper shall be required to build and set aside at least 10% of the total number of units as very low, low and moderate income affordable housing, in any redevelopment agreement between the redeveloper and the Borough of Clayton. The affordable units shall be constructed, sold and/or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing and the bedroom distribution.

Prepared by:

*Paul D. Breier*

Paul D. Breier, P.E., P.P.  
Federici & Akin, P.A.

September 9, 2021

Date

**NOTICE OF ADOPTION**

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RESIDENTIAL OVERLAY (PA-B)**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on December 9, 2021.

Christine Newcomb  
Borough Clerk

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GLOUCESTER COUNTY, NEW JERSEY**

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This Ordinance was introduced at a meeting held on the 10th day of November, 2021. It is scheduled for a public hearing and final adoption at a meeting of the Mayor and Council of the Borough of Clayton beginning at 6:30 p.m. on the 9th day of December, 2021, at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey.

The purpose of this Ordinance is to amend the Redevelopment Plan for Certain Parcels within Delsea Drive Corridor to allow a planned high-density apartment residential overlay.

A copy of this Ordinance can be obtained without any cost, by any member of the general public in the Borough Clerk's office within the Borough of Clayton in the Municipal Building, 125 North Delsea Drive, Clayton, New Jersey.

Christine Newcomb, Municipal Clerk  
Borough of Clayton