

THE CITY OF SUMMIT

N E W J E R S E Y

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VIA EMAIL COMMUNICATION

MEMO TO MUNICIPAL CLERKS OF:

Berkeley Heights Township
Chatham Borough
Chatham Township
Millburn Township
Mountainside Borough
New Providence Borough
Springfield Township

FROM: Rosemary Licatese, City Clerk

COPY: Union County Office of Policy and Planning (*regular mail*)

Re: PASSAGE of Ordinance No. 18-3157 – AN ORDINANCE AMENDING THE CODE, CHAPTER XXXV, DEVELOPMENT REGULATIONS ORDINANCE, ARTICLE 4 – ZONING, SUBSECTION 4.2-9, YARD REGULATIONS, AND ARTICLE 5 – DESIGN AND PERFORMANCE STANDARDS, SUBSECTION 5.2-18, SCREENING OF EXTERIOR MECHANICAL EQUIPMENT (*amending the setback and screening regulations for exterior air conditioning condensers in residential districts*)

Enclosed please find a copy of the above referenced ordinance, which was passed at the regular meeting of Council held Tuesday, March 20, 2018.

Sincerely,



Rosemary Licatese

Enclosure

Ordinance #:	18-3157
Introduction Date:	2/21/18 (Wed.)
Hearing Date:	3/20/18
Passage Date:	3/20/18
Effective Date:	3/29/18

AN ORDINANCE AMENDING THE CODE, CHAPTER XXXV, DEVELOPMENT REGULATIONS ORDINANCE, ARTICLE 4 – ZONING, SUBSECTION 4.2-9, YARD REGULATIONS, AND ARTICLE 5 – DESIGN AND PERFORMANCE STANDARDS, SUBSECTION 5.2-18, SCREENING OF EXTERIOR MECHANICAL EQUIPMENT
(amending the setback and screening regulations for exterior air conditioning condensers in residential districts)

Ordinance Summary: The purpose of this Ordinance is to amend the current Article 4 of Chapter XXXV, Development Regulations Ordinance of the Code known as “Zoning” and Article 5, known as “Design and Performance Standards,” to adjust the setback and screening requirements for air conditioning condensers in residential districts.

WHEREAS, the City’s zoning ordinance currently permits exterior residential mechanical equipment, including heat pumps, air condition condensers, and generators to encroach not more than three (3) feet into the required side yard setback for the zone in which it is located, but in no case shall be located less than five (5) feet from the property line, and

WHEREAS, the City’s zoning ordinance requires such exterior residential mechanical equipment to be permanently fenced, with such fencing at least to the height of the equipment, and

WHEREAS, the City’s zoning ordinance also establishes that air condition units may project not more than four (4) feet into any required yard, and that such units must be screened to attenuate sound, and

WHEREAS, the City finds that the above regulations are inconsistent and contradictory to one another, and

WHEREAS, the City also finds that the above regulations have proven to be onerous for residential homeowners seeking to install air conditioning units.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, as follows:

Section 1. That CHAPTER XXXV, ARTICLE 4, ZONING, SUBSECTION 35-4.2-9.D.12, **Yard Regulations, Subsection D. Projections and Encroachments**, is hereby amended and supplemented to read as follows:

12. Air conditioning units may project ~~not more than four (4) feet into any required yard.~~ Units must be screened to attenuate sound. into any required side yard as set forth in subsection 35-5.2-18.

Section 2. That CHAPTER XXXV, ARTICLE 5, DESIGN AND PERFORMANCE STANDARDS, SUBSECTION 35-5.2-18, **Screening of Exterior Mechanical Equipment**, is hereby amended and supplemented to read as follows:

35-5.2-18 Screening of Exterior Mechanical Equipment

- A. Electrical and mechanical equipment shall be located within the interior of a building wherever possible. When an interior location is not practical, such equipment shall be placed in a location where it can be substantially screened. Roof mounted equipment shall be hidden with parapets or screens of materials which are in harmony with the building's architecture. Process equipment such as stacks, hoppers, compactors, bins, storage vessels, blowers, compressors, piping, ducting, conveyors and the like shall be located and screened so as to minimize the visual impact.
- B. Ground level utilities shall be screened so as to be unobtrusive when viewed from the public rights-of-way and adjacent uses.
- C. Exterior residential mechanical equipment, including heat pumps, ~~air conditioning condensers~~ and generators, shall be located in accordance with the following:
 - 1. In the side yard, in accordance with the required side yard setback for the zone, except that such equipment may encroach not more than three (3) feet into the required setback, but in no case shall be located less than five (5) feet from the property line. Any equipment that encroaches into the required side yard setback must be permanently fenced at least to the height of the equipment.
 - 2. Equipment located in the front yard shall meet the minimum required front yard setback for the zone. Any such equipment located in the front yard must be screened with dense landscaping.
 - 3. Equipment located in the rear yard shall have a minimum required setback of twenty-five (25) feet in all residential zones.
- D. Air conditioning condensers shall be located in accordance with the following:
 - 1. Within the R-43 and R-25 Zones, air conditioning condensers shall be set back at least fifteen (15) feet from any side yard property line.
 - 2. Within the R-15, R-10, R-6, and R-5 Zones, air conditioning condensers shall be set back at least five (5) feet from any side yard property line.
 - 3. Air conditioning condensers shall have a maximum setback of five (5) feet from the principal dwelling in any residential zone.
 - 4. Any air conditioning condenser located within a side yard must be permanently screened to at least the height of the equipment with either fencing or dense landscaping which must be continuously maintained.
 - 5. Air conditioning condensers located in the front yard shall meet the minimum required front yard setback for the zone. Any such equipment located in the front

yard must be screened with dense landscaping which must be continuously maintained.

6. Air conditioning condensers located in the rear yard shall have a minimum required setback of twenty-five (25) feet in all residential zones.

Section 3. **SEVERABILITY.**

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 4. **INCONSISTENCY.**

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. **EFFECTIVE DATE.**

This Ordinance shall take effect upon final passage and publication according to law and filing with the County Planning Board in accordance with *N.J.S.A 40:55D-16*.

(Latest additions are indicated by underline, deletions by ~~strikethroughs~~)

Dated: March 20, 2018

Approved:

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, March 20, 2018.

Mayor

City Clerk