

ORDINANCE 2017-1372
OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, AND STATE OF NEW
JERSEY, AMENDING, REVISING AND/OR SUPPLEMENTING CHAPTER 142 OF
THE CODE OF THE TOWNSHIP OF HADDON ENTITLED "LAND USE AND
DEVELOPMENT"

WHEREAS, Chapter 142 of the Code of the Township of Haddon (the "Code") governs the development of land within Haddon Township's municipal borders; and

WHEREAS, Section 39 of Chapter 142 entitled, "Off-Street Parking, Loading and Driveways," establishes and regulates, among other things, on-site and off-site parking; and

WHEREAS, serious issues have arisen regarding the lack of sufficient on-site parking for commercial and retail establishments; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Governing Body of a municipality may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of the buildings and structures thereon; and

WHEREAS, the Governing Body deems it advisable to extend the proximity and nature of off-site parking to address the serious on-site parking issues within Haddon Township and specifically with regard to retail and commercial establishments; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, State of New Jersey, as follows:

SECTION 1: Chapter 142 of the Code of the Township of Haddon entitled, "Land Use and Development," Section 39 entitled, "Off-Street Parking, Loading and Driveways," is hereby amended, revised and/or supplemented by deleting Chapter 142-39(5) and replacing it with the following Code section:

"149-39(5). Location of Parking and Loading. Required off-street parking and loading spaces shall be provided on the same lot or on any lot within 300 feet. When some or all parking is not to take place on the same lot as the premises served, the Planning Board shall require evidence during site plan approval which demonstrates the availability of such off-site parking taking into consideration the operations and the hours of the use for which the off-site parking serves. No parking of vehicles shall be permitted in fire lanes, streets, driveways, landscaped areas, aisle, buffered areas, sidewalks, turning areas, or in the front yard of properties in the R-1 and R-2 Zoning Districts."

SECTION 2: Prior to adoption hereof, this proposed Ordinance shall be referred to the Haddon Township Planning Board pursuant to N.J.S.A. 40:55D-64.

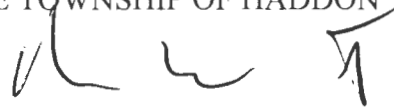
SECTION 3: Except as set forth in Section 1 above, the balance of Chapter 142 and the Code of the Township of Haddon shall not be affected by this Ordinance.

SECTION 4: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

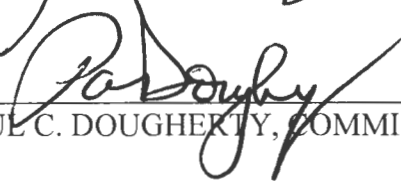
SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6. This Ordinance shall take effect upon passage and publication according to law.

THE TOWNSHIP OF HADDON


BY: _____
RANDALL W. TEAGUE, MAYOR


BY: _____
JAMES MULROY, COMMISSIONER


BY: _____
PAUL C. DOUGHERTY, COMMISSIONER

Adopted:
ATTEST:


JENAI JOHNSON, RMC - TOWNSHIP CLERK

The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on June 27, 2017. This Ordinance will be considered for adoption on final reading and public hearing to be held on August 22, 2017 at 7:00 p.m. in the Meeting Room, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

The purpose of this Ordinance is to modify the off-site parking requirements applicable to development in the Township of Haddon. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

HADDON TOWNSHIP PLANNING BOARD

REPORT TO COMMISSIONERS

RE: ORDINANCE 2017-1372

REVISING AND/OR SUPPLEMENTING CHAPTER 142 OF THE
CODE OF THE TOWNSHIP OF HADDON
ENTITLED "LAND USE AND DEVELOPMENT"

Pursuant to their authority under N.J.S.A. 40:55D-62, the Mayor and Board of Commissioners of the Township of Haddon have adopted upon first reading an amendment to Section 142-39A(5) of the Haddon Township Land Use and Development Ordinance. In accordance with the provisions of N.J.S.A. 40:55D-26(a) that proposed amendment has been referred to the Planning Board ("Board"), for review.

The Board has reviewed the proposed amendment and finds that it is consistent with the Master Plan.

The proposed Ordinance amends Section 149-39(A)(5) of the Land Use and Development Ordinance. As the Mayor and Commissioners are aware, the Board was recently involved in litigation concerning an interpretation of Section 39(A)(5). One of the issues presented was the language of the existing ordinance which allowed for off-site parking on "adjacent" parcels to satisfy the requirements of the ordinance. There were also issues raised concerning what factors were to be taken into account by the Board when evaluating such applications.

The proposed Ordinance specifies that offsite parking is to be provided on a lot within 300 feet of the premises which are the

subject of the application. The proposed Ordinance further provides that, when offsite parking is to be considered as part of a development application and site plan review, certain specified additional factors should be taken into consideration by the Board.

The 1999 Master Plan ("Master Plan"), in its introduction, identifies parking availability as one of the "major problems and objectives relating to land development in the municipality". As further stated in the Master Plan, parking availability is "a symptom of economic decline along the Haddon Avenue commercial corridor." The Land Use Element of the Master Plan, specifically with regard to the Haddon Avenue Corridor Redevelopment, refers to the fact that the existing Westmont Theatre contained a large parking lot which was empty and "could be used as a daytime parking for local merchants and customers." See Master Plan, p. 31 This comment foreshadowed the concept of "shared parking." That is, the use of the same parking facilities by multiple users at different times of the day.

The Strategic Plan under the Master Plan for the Haddon Avenue Corridor Redevelopment was to improve the infrastructure and in particular the development of public off-street parking, which again manifests the goal of the Master Plan to improve parking along Haddon Avenue.

The Re-Examination Report of the Master Plan ("Report") conducted in 2008 echoes the same concerns. That Report evaluated how the stated goals of the Master Plan had been met. The Report also identified how some of those goals may have changed and discussed how

to work toward achieving both those historical goals and those more recently identified. The Environmental Section of the Report included among its recommendations that the Township should:

7. Promulgate Land Use Ordinances and Planning Standards that encourage the following:

a. Shared parking
[Report, at 27.]

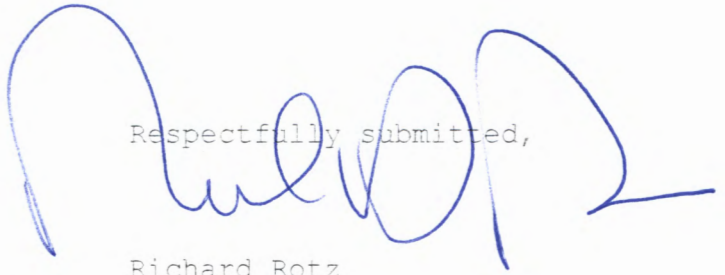
During the course of the litigation referred to above, a publication entitled Shared Parking, produced by the Urban Land Institute came to the Board's attention. That document highlights the benefit of shared parking as a way to maximize the use of often limited parking resources in an existing infrastructure. The article demonstrates how shared parking among users whose peak times of use may vary reduces the need for more parking lots, which benefits the environment with the preservation of green space, all of which is consistent with the Master Plan and Report.

The Board also considered the testimony of its engineer, Gregory Fusco, P.E., P.P., C.M.E. Fusco testified as to process followed by the Township in conducting the investigation and generating the Report. He specifically noted encouragement of shared parking. He also testified that in 2014 his firm undertook a survey of existing parking conditions along Haddon Avenue. Among the tasks performed was conducting an inventory of available parking and to identify its availability and relationship to various uses. The parking requirements of Haddonfield and Collingswood Boroughs were also reviewed. The study provided certain observations concerning store

front properties along Haddon Avenue of less than 900 square feet and those properties being unable to comply with any off-street parking requirements whatsoever. More significantly, he noted that the development of the new parking lot for the Sentry Office Building resulted in the most remote parking areas being approximately 300' from the building entrance which it served. Likewise, at the new Town Center the parking on the Highland Avenue side of the project is approximately 300' from Haddon Avenue. He suggested that a reasonable distance to expect users to park from a particular facility was 300' which, he noted, is the size of a typical neighborhood block. He also observed that siting parking facilities within a 300' distance from Haddon Avenue would generally avoid any incursion upon adjoining residential zones.

The Board also considered the presentation of an attorney representing Lawlands Associates, a property owner along Haddon Avenue. Counsel presented what he viewed as the shortcomings of the language of the proposed amendment. Although the Board considered these comments it ultimately determined that those issues were beyond the statutory scope of the Board's authority when conducting a review of a proposed zoning ordinance.

Based upon the foregoing, the Board has determined that the proposed amendment to Section 142-39(A) 5' of the Haddon Township Land Use and Development Ordinance is consistent with the Master Plan.

A handwritten signature in blue ink, appearing to read 'Richard Rotz', is written over the typed text.

Respectfully submitted,

Richard Rotz
Chairman, Haddon Township Planning Board