

Ordinance #:	21-3235
Introduction Date:	4/20/21
Hearing Date:	5/18/21
Passage Date:	5/18/21
Effective Date:	5/27/21

AN ORDINANCE AMENDING REQUIRED EXTERIOR MECHANICAL EQUIPMENT SETBACKS IN CERTAIN RESIDENTIAL ZONES AS ESTABLISHED IN ARTICLE XIV, DESIGN AND PERFORMANCE REQUIREMENTS, OF PART II, ZONING, OF CHAPTER XXXV, DEVELOPMENT REGULATIONS, OF THE CITY OF SUMMIT CODE (*exterior air conditioning unit setbacks*)

Ordinance Summary: The purpose of this ordinance is to amend subsection J, Exterior Mechanical Equipment of Article XIV, Design and Performance Requirements, of Part II, Zoning, of Chapter 35, Development Regulations to provide that within the R-5, R-6, R-10, R-15 and RAH-1 Zones the minimum required side yard setback for air conditioning units shall be five (5) feet.

WHEREAS, on December 1, 2020, the City of Summit Common Council repealed and replaced its Development Regulations Ordinance with a new Chapter 35 by the adoption of Ordinance No. 20-3224; and

WHEREAS, upon adoption it was recognized that the City of Summit would conduct periodic reviews of the new Development Regulations Ordinance and make any necessary amendments from time to time as determined to be necessary; and

WHEREAS, the City intends to amend the required air conditioning unit setbacks for certain residential zones consistent with the typical property configurations of those zones; and

WHEREAS, the City recognizes the substantial need for air conditioning in residential uses and intends to reasonably accommodate the approval and installation of such facilities through an administrative permit review process to the extent practicable and in a manner that does not negatively impact surrounding uses.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SUMMIT, IN UNION COUNTY, NEW JERSEY AS FOLLOWS:

Section 1. The preamble to this Ordinance is hereby incorporated as if restated in full.

Section 2. Section § 35-14.1.J.4.b. of Chapter 35, Development Regulations, of the City of Summit Code is hereby amended and supplemented to read as follows (additions are underlined thus; deletions are indicated with strikethroughs ~~thus~~):

§ 35-14.1.J. Exterior Mechanical Equipment

§ 35-14.1.J.4.b. Within the R-5, R-6, R-10, R-15 and RAH-1 Zones, air-conditioning units ~~and generators~~ shall have a minimum required side yard setback of ~~5~~ 10 feet, generators shall have a minimum required side yard setback of 10 feet and both air-conditioning units and generators shall have a minimum required rear yard setback of 25 feet.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 4. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 5. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Summit Planning Board for review pursuant to N.J.S.A. 40:55D26.

Section 6. This ordinance shall take effect upon its passage, publication and filing with the Union County Planning Board, and as otherwise provided for by law.

Dated : May 18, 2021

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, May 18, 2021.

Approved:

Mayor

City Clerk