



# CITY OF SUMMIT

UNION COUNTY, NEW JERSEY

## Chapter XXXV: Development Regulations

Adopted [INSERT DATE]





<b>Ordinance #:</b>	
Introduction Date:	
Hearing Date:	
Passage Date:	
Effective Date:	

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER XXXV OF THE GENERAL CODE OF THE CITY OF SUMMIT TO ESTABLISH THE 2020 DEVELOPMENT REGULATIONS ORDINANCE (Repeal 2019 DRO and Replace with 2020 DRO)**

BE IT ORDAINED by the Common Council of the City of Summit as follows:

SECTION 1. Chapter XXXV – Development Regulations of the General Ordinances of the City of Summit be and are hereby amended as hereinafter set forth. Said Ordinance being in excess of six (6) typed pages of ordinary print is proposed to be enacted without publication in full pursuant to the provisions of N.J.S.A. 40:49-2.1.

SECTION 2. The principal changes effected by said ordinance are as follows:

- The modification of certain definitions, the addition of certain new definition, modified procedures, new standards and other changes that are either technical or administrative in nature.
- The modification of driveway width requirements for single and two family dwellings, the modification of outdoor dining requirements for seating on private property, revision to the building height calculation, the prohibition of temporary fabric enclosures for the storage of cars or other equipment. Clarification of the City's Affordable Housing requirements.
- A recodification of existing development regulations and ordinances adopted by the City in one comprehensive ordinance. This ordinance is a comprehensive revision of the City's existing Development Regulation Ordinance and will supersede the existing Development Regulation Ordinance.

SECTION 3. At least three (3) copies of said full ordinance are on file in the office of the City Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangement have been made for the publication of said proposed ordinance and pamphlet or similar form which will be available for purchase from the City Clerk.

SECTION 4. The City Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Union County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the City Clerk is further directed to publish notice of the passage

thereof and to file a copy of this ordinance as finally adopted with the Union County Planning Board as required by N.J.S.A. 40:55D-16 and with the City Tax Assessor.

Dated:

I, Rosalia M. Licatese, 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,

Approved:

Mayor

City Clerk

**CHAPTER 35**  
**DEVELOPMENT REGULATIONS**  
**CITY OF SUMMIT, NEW JERSEY**

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## PART 1 – GENERAL PROVISIONS AND ADMINISTRATION

### ARTICLE I – GENERAL PROVISIONS

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#### 35-1.1 TITLE

This Chapter shall be known as the "City of Summit Development Regulations Ordinance."

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#### 35-1.2 ADOPTED

This Chapter is adopted pursuant to the Municipal Land Use Law (MLUL), (N.J.S.A. 40:55D-1 et seq.), in order to promote and protect the public health, safety, morals and general welfare.

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#### 35-1.3 PURPOSE

It is the purpose of the City in adopting this Chapter to exercise to the fullest the powers granted to the City by the State of New Jersey to manage land use through zoning, subdivision and site plan control, and through the police power generally. It is the further purpose of the City in adopting this Chapter to organize and codify all such powers of land use management into one comprehensive cohesive system in order to facilitate the administration of land use procedure while providing maximum protection of the public health, safety and general welfare in accordance with the provisions of N.J.S.A. 40:55D-2 et seq.

It is the intent and purpose of this Chapter to:

- A. Plan and guide the appropriate use or development of all land in a manner which will promote the public health, safety, morals and general welfare by means including the following:
  1. Regulate the location of buildings and establish standards of development; establish setback lines of buildings designed for residential, commercial, industrial, office or other uses and by fixing reasonable standards to which buildings or structures shall conform.
  2. Prohibit incompatible uses; and prohibit uses, buildings or structures which are incompatible with the character and scale of development of the permitted uses within specified zoning districts and surrounding areas.
  3. Regulate alterations of existing buildings; and prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
  4. Establish regulations to guide individual lot development so as not to negatively impact neighboring properties.
  5. Conserve the value of land and buildings throughout the City.
- B. Secure safety from fire, flood, panic and other natural and man-made disasters.
- C. Provide adequate light, air and open space.
- D. Ensure that land development in the City of Summit does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole, provided that where there is conflict

### 35-1.4.

between the City and adjoining municipal development patterns and regulations, the greater deference shall be given to the City planning and zoning provisions in regulating the propriety of the City's ordinances and Master Plan.

- E. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of the neighborhoods, preservation of the environment and quality of life.
- F. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- G. Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.
- H. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight and minimizing negative impacts to residential streets.
- I. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- J. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper land use.
- K. Encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- L. Provide, within the community's resources, for the future housing needs of the citizens of the City of Summit.
- M. Promote utilization of renewable energy sources and sustainable building practices.
- N. Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.
- O. Establish orderly and uniform procedures relating to land use and development regulation.
- P. Generally achieve and advance the various purposes of the Municipal Land Use Law (P.L 1975, c. 291) as set forth in the Statement of Purposes of said law in N.J.S.A. 40:55D-2.
- Q. Preserve and enhance the character of Summit by promoting development that is harmonious with surrounding development while adhering to the goals and objectives of the Master Plan and design requirements set forth in Article XIV and design guidelines located in the Appendix of this Chapter.

#### 35-1.4        SCOPE

- A. Where the provisions of this Chapter impose greater restrictions than those imposed by any other law, ordinance, regulation or resolution, the provisions of this Chapter shall control. Where the provisions of any other law, ordinance, regulation or resolution impose a greater restriction than this Chapter, the provisions of such other law, ordinance, regulation or resolution shall control.

### 35-1.5.

- B. Matters not regulated herein shall be governed by applicable provisions of the MLUL. In the event of any conflict between the provisions of this Chapter and the MLUL, the MLUL shall control.
- C. The requirements of this Chapter shall be held paramount to any less restrictive provisions or requirements established by deed restriction, private covenant or agreement. Without limiting the foregoing, where this Chapter imposes a greater restriction or limitation upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas or larger yards, courts or other open spaces than are required by covenants or restrictions imposed by deed or private agreement, the provisions of this Chapter shall control.
- D. Related facilities, such as yards, parking and shared parking, cannot be attributed more than once to structures; e.g., a "side yard" belongs to the house on its lot, and cannot also serve the house on the adjacent lot.
- E. It shall be the duty of the Zoning Officer to administer and enforce the provisions of this Chapter. No building permit shall be issued unless the plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity, or construction activity is in compliance with this Chapter or is a valid prior nonconforming use. In cases involving the new use of an existing structure, no certificate of occupancy for the new use shall be issued until a zoning permit has been issued.
- F. All provisions are minimal unless otherwise stated or clearly maxima by context. They apply with equal force to initial construction and subsequent modification or addition.

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### 35-1.5 PROHIBITED USES

All uses not expressly permitted in this Chapter are prohibited.

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## ARTICLE II – PLANNING BOARD

### 35-2.1 ESTABLISHMENT AND COMPOSITION OF PLANNING BOARD

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The City of Summit has established a nine-member Planning Board pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-23.

A. ***Regular Members.*** The Summit Planning Board shall consist of nine (9) members of the following four (4) classes:

1. Class I: The Mayor or Mayor's designee.
2. Class II: One (1) of the officials of the City, other than a member of Common Council, to be appointed by the Mayor, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member for purposes of this Act in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.
3. Class III: A member of Common Council to be appointed by Common Council.
4. Class IV: Six (6) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one (1) such member may be a member of the Zoning Board of Adjustment or historic preservation commission. A member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning board member, unless there be amongst the Class IV or alternate members both a member of the Zoning Board or historic preservation commission and a member of the Board of Education, in which case the member common to the Planning Board and environmental commission shall be deemed a Class II member. For the purpose of this section, membership on a board or commission whose function is advisory in nature, the establishment of which is discretionary and not required by statute, shall not be considered the holding of office.

B. ***Alternate Members.*** Two (2) alternate members shall be appointed by the Mayor and shall meet the qualifications of Class IV members of nine (9) member planning boards. Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1 and Alternate No. 2, respectively. The terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year. Alternate members may participate in discussions of the proceedings but may not vote except in the absence, recusal or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

### 35-2.2 TERMS OF MEMBERS

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A. The term of the member composing Class I shall correspond with his/her official tenure.

### **35-2.3.**

- B. The term of the member composing Class II shall be for one (1) year or terminate at the completion of his/her first term of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first.
- C. The term of the member composing Class III shall be for one (1) year or terminate at the completion of his/her term of office, whichever occurs first.
- D. The term of a Class IV member who is also a member of the Board of Adjustment or Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first.
- E. The terms of all Class IV members first appointed pursuant to this Chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment as determined by resolution of the Governing Body; provided, however, that no term of any member shall exceed four (4) years, and further provided that nothing herein shall affect the terms of any present members of the Planning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four (4) years, except as otherwise herein above provided. All terms shall run from January 1 of the year in which the appointment is made.

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### **35-2.3            VACANCIES**

If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

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### **35-2.4            REMOVAL FOR CAUSE**

Any member other than a Class I member, after a public hearing if he/she requests one, may be removed by the Common Council for cause.

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### **35-2.5            ORGANIZATION**

The Planning Board shall organize annually by selecting from among its Class IV members a Chairperson and a Vice Chairperson. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee and create and fill such other offices as established by ordinance.

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### **35-2.6            EMPLOYMENT OF LEGAL COUNSEL, EXPERTS AND STAFF**

The Planning Board may annually appoint an attorney at law of New Jersey, other than the Municipal Attorney, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by Common Council for its use.

## 35-2.7 CONFLICT OF INTEREST

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If the Planning Board lacks a quorum because any of its members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Zoning Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between regular members of equal seniority, the Chairperson of the Zoning Board of Adjustment shall make the choice.

## 35-2.8 POWERS AND DUTIES OF PLANNING BOARD

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The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

- A. To make and adopt and from time to time amend a Master Plan for the physical development of the City, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the City, in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To approve conditional use applications as authorized by State statute.
- C. To administer the provisions of the Development Regulations Ordinance of the City in accordance with the provisions of this Chapter and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- E. To assemble data on a continuing basis as part of a continuing planning process.
- F. To review and make recommendations to the Common Council on the official map of the City pursuant to N.J.S.A. 40:55D-32 and N.J.S.A. 40:55D-26.
- G. If authorized by the Governing Body, to annually prepare a program of municipal capital improvement projects over a term of six (6) years, and amendments thereto, and recommend same to the Governing Body.
- H. To consider and make report to the Governing Body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Planning Board by the Common Council pursuant to the provisions of N.J.S.A. 40:55D-26(b).
- I. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:
  1. A variance pursuant to N.J.S.A. 40:55D-70(c).
  2. Direct the issuance of a permit for a building or structure either not related to a street (N.J.S.A. 40:55D-36) or in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map (N.J.S.A. 40:55D-32).
  3. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

### **35-2.9.**

J. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Common Council or other agencies or officers.

#### **35-2.9 REFERRAL OF POWERS OF THE PLANNING BOARD**

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Prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to Common Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. The Common Council, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the Planning Board to transmit its report within the thirty-five (35)-day period provided herein shall relieve Common Council from the requirements of this subsection in regard to the proposed development regulation, revision or amendment referred to the Planning Board. Nothing in this section shall be construed as diminishing the application of the provisions of N.J.S.A. 40:55D-32 to any official map or an amendment or revision thereto or of N.J.S.A. 40:55D-62 to any zoning ordinance or any amendment or revision thereto.

#### **35-2.10 RULES AND REGULATIONS**

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The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

#### **35-2.11 ADVISORY COMMITTEE**

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The Mayor may appoint one (1) or more persons as a Citizens' Advisory Committee to assist or collaborate with the Planning Board in its duties, but such committee shall have no power to vote or take other action required of the Board. Such persons shall serve at the pleasure of the Mayor.

## ARTICLE III – ZONING BOARD OF ADJUSTMENT

### **35-3.1 ESTABLISHMENT AND COMPOSITION OF ZONING BOARD OF ADJUSTMENT**

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- A. There has been established a Zoning Board of Adjustment consisting of seven (7) members and four (4) alternate members appointed by the City Common Council pursuant to the Municipal Land Use Law, N.J.S.A. 40:55-D-69 et seq.
- B. Regular Members. The City of Summit Zoning Board of Adjustment regular members and alternate members shall be residents of the City of Summit appointed by Common Council.
- C. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.

### **35-3.2 TERMS OF MEMBERS**

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The regular members of the Zoning Board of Adjustment shall serve for terms of four (4) years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment, provided that the initial term of no member shall exceed four (4) years. Nothing in this Chapter shall, however, be construed to affect the terms of any present members of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the terms for which they were appointed.

### **35-3.3 VACANCIES**

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A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

### **35-3.4 REMOVAL FOR CAUSE**

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A member may, after public hearing if he/she requests one, may be removed by the City Common Council for Cause. A vacancy occurring other than by expiration of term shall be filled for the unexpired term only.

### **35-3.5 ORGANIZATION**

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The Zoning Board of Adjustment shall annually elect a chairperson and vice chairperson from its members and a secretary who may or may not be a member of the Board or a municipal employee.

### **35-3.6 ALTERNATE MEMBERS**

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Alternate members shall be appointed for a term of two (2) years, and at the time of their appointments shall be designated Alternate No. 1, Alternate No. 2, Alternate No. 3 and Alternate No. 4, respectively. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate members shall vote in the order of their numerical designations.

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**35-3.7 EMPLOYMENT OF COUNSEL, EXPERTS AND STAFF**

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The Zoning Board of Adjustment may annually appoint an attorney at law of New Jersey, other than the Municipal Attorney, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts and grants, the amount appropriated by Common Council for its use.

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**35-3.8 CONFLICT OF INTEREST**

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- A. Members of the Zoning Board of Adjustment shall not act on or participate in any way in any matter in which they have any personal or financial interest, either directly or indirectly (N.J.S.A. 40:55D-69).
- B. If the Zoning Board of Adjustment lacks a quorum because its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there is the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

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**35-3.9 POWERS AND DUTIES OF ZONING BOARD OF ADJUSTMENT**

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- A. The Zoning Board of Adjustment shall have the following powers and duties, as granted by law:
  1. Appeals. Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the Administrative Officer, based on or made in the enforcement of the Development Regulations Ordinance.
  2. Interpretations. Hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the MLUL.
  3. Bulk and Dimensional Variances.
    - a. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, the Board may grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; or
    - b. Where in an application or appeal relating to a specific piece of property the purposes of zoning set forth in N.J.S.A. 40:55D-2 would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, the Board may grant a variance to allow departure from such zoning requirements, provided, however, that the fact that a

proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection, and provided that no variance from those departures enumerated in paragraph A.4 of this subsection shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.

4. **Use and Other Variances.** In particular cases and for special reasons, the Board may grant a variance to allow departure from zoning regulations to permit (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, (5) an increase in the permitted density as defined in N.J.S.A. 40:55D-4 except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by ten (10) feet or ten (10%) percent the maximum height permitted in the district for a principal structure. A variance under this paragraph shall be granted only by affirmative vote of at least five (5) members.
5. No variance or other relief may be granted under the terms of this subsection, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

B. ***Relief not Enumerated in Subsection A.4 above to be Decided Under Subsection A.3.*** If an application for development requests one (1) or more variances but not a variance for a purpose enumerated in paragraph A.4 of this subsection, the decision on the requested variance or variances shall be rendered under paragraph A.3 of this subsection.

C. ***Referral of Application to Other Agencies.*** An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

D. ***Additional Powers.*** The Zoning Board of Adjustment shall have the following additional powers:

1. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
2. To direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
3. To grant to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to subsection 35-3.9A.4. of this Chapter. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon grant of all required subsequent approvals of a site plan or subdivision by the Zoning Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial impairment to the public

good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this Chapter for the approval in question, and the special vote pursuant to N.J.S.A. 40:55D-70d shall not be required.

### 35-3.10 APPLICATIONS AND APPEALS TO ZONING BOARD OF ADJUSTMENT

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- A. ***Zoning Board of Adjustment Applications without Prior Application to Administrative Officer.*** A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.
- B. ***Time and Procedure for Appeal.*** Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Each appeal shall be taken within the twenty (20) days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with fourteen (14) copies of said notice with the Administrative Officer. Said notice of appeal shall specify the grounds of said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- C. ***Board Powers on Appeals.*** Upon appeal, the Board of Adjustment may, in conformity with the provisions of N.J.S.A. 40:55D-1 et seq. or amendments thereto or subsequent statutes applying, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.
- D. ***Stay of Proceedings by Filing of Appeal.*** An appeal stays all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order of the Superior Court of New Jersey on application or notice to the officer from whom the appeal is taken and on due cause shown.
- E. ***Time of Decision.*** The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer. Failure of the Board to render a decision within such one hundred twenty (120) day period from the date the application is determined to be complete, or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.
- F. ***Consecutive Applications.*** Whenever an application for development requests relief pursuant to subsection 35-3.9A.4. of this section, the Zoning Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by a developer of a complete application to the Zoning Board of Adjustment or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid one hundred twenty (120) day provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Zoning Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Administrative Officer as to the failure of the Zoning Board of Adjustment to act shall be issued on receipt of a

### **35-3.11.**

written request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

#### **35-3.11      CONDITIONS OF APPROVAL**

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The applicant and any successor in interest shall be responsible for installing and maintaining all required improvements. All conditions of approval reflected in the memorializing resolution of approval must be maintained in perpetuity.

#### **35-3.12      RULES AND REGULATIONS**

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The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

#### **35-3.13      ANNUAL REPORT**

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The Zoning Board of Adjustment shall, at least once a year, review its decisions on appeals and applications for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment(s) or revision(s), if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the Common Council and the Planning Board.

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## ARTICLE IV – PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

### 35-4.1 CONFLICT OF INTEREST

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No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he/she has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself/herself from acting on a particular matter, he/she shall not continue to sit with the Board on the hearing of such matter or participate in any discussion or decision relating thereto.

### 35-4.2 MEETINGS

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- A. ***Meeting Schedule.*** Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and shall be held as scheduled unless canceled for lack of pending applications.
- B. ***Special Meetings.*** Special meetings may be held at the call of the Chairperson or at the request of any two (2) Board members. Board members shall be given at least seventy-two (72) hours advance telephone notice of a special meeting. The public shall be given notice of such meeting in accordance with the Open Public Meetings Act and all applicable legal requirements.
- C. ***Quorum.*** No action shall be taken at any meeting without a quorum being present.
- D. ***Voting Requirements.*** All action shall be taken by majority vote of the members of the respective Board present at the meeting except as otherwise required by the provisions of N.J.S.A. 40:55D-34 and/or 70d. Failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding the absence from one (1) or more of the meetings; provided, however, that a transcript or recording of all of the hearing from which he/she was absent exists, and provided, further, that such Board member certifies in writing to the Board that he/she has read such transcript or listened to such recording.
- E. ***Meetings Open to Public.*** All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.
- F. ***Minutes.*** Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Land Use Assistant. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for reproduction of the minutes for his or her use. Such fees shall be established by applicable state or local regulation.
- G. ***Minutes of Closed Meetings.*** At least once a year, each Board shall review the minutes of all closed meetings held in conformance with the Open Public Meetings Act to determine whether the minutes may be made public.

35-4.3 PUBLIC HEARINGS

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- A. **Requirement for Hearing.** The Planning Board or Zoning Board of Adjustment shall hold a hearing on each application for development or on the adoption, revision or amendment of the Master Plan. Each Board shall make rules governing such hearings consistent with the provisions of N.J.S.A. 40:55D-1 et seq. or this Chapter.
- B. **Maps, Plans and Documents to Be Available for Public Inspection.** Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Administrative Officer. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.
- C. **Payment of Taxes.** Every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the City will be adequately protected.
- D. **Oaths and Subpoenas.** The officer presiding at the hearings or such person as he/she may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties; and the provisions of the County and Municipality Investigations Law, P.L. 1953, c. 38 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- E. **Testimony and Cross Examination.** The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer or attorney for the Board, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- F. **Evidence.** Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- G. **Record of Proceedings.** The Board shall provide for the verbatim recording of the proceedings by either a stenographer or mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense. Fees shall be established by applicable state or local regulation.
- H. **Notice of Hearings.** Notices of hearings shall be given for all applications for development and appeals of Administrative Officer decisions pursuant to N.J.S.A. 40:55D-12. Whenever a hearing is required on an application for development pursuant to this section, the applicant shall give notice thereof as follows:
  1. Public notice shall be given by publication in the official newspaper of the City, if there is one, or in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing.
  2. Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 200 feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to a condominium association, in the case of any unit owner whose unit has a unit above or below it, or a horizontal property regime, in the case of a co-owner

whose apartment has an apartment above or below it. Such notice shall be given by either serving a copy thereof on the owner as shown on said current tax duplicate or his/her agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his/her address as shown on said current tax duplicate. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

3. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.
4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.
5. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
6. Notice shall be given by personal service or certified mail to the Director of the Division of State Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City Clerk pursuant to N.J.S.A. 40:55D-10b.
7. Notice shall be given by personal service or certified mail to all individuals having requested to be served.
8. Notice shall be given by personal service or certified mail of a hearing on development applications to a public utility, cable television company or local utility which possesses a right-of-way or easement within the City and has registered with the City in accordance with N.J.S.A. 40:55D-12.1.
9. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
10. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
11. All notices required to be given pursuant to the terms of this Chapter shall state the date, time and place of the hearing; the nature of the matters to be considered; identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office; and the location and times at which any maps and documents for which approval is sought are available as required by law.

I. ***List of Property Owners Furnished.*** Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor of the City of Summit shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee of \$11, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to 35-4.3H of this Chapter.

J. *Decisions.*

1. Resolutions. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:
  - a. A resolution adopted at a meeting held within the time period provided in the MLUL for action by the Board on the application for development; or
  - b. A memorializing resolution shall be adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by this subsection. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorney's fees, shall be assessed against the municipality.
2. Copies of Decision. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented then to his or her attorney, without separate charge, and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed by the Board in the office of the Administrative Officer. The Administrative Officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.
3. Publication of Notice of Decision. A brief notice of the decision shall be published in the official newspaper of the municipality. Such publication shall be arranged at the applicant's expense by the Administrative Officer, provided that nothing contained in this Chapter shall be construed as preventing the applicant from arranging such publication if he or she so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the Board or the applicant.

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 35-4.4        **CONDITIONS OF APPROVAL**


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- A. In the event that an applicant submits an application proposing a development that is barred or prevented, directly or indirectly by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application in accordance with this Chapter, and if such application complies with all City regulations, the Board shall approve such application conditioned on removal of such legal barrier to development.

### 35-4.5.

- B. In the event that development proposed by an application requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Board is prevented or relieved from so acting by the operation of law.
- C. Conditions Binding. All conditions of preliminary and final approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successors and assigns.
- D. Failure to Maintain. The applicant and any successor in interest shall be responsible for installing and maintaining in good order and condition all required improvements and landscaping, unless such improvements in landscaping are to be installed by, and/or dedicated to and maintained by the City, County or another party, under the terms of approval granted by the Board. Such required improvements shall include, but not be limited to, parking improvements, buffer zones, drainage facilities, exterior lighting and landscaping. Failure of any responsible party to install and/or maintain required improvements or landscaping, shall constitute a violation of this Chapter and shall be subject to the enforcement procedures set forth herein.

### 35-4.5 TOLLING OF RUNNING PERIOD OF APPROVAL

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In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any State agency, political subdivision or other party, or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction, to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

### 35-4.6 EXPIRATION OF VARIANCE AND APPROVALS

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Any variance from the terms of this Chapter hereafter granted by either Board permitting the erection or alteration of any structure or permitting a specified use of any premises shall expire by limitation unless a construction permit has been obtained for such construction, alteration or conversion for each and every structure permitted by said variance, or unless such specified use has actually been commenced, within one (1) year from the date of publication of the notice of the decision of the Board granting the variance, except, however, that the running of the period of limitation herein provided shall be suspended from the date of filing an appeal from the decision of the Board or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. The approving authority may, for good cause shown, extend the period for securing a construction permit for an additional period not exceeding twelve (12) months.

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**35-4.7 ENVIRONMENTAL COMMISSION**

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Whenever the Environmental Commission has prepared and submitted to the Planning Board and the Zoning Board of Adjustment an index of the natural resources of the municipality, the Planning Board or the Zoning Board of Adjustment shall make available to the Environmental Commission an informational copy of every application for development submitted to either Board. Failure of the Planning Board or Zoning Board of Adjustment to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

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**35-4.8 HISTORIC PRESERVATION COMMISSION**

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Whenever the Historic Preservation Commission has prepared and submitted to the Planning Board and the Zoning Board of Adjustment an index of the historic resources of the municipality, the Planning Board or the Zoning Board of Adjustment shall make available to the Historic Preservation Commission an informational copy of every application for development submitted to either Board. Failure of the Planning Board or Zoning Board of Adjustment to make such informational copy available to the Historic Preservation Commission shall not invalidate any hearing or proceeding.

## ARTICLE V – APPLICATION REQUIREMENTS AND DEVELOPMENT REVIEW PROCEDURES

### 35-5.1 GENERAL

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A. *Purpose.* The regulations provided in Article V are deemed necessary to achieve the following purposes:

1. Promote orderly development. To protect the character and to maintain the stability of all areas within the community and to promote the orderly and beneficial development of such areas.
2. Promulgate rules and regulations. To provide rules, regulations and procedures, where applicable and to the extent the same have not been otherwise promulgated by ordinance in the City of Summit, which will guide the appropriate development of lands within the City in a manner which will promote the public health, safety, morals and general welfare.
3. To protect against hazards and danger. To secure safety from fire, flood, panic and other natural and man-made disasters.
4. Design requirements. To encourage the design and location of streets which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion.
5. Creative development techniques. To promote a desirable physical environment through creative development techniques, design and arrangement.
6. Open spaces. To promote the conservation of open space and to protect the natural resources and to prevent overcrowding through improper land use.

### 35-5.2 REQUIRED VARIANCE APPLICATIONS – SINGLE AND TWO-FAMILY USES

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- A. *Board Jurisdiction.* All development applications for single and two-family uses which do not conform to the requirements of this Chapter shall be within the jurisdiction of the Zoning Board of Adjustment.
- B. *Completeness Review.* Applications will be reviewed for completeness in accordance with Section 35-5.11.
- C. *Staff Review.* Application will be distributed to the following City staff, departments and commissions as deemed necessary by the Zoning Officer:
  1. Zoning.
  2. Fire.
  3. Police.
  4. Engineering.
  5. Construction.
  6. Forester.
  7. Health.
  8. Planner.

9. Environmental Commission.
10. Historic Preservation Commission.

D. ***Reports to Zoning Board of Adjustment.*** All reports submitted by City staff, departments and commissions will be provided to the applicant and the Board members prior to the first scheduled hearing date.

E. ***Conditions of Approval.***

1. All conditions of approval shall be binding upon the applicant, all present and future owners, tenants, users and occupants of the property and their respective successor and assigns.
2. The City of Summit shall issue notices of violation and/or summonses as determined to be appropriate to current and prospective owners, tenants, users and occupants for failing to maintain all conditions of approval. Certificates of approval and occupancy shall not be issued by the City until all conditions of approval have been satisfied at the discretion of the approving authority.
3. All fees and costs associated with the application must be paid prior to the issuance of a construction permit for the approved development.

### 35-5.3 NOTICE OF APPLICATIONS

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A. ***Applications Requiring Notice.*** All public hearings before either the Zoning Board of Adjustment or Planning Board shall follow the requirements of the Municipal Land Use Law as summarized below. Notice shall be required for each and every hearing and all applications for development, except when a hearing has been adjourned or continued to a date specific after notice of the hearing has been properly given as required herein.

B. ***Manner of Giving Notice.*** Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:

1. To the general public, by publication in the official newspaper of the City.
2. To all owners of real property as shown on the current tax duplicate, located in the State and within two hundred (200) feet in all directions of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his or her agent in charge of the property or mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowner's association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
3. To the Clerk of any adjoining municipality when the property involved is located within two hundred (200) feet of said adjoining municipality. Notice shall be given by personal service or certified mail.

4. To the County Planning Board when the application for development involves property adjacent to an existing County road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail.
5. To the Commissioner of Transportation of the State of New Jersey when the property is adjacent to a State highway. Notice shall be given by personal service or certified mail.
6. To the State Planning Commission when the hearing involves an application for the development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Board Secretary pursuant to N.J.S.A. 40:55D-12g. Notice shall be given by personal service or certified mail.
7. On applications for approval of a major subdivision or a site plan not defined as a minor site plan to all public utilities, cable television companies or local utilities which possess a right-of-way or easement within the City and which have registered with the City in accordance with N.J.S.A. 40:55D-12.1 by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

C. ***List of Owners and Others.*** Upon the written request of an applicant, the City Tax Assessor shall, within seven (7) days, make and certify a list from current tax duplicates of (i) names and address of owners within the City to whom the applicant is required to give notice pursuant to N.J.S.A. 40:55D-12b, and the names, addresses and positions of those persons who, not less than seven (7) days prior to the date on which the applicant requested the list, have registered to receive notice. Failure to give notice to any owner, public utility, cable television or local utility not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, not to exceed twenty-five (\$0.25) cents per name, or eleven (\$11.00) dollars, whichever is greater, shall be charged for such list.

D. ***Contents of Notice.*** The notice shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City tax assessor's office; and the location and times at which any maps and documents for which approval is sought are available for inspection.

E. ***Effect of Mailing.*** Any notice made by certified mail shall be deemed complete upon mailing.

## 35-5.4 APPLICATION BY CORPORATION OR PARTNERSHIP

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A. ***Disclosure by Corporate or Partnership Applicant.*** A corporation or partnership applying to the Planning Board or the Zoning Board of Adjustment for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more dwelling units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least ten (10) percent of its stock of any class or at least ten (10) percent of the interest in the partnership, as the case may be.

- B. *Disclosure by Corporation or Partnership Owning Ten (10%) Percent or More of Applicant.* If a corporation or partnership owns ten (10%) percent or more of the stock of a corporation or interest of ten (10%) percent or greater in a partnership, either of which is subject to disclosure pursuant to paragraph A above, that corporation or partnership shall list the names and addresses of its stockholders holding ten (10%) percent or more of its stock or interest of ten (10%) percent or greater in the partnership, as the case may be; and this requirement shall be followed by every corporate stockholder or partner in said partnership until the names and addresses of the noncorporate stockholders and individual partners exceeding the ten (10%) percent ownership criterion set forth in this section have been listed.
- C. *No Approval if Disclosure Requirements Not Met.* The Board shall not approve the application of any corporation or partnership which does not comply with this section.
- D. *Penalties.* Any corporation or partnership which conceals the names of the stockholders owning ten (10%) percent or more of its stock or of the individual partners owning an interest of ten (10%) percent or greater in the partnership, as the case may be, shall be subject to a fine of one thousand (\$1,000.00) dollars to ten thousand (\$10,000.00) dollars, which shall be recovered in the name of the City of Summit in any court of record in the State in a summary manner pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.).
- E. *Applications by Corporations or Partnerships.* Applications submitted by any party other than an individual must be represented by an Attorney licensed to practice in the State of New Jersey.

## 35-5.5 REZONING REQUESTS

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A request for rezoning or amendment to any zoning regulation(s) shall be in writing to the Common Council on forms available from the Administrative Officer and shall be accompanied by a fee and escrow deposit as provided in 35-6.1E. The Common Council shall review the rezoning request and if it finds that the request has merit, it shall refer same to the Planning Board for a report and recommendation. Upon receipt of the Planning Board's review of the rezoning request, the Common Council may then act to implement the requested change at the Council's discretion.

## 35-5.6 INFORMAL TECHNICAL REVIEW COMMITTEE

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- A. *Purpose.* Prospective developers and applicants may request an informal meeting of the Technical Review Committee, comprised of the Zoning Officer, City or Board Engineer, City Planner and representatives of the Police and Fire Departments, as determined to be applicable, prior to the submission of a development application for subdivision, site plan and/or use variance approval. The purpose of these meetings is to review issues of jurisdiction, nature and extent of any required variance relief, consistency with the Zoning Ordinance and Master Plan, required application materials and general application refinement. The Zoning Officer shall have sole discretion in arranging an Informal Technical Review Committee meeting for which all required documentation and fees shall be submitted.
- B. *Meetings.* Informal Technical Review Committee meetings shall be scheduled by the Zoning Officer upon request.
- C. *Review and Comments.* Staff will be prepared to provide review comments at the Informal Technical Review Committee meeting based on the relevant issues and development materials submitted, prior to which, no written commentary will be provided. In addition, applications shall be distributed to the City of Summit Environmental Commission and Historic Preservation Commission for review and comment in advance of any

Informal Technical Review Committee meeting as determined to be necessary. The applicant may prepare a formal application to the appropriate Board of jurisdiction based on comments received.

## 35-5.7 FORMAL TECHNICAL REVIEW COMMITTEE

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- A. ***Purpose.*** A Technical Review Committee, comprised of the Zoning Officer, City or Board Engineer, City Planner and representatives of the Police and Fire Departments, shall meet with applicants for subdivision or site plan approval prior to determination of a complete application. The purpose of these meetings is to discuss the proposed application and the overall planning issues and the technical aspects of the application. The Administrative Officer shall have sole discretion in requiring a Formal Technical Review Committee meeting for land use applications, which may also be arranged upon request of an applicant having submitted all required documentation and fees.
- B. ***Meetings.*** Formal Technical Review Committee meetings are regularly scheduled on the second Tuesday of each month.
- C. ***Review and Comments.*** City staff will prepare preliminary comments for submittal to the applicant within fourteen (14) days of receipt of the application. In addition, applications shall be distributed to the City of Summit Environmental Commission and Historic Preservation Commission for review and comment in advance of any Formal Technical Review Committee meeting. These comments will be discussed with the applicant at the Formal Technical Review Committee meeting.
  - 1. As a result of the Formal Technical Review Committee meeting and discussion with the applicant, the application may be deemed complete or incomplete.
  - 2. After an application is deemed complete, final comments will be prepared by the appropriate staff and will be incorporated into a final report for the Board.
- D. ***Waiver of Requirement to Appear.*** The Administrative Officer may waive the requirement for an applicant to appear before the Formal Technical Review Committee or may invite additional city agencies to participate in this Technical Review process.

## 35-5.8 INFORMAL CONCEPT PLAN REVIEW

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- A. ***Right to Request Informal Review of Concept Plan.*** Prior to the submittal of an application for development, the applicant may request an informal review before the Planning Board in order to:
  - 1. Acquaint the applicant with the substantive and procedural requirements of the City's subdivision and site plan regulations.
  - 2. Provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, zoning ordinance and other development requirements.
  - 3. Advise the applicant of any public sources of information that may aid the application.
  - 4. Identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
  - 5. Consider opportunities to increase development benefits and mitigate undesirable project consequences.

6. Permit input into the general design of the project.
7. Prior to scheduling a presentation before the Planning Board, the Administrative Officer may request a preliminary presentation before the Formal Technical Review Committee.

B. **Documents and Fees to be Submitted.** Applicants seeking review of a concept plan shall provide sixteen (16) copies of the plan and of the completed application, (including a narrative description) and the required review fees to the Department of Community Services in accordance with the approved annual meeting schedule.

C. **Nature of Concept Plan.** The concept plan is a general plan that need not be fully engineered. The plan or plat should be sufficiently detailed to allow the Board to make suggestions on general site design and layout for circulation, storm water management, location of open space and buffers, building arrangements and to determine how the proposal meets the City's development goals and objectives.

D. **Effect of Informal Review.** Neither the applicant nor the Board is bound by any concept plan or informal review. The amount of any fees for such informal review shall be a credit toward fees for review of the application for development.

## 35-5.9 CHECKLISTS AND APPLICATIONS

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No application for development shall be deemed complete unless the items, information and documentation listed in the applicable checklist are submitted. If any required item is not submitted, the applicant must request in writing a waiver and state the reasons supporting each such request. Checklists for each type of application are found in the Appendix at the end of this Chapter.

## 35-5.10 VARIANCE APPROVAL

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A. **Notice of Variance and Other Relief Required.** Whenever relief is requested pursuant to this Chapter, notice of the hearing on the application for development shall include reference to the request for variances or direction for issuance of a permit, as the case may be.

B. **Applicant's Right to Bifurcate Application.** The applicant may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

C. **Time Periods for Action on Applications Seeking Variance or Other Relief Under this Section.** Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to subsection 35-3.9A.4. above, the Zoning Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after submission by an applicant of a complete application to the Board or within such further time as may be consented to by the applicant. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance(s) or direction for issuance of a permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter. Failure of the Board to act within the period prescribed

shall constitute approval of the application and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

## 35-5.11 GENERAL COMPLETENESS REQUIREMENTS

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### A. *Content.*

1. Each application for approval of a minor subdivision, minor site plan, preliminary major subdivision, preliminary major site plan, final major subdivisions, final site plan or a conditional use, as the case may be, and each application for variance relief, shall include all information and data listed in the appropriate corresponding checklists.
2. The Department of Community Services, (herein called the Administrative Officer) shall review all applications and accompanying documents required by this Chapter to determine that the application is complete. An application for development shall be complete for purposes of commencing the applicable time period for action by the Planning Board or the Zoning Board of Adjustment when so certified by the Administrative Officer. In the event that the Administrative Officer does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless (i) the application lacks information indicated on the checklist for such application, and (ii) the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one or more submission requirements be waived, in which event the Agency shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.
3. The Administrative Officer may require correction of any information found to be in error and submission of additional information not specified in the checklist or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Administrative Officer, except where the additional information or revisions are required to correct faulty, inadequate, or missing information necessary to reasonably review the application.

## 35-5.12 REQUIRED SITE PLAN OR SUBDIVISION APPROVAL

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- A. *Uses and Activities Requiring Site Plan Approval.* All actions that qualify as changes of use and minor and major site plans shall require Board approval, except that: (a) individual lot applications for detached one (1) or two (2) family units; and (b) construction work found by the Zoning Officer to constitute ordinary repairs, shall be exempt from site plan review.
- B. *Waiver of Site Plan Approval.* The Zoning Officer may waive the requirement for site plan approval when a proposed development does not involve a change in use and (1) does not meet the eligibility requirements for minor or major site plan; (2) consists solely of nonstructural changes in the facade of a structure; or (3) consists

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of an interior change which does not increase parking requirements and does not involve any other substantial site development considerations.

C. ***Uses and Activities Requiring Subdivision Approval.*** Subdivision approval shall be required prior to the recording of any plat or deed affecting the subdivision of any land in the City of Summit except in the following cases, when no new streets are created:

1. Divisions of property by testamentary or intestate provisions.
2. Divisions of property upon court order.
3. Conveyances so as to combine existing lots by deed or other instrument as set forth under N.J.S.A. 40:55D-7.
4. The conveyance of one (1) or more adjoining tracts, lots or parcels of land, owned by the same person or persons, all of which are found by the Administrative Officer to conform to the requirements of this Chapter and are shown and designated as separate lots, tracts, or parcels on the Tax Maps.

In all cases involving such exempted divisions, the Administrative Officer shall certify the exemption on the plat or deed or instrument to be filed with the County.

## 35-5.13 DEDICATION OF RIGHT-OF-WAY

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No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map or the street requirements of this Chapter shall be approved unless such additional right-of-way, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the City or other appropriate governmental agency.

## 35-5.14 TRAFFIC IMPACT STATEMENT

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A. ***Submission Requirements.*** Traffic impact statements shall be required for major subdivision and major site plan applications, sixteen (16) copies of which shall be submitted to the Board for review. When required, traffic impact statements shall be submitted prior to a formal technical review committee meeting of the application for City staff review and comment in accordance with Section 35-5.7.

B. ***General Provisions.***

1. The traffic impact statement shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
2. All relevant sources of information used in the preparation of said statement shall be identified.

C. ***Submission Format.*** All traffic impact statements shall provide a description of the impact and effect of the proposed land development upon all roads that are adjacent to the proposed development or immediately affected by traffic from the proposed development and shall specifically address the following items:

1. Existing conditions in the vicinity of the proposed project including:
  - a. Roadway network.

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- b. Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
- c. Traffic accident statistics.
- d. Availability of public transportation.
- e. Level of service of adjacent roadways.

2. Traffic generated by the proposed development including:
  - a. Trip generation.
  - b. Trip distribution.
  - c. Modal split.
  - d. Level of service under proposed conditions.
3. Traffic impacts caused by the proposed change in existing conditions.
4. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements.
5. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.
6. Any other information requested by the appropriate Board reasonably required to make an informed assessment of potential traffic impacts.

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### ENVIRONMENTAL IMPACT ASSESSMENT

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- A. ***Submission Required.*** The Board may require an environmental impact assessment as part of preliminary approval of a major subdivision or major site plan. The Board may, at the request of an applicant, waive portions of the environmental impact assessment requirements upon a finding that a complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project. The Board shall review the application with specific reference to the following areas of concern:
  1. A significant percentage (twenty-five (25%) percent or more) of the property has a grade of fifteen (15%) percent or more.
  2. A significant percentage (twenty-five (25%) percent or more) of the property is within or borders a flood plain, wetlands, wetland buffer zones or priority watershed area as defined by the New Jersey Department of Environmental Protection (NJDEP).
  3. Industrial activities involving the use, processing or manufacture of hazardous, toxic or corrosive substances as defined and named in regulations promulgated by the U.S.E.P.A. or NJDEP.
  4. The visual impact that the project could have on scenic corridors.

B. *Decision on Need for Environmental Impact Assessment.*

The reviewing Board shall make a determination as to whether an environmental impact assessment should be required of the applicant, provided in part as determined to be necessary, or waived entirely given the nature of the development application. This determination should be made as soon as possible in the development review process. However, in the course of a hearing on an application, it may be determined that an environmental impact assessment is required to aid the Board in evaluating the application.

1. The Administrative Officer shall refer any Environmental Impact Assessment to the Environmental Commission upon its receipt for review and comment, along with the proposed schedule for hearing(s) on the application.
2. The Environmental Commission shall either submit its review of the environmental impact assessment within ten (10) days of its regularly scheduled meeting, or, in the alternative, may submit a formal request for additional time to perform an appropriate review.

C. *Submission Format.* All environmental impact assessments shall consist of written and graphic materials which clearly present the following information:

1. Project Description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population and visitor population shall be estimated.
2. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - a. City of Summit Master Plan.
  - b. Union County planning documents.
  - c. New Jersey State Development and Redevelopment Plan.
3. Site Description and Inventory. The suitability of the site for the intended use shall be discussed. This shall include a description of environmental conditions on the site which shall include, but not be limited to, the following items:
  - a. Topography. A description and map of the topographic conditions of the site shall be provided.
  - b. Contamination. Information regarding the presence or absence of environmental contamination, including: (i) the presence of known or suspected contaminants on site; (ii) prior uses of the property; (iii) the status of any past or present administrative or judicial proceeding involving contamination or remediation of contamination on the site; (iv) copies of No Further Action ("NFA") letters issued by the NJDEP. In appropriate cases, the Board may require similar information with regard to surrounding sites.
  - c. Critical Areas. A description and map of the wetland areas, wetland buffers, watershed priority areas and flood plains on the site shall be provided.
  - d. Surface Water. A description and map of existing watercourses and water bodies that are partially or totally on the site shall be identified.
  - e. Ground Water. A description and ground water contour map of existing well heads and/or ground water aquifers that are partially or totally on the site shall be provided.

- f. Unique Scenic Features. Describe and map those portions of the site that can be considered to have unique scenic qualities and any scenic view from or of the site.
- g. Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey Department of Environmental Protection. When warranted, the Board may also request delineation of conditions on adjacent properties.

4. Impact. The negative and positive impacts of the project during and after construction shall be discussed. The specific concerns that shall be considered include the following:

- a. Soil erosion and sedimentation resulting from surface runoff.
- b. Flooding and flood plain disruption.
- c. Degradation of surface water quality.
- d. Sewage disposal.
- e. Solid waste disposal.
- f. Destruction or degradation of scenic features on- and off-site.
- g. Air quality degradation.
- h. Noise levels.
- i. Lighting levels including trespass lighting.
- j. Effect on the community, including projected population increase, increase in municipal and school services, consequences to the municipal tax structure.
- k. Watersheds.

5. Environmental Performance Controls. The applicant shall indicate the measures which will be employed during the planning, construction and operation phases of the project to minimize or eliminate negative impacts on and off site. Of specific interest are:

- a. Storm water management plans and plans for soil erosion and sedimentation controls.
- b. Water supply and water conservation proposals.
- c. Noise reduction techniques.
- d. Screening and landscaping intended to enhance the compatibility of the development with adjacent areas.
- e. Miscellaneous on-site and off-site public improvements.

6. Alternatives. A discussion of site design and project location alternatives that were considered shall be provided. The discussion shall indicate why an alternative was rejected if it would have resulted in less of a negative impact than the proposed development.

7. Licenses, Permits and Other Approvals Required by Law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. This list shall include, but is not be limited to, approvals required by the City and agencies of the County,

State and Federal governments. Where approvals have been granted, copies of said approvals shall be attached. A listing of approvals needed or pending shall be provided as a component of the application checklist.

8. Documentation. All publications, file reports, manuscripts or other written sources of information, which were consulted in preparation of the environmental impact assessment, shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.
9. Review. Applicants shall be encouraged or required to provide suitable mitigation for all adverse environmental impacts and other conditions identified in the environmental impact assessment and/or in the course of the public hearings before the Board.

D. *Review of Written Comments of Environmental Commission; Time.* The Board, before taking any action hereunder, shall review the written comments of the Environmental Commission. In the event the Environmental Commission fails to provide its written comments to the Board within ten (10) days of the Environmental Commission's regularly scheduled monthly meeting, or within such other review time as the Board may have granted, the Board shall be free to take action pursuant hereto without reviewing the Environmental Commission's comments.

## 35-5.16 DEVELOPMENT PHASING

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Whenever an applicant intends to construct a development in phases, phasing information shall be included in the plans for preliminary approval, and all phases shall be:

- A. Functionally self-contained and self-sustaining with regard to access, circulation, parking, utilities, open spaces and all other site improvements and physical features and shall be capable of perpetual independent use, occupancy, operation and maintenance upon completion of construction and development of the section or stage.
- B. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the plan.
- C. Provided with such temporary or permanent transitional features, buffers or protective areas as are necessary to prevent damage or detriment to adjoining properties or to any completed section or stage. In addition, such temporary or permanent transitional features, buffers or protective areas shall not impede development of future sections or stages in the planned development.
- D. Plans, estimated dates of completion for each section or stage and specifications of such sections or stages are to be filed with the Board, which must be of sufficient detail and of such scale as to fully demonstrate the arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and services facilities and land ownership conditions.

35-5.17 MINOR SUBDIVISION AND MINOR SITE PLAN REVIEW PROCESS

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- A. *Submission Requirements.* Submission requirements for minor subdivision and minor site plan approval are provided in the Minor Subdivision and Minor Site Plan Checklist located in the Appendix at the end of this Chapter.
- B. *Review by City Agencies and Officials.* The officials and agencies forward their comments and recommendations in writing to the Administrative Officer in a timely manner after receipt of the application for submittal to the Technical Review Committee or the Board, as appropriate.
  1. The Administrative Officer shall forward copies of the application to the following for review and comment, where appropriate:
    - a. Zoning Officer.
    - b. Construction Official.
    - c. Tax Assessor.
    - d. City Fire Department.
    - e. City Police Department.
    - f. City Engineer.
    - g. City Planner.
    - h. Historic Preservation Commission.
    - i. City Forester.
    - j. Health Department.
    - k. Environmental Commission.
  2. The Board or the Administrative Officer shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.
- C. *Board Action.*
  1. The Board will conduct a public hearing and act within the appropriate time period for each type of application, as governed by the Municipal Land Use Law. The Planning Board generally has a time period of forty- five (45) days for most minor subdivision and minor site plan applications. The Zoning Board of Adjustment has a time period of one hundred twenty (120) days for most applications. Conditional use applications, in front of either Board, have a time period of ninety-five (95) days.
  2. Failure of the Board to act within the period prescribed shall constitute minor subdivision or minor site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on written request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Registrar for purposes of filing minor subdivision plats or deeds.

D. ***Effect of Approval.*** Approval of a minor subdivision or minor site plan shall be deemed final approval provided that the Board may condition such approval on the provision of improvements as may be required. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision or minor site plan approval was granted, shall not be changed for a period of two (2) years after the date on which the resolution of approval is adopted provided that the approved minor subdivision shall have been duly recorded.

E. ***Expiration of Minor Subdivision.*** Approval of a minor subdivision shall expire one hundred ninety (190) days from the date on which the resolution of approval is adopted unless within such period a plat in conformity with such approval and the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Registrar, the City Engineer and the City Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Board Chairperson and Secretary. In reviewing the application for development for a proposed minor subdivision, the Board may accept a plat not in conformity with N.J.S.A. 46:23-9.9 et seq.; provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of the said act.

F. ***Extensions of Minor Subdivision or Minor Site Plan Approval.***

1. The Board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the Board:
  - a. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
  - b. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
2. The Board shall grant an extension of minor subdivision or site plan approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of minor subdivision approval; or (b) the ninety-first (91st) day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

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35-5.18      PRELIMINARY MAJOR SUBDIVISION AND PRELIMINARY MAJOR SITE PLAN REVIEW PROCESS

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A. ***Submission Requirements.*** Submission requirements for preliminary major subdivision and preliminary major site plan approval are provided in the Preliminary Major Subdivision and Preliminary Major Site Plan Checklist located in the Appendix at the end of this Chapter.

B. *Review by City Agencies and Officials.* The officials and agencies cited shall forward their comments and recommendations in writing to the Administrative Officer within fourteen (14) days after the receipt of the application for submittal to the Formal Technical Review Committee or the Board, as appropriate.

1. The Administrative Officer shall forward copies of the application to the following for review and comment, where appropriate:
  - a. Zoning Officer.
  - b. Construction Official.
  - c. Tax Assessor.
  - d. City Fire Department.
  - e. City Police Department.
  - f. City Engineer.
  - g. City Planner.
  - h. Historic Preservation Commission.
  - i. City Forester.
  - j. Board of Health.
  - k. Environmental Commission.
2. The Board or the Administrative Officer shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

C. *Board Action.* The Board will conduct a public hearing and act within the appropriate time period for each type of application, as governed by the Municipal Land Use Law.

1. Subdivisions.
  - a. Except for applications governed by other time limits, the Board shall approve, conditionally approve or deny a preliminary major subdivision application of ten (10) or fewer lots within forty-five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - b. The Board shall approve, conditionally approve or deny a preliminary major subdivision application of more than ten (10) lots within ninety-five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
  - c. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on written request of the applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

2. Site Plans.

- a. Except for applications governed by other time limits, the Board shall approve, conditionally approve or deny a preliminary major site plan which involves ten (10) acres of land or less, and ten (10) dwelling units or less, within forty-five (45) days after the submission of a complete application unless the applicant shall extend the period of time within which the Board may act.
- b. The Board shall approve, conditionally approve or deny the preliminary major site plan of more than ten (10) acres or more than ten (10) dwelling units within ninety-five (95) days after the application is certified complete unless the applicant shall extend the period of time within which the Board may act.
- c. Failure of the Board to act within the time prescribed shall constitute preliminary major site plan approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on written request of the applicant. Said certificate shall be sufficient in lieu of a written endorsement or other evidence of approval herein required.

D. ***Effect of Preliminary Approval.*** Preliminary approval of a major subdivision or major site plan, except as provided in this section, shall confer upon the applicant the following rights for a 3-year period from the date on which the resolution granting preliminary approval is adopted.

- 1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including, but not limited to, use requirements; layout and design standards for streets, curbs and sidewalks; lot sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as related to public health and safety.
- 2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
- 3. That the applicant may apply for and the Board may grant extension on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- 4. In the case of a subdivision of or a site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred (100) acres or more, or site plan for development of a nonresidential floor area of two hundred thousand (200,000) square feet or more, the appropriate Board may grant the rights referred to in paragraphs 35-5.18D.1. through 3 above for such period of time, longer than two (2) years, as shall be determined by the appropriate Board to be reasonable taking into consideration (a) the number of dwelling units and nonresidential floor area permissible under final approval, (b) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.
- 5. Whenever the Board grants an extension of preliminary approval pursuant to paragraphs 35-5.18D.3. and

D.4 above and preliminary approval has expired before the date on which the extension was granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for an extension either before or after what would otherwise be the expiration date.

6. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the preliminary approval, or (b) the ninety-first (91st) day after the developer received the last legally required approval from other governmental entities, whichever is later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs 35-5.18D.3. and D.4 above.

E. *Time Limits for Filing Applications for Final Approval.* Notwithstanding the rights conferred on the applicant in subsection 35-5.18D above, the developer must file an application for final approvals within three (3) years of the date on which the resolution granting preliminary approval is adopted, or within such periods of extension as may have been granted by the Board.

F. *Simultaneous Preliminary and Final Site Plan Approval.* Combined preliminary and final site plan approval may be granted at the Board's discretion provided all submission requirements for both applications are met. The time limit within which the Board shall act shall be the longest time permitted for either of the two (2) approvals.

## 35-5.19 FINAL MAJOR SUBDIVISION AND FINAL MAJOR SITE PLAN REVIEW PROCESS

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- A. *Submission Requirements.* Submission requirements for final major subdivision and final major site plan approval are provided in the Final Major Subdivision and Final Major Site Plan Checklist located in the Appendix at the end of this Chapter.
- B. *Review by City Agencies and Officials.* The officials and agencies cited shall forward their comments and recommendations in writing to the Administrative Officer within fourteen (14) days after the receipt of the final application for submission to the Technical Review Committee or the Board.
  1. The Administrative Officer shall forward copies of the application to the following officials for review and comment where appropriate:
    - a. Zoning Officer.
    - b. Construction Official.
    - c. Tax Assessor.
    - d. City Fire Department.
    - e. City Police Department.
    - f. City Engineer.
    - g. City Planner.

- h. Historic Preservation Commission.
- i. City Forester.
- j. Board of Health.
- k. Environmental Commission.

2. The Board or the Administrative Officer shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

**C. *Board Action.***

1. The Board shall conduct a public hearing and grant final approval if the Board determines that the detailed drawings, and any other documentation submitted with the application for final approval conform to the standards established by ordinance for final approval, the conditions for preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
2. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed shall constitute final approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on written request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Registrar for purposes of filing.

**D. *Effect of Final Approval.***

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided below. If the developer has followed the standards prescribed for final approval and, in the case of subdivision, has duly recorded the plat with the County Registrar in accordance below, the Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of this Chapter, the granting of final approval terminates the time period of preliminary approval, for any section of the development which is granted final approval.
2. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred (100) acres or more, or site plan for the development of nonresidential floor area of two hundred thousand (200,000) square feet or more, the Board may grant the rights referred to in paragraph A of this subsection for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable, taking into consideration:
  - a. The number of dwelling units and nonresidential floor area permissible under final approval.
  - b. Economic conditions.

- c. The comprehensiveness of the development. The developer may apply for thereafter, and the Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration the following:
  - (1) The number of dwelling units and nonresidential floor area permissible under final approval;
  - (2) The number of dwelling units and nonresidential floor area remaining to be developed;
  - (3) Economic conditions; and
  - (4) The comprehensiveness of the development.
3. Whenever the Board grants any extension of final approval pursuant to paragraphs 35-5.19D.1. and 2 above, and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
4. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for an extension before (a) what would otherwise be the expiration date of final approval, or (2) the ninety-first (91st) day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this section shall not preclude the Board from granting an extension pursuant to paragraphs 35-5.19D.1. and D.2 above.

**E. *Expiration of Final Major Subdivision Approval.***

1. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the applicant with the County. The Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Board may extend the 95-day or 190-day period if the applicant proves to the reasonable satisfaction of the Board (1) that the applicant was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the applicant applied promptly for and diligently pursued required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for an extension either before or after the original expiration date.
2. No subdivision plat shall be accepted for filing by the County until it has been approved by the Board as indicated on the instrument by the signatures of the Chairperson and of the Secretary of the Board. The signatures of the Board Chairperson and Secretary shall not be affixed until the developer has posted the performance guarantees required by this Chapter and has satisfied all other applicable conditions of final approval. If the County records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

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**35-5.20 AMENDED SITE PLAN OR SUBDIVISION REVIEW**

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Applications for amended site plan or subdivision review shall be treated as a new application and shall be governed by the same requirements as all other applications for subdivision or site plan approval.

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**35-5.21 CONDITIONAL USE APPROVAL**

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The submission requirements and review process for conditional use applications shall be the same as for a minor site plan, except as set forth below. The Checklist for Conditional Use Applications is located in the Appendix at the end of this Chapter.

- A. The Board shall grant or deny an application for conditional use approval within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant.
- B. The Board shall approve or deny a conditional use application simultaneously with any accompanying subdivision and/or site plan application. The longest time period for action by the Board, whether it is for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the applicant, notice of the hearing on the application shall include reference to the request for conditional use approval.

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**35-5.22 COUNTY APPROVAL**

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Whenever review or approval of a development application by the County Planning Board is required by N.J.S.A. 40:27-6.3 or 40:27-6.6, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board. The County Planning Board's failure to report thereon within the required time period provided by law shall be considered a favorable response. The applicant shall be responsible for filing all necessary applications, plans, reports and other documents directly with the County Planning Board.

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**35-5.23 SIGNING AND DISTRIBUTION OF APPROVED PLANS**

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- A. *Site Plans.*
  1. When all conditions of any minor, preliminary or final site plan approval have been met, the applicant shall submit to the Administrative Officer one (1) mylar copy for signature:
    - a. The City Engineer shall review the mylar(s) for compliance with the approved application and any conditions required by the Board.
    - b. The approved mylar(s) shall then be signed by the Board Chairperson and Secretary.
  2. The applicant shall submit an engineer's estimate of detailed and individualized costs of site development for review by the City or Board Engineer.
    - a. The City Engineer will review the applicant's estimate and either accept, modify, or reject the costs.
    - b. If accepted, the City Engineer will notify the applicant as to the specific amounts to be submitted as performance guarantees and inspection fees.

- c. If modified or rejected, the City Engineer will notify the applicant and obtain revised and acceptable estimate amounts which will then form the basis of the guarantee and inspection fees.
- 3. The applicant shall submit all performance guarantees and inspection fees to the Administrative Officer, who shall transmit these guarantees and fees to the City Treasurer for posting to the appropriate account(s).
- 4. The City Engineer shall then sign the mylar(s) and return the mylar set to the applicant for recording and duplication.
- 5. Upon receipt, the applicant shall return three (3) paper copies and one (1) complete signed mylar set to the Administrative Officer. The complete set shall include all site plans and details, including building elevations, floor plans and other information, as required by the Board.

B. *Subdivisions.*

- 1. In addition to the foregoing, whenever any subdivision is to be perfected by the filing of the approved plat with the County Registrar in conformance with the Map Filing Law, the applicant shall submit to the Administrative Officer at least two (2) mylars of the plat intended for recording, one (1) of which must be returned to the Administrative Officer for filing. Provided that it conforms to the Map Filing Law, the plat intended for recording shall be signed by the Board Chairperson, Secretary and Engineer. After signing, the mylars shall be returned to the applicant for recording with the County Registrar.
- 2. Whenever any minor subdivision is to be perfected by the filing of a deed with the County Registrar, the applicant shall submit to the Administrative Officer one (1) original deed for review and approval by the City Engineer. The approved deed shall be signed by the City Engineer and the Board Chairman and shall be returned to the applicant for purposes of recording.

C. *File Copies.*

- 1. Following the filing of any approved subdivision plat or minor subdivision deed with the County Registrar, the applicant shall promptly deliver to the Administrative Officer at least three (3) copies of the filed plat or recorded deed, as the case may be. The Administrative Officer shall then distribute copies of the same.
- 2. The Administrative Officer shall return in the Board's files at least one (1) true copy of all signed and approved site plans and subdivision deeds and all signed, approved and filed subdivision plats, as part of the Board's records.

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- A. *General Development Plan.* Any developer of a parcel of land for which the developer is seeking approval of a planned development N.J.S.A. 40:55D-45 et seq. shall submit a general development plan to the Planning Board prior to the granting of preliminary subdivision approval or preliminary site plan approval.
- B. *Single Plan Sheet.* Except for required reports and other written documentation, the entire development site and its surrounding environs shall be shown on a single plan sheet in addition to other required forms of plan documentation. The development site may also be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets.

C. *Requirements of a General Development Plan.* A general development plan shall include the following:

1. A land use plan indicating the tract area and locations of the existing and proposed uses to be included in the planned development. The total amount of non-residential floor area to be provided and proposed land area to be devoted to non-residential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated;
2. A circulation plan showing the general location and types of transportation facilities, including bus facilities and facilities for pedestrian and bicycle access, within the planned development and any proposed improvements to the existing transportation system outside the planned development. The plan shall include the following:
  - a. The projected peak hour traffic volumes on secondary arterial and collector roads at the estimated time of completion of the initial proposed section of the planned development including both internal and adjacent external volumes.
  - b. The peak hour volume capacity relationship of level of service at completion of development on secondary arterial and collector roads servicing the planned development.
  - c. The projected peak hour turning movements at completion of development for all major intersections, both internally and adjacent to the project.
  - d. A general description of any off-tract road or intersection improvements necessitated by traffic increase as a result of the planned development, and a general schedule for their implementation.
  - e. The circulation plan shall describe appropriate mass transit opportunities within and to the planned development, including any traffic management techniques anticipated to be utilized in achieving peak hour traffic reductions.
  - f. The circulation plan shall primarily be based on a traffic study prepared by the applicant. The traffic study shall be conducted prior to the submission of a complete general development plan application to the Planning Board. The traffic study shall also identify the impact of the new development proposed for the site, and a comparison of the proposed and existing uses. Associated traffic impacts on secondary arterial and collector roads servicing the planned development shall also be included, along with a recommendation on off-tract or intersection improvements necessary to accommodate this increase. The costs of any off-tract or intersection improvements necessitated by the planned development shall be calculated by the applicant, agreed to by the City Engineer, and included, if necessary, within the municipal development agreement. Any potential off-tract or intersection improvement impact fee(s) shall be assessed based upon a fair share contribution analysis in the traffic study that accounts for traffic generated by the planned development.
3. An open space plan showing the proposed land area and general location of land areas to be set aside for plazas and campus green focal points and for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a program for the operation and maintenance of such lands;
4. A utility plan indicating the need for and showing the proposed location of sewage and water lines, and drainage facilities necessitated by the physical characteristics of the site, proposed methods for disposal

and/or recycling of solid waste and research waste, and a plan for the operation and maintenance of proposed utilities;

5. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site and addressing any off-site impacts;
6. An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and physical resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site and its environs;
7. A community facility plan indicating the scope and type of supporting community facilities;
8. A local service plan indicating those public and private services which the applicant proposes to provide, and which may include, but not be limited to, water, sewer, and solid waste disposal;
9. A design and development criteria booklet shall be provided establishing design and development criteria for buildings; parking, service and access; lighting; signs; drainage, preservation of existing major treed areas, tree protection during construction, and other landscape design considerations. The booklet shall also address criteria for environmental and visual protection during construction.
10. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public or employees who utilize any section of the planned development prior to the completion of the development in its entirety.
11. A proposed development phasing schedule (a site master plan) in the case of a planned development whose construction is contemplated over a period of years, and any terms or conditions which are intended to protect the interests of the public and of the employees who occupy any section of the planned development prior to the completion of the development in its entirety. A phasing schedule shall not interfere with individual building demolition permit applications to take down buildings that are in a hazardous condition and/or affect the overall operations/management of the site and the demolition permit is in full compliance with existing site conditions and city zoning development regulations.
12. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the City or school district as a result of the completion of the planned development. The fiscal report will also include a detailed projection of property tax revenues which will accrue to the County, City and school district according to the timing schedule provided and following the completion of the planned development in its entirety.
13. A draft municipal development agreement, which will mean a written agreement between the City and a developer relating to the planned development.
14. A housing plan that addresses the obligations and requirements associated with Article XVII – “Affordable Housing Development Fees.”

**D. *Compliance with the Municipal Land Use Law (MLUL).***

1. The planned development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of the Municipal Land Use Law (C. 40:55D-1 et. seq.), or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval.

2. The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth below in this section, except that the term of the effect of the approval shall not exceed ten (10) years from the date upon which the developer received final approval of the first section of the planned development.
3. In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider: the amount of floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developers capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

E. ***Modification of Timing Schedule.*** In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for non-residential space within the City and the region, and the availability and capacity of public facilities to accommodate the proposed development.

F. ***Variation to Plan.*** The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the square footage of the development in any section of the planned development.

G. ***Amendments.*** Once a general development plan has been approved, it may be amended or revised only upon application to the Planning Board.

## ARTICLE VI – ADMINISTRATION, ENFORCEMENT AND FEES

### 35-6.1 APPLICATION FEES AND ESCROW DEPOSITS

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- A. *Obligation to Pay Development Application Fees and Fees for Professional Services.* By signing an application for development and submitting the application, the applicant shall pay such application fees as are due the City and all reasonable costs for professional services, including, without limitation, engineering, legal, planning, licensed stenographic court reporting and other services, incurred by the City in connection with the review, approval or denial by the Planning Board or Zoning Board of Adjustment, or other advisory committee or commission of the City, or by the Common Council of any aspect thereof, including appeals, informal review of a concept plan by such boards and reviews to insure that conditions of approvals have been satisfied. Such professional services may be provided by employees of the City who are professionals, or by professionals or consultants retained by the City on a general basis or retained specifically for an application by the board of jurisdiction or the City. In conjunction with payment of such professional fees, the applicant shall make an escrow deposit in the amount and manner set forth herein and shall execute an agreement in a form provided by the City obligating the applicant to pay such fees. The application fee is a flat fee to cover direct administrative expenses and is nonrefundable.
- B. *Amount of Fees and Escrow Deposits Due.* Each applicant shall, at the time of application submission, and prior to an application for development being deemed complete, submit to the Administrative Officer, in cash or by personal check, certified check or money order, the sums below as application fees and escrow deposits. Where one (1) application for development includes more than one (1) approval request (for example, a request for combined preliminary and final major subdivision approval or an application for development involving a new commercial building with a parking lot), the sum of the individual required fees shall be paid.
- C. *Computation of Fees for Professional Services.* In the case of City professionals not on an annual salary, but paid at an hourly rate for services, the cost to be billed shall be the amount actually billed for work done on the application at the rate which the professional bills the City for all municipal work of the same nature. In the case of a professional on salary from the City, the cost to be billed shall be the hourly prorated salary of the professional, multiplied by the number of hours spent on the application and further multiplied by two hundred (200%) percent to include all staff support and overhead.
- D. *Accounting.* The City shall render a written final accounting to the applicant on the uses to which the escrow deposit was put. Thereafter, the City shall, upon written request, provided copies of the vouchers withdrawing funds from the escrow deposit to the applicant.

E. *Fees Required.*1. Residential Site Plan and Subdivision Fees.

Application	Fee	Escrow Required
Concept Plan	\$250	0-20 lots/units: \$100 per lot/unit; 21+ lots/units: \$2,000 + \$50 per lot/unit in excess of 20
Minor Subdivision	\$500	\$300 + \$200/lot
<u>Site Plans</u>		
Preliminary	\$250 + \$250/lot	\$2,500 + 50/lot or dwelling unit
Final	75% of preliminary fee	\$1,000 + \$50/lot or dwelling unit
<u>Major Subdivisions</u>		
Preliminary	\$250 + \$250/lot	\$2,500 + 50/lot or dwelling unit
Final	50% of preliminary fee	\$1,000 + \$50/lot or dwelling unit

2. Commercial/Industrial Development Applications – Subdivisions.

Application	Fee	Escrow Required
Concept Plan	\$250	\$1,000*
Minor Subdivision	\$250 + \$250/lot	\$1,000 + \$500/lot
Major Subdivision	\$250 + \$250/lot	\$2,500 + \$50/lot*
Final	50% of preliminary fee	\$1,000 + \$50/lot*

\*If an application involves ten (10) or more acres, an additional \$100 will be assessed for each acre, or fraction thereof, in excess of 10 acres.

3. Commercial/Industrial Development Applications – Site Plans.

Application	Fee	Escrow Required
Concept Plan	\$250	\$1,000
Preliminary	\$250 + \$100/acre + \$100/10,000 sq. ft. of new building area	200% of application fee
Final	75% of preliminary fee	100% of preliminary escrow fee

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#### 4. One and Two-Family Development Applications.

Application	Fee	Escrow Required
One or two-family residences: bulk ('c') variances under N.J.S.A. 40:55D-70c	\$200	\$800
One or two-family residences: floor area ratio ('d'4) variances under N.J.S.A. 40:55D-70d	\$200	\$800

#### 5. Other Submissions.

Application	Fee	Escrow Required
Conditional Use Approval	\$250	\$750
Appeals under N.J.S.A. 40:55D-70a	\$250	\$500
Interpretation or special questions under N.J.S.A. 40:55D-70b	\$250	\$500
Bulk variances under N.J.S.A. 40:55D-70c	\$500	\$1,000
Use variances under N.J.S.A. 40:55D-70d	\$1,000	\$2,000
Permits under N.J.S.A. 40:55D-34 and 36	\$250	\$250
Modifications of previously submitted plans without changes to FAR	50% of original fee	\$1,000
All other modifications of previously approved plans	50% of original fee	\$1,000
Resubmittal of an application for preliminary or final major subdivision or site plan approval where applicant has submitted an application deemed incomplete	\$125	None
Informal Technical Review Committee Meeting	\$250	\$750
Rezoning/Ordinance Amendment Request	\$750	\$1,500
List of persons within 200 ft. including area map	\$11	None
Subdivision certificate of approval	\$10	None
Certificate of non-compliance (Section 68 application)	\$50	None

#### 6. Amended Submissions.

Application	Fee	Escrow Required
Revised or amended plans or submission in all categories	50% of original application fee	An escrow amount no to exceed 50% of the original escrow requirement as determined by the designation agent of the board of jurisdiction

7. If there is any reasonable doubt as to the likelihood of the intended use conforming to the performance standards, the Planning Board or Zoning Board of Adjustment shall request a deposit of one thousand dollars (\$1,000) to be submitted with the application, which will be used to defray the cost of the special reports required to process it.

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8. Special Meetings. Whenever an applicant has requested a special meeting or meetings of the Planning Board, Zoning Board of Adjustment, or the Common Council, the applicant shall be responsible for all costs incurred by the City as a result of such special meeting(s), including, without limitation, costs for attendance of the Board Secretary and Attorney, city professional services, city staff, custodial services in opening and closing the building in which the meeting is held, and all similar reasonable expenses.

#### F. *Miscellaneous.*

1. For site plans involving only expansion of or additions to existing buildings, fees and escrow deposits shall be calculated on the area of the expansion or addition in accordance with Section 35-6.1E.
2. For modifications within the footprint of existing buildings, fees and escrow deposits shall be calculated in accordance with Section 35-6.1E.
3. Professional review fees for subdivision or site plan applications may be proportioned to stages of submittals as approved by the board of jurisdiction.
4. Unexpended escrow deposits for concept plans shall be credited against escrow deposits due upon filing of an application for development.

#### G. *Escrow Deposits.*

1. Within forty-five (45) days after the filing of an application for development, the Administrative Officer shall review the application to determine whether the escrow amounts set forth above are adequate, including whether escrow fees should be charged for applications for which the escrow deposit is listed as "None". In conducting such review, the following criteria shall be considered.
  - a. The presence or absence of public water or sewer servicing the site.
  - b. Environmental considerations, including, but not limited to, geological, hydrological and ecological factors.
  - c. Traffic impact of the proposed development.
  - d. Impact of the proposed development on existing aquifer or water quality.
  - e. Impact on improvements which might require off-tract or off-site contribution agreements.
  - f. Impact on open space landscaping, woodlands and the like.
  - g. The need for a developer's agreement between the applicant and the City.
  - h. The anticipated costs for professional services to be paid by the applicant in accordance with this Article.
2. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow within fifteen (15) days of receipt of such notice for additional sums. Each applicant shall, at the time of application submission, and prior to the application being deemed complete, submit to the Administrator Officer, in cash or by personal check, certified check or money order, the amount of additional escrow deposit determined by the Administrative Officer to be due in accordance with this section, and shall complete all forms as required by such designated official. The board of jurisdiction may make the continued current payment of all escrow fees due and to be due under this section from an applicant a condition of the approval of any application.

H. *Payment of Additional Escrow Fees Due.*

1. Upon the funds in the escrow account being reduced to thirty (30%) percent of the amount initially deposited, the Administrative Officer shall forthwith bill the applicant for any charges for professional services, it being the intent of this Article that the thirty (30%) percent be retained in the escrow account at all times until any refunds are due.
2. The Administrative Officer shall also bill the applicant for any professional services covered by this Article, whether or not funds have been refunded pursuant to this Article.
3. Payment is due within fifteen (15) days of receipt of such bills.

I. *Failure to Pay Escrow Amounts Due.* If an applicant has failed to pay any amounts due under this Article, the City may: (a) stop construction until such amounts, together with penalties equal to an interest payment on unpaid bills of one and one-half (1 1/2%) percent per month and any legal fees and expenses necessary to collect any unpaid bills, are paid; (b) deny the issuance of any construction permits or certificates of occupancy if such amounts are due and payable; or (c) deem any approval conditioned by the board of jurisdiction on applicant's payment of any amounts under this Article to be null and void as though the board of jurisdiction had denied such application on the date of conditional approval. The board of jurisdiction may in its discretion dismiss, adjourn or deny the application if the applicant has failed to pay any amounts due under this Article.

In addition, all escrow charges which have been billed and remain unpaid shall become a lien on the premises with respect to which said charges are required and shall remain so until paid. Said overdue charges shall accrue the same interest from time to time as taxes upon real estate in the City. The City shall have the same remedies for the collection thereof with interest, costs and penalties as it has by law for the collection of taxes upon real estate. The applicant shall be responsible for all costs of collection of unpaid escrow fees, including attorneys' fees and all costs.

J. *Approvals of Amounts Charged Against Escrow.*

1. The applicant shall notify in writing the Common Council, with copies to the chief financial officer, the approving authority, and the professional whenever the applicant disputes a charge against escrow for services rendered.
2. The process for reviewing the appeal, and those processes for further consideration of the Common Council's decision, are stipulated in N.J.S. 40:55D-53.2a et seq.

K. *Unexpended Escrow Funds.* All unexpended escrow funds shall be refunded to the applicant within a reasonable time after the last certificate of occupancy is issued and all conditions and requirements of development approvals and any development agreement are satisfied, or such earlier time as the Administrative Officer certifies that all professional services to be paid by escrow funds have been completed and billed. The refunding process will be in accordance with the guidelines and procedures established by the City in effect at that time. In no event, however, shall any application fees required pursuant to this Article be refunded.

L. *Itemized Bills.* An itemized accounting for fees paid or due and owing from escrowed funds will be forwarded to the applicant when the escrow amount has been reduced to less than thirty (30%) percent of the amount initially deposited, it being the intent of this section that thirty (30%) percent of such amount be retained in the escrow account until the inspections are completed. Payment is due within (15) days of receipt of such bill. Interest at the rate of one and one-half (1 1/2%) percent per month shall be charged on all payments not received within fifteen (15) days of receipt of the bill. All unexpended escrow funds shall be returned to the

applicant within a reasonable time after receipt of written request of the applicant, and the City Engineer certifies that the inspections have been completed, and the release of escrow funds approved.

M. ***Deposit of Escrow Funds.*** The City Treasurer shall deposit all escrow funds in accordance with N.J.S.A. 40:55d-53.1 and shall charge the administration fee permitted to defray the cost of administrating said account.

## 35-6.2 GUARANTEES

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A. ***Requirements for Approval of Final Plat.*** No final plat shall be approved until all items required to be bonded (on-site, off-site, on-tract and off-tract) have been installed, approved by the City Engineer, or their installation shall have been provided for by a performance guarantee accepted and approved by the City Engineer. No partially completed facility shall be accepted for any item which has further stages of work or which will need to be altered or reworked due to the installation of any other facility. A performance bond for an approved site plan shall be provided.

B. ***Submission of Estimate of Cost.*** The performance guarantee estimate of the cost of improvements shall be submitted by the applicant to the City Engineer, who will accept or modify the amounts in that estimate as part of his report on final plat review. The approving authority or City Engineer may request the applicant to update this estimate as required.

C. ***Performance Guarantee Requirements.***

1. Before filing of final subdivision plats or recording minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of N.J.S.A. 40:55D-65, , the City shall require and shall accept in accordance with the standards set forth herein below and regulations adopted pursuant to N.J.S.A. 40:55D-53a for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with the provisions of this Section.
  - a. The developer shall furnish a performance guarantee in favor of the City in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the City Engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217.) or N.J.S.46:26B-8 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.
  - b. The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by the City Code or imposed as a condition of approval. At the developer's option, a separate performance guarantee may be posted for the privately held perimeter buffer landscaping.
  - c. The Applicant shall prepare and submit to the City Engineer for review an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

- d. The performance guarantee shall be in the City's prescribed form of performance bond on which the developer shall be principal, and secured either by a bonding or surety company approved by the Council or by a certified bank or cashier's check, the proceeds of which shall be returnable to the developer without interest after full compliance by the developer with all of the requirements of this Chapter and the developer's agreement.
- e. The performance guarantee shall be approved by the City Engineer as to form, sufficiency and execution. Such performance guarantee shall run for a period to be fixed by the approving authority but, in no case, for a term of more than three years. However, with the consent of the owner and of the surety, if there be one, the Common Council may, by resolution, extend the term of such performance guarantee for an additional period or periods not to exceed, in the aggregate, three years. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, as determined as of the time of the passage of the resolution. The amount of the performance guarantee may be reduced by the Common Council by resolution when portions of the required improvements have been installed.
- f. A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit.
- g. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the City in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to Section 35-6.2C.1.a., which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Zoning Officer, City Engineer, or other municipal official designated by ordinance. At no time may the City hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the Zoning Officer, City Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

2. The developer shall also furnish to the City a "safety and stabilization guarantee," in favor of the City. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the City solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

- a. Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and
- b. Work has not recommenced within 30 days following the provision of written notice by the City to the developer of the City's intent to claim payment under the guarantee. The City shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The City shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.
- c. The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
- d. The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
  - (1) \$5,000 for the first \$100,000 of bonded improvement costs, plus
  - (2) Two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
  - (3) One percent of bonded improvement costs in excess of \$1,000,000.
- e. The City shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
- f. The City shall release a "safety and stabilization guarantee" upon the City Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

3. Prior to the release of a performance guarantee required pursuant to this Section, the developer shall post with the City a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
4. If required, the developer shall post with the City, upon the inspection and issuance of final approval of the following private site improvements by the City Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).
  - a. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.
  - b. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the City for such utilities or improvements.

5. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Governing Body by resolution. As a condition or part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in section 15 of P.L.1991. c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.
6. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected and the City may either prior to or after the receipt of the proceeds thereof complete such improvements.
7. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the Governing Body in writing, by certified mail addressed in care of the municipal clerk, that the City Engineer prepare, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the City Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the City Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Governing Body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
  - a. The list prepared by the City Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory.
  - b. The report prepared by the City Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to subsection a. of this Section.
8. The Governing Body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the City Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the City Engineer. Upon adoption of the resolution by the Governing Body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced

by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

9. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to this Section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the City may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the City below 30 percent.
10. If the City Engineer fails to send or provide the list and report as requested by the obligor pursuant to this Section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the City Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
11. If the governing body fails to approve or reject the bonded improvements determined by the City Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the City Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
12. In the event that the obligor has made a cash deposit with the City or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the City may retain cash equal to the amount of the remaining "safety and stabilization guarantee."
13. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
14. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Governing Body or the City Engineer.

**D. *Regulations Concerning Inspection Fees.***

1. The obligor shall reimburse the City for reasonable inspection fees paid to the City Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs a and b of this paragraph. The cost of inspections shall be five (5%) percent of the total site

construction cost estimates developed by the applicant and approved by the City Engineer for engineering inspections and incidental engineering services in connection with approved development applications. The City may require the developer to post the inspection fees in escrow in an amount:

- a. Not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee required in this Section; and
- b. not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee required in this Section, which cost shall be determined pursuant to section 15 of P.L. 1991, c.256 (C.40:55D-53.4).

2. For those developments for which the inspection fees total more than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
3. If the City determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to this Section, is insufficient to cover the cost of additional required inspections, the City may require the developer to deposit additional funds in escrow provided that the City delivers to the developer a written inspection escrow deposit request, signed by the City Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.
4. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.
5. To the extent that any of the improvements have been dedicated to the City on the subdivision plat or site plan, the municipal Governing Body shall be deemed, upon the release of any performance guarantee required pursuant to this Section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the City Engineer.
6. Each applicant shall pay all reasonable costs (including overtime charged by any professional) for the City inspection of the construction site and off-site improvements and for all improvements not otherwise inspected pursuant to the Uniform Construction Code and shall execute an agreement in a form provided by the City obligating itself to do so. An escrow fund will be established within the City before construction begins, and such funds shall be used to pay the fee and costs of professional and incidental services incurred by the City to inspect the construction.
7. An initial fee of five (5%) percent of the estimated total cost of the improvements shall be deposited with the City prior to the issuance of any construction permit. The basis for fees to be charged by the City for inspection services shall be the same fee basis the City uses to pay for City related projects, including overtime charges. The estimated costs of improvements shall be calculated by the City Engineer based on current competitive prices for similar work in the area.

- E. ***Use of Performance Bonds.*** Any performance bond, letter of credit or other guarantee provided by an applicant shall provide that the City may, in its sole and absolute discretion, apply any funds available from any such performance bonds, letter of credit or other guarantee posted by the applicant against amounts owed under Sections 35-6.1G, H and I by providing applicant fifteen (15) days prior written notice of the City's intent to draw against the performance bond, letter of credit or guarantee. If the City shall draw against the performance bond, letter of credit or other guarantee, the applicant shall replenish said draw within fifteen (15) days of written notice. Failure to restore funds shall be default, and the City shall have, in addition to any others, all rights set forth in this Article.
- F. ***Preconstruction Conference.*** Prior to beginning construction, the developer shall arrange for a preconstruction conference between the developer, contractor, and City Engineer. The City Engineer shall be notified by the developer at least five (5) days in advance of the start of construction.
- G. ***Approval of City Engineer Required.*** No work shall be done without permission from and inspection by the City Engineer. No underground installations shall be covered until inspected and approved. The City Engineer's office shall be notified after each of the following phases of the work has been completed so that he may inspect the work: road subgrade; sidewalk, curb and gutter forms; curbs and gutters; road paving (after each coat in the case of priming and sealing); sanitary sewer pipes, drainage pipes and other drainage structures before backfilling; shade trees and planting strips; street name signs; and monuments.
- H. ***Utility Installations.*** All utility installations installed by utility companies shall not be subject to the inspection requirements.
- I. ***Occupancy Permits; Paving of Streets; Landscaping.*** Occupancy permits will be issued only when the installation of curbs, utilities, functioning water supply and sewage treatment facilities, necessary storm drainage to insure proper drainage of the lot and surrounding land, rough grading of lots, soil stabilization, base course for the street and driveway, and sidewalks are installed to serve the lot and structure for which the permit is requested. Streets shall not receive surface course paving until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. Seeding or grass areas shall be the final operation.
- J. ***City Not to be Held Liable.*** Inspections by the City Engineer shall not subject the City to claims, suits, or liability of any kind that may arise because of defects or negligence, it being recognized that to maintain safe conditions at all times on all parts of the tract is the obligation of the developer and his contractors or subcontractors, if any.
- K. ***Final Inspection of Work.*** After completing the improvements, the developer shall prepare two (2) sets of the plans and the profiles amended to read "as constructed" and apply to the City Engineer for final inspection of the work. The City Engineer shall, within thirty (30) days of completing the inspection, report in writing to the Governing Body indicating either approval, partial approval, or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
- L. ***Approval, Partial Approval or Rejection by Governing Body.*** The Governing Body shall either approve, partially approve or reject the improvements and shall notify the obligor by certified mail of the contents of the City Engineer's report and the action of the approving authority with relation thereto, no later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to its performance guarantee, except for a portion sufficient to secure compliance with the remaining items. Failure of the Governing Body to send or

provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from liability pursuant to such performance guarantee.

- M. ***Rejection of Improvements by Governing Body.*** If any portion of the required improvements is rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth shall be followed.
- N. ***Reduction of Performance Guarantee.*** Upon request of the developer in writing by certified mail, with copies to the City Engineer, the Governing Body may reduce the amount of the performance guarantee after considering the report of the City Engineer. The performance guarantee retained shall be sufficient to cover the cost of uninstalled, uncompleted and defective improvements, engineering costs, and an amount equal to fifteen (15%) percent of the cost of completed facilities to assure upkeep of these facilities until accepted by the Governing Body. Agreement to reduce the performance guarantee in accordance with this provision shall not constitute approval or acceptance of any of the improvements by the Governing Body. The reduction shall first be in the surety portion of the performance bond, and only in cash portion after the entire surety portion has been released.
- O. ***Acceptance of Street, Drainage System or Other Improvements.*** The approval of any plat under this Chapter by the approving authority shall in no way be construed as acceptance of any street, drainage system, or other improvement required by this Chapter, nor shall such plat approval obligate the City in any way to maintain or exercise jurisdiction over such street, drainage system, or other improvements. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action by the Governing Body.

## 35-6.3 PERMITS

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- A. ***Requirements for Issuance.*** No zoning permit, building permit, or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this Chapter or for use of a lot which was created by subdivision after the effective date of, and not in conformity with, the provisions of this Chapter. No site improvements such as, but not limited to, excavation or construction of public or private improvements shall be commenced except in conformance with this Chapter in accordance with plat approvals and the issuance of required permits.
- B. ***Zoning Permit.*** A zoning permit or other form of written approval shall be issued when required by the Zoning Officer before the issuance of any building permit or construction code certificate of occupancy.

## 35-6.4 ZONING CERTIFICATE OF OCCUPANCY REQUIRED

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- A. ***Required; Exceptions.*** It shall be unlawful to use any lot, tract, or building or part thereof hereafter created or modified or involving a transfer or change in use, title or occupancy or change in tenancy, until a zoning certificate of occupancy shall have been issued by the Zoning Officer, except that no certificate shall be required for a transfer of title which is exempt from the payment of the realty transfer fee imposed under New Jersey Public Law 1968, c.49, as amended, by reason of a deed (i) for a consideration of less than one hundred (\$100.00) dollars; (ii) which confirms or corrects a deed previously recorded; (iii) between husband and wife, parent and child; (iv) in specific performance of a final judgment; (v) by an executor or administrator of a descendent to a devisee or heir to effect distribution of the descendent's estate in accordance with the provisions of the

descendant's will or the laws of the State of New Jersey; or (vi) recorded within ninety (90) days following the entry of a divorce decree which dissolves the marriage between the grantor and grantee.

- B. **Compliance with Chapter Required.** No certificate shall be issued unless the land, building and use comply with this Chapter, all matters incorporated and certified by the City Engineer, any lawful prior orders issued under the authority of the construction, property maintenance, fire prevention and health codes are properly abated, and the property is in compliance with the items listed in Section 15-6 of Chapter XV, Property Maintenance Code, of the Revised General Ordinances.
- C. **Temporary Zoning Certificate.** The Zoning Officer may issue a temporary zoning certificate of occupancy when a notice of violation has been issued for the correction of defects or other conditions that are not materially adverse to public health, safety or welfare, and a schedule and escrow have been established that provide a reasonable time period for elimination of the defects or other conditions in an amount that will adequately cover the cost of eliminating the defects or conditions if the applicant fails to do so within the scheduled time period.
- D. **Fees.** Each request for a zoning certificate of occupancy shall be accompanied by cash, check or money order payable to the City of Summit in the amount specified in the fee schedule contained in Appendix A of the Revised General Ordinances.

## 35-6.5 VALIDITY, VIOLATIONS AND EXISTING APPROVALS

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- A. **Saving Provision.** These regulations shall not be construed as abating any action now pending under prior existing subdivision, site plan or zoning regulations; or as abating or modifying any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any provision existing at the time of adoption of this Chapter; or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in this Chapter. Applications filed with the secretary of the approving authority having all fees paid prior to the adoption of this Chapter shall be deemed pending.
- B. **Validity.** If any provisions of this Chapter shall be adjudged by the courts to be invalid, such adjudication shall apply only to that provision and the remainder of this Chapter shall be deemed valid and effective.
- C. **Violations and Penalties.**
  1. In cases where any structure is erected, altered, converted, or maintained, or any structure or land is used in violation of this Chapter, or any approved subdivision, site plan, variance, conditions of approval, or similar approval, the City or an interested party may institute appropriate action to prevent such unlawful erection, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said structure or land; and to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed two thousand (\$2,000.00) dollars and/or ninety (90) days in jail in accordance with N.J.S.A. 40:49-5. Each day shall be deemed a separate violation.
  2. If, before final subdivision approval, any person as owner or agent transfers or sells, or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, any land which forms a part of a subdivision for which municipal approval is required, such persons shall be subject to a penalty not to exceed two thousand (\$2,000.00) dollars in accordance with N.J.S.A. 40:49-5. Each lot

disposition so made may be deemed a separate violation.

3. In addition, the City may institute and maintain a civil action:
  - a. For injunctive relief; and
  - b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S. 40:55D-5, but only if the municipality (1) has a Planning Board and (2) has adopted by ordinance standards and procedures in accordance with N.J.S. 40:55D-38.
4. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six (6) years, if unrecorded.

D. ***Construction Permits, Site Plan Approvals and Zoning Variances Outstanding.*** Nothing in this Chapter shall require any change in a construction permit, site plan, or zoning variance which was approved before the enactment of this Chapter, but is in violation of this Chapter, provided that construction based on such a construction permit shall have been started within one (1) year from the effective date of this Chapter, and, in the case of a site plan or variance, a construction permit shall have been issued within one (1) year following the date of the approval. In all instances, the project shall be continuously pursued to completion, otherwise said approvals and permits shall be void.

E. ***Compliance.*** All requirements of this Chapter shall be met at the time of any erection, enlargement, moving or change in use. All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority as shown on the approved plat and/or included on the resolution adopted by the approving authority.

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## ARTICLE VII – DEFINITIONS

### 35-7.1 WORD USAGE

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For the purposes of this Chapter:

- A. The present tense shall include the future.
- B. The singular number shall include the plural and the plural the singular.
- C. The word "shall" means always mandatory; the word "may" means discretionary.
- D. The words "zone" and "district" are synonymous, and whenever the term "structure" is used, it shall be construed to include the term "building."

### 35-7.2 DEFINITIONS

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Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings herein defined. Whenever a term that is defined in the MLUL is used in this Chapter, such term shall have the same meaning as in the MLUL. Any word or term not defined below or in the MLUL shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or the latest edition).

**ACCESSORY BUILDING OR STRUCTURE** – A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building larger than one hundred (100) square feet is located within five (5) feet of the principal building or structure, it shall be considered a part thereof. This paragraph should not be deemed to include helipads or heliports as accessory uses.

**ACCESSORY USE** – A use of land, building or structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. This paragraph should not be deemed to include helipads or heliports as accessory uses.

**ADDITION** – A structure added to the original structure at some time after the completion of the original structure.

**ADMINISTRATIVE OFFICER** – For Planning Board matters, the Planning Board Secretary and for Zoning Board of Adjustment matters, the Zoning Board of Adjustment Secretary or appropriate staff within the Department of Community Services.

**ADULT DAY CARE** – The provision of care and supervision, monitoring of general health, social interaction and peer contact in a structured program for impaired or socially isolated adult individuals, who live off-site and who cannot be left alone during the day, but who do not require 24-hour institutional nursing care.

**ADULT ENTERTAINMENT USE** – Adult entertainment uses include, but are not limited to, the following:

- A. Offers as one of its principal purposes the sale, rental, exhibit, or display of any of the following: books, magazines, publications or other printed materials, photography, videotapes, or audiotapes, still or moving

films, computer disks, computer games, CD ROMs, DVDs, or any other media or tangible item of any kind, depicting or exhibiting a specified anatomical area or a specified sexual activity as each is defined herein; or

- B. Regularly features live performances characterized by the depiction of a specified anatomical area or by a specified sexual activity as each is defined herein; or
- C. Regularly shows films, motion pictures, video cassettes, slides, or other photographic or film representations which depict or describe a specified anatomical area or specified sexual activity as each is defined herein.
- D. "Adult entertainment use" shall also include establishments which constitute adult bookstores, adult video stores, adult motion-picture theaters, and/or adult novelty/gift shops.

**ADVERSE EFFECT** – The results of development creating, imposing, aggravating or leading to inadequate, impractical, unsafe or unsatisfactory conditions on a site proposed for development or on off-tract property or facilities, including, but not limited to the following: insufficient street location resulting in an unsafe or inefficient circulation system; inadequate utilities, such as water, drainage, shade trees and sewerage; unsuitable size, shape and location of any area reserved for public use or land for open space; infringement upon land designated as subject to flooding; and the creation of conditions leading to soil erosion by wind or water from excavation or grading, all as set forth in N.J.S.A. 40:55D-38 and measured against the design and performance standards of this Chapter.

**AGE-RESTRICTED HOUSING** – A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum of age of 55 years old, except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

**AFFORDABLE HOUSING** – Housing which is affordable to persons of low and moderate-income based upon standards of income and affordability established by the regulations of the New Jersey State Council on Affordable Housing (COAH), or any agency that supersedes COAH, as amended from time to time.

**AISLE** – The traveled way by which cars enter and depart parking spaces.

**ALTERATION** – The rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which affects a primary structural component.

**ANTENNA** - Any interior or exterior transmitting or receiving device, mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. The term antenna shall include their respective mounting or support structures for purposes of calculating dimensions.

**ANTENNA SUPPORT STRUCTURE** - A structure, other than a telecommunications tower, which is attached to a building and on which one (1) or more antennas are located.

**APARTMENT** – One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit within a multifamily dwelling building. (See also "dwelling, multifamily.")

**APPLICANT** – A developer or property owner submitting an application for development.

**APPLICATION FOR DEVELOPMENT** – The application form and all accompanying documents required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to this Chapter.

**APPROVED PLAN** – A plan which has been granted final approval by the Planning Board or Zoning Board of Adjustment of the City of Summit.

**ASSISTED LIVING FACILITY** – A facility which is licensed by the New Jersey State Department of Health and Senior Services to provide housing and congregate dining, and to assure that assisted living services are available when needed, to four (4) or more adult persons unrelated to the proprietor. Such units shall offer, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. "Assisted Living" is a level of care between nursing care and independent living and includes a coordinated array of supportive personal and health services, available twenty-four (24) hours per day, to residents who have been assessed to need these services.

**ATTIC** – The space between the ceiling beams of the top story and the roof rafters in any building.

**ATTIC STORY** – An attic having, within its space, possible floor area with headroom of five (5) feet or greater over sixty (60%) percent or more of the story directly beneath.

**AUTOMOBILE** – A self-propelled, road vehicle, with four (4) wheels, usually used to transport not more than eight (8) passengers and licensed by the appropriate state agency as a passenger vehicle.

**AUTOMOTIVE RENTAL** – Any establishment that makes motorized vehicles available for use by the general public on a limited time basis measured in increments of one day or more.

**AUTOMOTIVE REPAIR** – A building used for the repair of automobiles, not including auto sales or dealerships, nor the sale of junked automotive equipment, parts or inoperable motor vehicles or gasoline.

**AUTOMOBILE SALES** – See "VEHICLE SALES."

**AUTOMOTIVE SHARE** – Any establishment that makes motorized vehicles available for use by members of a service on a limited time basis, usually for durations of less than a day.

**AWNING** – A roof-like cover that may be temporary or permanent in nature and projects from the wall of a building for the purposes of shielding a window or doorway or providing decorative or architectural detail for buildings. Unless otherwise specified in this Chapter, permanent awnings that cannot be retracted shall be subject to the setback requirements of the district in which the building is located.

**BASEMENT** – A basement is that portion of a building that is partially or completely below grade and where the finished surface of the floor above is:

- A. Less than six (6) feet above the grade plane; and
- B. Less than six (6) feet above the finished ground level for more than fifty (50%) percent of the total building perimeter.

**BERM** – A mound of earth or the act of pushing earth into a mound.

**BICYCLE PATH** – A pathway, often paved and separated from streets and sidewalks, designed to be used by bicycles.

**BILLBOARD** - An off-premises sign displayed outdoors for the purpose of advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view. Also known as an "off-premises" or "outdoor advertising" sign. For the purposes of this Chapter, the term "billboard" shall include the sign face and any element bounding the sign.

**BLOCK** – A tract of land bounded by streets, substantial natural watercourses or other pronounced physical features.

**BOARD** – The City of Summit Planning Board or Zoning Board of Adjustment, when acting within its scope of jurisdiction under this Chapter and/or the MLUL.

**BOARDER** – A person other than a member of a family occupying a part of any dwelling unit who, for a consideration, is furnished sleeping accommodations in such dwelling unit for a minimum tenancy of thirty (30) consecutive days and may be furnished meals as part of this consideration.

**BOARDING (ROOMING) HOUSE** – Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, excluding units occupied by any owner/operator, wherein personal or financial services are provided to residents, hotel, motel or guest house, any resource family home, community residences for the developmentally disabled, and assisted living facilities.

**BREWERY** - An establishment licensed, under N.J.S.A 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Such uses may manufacture, sell and serve alcoholic beverages to consumers on a licensed premise for consumption on site, but only in connection with a tour of the brewery, or for consumption off the premises.

**BREWPUB** – An establishment, with license from the State under N.J.S.A. 33:1-10, where alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities.

**BUFFER** – A strip of land containing natural woodlands, berms, or other planted screening materials used to physically separate or screen one (1) use or property from another so as to minimize adverse impacts.

**BUILDING** – A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy by any person, animal or thing and having a roof.

**BUILDING AREA** – The horizontal plan projection of all covered or roofed areas on a lot, whether permanent or temporary, including decks, cantilevered areas, bay or bow windows and similar projections, but excluding roof eaves, roof overhangs, projections above entranceways and garage doors, and chimneys projecting a maximum distance of twenty-four (24) inches from the structure.

**BUILDING COVERAGE** – The building area divided by lot area, expressed as a percentage.

**BUILDING ENVELOPE** – The two-dimensional space within which a principal structure is permitted to be built on a lot and which is defined by minimum yard setbacks.

**BUILDING HEIGHT** – See "HEIGHT OF BUILDING."

**BUILDING LINE** – A line parallel to the street line or other lot line, which touches that part of a building closest to the street line or other lot line. In the case of a cantilevered section of a building, the building line will coincide with the most projected surface.

**CALIPER** – The diameter of a tree trunk measured in inches at height of twelve (12) inches above the ground.

**CANOPY** – A self-supporting, roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to said building, which shall be construed to be a part of the building to which it is affixed.

**CANOPY, TREE** – Includes all areas of coverage formed by the crown of woody plant material exceeding five feet in height, and the extent of horizontal tree coverage at 20 years maturity based on published reference texts generally accepted by landscape architects, nurseries and qualified arborists.

**CAPITAL IMPROVEMENT** – A governmental acquisition of real property or major construction project.

**CAPITAL IMPROVEMENT PROGRAM** – A timetable or schedule of all future capital improvements to be carried out during a specific period and may also include cost estimates and the anticipated means of financing each project.

**CAR WASH, AUTOMATIC** – A building or place of business where the washing of automobiles or motor vehicles is carried on with the use of a chain or conveyor, blower and water and/or steam cleaning device.

**CARPORT** – A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**CELLAR** – A space with less than one-half (1/2) of its floor to ceiling height above the grade plane of the adjoining ground or with a floor-to-ceiling height of less than six and one-half (6 1/2) feet.

**CERTIFICATE OF OCCUPANCY (CO)** – A document issued by the Construction Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or renovated according to, and in compliance with the Uniform Construction Code (UCC).

**CHANGE OF USE** – Any permitted use that substantially differs from the previous use of a building or land involving any of the following:

- A. The addition of parking spaces based upon the parking requirements of this Chapter;
- B. A significant increase (ten (10) or more during a weekly period) in the amount of truck deliveries to the property;
- C. A significant change in the hours of operation from the previous use, (a deviation of four (4) or more hours in the morning and/or evening);

- D. The storage or handling of chemicals or hazardous substances;
- E. Proposed changes in intensity of exterior lighting; or
- F. Additions to buildings in the Central Retail Business District (CRBD).

A permitted use that does not meet the foregoing criteria can be considered a change of occupancy that does not require site plan approval.

**CHANNEL** – A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.

**CHILD CARE CENTER** – Any facility, by whatever name known, which is maintained for the care, development and supervision of six (6) or more children under thirteen (13) years of age who attend the facility for less than twenty-four (24) hours a day, and which is licensed as a child-care center by the Department of Human Services. This term shall not include any of those facilities or uses which are not included within the definition of "child-care centers" in the Manual of Requirements for Child Care Centers, State of New Jersey, Department of Human Services.

**CIRCULATION** – Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

**CITY** – The City of Summit.

**CITY ENGINEER** – A New Jersey-licensed professional engineer who provides engineering services to the City of Summit and who may provide technical advice to the Planning Board and to the Zoning Board of Adjustment.

**CITY FORESTER** – The person appointed by the City to supervise and ensure the conservation, protection and care of trees, shrubs and soils within the City, or such other person as may serve in this capacity.

**CO-LOCATION** - The use of a common personal wireless telecommunications facility (PWTF) or a common site by two or more wireless license holders or by one wireless license holder for more than one type of telecommunications technology and/or placement of a PWTF on a structure owned or operated by a utility or other public entity.

**COMMERCIAL VEHICLE** - Every type of vehicle with visible commercial signage, license plates, and/or equipment used for commercial purposes or used in the furtherance of and/or performance of a specific job or work function, excluding limousines and taxis with no visible signage. This definition shall include any vehicle bearing advertisements or printed commercially related matter thereon. This term shall not include vehicles used for private or personal transportation.

**COMMON OWNERSHIP** – Ownership of two (2) or more contiguous parcels of real property by one (1) person or legal entity. Joint and/or common owners shall be deemed to be one (1) legal entity.

**COMMUNICATION ANTENNA** - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. A communications antenna shall not include mobile cellular communications antennas or mobile cellular communications towers as otherwise regulated under this Chapter.

**COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED** – Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; c. 271:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

**COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES** – A community residential facility licensed pursuant to P.L. 1977, c. 448 providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," 1971, c. 136.

**COMMUNITY RESIDENCE FOR THE TERMINALLY ILL** – Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, for not more than fifteen (15) terminally ill persons.

**COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE** – Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Child Protection and Permanency ("DCPP") pursuant to P.L. 1979, c. 337 (C. 30:14-1 et seq.) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

**CONDITIONAL USE** – A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefore by the Planning Board.

**CONDOMINIUM** – One (1) or more buildings or structures and the land on which they are situated containing multiple residential dwelling units or multiple nonresidential uses characterized by a form of ownership of real property under a master deed providing for ownership by one (1) or more owners of units of improvements together with an undivided interest in common elements appurtenant to each pursuant to N.J.S.A. 46:8B-1 et seq.

**CONDOMINIUM ASSOCIATION** – The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

**CONSERVATION EASEMENT** - an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the person vested with a greater interest therein, appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, or for conservation of suitable habitat for plants or animals.

**CONSTRUCTION OFFICIAL** – The Construction Official of the City of Summit, as the case may be, when acting pursuant to the Municipal Land Use Law, this Chapter and the New Jersey Uniform Construction Code.

**CONSTRUCTION PERMIT** – Legal authorization for the erection, alteration or extension of a structure.

**CONTIGUOUS PARCELS** – Tracts of land, which share one (1) or more common boundaries.

**CONVENIENCE STORE** – A retail store that sells general merchandise, limited grocery items and prepared foods for off-site consumption so long as the sale of prepared foods is subordinate to the sale of general merchandise and grocery items.

**COUNCIL ON AFFORDABLE HOUSING ("COAH")** – The governmental State agency established under the Fair Housing Act, N.J.S.A. 52:27-D-301 et seq. as amended, which has primary jurisdiction for the administration of affordable housing obligations in the State of New Jersey in accordance with regional planning considerations.

**COUNTY PLANNING BOARD** – The Union County Planning Board.

**COURTYARD** – Any open unoccupied space, unobstructed from the ground to the sky that is bounded on three (3) or more sides by the walls of a building.

**CO-WORKING** – An office use in which common and unassigned office space is made available to individuals and companies on a short-term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to common use space and common facilities. Long term assigned (increments greater than 1 month) office space without access to common use space and common facilities shall not be considered to fall within the definition of co-working.

**CUL-DE-SAC** – The turnaround at the end of a dead-end street.

**CULVERT** – A drainage ditch or conduit, whether or not incorporated in a closed system that carries drainage water under a driveway, road, railroad or pedestrian walk in a closed drainage system.

**CURB** – An assembly of materials consisting of either granite block stone or poured concrete, forming a boundary structure to delineate the edge of the roadway or paved area. (See also Residential Site Improvement Standards for residential property development.)

**CURBLINE** – A line, whether curbing exists or not, that defines the edge of the roadway, including the shoulder or gutter area, if any.

**CURB CUT (Drop Curb)** – The opening along the curb line at which point vehicles may enter or leave the roadway.

**CUT** – A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface or excavated surface.

**DARK-SKY COMPLIANCE** - An artificial lighting source or fixture that meets the goals and principles of the International Dark-Sky Association (<https://www.darksky.org/>).

**DAYCARE** – See "CHILD CARE CENTER."

**DEAD-END STREET** – A street or portion of a street which is accessible by a single means of ingress or egress.

**DECK** – An unroofed, above grade platform that extends from a structure or is freestanding, and that rises more than twelve (12) inches above grade at any one (1) point, regardless of its material composition. A deck shall be considered part of the building area, except that it shall not be included in floor area ratio, except as otherwise provided in the definition of "Floor Area Residential."

**DEDICATION FOR STREET PURPOSES** – A dedication of land for construction, reconstruction, widening, repairing, maintaining, using or improving a street, public or private, and for the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of said street, including, but not limited to, curbing, pedestrian walkways, drainage facilities, traffic control devices and utilities in or along road rights-of-way.

**DEMONSTRATION KITCHEN** - A venue designed and operated for the express purpose of the presentation and demonstration of food and/or the presentation and explanation of domestic cooking recipes or techniques to an audience.

**DENSITY** – The permitted number of dwelling units per gross area of land to be developed.

**DETENTION BASIN** – See "STORM WATER DETENTION."

**DEVELOPER** – The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** – The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; any mining, excavation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required pursuant to this Chapter or under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**DEVELOPMENT, CONVENTIONAL** – Development other than planned research office development.

**DEVELOPMENT, PLANNED RESEARCH OFFICE** – An area of minimum contiguous size, as specified in this Chapter, to be developed according to a general development plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate a facility designed and used for research, offices, and engineering activities involving scientific investigations, engineering studies and consumer product development and any other incidental uses and activities to the predominant use as may be permitted by ordinance.

**DEVELOPMENT REGULATIONS ORDINANCE** – Chapter 35 of the City of Summit Body of Ordinances.

**DEVELOPMENT REGULATION** – A zoning, subdivision, site plan, official map or other municipal regulation of the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

**DISTRIBUTIVE ANTENNA SYSTEMS ("DAS")** - A network of one or more antennas and fiber optic nodes typically mounted to streetlight poles, or utility structures, which provide access and signal transfer services to one or more third-party wireless service providers. DAS shall also include the equipment location, sometimes called a "hub" or "hotel" where the DAS network is interconnected with third-party wireless service providers to provide the signal transfer services. The term shall be construed to include supporting cables, wires, braces, masts or other appurtenances.

**DORMER WINDOW**- A vertical window in a roof or the roofed structure containing such window.

**DRAINAGE** – The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**DRIVE-THRU** - A commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device while remaining in their vehicles.

**DRIVEWAY** – A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

**DRY WELL (SEEPAGE PIT)** – A covered pit with an open jointed lining and required visible cover into which water is piped or directed from roofs, basement floors, other impervious surfaces or swales or pipes to seep or percolate into the surrounding soil.

**DWELLING** – Any permanent structure or portion thereof that is used exclusively for human habitation. "Dwellings" may include but are not limited to the following types:

- A. **DETACHED SINGLE-FAMILY** – A dwelling for one (1) family that is not attached to any other dwelling by any means and contains one (1) kitchen.
- B. **ATTACHED SINGLE-FAMILY/TOWNHOUSE** – A one-family dwelling in a row of at least three (3) such attached dwellings in which each dwelling has its own front and rear access to the outside, no dwelling is located over another dwelling and each dwelling is separated from all other attached dwellings by one (1) or more vertical common fire-resistant walls.
- C. **TWO-FAMILY** – A building on a single lot containing two (2) dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- D. **MULTIFAMILY** – A building containing three (3) or more dwelling units that share common horizontal separations, including garden apartments.
- E. **TWIN HOUSE/DUPLEX** – A structure including two dwelling units separated by a plane vertical party wall and each susceptible to sale on an individual lot.

**DWELLING UNIT** – One (1) or more rooms designed, occupied or intended for occupancy as separate living quarters by one family or household, provided that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the single-family maintaining the household.

**EASEMENT** – A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**EDUCATIONAL INSTITUTION** – Any primary or secondary educational institution normally subject to regulations prescribed by the Department of Education of the State of New Jersey. This definition shall be deemed to include all activities secondary or subordinate to the main activity of any such institution, which activities are a part of the normal operation of such institution as set forth in its charter.

**ELECTRIC VEHICLE CHARGING STATIONS (SUPPLY EQUIPMENT)** – Equipment that connects and provides a source of electricity to recharge electric vehicles, neighborhood electric vehicles and plug-in hybrids.

**ENVIRONMENTAL IMPACT ASSESSMENT** – A study to determine the potential direct and indirect effects of a proposed development on the environment.

**EROSION** – The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

**ESSENTIAL SERVICES** – The erection, construction, alteration or maintenance by public utilities, municipal or other governmental agencies of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, including electrical substations, telephone dial centers, poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies for the public health, safety or general welfare. Essential services shall include firehouses, first aid and emergency aid squad whether provided by a municipal or nonprofit agency, pumping stations, sewerage treatment facilities, standpipes and water storage tanks.

**EXCAVATION** – Removal or recovery by any means whatsoever of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged.

**EXCEPTION** – A deviation from or the waiver of an on-tract improvement requirement or a design standard in connection with an application for development and granted by the Planning Board pursuant to N.J.S.A. 40:55D-51.

**EXISTING GRADE** – The vertical location of the ground surface prior to excavating or filling.

**FAMILY** – Two (2) or more persons not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**FAMILY DAY CARE HOME** – Any private residence registered as a family day care home pursuant to the Family Day Care Provider Registration Act (P.L. 1987) or an organization with which the Department of Child Protection and Permanency (“DCPP”) contracts for family day care in which child care services are regularly provided to no less than three (3) and no more than five (5) children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving childcare services:

- A. The child being cared for is legally related to the provider; or
- B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one (1) or more of the parents, where no payment for the care is being provided.

**FENCE** – A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary. Fences are further defined and regulated in subsection 35-14.1K.

**FILL** – Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited on a lot by humans.

**FINAL APPROVAL** – The official action of the Planning Board or Zoning Board of Adjustment taken on a preliminary approved major subdivision or major site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

**FINAL PLAT** - The final map of all or a portion of the subdivision which is submitted for a final approval in accordance with this Chapter and which, if approved, shall be filed with the proper county recording officer and which complies with the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.).

**FINANCIAL INSTITUTION** – Any structure wherein business of primarily a monetary nature is transacted, such as banks, savings and loans associations and mortgage companies.

**FLOOR AREA, GROSS (gfa)** - The sum of all floor areas within a building.

**FLOOR AREA, NONRESIDENTIAL** – The sum of the gross horizontal areas of the several stories above grade of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall constructed at the common lot line separating two (2) buildings, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. Basement spaces with a headroom of seven feet six (7'6") inches or more which is unimproved, exclusive of mechanical rooms and areas used exclusively for storage that is incidental to the permitted use of the building, mezzanines of any size, and improved basement space exclusive of mechanical rooms and areas used exclusively for storage that is incidental to the permitted use of the building shall be included in gross floor area. Mezzanines of any size and improved basement spaces shall also be included in gross floor area exclusive of mechanical rooms and areas used exclusively for storage that is incidental to the permitted use of the building.

**FLOOR AREA, RESIDENTIAL** – The sum of the gross horizontal areas of all stories above grade, measured from the exterior face of the exterior walls, or from the centerline of a wall constructed at the common lot line separating two (2) dwellings, including any space in an attic or in a story above grade where the floor to roof rafter height is more than seven (7) feet, whether finished or not, and excluding the area of the required garage (for 1-car garages equals 288 square feet and two-car garages equals 576 square feet) or the existing garage, whichever is less. Enclosed or screened in porches shall be included in the residential floor area calculation.

**FLOOR AREA RATIO (FAR)** – The sum of the floor area of all floors of buildings or structures compared to the total area of the site, expressed as a percentage.

**FRONTAGE** – See "LOT FRONTAGE".

**FUNERAL HOME** – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**GALLERIES** – A space for the exhibition and/or sale of works of art.

**GARAGE, PARKING** – A building, other than a private garage, intended for the parking of motor vehicles.

**GARAGE, PRIVATE** – A detached accessory building or a portion of the main building used primarily for the storage of a passenger vehicle or vehicles and not more than one (1) commercial vehicle of a rated capacity not exceeding three-quarter (3/4) tons, which commercial vehicle is owned or used by the occupant of the building to which the garage is accessory and that is not a separate commercial enterprise available to the general public.

**GASOLINE SERVICE STATION** – A place where gasoline or other motor fuel is offered for sale to the public and deliveries are made directly into motor vehicles and which may provide for minor repairs but shall not include auto body work, welding or painting, or any repair work outside of the enclosed building.

**GLARE** – The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE** – A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a shelter.

**GOVERNMENT AGENCY** – Any department, commission, independent agency or instrumentality of the United States, the State of New Jersey, and/or any county, municipal or other governmental unit.

**GRADE PLANE** – A reference plane representing the average of the existing ground level surrounding the entire foundation of a structure using points six (6) feet out from the foundation spaced uniformly around the perimeter of the building.

**GRADE PLANE, NEW** - A reference plane representing the average grade of a new structure created as a result of an addition or construction of an entirely new structure based on the existing grade prior to construction using points six (6) feet from the entire foundation spaced uniformly around the perimeter of the building.

**GRADING** – Any operation that modifies the existing topography such as cutting, stripping, filling, stockpiling or any combination thereof.

**GREEN (LIVING) ROOF** – An extension of the existing roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane, which may also include additional layers such as a root barrier and drainage and irrigation systems.

**GYM** – See "HEALTH CLUB."

**HEALTH CLUB** – An establishment that provides a combination of facilities for personal training, physical exercise, running and jogging, weight training and strength conditioning, game courts, swimming facilities, exercise equipment, saunas, showers and/or lockers. Health clubs may include pro shops, as well as instructional programs for members and guests which may include individual or group sessions.

**HEIGHT OF BUILDING OR STRUCTURE** – The vertical distance from the grade plane and new grade plane to the level of the highest point of the roof surface.

**HISTORIC DISTRICT** - One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, as designated as a local historic district in the Historic Preservation Element of the Master Plan.

**HISTORIC LANDMARK** – Synonymous with "Historic Site." See inventory of historic landmarks in the Appendix of this Chapter.

**HISTORIC SITE** - Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been designated as a local historic site in the Historic Preservation Plan Element of the Master Plan as being of historical, archaeological, cultural, scenic or architectural significance.

**HOME OCCUPATION** – An occupation or business activity conducted by a resident as a customary, incidental and accessory use in the resident's dwelling unit as further regulated in Section 35-9.9G.

**HOMEOWNERS' ASSOCIATION** – A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

**HOTEL, FULL-SERVICE OR SUITE** – A facility offering transient lodging accommodations to the general public with not less than thirty (30) rooms and may provide additional services such as restaurants, meeting rooms and entertainment. Recreation facilities may be provided for the guests.

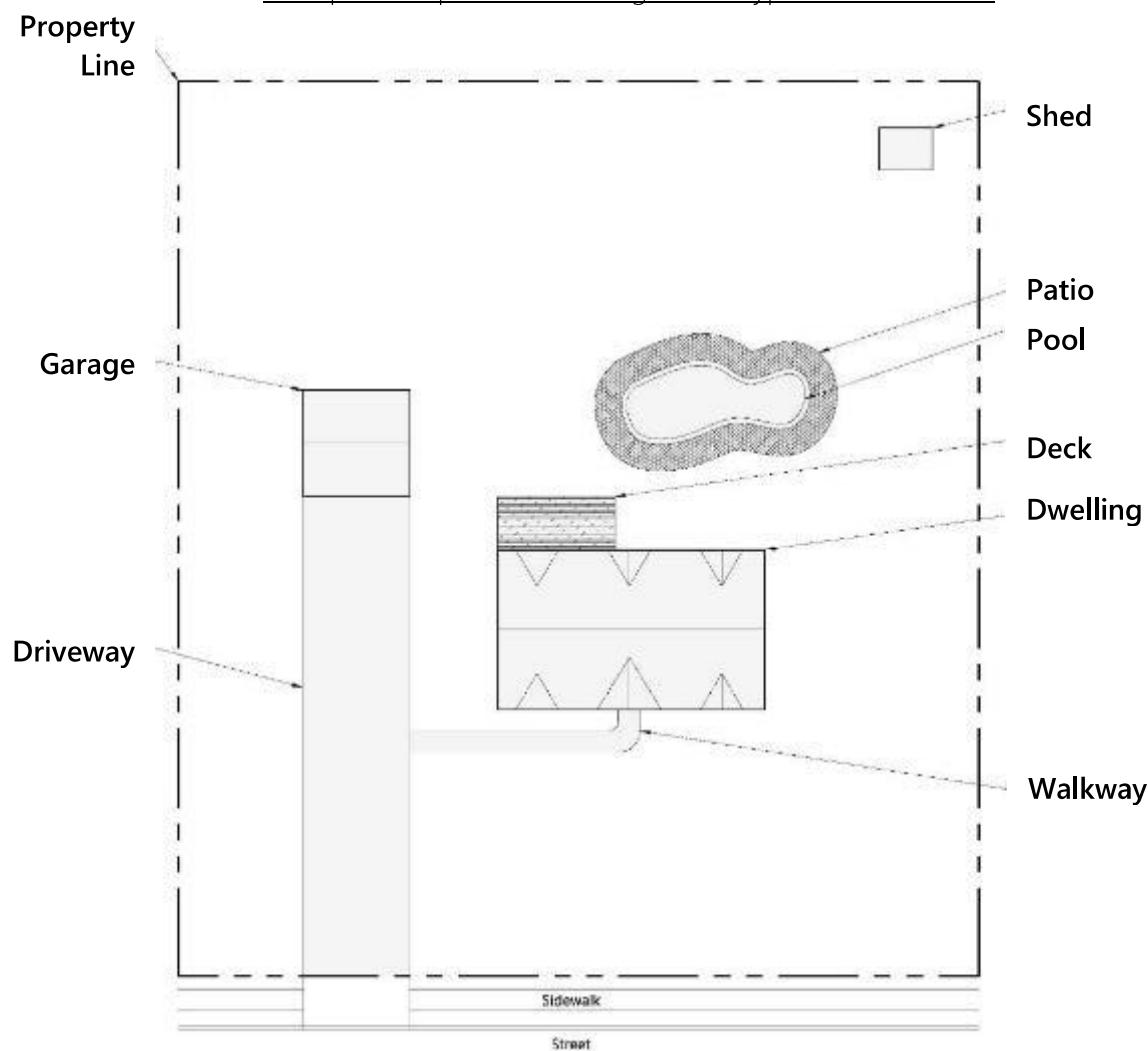
**HOUSE OF WORSHIP** – A building or structure, or groups of buildings or structures, that by design, construction, or alteration are primarily intended for conducting organized religious services and associated accessory uses.

**HOUSEHOLD** – A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA ("IESNA") – A recognized technical and educational authority on illumination.

**IMPERVIOUS COVERAGE or IMPERVIOUS SURFACE** - Shall mean a surface composed of any material that is highly resistant to natural infiltration of water into the soil. This term shall be used to include, but is not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or highly compacted gravel or soil surface. Further, other areas determined by the City Engineer to be impervious within the meaning of this definition shall also be classed as impervious surfaces.

Example of impervious coverages on a typical residential lot



**IMPROVED LOT** – A lot upon which exists a structure or building.

**INOPERABLE VEHICLE** – A vehicle that is not functionally operable and/or that is not currently registered, insured and inspected.

**INSTITUTIONAL USE** – A nonprofit or religious facility such as a church, library, or hospital that is used for a public purpose.

**INSTRUCTIONAL SCHOOLS AND STUDIOS** – Establishments providing instruction such as dance, culinary, visual and performing arts, gymnastics or the martial arts to classes including aerobics classes and exercise classes, but not establishments focused on individual activities such as personal training, massage therapy, or personal fitness facilities.

**INTERESTED PARTY** – An interested party shall qualify as one of the following or as otherwise determined by law:

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the City, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this Chapter.

**JUNK YARD** – The use of any space, whether inside or outside a building, for the storage, keeping, or abandonment of scrap metals, paper, rags, glass, brush, wood, lumber, building materials, or other scrap materials, or other reclaimable materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

**KENNEL** – Any structure or premises wherein or whereon the business of overnight boarding, selling or breeding dogs or other domesticated animals for research, commercial or retail sales purposes is carried on, except a pet shop.

**LAND** – Ground, soil or earth including improvements and fixtures on, above or below the surface.

**LAND DISTURBANCE** – Any activity involving the clearing, cutting, excavating, filling, grading and any other activity which causes land to be exposed to the danger of erosion.

**LIGHTING COLOR TEMPERATURE** – A description of the appearance of an artificial light source typically expressed or measured in degrees of Kelvin (K) on a scale ranging from 1,000K to 10,000K with lower color temperatures generally being referred to as “warm” or yellowish and higher color temperatures referred to as being “cool”, white or blue representative of the various phases of daylight.

**LIGHTING FIXTURE** – A permanent artificial light source generated by electricity or gas powered.

**LIGHTING FIXTURE SHIELD (CUTOFF)** – A solid lighting fixture element positioned around an artificial light source intended to direct light to illuminate a specific area and eliminate glare in unintended directions and shall be used in achieving ‘dark-sky compliance’.

**LIGHTING, FLOOD** – A broad-beamed, high-intensity artificial light so directed or diffused to illuminate a relatively large outdoor space.

**LOADING SPACE** – An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a vehicle while loading or unloading.

**LONG TERM CARE FACILITY** – A facility which provides a full range of twenty-four (24) hour direct medical nursing and other health services for residents thereof. Registered nurses, licensed practical nurses and nurses' aides provide

services prescribed by a residence physician. The emphasis is on nursing care, but restorative physical, occupational, speech and respiratory therapies may also be provided. This level of care may also include specialized nursing services such as intravenous feeding or medication, tube feeding, injected medication, daily wound care, rehabilitation services and monitoring of unstable conditions.

**LOT** – A designated parcel, tract or area of land established by plat, or otherwise as permitted by law, and to be used, developed or built upon as a unit.

**LOT AREA** – The total area within the lot lines of a lot but not including any street rights-of-way.

**LOT, CORNER** – A parcel of land, either at the junction of and abutting on two (2) or more intersecting streets or abutting a single street at the point where the road tangents deflect by more than forty-five (45) degrees.

**LOT COVERAGE** — That portion of a lot, expressed as a percentage of the lot area, which is improved or is proposed to be improved with any of the following:

- A. Building Area as defined herein and under 35-7.2, Definitions.
- B. Parking areas, loading areas, driveways, and other areas for vehicular use, regardless of the surface material.
- C. All patios, swimming pools and fountains, regardless of the surface material.
- D. Any impervious surface, whether or not defined herein or in 35-7.2, Definitions, with the exception of solar panels pursuant to N.J.S.A. 40-55D-38.1.

**LOT DEPTH** – The minimum distance between the front lot line and mean rear lot line of an individual lot.

**LOT DISTURBANCE** – All areas disturbed for the purpose of the construction of buildings or other structures on an individual fee simple lot. This total shall include all disturbances including but not limited to building and structure areas, lawns and areas of tree removal.

**LOT FRONTRAGE** – The distance for which a lot or parcel of land abuts a street right-of-way. The minimum lot frontage shall be the same as the minimum lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum lot frontage shall not be less than seventy-five (75%) percent of the required minimum lot width. In the case of corner lots, the frontage shall be measured along each street frontage.

**LOT, INTERIOR** – Any lot other than a corner lot.

**LOT, ISOLATED** – An undeveloped substandard lot in separate ownership from any adjacent lot(s).

**LOT, THROUGH** – A lot which extends from one (1) street to another with frontages on two (2) streets that do not intersect at the boundaries of the lot.

**LOT, MERGED** – A lot created when two (2) or more contiguous lots in common ownership are combined because either one (1) or both of these lots are unimproved and either one does not conform to the zoning ordinance bulk requirements.

**LOT LINE** – A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

**LOT LINE, FRONT** – The lot line separating a lot from a street right-of-way. In the case of through lots, the front lot line shall be the line on which the primary entrance of the principal building faces.

**LOT LINE, REAR** – The lot line opposite and most distant from the front lot line, or the point at which the side lot lines meet.

**LOT LINE, SIDE** – Any lot line other than a front or rear lot line.

**LOT WIDTH** – The distance between the side lot lines measured at the required front setback line. On corner lots, lot width shall be measured at the required front setback line along all street frontages.

**MAINTENANCE GUARANTEE** – Any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds and letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (C. 40:55D-53.5), and cash.

**MAJOR DEVELOPMENT** - In accordance with N.J.A.C. 7:8-1.2, 'major development' shall mean "an individual development as well as multiple developments that individually or collectively result in: (1) the disturbance of one or more acres of land since February 2, 2004; (2) the creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004; (3) the creation of one-quarter acre or more of "regulated motor vehicle surface since March 2, 2021; or (4) a combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3 or 4 above. Projects undertaken by any government agency that otherwise meet the definition of 'major development' but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered 'major development'."

**MANUFACTURING** – An activity which involves the fabrication, reshaping, reworking, assembly or combining of products from previously prepared materials and which does not involve the synthesis of chemicals or chemical products or the processing of any raw materials. Manufacturing includes light industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly or milling activities. Manufacturing does not include the term Pilot Plant.

**MARIJUANA** – Refers to the Cannabis plant family Cannabaceae, any part of the Cannabis plant family Cannabaceae, and the seeds of the Cannabis plant family Cannabaceae.

- A. Medical – Products, uses, facilities and equipment governed by N.J.A.C. 8:64 et seq.
- B. Alternatives/Varieties/Forms – Marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- C. Cultivation – The growth, maintenance or harvesting of Marijuana, including seeds.

- D. Manufacturing— The processing, compounding, conversion, packaging, manipulation or use of Marijuana in producing or modifying cannabinoid products, concentrates or extracts.
- E. Retail/Dispensary – The on-site sale or consumption/use including inhalation, ingestion or application of Marijuana or Cannabinoid products, other than medical Marijuana, to consumers.
- F. Research & Development (Laboratory) -
- G. Distribution & Transport – The wholesaling, storage, shipping and handling of all varieties of Marijuana and Cannabinoid products, concentrates and extracts.

**MARQUEE** – See "CANOPY"

**MASTER PLAN** – A composite of one (1) or more written or graphic proposals for the development of the City of Summit as set forth in and adopted pursuant to N.J.S.A. 40:55D-28 et seq.

**MOTOR VEHICLE** – Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, including commercial and large vehicles, such as trucks and recreational vehicles weighing greater than ten thousand (10,000) pounds.

**MULTIFAMILY** – See "DWELLING, MULTIFAMILY."

**MUNICIPAL AGENCY** - The Planning Board, Zoning Board of Adjustment or the Mayor and Common Council, and any agency which is created by or responsible to the City of Summit when such agency is acting pursuant to this Chapter.

**MUNICIPAL LAND USE LAW ("MLUL")** – New Jersey statute N.J.S.A. 40:55D-1 et seq., as amended, governing the land use planning and zoning powers of municipalities throughout the State.

**MUNICIPAL USE** – Any governmental use made by the City of Summit of property owned or leased by it or legally under its control by easement, license or otherwise.

**MUSEUM** - Premises used for the exhibition of objects of cultural, historical, or scientific interest, and which may include the collection or preservation of such objects, for the recreation or cultural education of the public.

**NEIGHBORHOOD AVERAGE** - When computing the neighborhood averages referred to in this Chapter, the neighborhood shall consist of the three (3) lots on both sides of the subject property and three (3) nearest lots across the street from the property having common street frontage(s) and regardless of Zone designation. In cases where there are fewer than three (3) lots on one or both sides of the subject property, or three (3) lots across the street, for purposes of neighborhood average calculations as provided in this Chapter, the average calculation shall be based on the greatest number of applicable lots up to an intervening street or street terminus. Lots with principal buildings having front yard setbacks equal to or greater than two (2) times the minimum required front yard setback of their respective zones shall not be included in any neighborhood average calculation.

**NIGHTCLUB** - Any premises licensed to provide for the on-premises consumption of alcoholic beverages, and where the principal use or function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is the sale of food, and the principal use or function after regular meal hours is the selling of alcoholic beverages and incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq., and where any of the following elements exist: (a) more than thirty (30%) percent of the floor area of the establishment is devoted to an entertainment portion of the business; or (b) the occupancy rate is either more than 130% of the number of seats or less than 12 square feet per occupant. Entertainment shall include background music, whether live or recorded, whose primary purpose is to create an atmosphere or ambiance.

**NOISE** – Under this Chapter, noise shall be as defined in New Jersey Department of Environmental Protection Regulations, N.J.A.C. 7:29 et seq. and in the Revised General Ordinances of the City of Summit.

**NONCONFORMING LOT** – A lot of record, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. Lawful shall include lots that have received variances for area, dimension or location or was in compliance prior to adoption of this Chapter.

**NONCONFORMING SIGN** – Any sign lawfully existing on the effective date of this Chapter or any amendment thereto that renders such sign nonconforming because it does not conform to all the standards and regulations of such Chapter.

**NONCONFORMING STRUCTURE (BUILDING)** – A structure or building the size, dimension or location of which was lawful prior to the adoption, revision or amendment to this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. Lawful shall include structures or buildings that have received variances for size, dimension or location or were in compliance prior to adoption of this Chapter.

**NONCONFORMING USE** – A use or activity which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

**NUISANCE FACTORS** – An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another's right, including the actual or potential emanation of any physical characteristics or activity or use across a property line that can be perceived by or that affects a human being, or the generation of an excessive or concentrated movement of people or things, or any characteristic detrimental to the value or use of any adjacent property, such as:

- A. Noise.
- B. Dust.
- C. Smoke.
- D. Fumes.
- E. Odor.
- F. Glare.

- G. Flashes.
- H. Vibration.
- I. Shock waves.
- J. Heat.
- K. Electronic or atomic radiation.
- L. Objectionable effluent.
- M. Passenger traffic.
- N. Transportation of things by truck, rail or other means.
- O. The obscuring or masking of adjacent or nearby property by projecting signs, marquees, or canopies.
- P. Any adverse, unpleasant or incongruous appearance caused by such matters as exposed storage of inoperable automobiles or junk materials, neglect or dilapidation of land or building, exposed parking of commercial vehicles on residential lots, dead or dying trees or the unsightly accumulation of fallen leaves, branches, litter, or other debris.
- Q. Unusual risks of fire or explosion, such as manufacture and/or storage of wood, fuel, or explosives.
- R. Parking of motor vehicles on other than driveways or approved parking areas.

**NURSING FACILITY/NURSING HOME** – See "LONG TERM CARE FACILITY."

**OBLIGOR** – Any individual, firm, association, corporation or any other legal entity and shall include the owner or subdivider, or both, as may be required by the City. The "obligor" shall be responsible for posting and executing any required performance guarantee.

**OFFICE** – A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

**OFFICE, PROFESSIONAL** – The office of a member of a recognized profession which shall be so designated by the approving authority upon finding by such approving authority that such operation is professional in character and requires at least a bachelor's degree from an accredited college or university, licensing, and training and experience 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 to any greater extent than would the permitted uses listed in that zone. The issuance of a State or local license for regulation of any such occupation shall not, alone, be deemed indicative of professional standing. When such office is combined with a residence, the conditions of a "Home Occupation" shall apply.

**OFFICIAL MAP** – A map adopted by ordinance pursuant to Article 5 of P.L. 1975, c. 291 (C. 40:55D-32).

**OFF-LOT** – Located outside the lot lines of the lot in question.

**OFF-SITE** – Located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a development application or a contiguous portion of a street or right-of-way.

**OFF-TRACT** – Not located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

**ON-SITE** – Located on the lot in question and excluding any abutting street or right-of-way.

**ON-TRACT** – Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OPEN SPACE** – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**OPEN SPACE, COMMON** – An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

**OPEN SPACE, PUBLIC** – An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational uses or conservation purposes.

**OUTDOOR DINING** – Outdoor seating associated with an adjacent restaurant or retail food establishment located on private property and not subject to the requirements of Section 4-20 of the City's Revised General Ordinances governing Sidewalk Cafes. Outdoor dining requirements are provided in Section 35-9.9J. of this Chapter.

**OUTDOOR STORAGE** – The stockpiling or warehousing of vehicles, merchandise, materials, and/or machinery outside the enclosed confines of a building, including, but not limited to, sand, gravel, dirt, asphalt, lumber, pipes, plumbing supplies, metal, concrete, insulation, construction equipment, construction vehicles, and delivery/service vehicles. The term "outdoor storage" shall not include the outdoor display of merchandise for sale on the premises.

**OVERLAY ZONE DISTRICT** – An overlay zone is a zoning district that encompasses one (or more) underlying zones and permits an additional use (or uses) over and above the uses permitted in the underlying zone. When used within the context of a multi-family affordable housing overlay, a property owner is entitled to continue to use the property as it has historically been used, has the right to change the existing use to another permitted use, enlarge/expand that existing use and redevelop the property pursuant to the underlying zone, but is also entitled to use the property for multi-family residential use with an affordable housing set-aside as provided for in the Overlay Zone District use, area and bulk regulatory provisions.

**PARKING AREA, PRIVATE** – Any open area, including parking spaces and aisles, providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.

**PARKING AREA, PUBLIC** – Any open area, other than a street or other public way, including parking spaces and access aisles, providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles and available to the public, with or without compensation, or as an accommodation for clients, shoppers, customers and employees.

**PARKING FACILITY** – Any public or private parking area or garage.

**PARKING SPACE** – A space for the off-street parking of one (1) operable, licensed motor vehicle within a public or private parking area or garage.

**PARTY IMMEDIATELY CONCERNED** – For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice.

**PATIO** – A single or multilevel structure at or within one (1) foot of the finished grade, not covered by a roof, and regardless of its material composition. Patios shall not be considered a part of building area but shall be included in the calculation of lot coverage when they constitute impervious cover.

**PERFORMANCE GUARANTEE** – Any security which may be accepted by the City, including cash, provided that a municipality shall not require more than ten (10%) percent of the total performance guarantee in cash.

**PERFORMANCE STANDARDS** – A set of criteria or limits relating to certain characteristics that a particular use or process shall satisfy or not exceed.

**PERMIT** – A certificate issued to perform work under this Chapter.

**PERSON** – A corporation, company, association, society, firm, partnership or joint-stock company, as well as an individual, the State and all political subdivisions of the State or any agency or instrumentality thereof.

**PERSONAL SERVICE FACILITIES** – Establishments primarily engaged in providing services involving personal care of a person or his or her personal goods or apparel including the following: day spas, hair salons, beauty salons, massage services provided that the staff performing services are licensed by the State of New Jersey, and barbershops; skin care and nail salons or combinations; shoe repair; clothing services such as coin-operated laundries, cleaning and pressing facilities; clothing alterations; custom tailoring and clothing rentals; photographic studios; personal training, and tutoring.

**PHILANTHROPIC USE** – A use established by a nonprofit organization and funded through a foundation or other charitable means for the purpose of promoting human welfare. Such use does not include "community residences for the developmentally disabled" or "community shelters for victims of domestic violence" as defined herein.

**PILOT PLANT** – An establishment or part thereof used to test out concepts and ideas regarding compound composites and determine physical layouts, material flows, type of equipment required, costs, and secure other information in the discovery and advancement process of a product, incidental to compound approval prior to the transfer to a full-scale production site. A pilot plant is an intermediate step between research and full-scale production in support of clinical studies and trials to ultimately submit to and obtain approval of a final product from the Federal Food & Drug Administration (FDA).

**PLANNED OFFICE RESEARCH DEVELOPMENT** – See "DEVELOPMENT, PLANNED OFFICE RESEARCH."

**PLAT** – The map or maps of a subdivision or site plan.

**PORCH** – A roofed open area, which may be screened, usually attached to or part of and having direct access to and from a building.

**PRELIMINARY APPROVAL** – The conferral of certain rights, prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board or Zoning Board of Adjustment and the applicant.

**PRELIMINARY FLOOR PLANS AND ELEVATIONS** – Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

**PRELIMINARY PLAT OR SITE PLAN** - The preliminary map indicating the proposed layout of a subdivision or site plan which is submitted to the Planning Board for consideration and preliminary approval.

**PRESERVATION EASEMENT** - A preservation easement is a legal instrument that provides enduring protection for a historic property. Residences, commercial structures, farmsteads, and formal gardens are a few examples of the types of historic properties protected by preservation easements. The historic property should be listed or be eligible for listing on the New Jersey Register of Historic Places. A preservation easement is recorded in deed form in the county land records. (Source: New Jersey Historic Trust)

**PRINCIPAL BUILDING** – A building arranged, adapted or designed for the predominant or primary use of the premises.

**PRINCIPAL USE** – The primary or predominant use of the premises.

**PRINTING FACILITY** – A business established for the purpose of the printing and distribution of printed materials and transmission of data or communication through a printed media.

**PRIVATE CLUB** - An organization and its premises catering exclusively to its members and their guests for social or intellectual purposes which is not for profit and does not primarily render a service which is customarily done as a business.

**PUBLIC AREAS** – (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

**PUBLIC ART** – Any media that has been staged in the physical public domain, usually outside and accessible to all which may include, but is not limited to, murals, sculptures, statues, memorials, integrated architecture and landscape forms.

**PUBLIC USE** – A government owned or operated building, structure, or land used for public purpose.

**PUBLIC UTILITY** – A facility with the primary function of generating, creating or harnessing natural or man-made energy for essential services use or distribution off-site, including electrical sub- and switching stations, or the disposal or treatment of water or wastes, not including service yards or storage and treatment yards and facilities or wireless telecommunications facilities.

**QUORUM** – A majority of the full authorized membership of a municipal agency.

**RAIN GARDEN** – A landscaped, shallow depression that captures, filters and infiltrates stormwater runoff while removing nonpoint source pollutants from stormwater and recharging groundwater.

**RECREATION, ACTIVE OUTDOOR** – Facilities for leisure time activities which require equipment and take place at prescribed places, sites or fields, including but not limited to swimming, tennis, and/or other court games, other field sports, running, jogging, water sports and playground activities.

**RECREATION FACILITY** – A place where sports, leisure time activities and customary and usual recreational activities are carried out.

**RECREATION FACILITY, PERSONAL** – An accessory recreational use located on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

**RECREATION FACILITY, PRIVATE** – Recreational and athletic facilities operated by a private organization and open only to bona fide members and guests of such organization.

**RECREATION FACILITY, PUBLIC** – Recreational and athletic facilities operated by the City, County or other governmental agency.

**RECREATION, PASSIVE OUTDOOR** – Facilities for activities that involve relatively inactive endeavors, including but not limited to, walking, sitting, picnicking and/or outdoor table games. Passive outdoor recreational facilities may also include open areas suitable for nature walks and for scenic observations.

**RECREATIONAL VEHICLE** – A vehicle without permanent foundation that can be towed, hauled or driven and designed to be used for recreational, camping and travel use including but not limited to trailers, campers, boats and buses.

**RESEARCH** – The act or enterprise of systematic search for, acquisition of, and practical application of scientific knowledge in the biology, chemistry, physics and engineering sciences, specifically including, but not limited to:

- A. Analytical, theoretical, experimental scientific investigation;
- B. Design, engineering, development of materials, products, processes;
- C. Assembly, fabrication, operation, processing of prototype materials, processes, products as necessary for test, evaluation;
- D. Pilot plant activities;
- E. Distribution, storage of materials, processes, products as necessary for test evaluation;
- F. Direct administration, control, management, support of the above activities and the personnel so employed, as necessary.

**RESEARCH AND PRODUCT DEVELOPMENT LABORATORY** – A facility housing "research" as defined herein. Research and research support uses include but are not limited to the following:

- A. Laboratories devoted to experimentation in the biology, chemistry, physics and/or engineering sciences, including the design, development, engineering, and/or testing of materials, processes and products, and the assembly, fabrication operation, and/or processing of prototype materials processed and/or products for test and/or evaluation.
- B. Rooms housing equipment and/or materials actively and directly used in research and technology, including computer rooms, conference rooms, libraries, and demonstration rooms.
- C. Office space for employees, consultants, and/or visitors actively participating in, supervising, or supporting research uses.
- D. Cafeteria/kitchen space for serving employees and guests; shipping/receiving, stockroom and storage facilities; support services; dispensary; and exercise, locker, and shower rooms for employees.

**RESEARCH LABORATORY** – A facility limited to laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional purposes.

**RESIDENTIAL CLUSTER** – A contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

**RESIDENTIAL DENSITY** – The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

**RESIDENTIAL SITE IMPROVEMENT STANDARDS ("RSIS")** – Statewide requirements set forth in N.J.A.C. 5:21 et seq. for improvements related to residential development, including streets, parking, water supply, sanitary sewers and stormwater management.

**RESTAURANT** – An establishment with seating where food and drink is prepared, served and consumed primarily within the principal building without facilities for drive-through order or drive-through pickup or any service from within the building to patrons outside at a pick-up window, counter or similar opening.

**RESTAURANT, FAST FOOD** – Any facility or part thereof, the primary, normal and usual function of which is the sale of food and beverages prepared for immediate consumption and packaged or wrapped in paper or other disposable containers for sale over the counter or at a drive-up window to customers for consumption within the building or off and away from the premises.

**RESUBDIVISION** – The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances made so as to combine existing lots by deed or other instrument.

**RETAIL FOOD ESTABLISHMENT** – An establishment in which food or drink is sold primarily for off-premises preparation and consumption. A maximum of twelve (12) seats are permitted for on-site consumption, which shall not create an additional parking requirement.

**RETAIL SALES** – Establishments engaged in selling goods or merchandise to the general public for personal, household or business use, not including the sale or rental of transportables, sexually-oriented businesses as defined in Title 2C of the New Jersey Criminal Code, as amended, junk or scrap yards, petroleum and propane bulk stations or sale of used automotive parts.

**RETAIL SERVICE FACILITIES** – Establishments providing services, as opposed to products, or both services and products, to the general public including the following: copy or printing centers; showrooms for household furnishings, remodeling or decorating, which may also provide design services; telephone services; opticians, pet care and grooming (but not including kennels, shelters, overnight boarding, outdoor facilities or veterinary services); photography studios; package wrapping and mailing services; tax return preparation services; security and commodity brokers, dealers, exchanges and services; banks or savings and loan institutions providing direct customer services either through tellers or automated bank machines; real estate agencies; travel agencies.

**RIGHT-OF-WAY LINES** – The boundary lines of land used or intended for use as streets and from which yard and other requirements shall be measured. Where existing records are vague, the right-of-way lines shall be as determined by the City Engineer or, in the alternative they shall be considered to be not less than fifty (50) feet apart, and twenty-five (25) feet from the centerline of streets.

**SATELLITE DISH** – An apparatus capable of transmitting and/or receiving signals from geo-stationary orbital satellites, also known as a satellite earth station, and having a diameter of not more than 24 inches.

**SCHEDULE OF SPACE REGULATIONS** – The density and setback regulations for each zone, presented in a tabular format.

**SCHOOL** – Any building or part thereof which is designed, constructed or used for education of students up to and through the secondary level and licensed by the State of New Jersey, Department of Education.

**SCREENING** – A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**SEDIMENTATION** – The deposition of soil that has been transported from its site or origin by water, ice, wind, gravity or other natural means as a product of erosion.

**SELF-STORAGE FACILITY** – A building or group of buildings in single ownership containing separate spaces or compartments for dead storage of goods, wares and equipment and leased or rented on an individual basis.

**SENIOR CITIZEN** – Any person who has attained the age of sixty-two (62) years of age, or the spouse of that person, or the surviving spouse of that person, if the surviving spouse is fifty-five (55) years of age or older.

**SENIOR HOUSING** – Housing that is located and designed to meet the special needs and accommodate the changing living arrangements of senior citizens.

**SERVANT** – A person fully employed in domestic duties while on the premises and having no other employment.

**SETBACK LINE** – That line to which a building must be set back from the property line and that establishes the building envelope.

**SHOPPING CENTER** – An assembly of retail stores designed and constructed as a unit at one (1) time, under single ownership or control at the time of design and construction and located on a lot of at least one (1) acre.

**SIDEWALK CAFÉ** – As defined and regulated in Section 4-20 of the City of Summit Revised General Ordinances, a 'sidewalk café' shall mean a retail food establishment:

- A. Serving food to be consumed by the public at tables located within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street, the principal facade of the adjacent building, and the imaginary perpendicular lines running from the outer edge of such principal facade to the public street;
- B. Containing readily removable tables, chairs, temporary railings and/or planters; and
- C. Unenclosed by fixed walls or ceilings, except for retractable awnings, umbrellas or other non-permanent enclosures which in no way present a safety hazard to or impede pedestrian traffic.

**SIGHT TRIANGLE** – A triangular shaped portion of land established at intersections and commercial property driveways in accordance with the requirements of this Chapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

**SIGN** – Any device, fixture, placard or structure visible from the right-of-way that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of, or identify a person, entity or thing, or to communicate any information to the public.

**SIGN, A-FRAME (SANDWICH BOARD)** - A portable sign that consists of two (2) hinged sign boards with information on each side designed to be placed on the ground or hung from the shoulders of an individual.

**SIGN, ADVERTISING** – A sign which advertises or otherwise directs attention to a use, business, products, commodity, service, activity or entertainment manufactured, conducted, sold or offered elsewhere than on the premises where such sign is located.

**SIGN, ANIMATED** - A sign which includes action, motion or color changes, or the optical illusion of action, motion or color changes, including signs set in motion by movement of atmosphere, or made up of a series of sections that turn.

**SIGN, AREA** – See Section 35-14.1S.6.a. for *"Measurement of Area of Individual Signs."*

**SIGN, BUILDING** – Any sign attached to any part of a building below the roof line. Building signs include window signs and canopy signs.

**SIGN, CANOPY** – Any sign on or attached to, an awning, marquee, or canopy, fixed or movable, projecting from a building.

**SIGN, CONSTRUCTION** - A temporary on-premises sign identifying the on-going construction activity during the time related to building or site improvements that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy that is limited to the on-going construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site and/or the builder, the architect, the engineer, and the planner involved with the project

**SIGN, DIRECTIONAL** - Signs containing directional information whose purpose it is to regulate and control the flow of vehicular and pedestrian traffic, as well as signs containing directional information about public places owned or operated by federal, state, county or local governments or their agencies; publicly owned natural phenomena; historic, cultural, scientific, educational and religious sites; areas of natural beauty or naturally suited to outdoor recreation; and business establishments in a facility with multiple occupancies.

**SIGN, FREESTANDING** – Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

**SIGN, TEMPORARY** – Any sign in place for thirty (30) days or less.

**SIGN, WINDOW** – Any sign that is placed within a window or upon the window panes or glass or is visible from the exterior of the window.

**SIGN, WINDOW, PERMANENT** – Any window sign that is painted directly on the window glass with permanent paint, or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

**SITE** – Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SITE PLAN** – A development plan of one (1) or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, wetlands and waterways;
- B. The location of all existing and proposed buildings, driveways, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices;
- C. Any other information that may be reasonably required in order to make an informed determination pursuant to this Chapter by the Planning Board or Zoning Board of Adjustment.

**SITE PLAN, EXEMPT** – Individual single family and two-family houses on existing lots and building alterations which do not require additional parking and which do not constitute a change in use.

**SITE PLAN, MAJOR** – A development that does not qualify as a minor site plan or exempt site plan.

**SITE PLAN, MINOR** – A development plan for a site that contains less than five (5) additional parking spaces or consists of less than one thousand (1,000) additional square feet of floor area or less than ten (10%) percent additional lot coverage.

**SOIL** – All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** – A plan that indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation.

**SOLAR ARRAY CANOPY** – An elevated structure providing a roof-like cover mostly composed of solar panels and associated supporting features situated above parking spaces, parking structures and pedestrian walkways, with the additional benefit of providing shade.

**SOLAR ENERGY SYSTEM** – A combination of photovoltaic cells or solar panels and associated electrical generation and structural support equipment designed to capture and convert solar energy into electricity for consumption.

**SOLAR PANEL** – A component of a solar energy system designed to absorb the sun's rays as a source of energy to be converted into electricity or heating.

**SOLAR READY** - Building design and construction which anticipates the needs associated with installation and use of solar panels and eliminates or minimizes the need for alteration and retrofitting to implement solar systems, including the following considerations:

- A. Roof slope that is oriented to optimize solar system performance.
- B. Maximized roof area available for solar system by limiting area dedicated to other roof mounted mechanicals.
- C. Building and roof structure is designed to accommodate the load of solar equipment, including wind load and other environmental impacts.
- D. Ensure access for service and maintenance needs of solar system once installed.
- E. Include conduit ducts and appropriate indoor equipment space is included in building design and construction.

**STORAGE** – The keeping or placing of goods, wares, materials, merchandise or equipment in a warehouse or other structure or in any open space.

**STORAGE SHED** – An accessory building used for the storage of items such as, but not limited to, tools, lawn and garden equipment and furniture, and similar items of personal property belonging to the occupant or owner of the principal structure.

**STORY** – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A "story above grade" shall be considered to be a story but an attic shall not, subject to the conditions set forth in the definition of "attic" and "attic story".

**STORY ABOVE GRADE** – Any story having its finished floor surface entirely above the grade plane, except that a basement shall be considered to be a story above grade where the finished surface of the floor above the basement is:

- A. More than six (6) feet above the existing or new grade plane; or
- B. More than six (6) feet above the grade plane for more than fifty (50%) percent of the total building perimeter; or
- C. More than twelve (12) feet above the surrounding grade at any point along the foundation.

**STORY, HALF** – A space under a sloping roof which has a line of intersection of the roof and wall face not more than three (3) feet above floor level in which space the possible floor area with head room of five (5) feet or less occupies at least thirty-five (35%) percent of the total floor area of the story directly beneath, as established in and applicable to the TH-1 Townhouse zone only.

**STREET** – A street, avenue, boulevard, road, parkway, viaduct, drive or other way:

- A. Which is an existing State, County or municipal roadway; or
- B. Which is shown upon a plat heretofore approved pursuant to law; or
- C. Which is approved by official action as provided by this Chapter; or
- D. Which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the right-of-way.

**STREET CLASSIFICATION** – For the purpose of this Chapter, in accordance with New Jersey Department of Transportation regulations and identified in Appendix I of this Chapter, "street" shall be classified as follows:

- A. **COLLECTOR** – A street that provides access between local streets and primary and secondary arterial roads and that is designated in the duly adopted City Master Plan.
- B. **LOCAL** – A street intended primarily for access to individual properties and designed for local traffic and that is defined in the duly adopted City Master Plan.
- C. **OTHER PRINCIPAL ARTERIAL** – Any street or road intended to serve major feeder roads to and from the freeway systems and carry large traffic volumes at steady speeds through the City and that is defined in the duly adopted City Master Plan.
- D. **MINOR ARTERIAL** – Any street or road that connects collector streets with primary arterial roads and freeways and acts as an alternate route for other principal arterial roads.

**STREET, PRIVATE** – A street which is owned and maintained by a private individual, organization or company rather than by a governmental entity.

**STREET, PUBLIC** – A street which has been accepted and is maintained by the municipality.

**STREET, SERVICE** – A street running parallel to a freeway or major arterial and that may serve abutting properties.

**STREET FURNITURE** – Constructed aboveground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles and fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces.

**STREET LEVEL** – The elevation of the centerline of a street.

**STRUCTURE** – A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

**SUBDIVISION** – The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this Chapter, if no new streets are created:

- A. Divisions of property by testamentary or intestate provisions.
- B. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- C. Consolidation of existing lots by deed or other recorded instrument.
- D. The conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the Administrative Officer to conform to the requirements of this Chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the City.

The term "subdivision" shall also include the term "resubdivision."

**SUBDIVISION, MAJOR** – Any subdivision not classified as a minor subdivision.

**SUBDIVISION, MINOR** – Any subdivision containing not more than three (3) lots and which does not involve: a planned research office development; any new street; or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

**SWIMMING POOL, PRIVATE** – An artificial basin or other structure for the holding of water, constructed on residential premises or as part of a private club or hotel for the sole use of the occupant of the premises, family and guests, for wading, swimming, diving or other aquatic sports and recreation. The term "swimming pool" shall not include any plastic, canvas, rubber or other small receptacle temporarily erected on the ground and which is less than eighteen (18) inches deep.

**TEMPORARY STORAGE CONTAINER** - A portable containerized property storage facility or unit intended to be temporarily utilized upon the exterior of residential premises for the purpose of storing all types of items of personal and household property either to facilitate movement of such property to commercial storage facilities, facilitate the moving of persons from household unit to household unit, and/or for temporary removal to accommodate construction or renovation of the dwelling.

**THEATER** – A facility used for viewing of live performances and/or films excluding adult entertainment uses.

**TOWNHOUSE** – See "DWELLING, ATTACHED SINGLE-FAMILY/TOWNHOUSE."

**TRACT** – Property which is the subject of a development application.

**TRACT DISTURBANCE** – All tract disturbances not associated with individual lots including areas disturbed for roadways and drainage systems.

**TRAILER** – Every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

**TRANSPORTABLE** – A prefabricated container, trailer or converted or altered vehicle body used or intended for use as temporary or permanent storage on-site. The term "transportable" shall not include prefabricated sheds for use on residential properties. Transportable shall include emergency temporary residential transportables, temporary construction site trailers and temporary storage transportables.

**TRESPASS LIGHTING** – Any form of artificial illumination emanating from a lighting fixture, illuminated sign or other light source that penetrates other property in excess of the maximum lighting thresholds established in Section 35-14.1M.

**USE** – The purpose or activity for which land or buildings are arranged, designed or intended or for which land or buildings are occupied or maintained.

**USE, PRINCIPAL** – The main or primary activity of any lot or structure.

**VARIANCE** – Permission to depart from the literal requirements of a zoning regulation pursuant to this Chapter.

**VEHICLE SALES** – The use of any building, land area or other premises for the display and sale of new or used automobiles generally, but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

**VEHICLE SALES AREA** – An open and/or enclosed area, other than a right-of-way or public parking area, used for display, sale or rental of new or used vehicles in operable condition and where no repair work is done.

**WAIVER** – See "EXCEPTION".

**WALL** – A solid, vertical structure of wood, masonry or other material serving to enclose, divide or protect an area.

**WAREHOUSE** – A building in which goods, supplies, equipment, materials or merchandise may be stored, where no physical change in such articles takes place and where such articles are not otherwise used on the premises, such as in storage areas when part of a retail establishment or manufacturing plant.

**WATER BODIES** – Any natural or artificial collection of water, whether permanent or temporary.

**WATERCOURSE** – Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**WHOLESALE SALES AND SERVICES** – Establishments or places of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, not including the sale of used automotive parts, junk and scrap yards or petroleum and propane bulk stations or terminals.

**WIRELESS TELECOMMUNICATIONS** – Any personal wireless services as defined in the Telecommunications Act of 1996 which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include noncellular telephone services.

**WIRELESS TELECOMMUNICATIONS ANTENNA ("WT ANTENNA")**. Antenna of any type of design, which is or may be used for the delivery of wireless telecommunications, except for radio antenna, dish antenna, or satellite receiving stations as otherwise regulated in this Chapter.

**WIRELESS TELECOMMUNICATIONS EQUIPMENT ("WT EQUIPMENT")** – Any building, structure, or equipment, including without limitation, transmitters, power sources, or other equipment, except antennas or towers, which are or may be used for the delivery of wireless telecommunications.

**WIRELESS TELECOMMUNICATIONS COMPOUND ("WT EQUIPMENT COMPOUND")** – The area which houses any combination of WT equipment.

**WIRELESS TELECOMMUNICATIONS TOWERS ("WT TOWERS")** – A vertical structure which is or may be used to support any WT antenna or other WT equipment, whether freestanding or attached to any existing structure.

**WIRELESS TELECOMMUNICATIONS TECHNOLOGY ("WT TECHNOLOGY")** – Collectively, refers to all WT antennas, WT equipment, WT equipment compound, and WT towers.

**WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER ("WT SERVICE PROVIDER")** – Any person, business organization, or other entity, of any kind, whether public or private, which seeks to install, operate, or maintain any combination of WT technology within the boundaries of the City of Summit, or which already operates or maintains such WT technology as of the effective date of this Chapter.

**YARD** – An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard shall be unoccupied and unobstructed from the ground upward and downward except as provided within this Chapter.

**YARD, FRONT** – A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at its closest point to the front lot line. Said "front yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter.

**YARD, REAR** – A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at its closest point to the rear lot line. Said "rear yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter.

**YARD, SIDE** – A space extending from the front yard to the rear yard between the principal building and the side lot line. Said "side yard" shall be unoccupied and unobstructed from the ground upward, except as may be permitted elsewhere in this Chapter.

**YARD, SIDE (TOTAL)** – The combined side yard linear dimensions of a lot relative to its lot width expressed as a percentage.

**YARD, REQUIRED FRONT** – The minimum open space established by the zoning ordinance and situated between the right-of-way line and the permitted building line, extending between side property lines. In the case of irregular lots the "front yard" shall extend to a line where the width complies with this Chapter. In the case of corner lots, the front yard shall be measured along all adjoining streets.

**YARD, REQUIRED REAR** – The minimum open space established by the zoning ordinance and situated between the rear property line and the permitted building line and extending between side property lines.

**YARD, REQUIRED SIDE** – The minimum open space established by the zoning ordinance and situated between a side property line and the permitted building line, and between the required front and rear yards. "Combined side yard" means the total width of the two (2) side yards expressed as a percentage of the lot width.

**ZONING CERTIFICATE OF OCCUPANCY** – A certificate issued by the Department of Community Services authorizing the specific use or occupancy of a property or premises, or a portion thereof.

**ZONING OFFICER** – The administrative officer designated to administer the zoning ordinance and issue zoning permits.

**ZONING PERMIT** – A document signed by the Zoning Officer:

- A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

Which acknowledges that such use, structure or building complies with the provisions of this ordinance or variance therefrom as duly authorized by the appropriate agency of the City pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

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## **PART 2 – ZONING**

### ARTICLE VIII – ZONING DISTRICTS DESIGNATED

#### **35-8.1 ESTABLISHMENT OF ZONES**

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For the purposes of this Article, the City of Summit is hereby divided into zone districts as follows:

A. *Zoning Districts.*

R-5	Single and Two-Family Residential Zone	B-1	Business 1 Zone
R-6	Single-Family Residential Zone	NB	Neighborhood Business Zone
R-10	Single-Family Residential Zone	ORC	Office Residential Character Zone
R-15	Single-Family Residential Zone	ORC-1	Office Residential Character 1 Zone
R-25	Single-Family Residential Zone	LI	Light Industrial Zone
R-43	Single-Family Residential Zone	PROD	Planned Research Office Development Zone
TH-1	Townhouse 1 Zone	PROD-2	Planned Research Office Development Zone
TH-2	Townhouse 2 Zone	RO-60	Research Office Zone
MF	Multi-Family Residential Zone	PI	Professional Institutional Zone
MFT	Multi-Family Tower Residential Zone	PL	Public Lands Zone
MF/TOD	Multi-Family/Transit Oriented Development Zone	G	Golf Zone
RAH-1	Affordable Housing Zone	GW I	Gateway I Zone
CRBD	Central Retail Business District Zone	GW II	Gateway II Zone
B	Business Zone		Broad Street West Redevelopment Area

B. *Overlay Zones.*1. Overlay Zone 1.

Block	Lot	Property Address
3303	1	255-269 Broad Street
4002	32	105-107 Park Ave
4002	33	Broad Street
4002	34	231-253 Broad Street, 111-113 Park
4002	35	Broad Street
4002	36	261 Broad Street

2. Overlay Zone 2.

Block	Lot	Property Address
3309	9	Walnut St
3309	10	19 Summit Ave
3309	11	21 Summit Ave
3309	12	23 Summit Ave
3309	13	25 Summit Ave
3309	14	27 Summit Ave
3309	15	9 Industrial Place
3309	16	15 Industrial Place
3309	17	15-21 Industrial Place
3309	17.01	17 Industrial Place
3310	1	31-5 Summit Ave
3310	3	320-22 Broad Street
3310	3.01	312-14 Broad Street
3310	3.02	316-18 Broad Street
3310	4	308-10 Broad Street
3310	5	290 Broad Street
3310	6	288 Broad Street
3310	7	278-288 Broad Street

3. Overlay Zone 3.

Block	Lot	Property Address
402	1	527 Morris Ave
402	2	529 Morris Ave
402	3	531-33 Morris Ave
402	4	535 Morris Ave
402	5	44 Plain Street
402	6	42 Plain Street
402	7	40 Plain Street
402	61	10 Aubrey Street
402	62	8 Aubrey Street
402	63	6 Aubrey Street

4. Overlay Zone 4.

Block	Lot	Property Address
1908	1	367 Springfield Ave
1908	2	371 Springfield Ave
1908	3	375-379 Springfield Ave
1908	4	381 Springfield Ave
1908	5	383-385 Springfield Ave
1908	6	387 Springfield Ave
1908	7	389 Springfield Ave
1908	8	395-397 Springfield Ave
1909	1	401 Springfield Ave
1909	2	407-409 Springfield Ave
1909	3	411-13-17 Springfield Ave
1909	4	419 Springfield Ave
1909	5	423-429 Springfield Ave
1909	6	431-437 Springfield Ave
1909	7	441 Springfield Ave
1909	8	443-445 Springfield Ave
1911	1-1.22	447-461 Springfield Ave (Acreage consolidated for Lots 1-1.22)
1911	2	463-469 Springfield Ave

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1911	3	475 Springfield Ave
1911	4	485-487 Springfield Ave
1912	18	2-4-6 Kent Place Boulevard
2601	1	9 Union Place
2601	2	11 Union Place
2601	3	13 Union Place
2601	4	17-19 Union Place
2601	5	21 Union Place
2601	6	25 Union Place
2601	7	31-37 Union Place
2601	8	39-45 Union Place
2602	1	13 Beechwood Road
2602	2	17 Beechwood Road
2602	3	18-22 Bank Street
2602	4	12 Bank Street
2602	5	10 Bank Street
2602	6	90 Summit Ave
2602	7	88 Summit Ave
2602	8	84 Summit Ave
2603	1	21-5 Beechwood Road
2603	2	27 Beechwood Road
2603	3	358 Springfield Ave
2603	4	356 Springfield Ave
2603	6	350 Springfield Ave
2603	7	344-346 Springfield Ave
2603	8	96-98 Summit Ave
2604	1	341 Springfield Ave
2604	2	343-5-7-9 Springfield Ave
2604	3	353 Springfield Ave
2604	4	355 Springfield Ave
2604	5	357 Springfield Ave
2604	6	359 Springfield Ave
2604	7	361-365 Springfield Ave
2604	8	37 Beechwood Road

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2608	5	321 Springfield Ave
2608	6	333 Springfield Ave
2608	7	107-113 Summit Ave
2614	1	67 Summit Ave
2614	2	71 Summit Ave
2614	3	73 Summit Ave
2614	4	75-77 Summit Ave
2614	5	83-85-87 Summit Ave
2614	6	89 Summit Ave
2614	7	93-95 Summit Ave
2614	8	97-99 Summit Ave
2614	9	330-342 Springfield Ave
2614	10	326 Springfield Ave
2614	11	46 Glenwood Place
2703	1	494 Springfield Ave
2703	2	482-488 Springfield Ave
2703	4	478 Springfield Ave
2703	5	466-474 Springfield Ave
2703	7	462 Springfield Ave
2703	8	458 Springfield Ave
2703	9	446-456 Springfield Ave
2703	10	440-444 Springfield Ave
2703	11	438 Springfield Ave
2703	12	434 Springfield Ave
2703	13	430-432 Springfield Ave
2703	14	428 Springfield Ave
2703	15	426 Springfield Ave
2703	16	420 Springfield Ave
2703	17	412-414 Springfield Ave
2703	18	408-410 Springfield Ave
2703	20	402-404 Springfield Ave
2703	21	27-29 Maple Street
2703	22	23-33 Maple Street
2703	23	35-39 Maple Street

2703	24	41-45 Maple Street
2703	25	47-49-51 Maple Street
2704	1	46-50 Maple Street
2704	2	44 Maple Street
2704	3	42 Maple Street
2704	4	38-40 Maple Street
2704	5	34-36 Maple Street
2704	6	28-30-32 Maple Street
2704	7	26 Maple Street
2704	8	396 Springfield Ave
2704	9	392 Springfield Ave
2704	10	374-382 Springfield Ave
2704	11	67-71 Union Place
2704	12	73-75 Union Place

5. Overlay Zone 5.

Block	Lot	Property Address
1906	1	25 DeForest Ave

6. Overlay Zone 6.

Block	Lot	Property Address
4002	17	39 Park Ave

7. Overlay Zone 7.

Block	Lot	Property Address
4208	1	146 Morris Ave

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**35-8.2 ZONING MAP**

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The location and boundaries of the above districts are hereby established on the Zoning Map of the City of Summit in Union County, dated October 3, 2020 as amended, which is filed in the office of the City Clerk. Said map or maps and all notations, references and designations shown thereon shall be part of this Article as if the same were all fully described and set forth herein. A copy of the Zoning Map is located in the Appendix of this Chapter.

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**35-8.3 INTERPRETATION OF ZONE BOUNDARIES**

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Whenever an uncertainty or ambiguity exists as to the true location of any boundary line of any zone shown on the Zoning Map of the City of Summit, the following rules shall apply:

- A. The zone boundary lines are intended generally to follow street centerlines, existing lot lines, centerlines of railroad right-of-way, waterways, and sewer and utility easements, or as otherwise indicated on the Zoning Map, or as otherwise specifically described in this Chapter. Where a zone boundary line does not coincide with any such line as above set forth, its location or relation to another boundary line shall be as designated on the Zoning Map by special notation. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall be with the Zoning Board of Adjustment, which shall hear and decide all questions of interpretation of the Zoning Map in the same manner and under the same procedures, including notice and public hearing, as applicable in cases of other hearings within the jurisdiction of the Zoning Board.
- B. In the event that a zone boundary line divides one (1) or more lots, the zone boundary line shall be considered the lot limit for computing all area, bulk, yard buffer and any other dimension requirements specified in this Article.
- C. Zone boundary lines extend vertically in both directions from ground level.
- D. Where a street or public way serves as the zone boundary line and it is lawfully vacated, the former centerline shall be considered the zone boundary line.

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## ARTICLE IX – GENERAL ZONING PROVISIONS

### 35-9.1 GENERAL

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- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the district in which such building or land is located.
- B. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in the district in which such building or structure is located.
- C. No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, building location, coverage and floor area ratio regulations hereinafter designated for the district in which such building or open space is located.
- D. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Article; and if, already less than the minimum required by this Chapter, said area or dimension shall not be further reduced.

### 35-9.2 PROHIBITED USES

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Where a use is not specifically permitted in a zone district, it is prohibited.

### 35-9.3 CONDITIONAL USES

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Notwithstanding compliance with specific conditional use standards hereinafter set forth, conditional uses shall require site plan approval by the appropriate Board

### 35-9.4 SCHEDULE OF SPACE REGULATIONS

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The Schedule of Area and Bulk Requirements dated, October 6, 2020, located in the Appendix at the end of this Chapter is hereby made part of this Chapter. The area, yard and building requirements set forth therein shall be considered the minimum standards and requirements governing the use of land in the City, and, should there be a similar regulation which is more restrictive in this Chapter or any other City Ordinance or statute affecting any application hereunder, the more restrictive provision shall apply.

### 35-9.5 NATURE AND EXTENT OF USES OF LAND

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The control and regulation of the uses of buildings and structures, as herein provided, shall equally apply to the nature and extent of the use of the land.

## 35-9.6 REQUIREMENTS TO BE MET ON LOT AND WITHIN ZONE DISTRICT

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- A. Unless otherwise provided herein, all yard, open spaces, vehicular access and off-street parking must be contained on the lot and within the zone district in which the use is located.
- B. All lots in single-family zones having less area or width than required, of record at the time of the effective date of this ordinance, may be used for a single-family house and its permitted accessory uses, except as modified in subsection 35-9.6C below.
- C. Any nonconforming unimproved lots in common ownership that are shown on an old filed map, filed prior to the time of the adoption of a land subdivision ordinance pursuant to the Municipal Land Use Law of 1975, and in common ownership, are considered merged into one (1) lot, and the separating lot lines are to be ignored. The owner of such lots may not sell less than the whole number of such lots owned without obtaining subdivision approval from the Planning Board or Zoning Board of Adjustment.
- D. Where there is a question as to suitability of a lot or lots for their intended use due to such features such as, but not limited to, wetlands, rock formations, steep slopes, flood conditions wellhead protection areas or similar circumstances, the Planning Board or Zoning Board of Adjustment may, after adequate investigation, withhold approval of such lots.
- E. ***Neighborhood Average Calculation.*** When computing the neighborhood averages referred to in this Chapter, the neighborhood shall consist of the three (3) lots on both sides of the subject property and three (3) nearest lots across the street from the property having common street frontage(s) and regardless of Zone designation. In cases where there are fewer than three (3) lots on one or both sides of the subject property, or three (3) lots across the street, for purposes of neighborhood average calculations as provided in this Chapter, the average calculation shall be based on the greatest number of applicable lots up to an intervening street or street terminus. Lots with principal buildings having front yard setbacks equal to or greater than two (2) times the minimum required front yard setback of their respective zones shall not be included in any neighborhood average calculation.

## 35-9.7 PRINCIPAL BUILDINGS

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- A. No more than one (1) principal building shall be permitted on one (1) lot except that a shopping center, apartment, or townhouse complex, condominium project, hospital complex, institution or industry, all receiving site plan approval, may be permitted to have more than one (1) principal building on a lot in accordance with the standards of the zoning district in which it is located and with all buildings sited to comply with all yard standards.
- B. Any accessory structure shall be considered part of the principal building for the purposes of determining setbacks when (a) attached by any means to the principal building, or (b) greater than one hundred (100) square feet in area and located within five (5) feet of the principal building.

## 35-9.8 ACCESSORY STRUCTURES AND USES

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Structures which are accessory to a principal building or use shall be subject to the regulations of this section.

A. *General Requirements.*

1. No accessory building shall be constructed on any lot on which there is not a principal building.
2. Any accessory structure shall be considered part of the principal building for the purposes of determining setbacks when (a) attached by any means to the principal building, or (b) greater than one hundred (100) square feet in area and located within five (5) feet of the principal building.
3. Accessory uses prohibited in all zones include, but are not limited to, the following:
  - a. Carports.
  - b. Aboveground storage tanks for combustible, flammable or other liquids, excluding propane tanks up to five (5) gallons for outdoor grills and backup generator diesel storage up to five hundred (500) gallons in non-residential zones and contained within the generator unit.

B. The following requirements shall apply in all residential zones:

1. No accessory building shall be used as a dwelling unit or for the conduct of a home occupation.
2. In residential zones, no accessory building or structure shall have a floor or ground area in excess of five hundred seventy-six (576) square feet, nor shall any dimension be longer than twenty-four (24) feet.
3. Except as specifically permitted elsewhere in this Chapter, no accessory building or structure shall exceed fifteen (15) feet in height. Detached garages and pool houses for single and two-family homes may exceed the maximum fifteen (15) foot height requirement only when it is determined that such an increase in height is required to match the roof pitch of the principal building for purposes of design continuity, and where the required setbacks of the accessory structure conform to the requirements of this Chapter. In no case, shall garage or pool house height exceed eighteen (18) feet. The two lowest exterior walls of any accessory building or structure shall not exceed a vertical dimension of 10 feet.
4. No detached accessory building or structure shall be permitted in any front yard or side yard, except as otherwise permitted in this Chapter.
5. Detached accessory structures such as garages, sheds, and other passive structures shall not be located less than four (4) feet from rear or side property lines in the required rear yard. Structures such as gym or play sets, playhouses, tree houses, decks, pergolas, gazebos, fire pits, athletic courts, or other active structures shall not be located less than fifteen (15) feet from the rear or side property lines in the required rear yard. All accessory structures are prohibited between any part of the front building façade and the street right-of-way, but on corner lots they may be placed in a side yard provided the four (4) or fifteen (15) foot setback requirement is met, and provided further that the accessory building or structure is set back from the street right-of-way line at least two (2) times the minimum required front yard setback for the zone.
6. Accessory buildings shall be included in building area, lot coverage and floor-area-ratio limitations, except as otherwise excluded in the definition of "Floor Area Gross – Residential."
7. Any accessory building or structure attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.

8. Patios, decks, swimming pools, athletic courts and other accessory structures shall be included when calculating lot coverage.
- C. The following requirements shall apply in all nonresidential zones:
  1. Accessory uses, buildings and structures shall only be permitted to be located on a lot that contains a principal building.
  2. Except as specifically permitted elsewhere in this Chapter, no accessory building or structure shall exceed fifteen (15) feet or be more than one (1) story in height.
  3. No accessory building or structure shall be permitted in any front yard.
  4. Accessory buildings and structures shall meet the minimum side yard requirements for principal buildings.
  5. Active accessory buildings and structures including, but not limited to, maintenance buildings, workshops and spaces where work, repairs or maintenance are performed shall have a minimum rear yard setback of fifteen (15) feet. Passive accessory structures such as storage buildings and sheds shall have a minimum rear yard setback of four (4) feet.
  6. Accessory buildings and structures shall be located at least ten (10) feet from another building or structure.

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## 35-9.9 CERTAIN ACCESSORY STRUCTURES AND USES

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A. *Agricultural Uses.*

1. Beekeeping.
  - a. Beehives shall be permitted on lots of at least 25,000 square feet in area, limited to two (2) hives per lot.
  - b. Beehives shall not be permitted in the front or side yard and shall have minimum required setbacks of fifty (50) feet from all lot lines.
  - c. No hive shall be within one hundred (100) feet of any dwelling unit other than that occupied by the person(s) maintaining the hive(s).
  - d. No hive shall be kept or maintained within two hundred (200) feet of a dwelling occupied by any person systemically allergic to bee stings.
  - e. No hive shall be kept or maintained on any lot that adjoins another lot that is occupied by a person who is systemically allergic to bees.

B. *Attached Decks, Patios and Terraces.* Attached decks, patios and terraces must meet the required yard setbacks for principal buildings, except that attached patios may encroach into the required rear yard by no more than ten (10) feet.

C. *Boarders and Roomers.* In any single-family, owner-occupied residential dwelling, not more than two (2) persons shall be permitted to occupy a portion of the dwelling unit as boarders or roomers in accordance with the following requirements:

1. Not more than one (1) roomer or boarder may occupy a sleeping room, except that a sleeping room that exceeds two hundred (200) square feet in floor area or one thousand eight hundred (1,800) cubic feet in volume may be occupied by two (2) persons.
2. Each sleeping room shall be at least eighty (80) square feet in area.
3. There shall be no cooking facilities in any sleeping room

D. *Commercial Vehicles, Tractors and Mechanized Equipment.* Commercial vehicles, tractors, trailers, mechanized equipment and similar vehicles and equipment shall not be parked or stored in any zone, except as follows:

1. In the NB, ORC, ORC-1, PL, MF, MFT, TH-1, TH-2 and in all residential and overlay zones, one (1) such commercial vehicle and associated equipment less than seven thousand (7,000) pounds may be stored in an enclosed garage provided that such vehicle, machinery, trailer or equipment is directly related to the business or is used by the resident of the property.
2. In all other zones, one (1) commercial vehicle, tractor, piece of construction machinery or equipment less than twenty-six (26) feet in length may be kept on-site, provided that such vehicle, machinery, trailer or equipment is directly related to the business or use of the property. Such vehicles or equipment shall be set back at least five (5) feet from lot lines and screened with solid fencing and or vegetation at least seven (7) feet in height
3. Equipment and machinery used in connection with the construction, alteration, removal, or demolition of any buildings or structure or the excavation of any land shall be permitted to stand upon the premises where such work is being undertaken and while the same is continuing and on-going.

E. *Electric Vehicle Charging Stations.*

1. Non-retail electric vehicle ("EV") charging stations shall be permitted accessory uses in all zones.

Example of EV charging station in a parking garage



2. In off-street parking facilities of 20 spaces or more, a minimum of 7% of such spaces, rounded up to the nearest whole number, shall contain facilities for EV charging.
3. Retail electric vehicle charging stations shall be permitted accessory uses in the B Zone in parking lots of at least fifty (50) spaces of which no more than six (6) parking spaces may be designated for retail vehicle charging, and where the site's parking requirement is satisfied, excluding such designated charging spaces. Site plan approval shall be required for all retail electric vehicle charging station applications.

Example of a retail EV charging station



4. Retail charging stations shall only contain signage on the charging station units, limited to the identification of the charging operator, pricing, safety information and instructions. No other form of advertisement is permitted on the EV charging station equipment.
5. Canopies and other similar roof-like structures shall not be permitted above EV charging stations.
6. All equipment related to EV charging stations/units shall be screened, except for the electrical dispensing units which connect directly to consumer vehicles via power cords.
7. Existing or approved landscape or open space areas shall not be removed to accommodate EV charging facilities.

F. ***Green Roofs.*** Green roofs shall be permitted in all zone districts, subject to the following provisions:

Example of a green roof in an urban environment



1. **Structural support.** The structural roof support must be sufficient to hold the additional weight of the green roof. Generally, the building structure must be adequate to hold an additional 15 to 30 pounds per square foot (psf) saturated weight, including the vegetation and growing medium that will be used (in addition to snow load requirements). An existing rock ballast roof may be structurally sufficient to hold a 10 to 20 psf green roof (if the ballast is removed). Notwithstanding the above provisions, the roof structure and any green roof additions must meet all applicable building codes.
2. **Impervious coverage calculation.** The area of a green roof shall be excluded from the calculation of impervious coverage at a 1 square foot to  $\frac{1}{4}$  square foot or 4:1 ratio, provided the green roof does not receive water from other impervious areas. (1 square foot of qualifying green roof coverage = 0.25 square foot impervious coverage credit)
3. **Slope.** The maximum roof slope shall be 20%, unless the applicant provides documentation of runoff control on steeper slopes. This provision shall not supersede minimum roof pitch requirements provided in other sections of this Chapter.
4. **Waterproofing.** A sufficient quality waterproofing material, such as modified asphalt, synthetic rubber, or reinforced thermal plastics, shall be used on the roof surface.
5. **Root barrier.** If a root barrier is used in addition to waterproofing material, it must extend under any gravel ballast and the growing medium and up the side of any vertical elements. Root barriers impregnated with pesticides, metals, or other chemicals that may leach into stormwater are not permitted, unless the applicant can provide documentation that leaching does not occur.
6. **Drainage.** A method of drainage must be provided, although a manufactured product is not required. The drainage layer may include fabric, gravel, or be the growing medium itself. An approved discharge location must be identified for every green roof and drain provided.

7. Growing medium. A minimum of four inches of growing medium is required, composed of roughly 70% porous material, 20% organic material (i.e., aged compost), and 10% digested fiber or other mix approved by the City Forester or Landscape Architect. Green roofs with more than six inches of growing medium are acceptable, provided they meet all other requirements.
8. Vegetation and coverage. Drought-tolerant plants must achieve 90% coverage within two years. At least 25% of the green roof must be composed of evergreen species. A maximum of 10% of the green roof may be composed of non-vegetated components such as gravel ballast, pavers for maintenance access, etc. Mechanical units may protrude through the green roof; but are not considered elements of the green roof. Green roof vegetation shall be:
  - a. Drought-tolerant, requiring little or no irrigation after establishment;
  - b. Self-sustaining, without the need for fertilizers, pesticides, or herbicides;
  - c. Able to withstand heat, cold, and high winds;
  - d. Very low maintenance, needing little or no mowing or trimming;
  - e. Perennial or self-sowing;
  - f. Fire-resistant; and
  - g. Noninvasive alien plant and tree species.

#### Green Roof Structural Components



9. Mulch. A method to protect exposed soil from erosion must be provided, such as gravel mulch.
10. Maintenance. The property deed shall stipulate that green roofs are to be maintained for a period of no less than ten (10) years. Only nonchemical fertilizers may be used. Pesticides and herbicides of any kind are prohibited on green roofs. During the establishment period (up to three years), irrigation shall not exceed 1/2 inch of water every 10 days, regardless of water source. Post-establishment irrigation shall not exceed 1/4 inch of water every 14 days (May through October), regardless of water source.
11. Access. Convenient elevator access to the roof or other suitable means of access shall be provided to facilitate routine maintenance of green roof facilities where such roof access for maintenance cannot be directly accessed by a mechanized lift.

G. *Home Occupations.* In any dwelling unit, a resident may conduct a business activity, subject to the following:

1. No person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
4. No home occupation shall be conducted in any accessory building;
5. There shall be no sales or other client visits in connection with such home occupation;
6. No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than single-family residence, nor shall any equipment cause electrical or audible interference in any radio, television receivers, telephone, computer, or other electronic devices off the premises, or cause fluctuations in the line voltage off the premises; and
8. No nuisance factors shall be permitted.

H. *Mobile Dwellings, Trailers and Recreational Equipment and Vehicles.* Mobile dwelling, trailer and recreational vehicles (excepting conventional passenger automobiles) whether self-propelled, towed, truck mounted or licensed as a passenger vehicle, which include but are not limited to all sizes and descriptions of trailers, campers, boats, and buses, shall not be parked outdoors in any zone except that a resident may park such vehicle on said resident's driveway for a period not to exceed twenty-four (24) hours for the purpose of loading or unloading such vehicle. Upon registration with the Police Department, permission for temporary parking of the above vehicles may be granted for a period not to exceed seven (7) days to non-Summit residents, provided such vehicles are not occupied while parked on the subject premises.

I. Motor Vehicle Lifts and Vehicle Stacking Facilities.

1. Hydraulic vehicle lifts, pallet parking and other automatic or semi-automatic stacked parking systems shall be permitted in multifamily buildings and mixed-use buildings containing residential uses above the first floor as alternatives to traditional horizontally-oriented structured garage parking. The feasibility of such parking systems to accommodate their associated land uses shall be subject to Planning or Zoning Board of Adjustment review and approval. This shall include consideration of the total number of required and provided parking spaces, facility operations, procedure and duration of time to drop-off and retrieve vehicles and facility access.
2. All stacked vehicle parking equipment and systems shall be fully enclosed within a garage-like enclosure attached to or within the principal building which it is intended to serve and meet all

applicable building and fire code requirements.

3. Given the inherent nature of stacked vehicle parking systems, such parking facilities shall not be subject to minimum parking stall dimensions or hairpin striping parking requirements. However, applicants proposing stacked parking spaces shall demonstrate the ability to accommodate typical consumer vehicle dimensions.
4. Parking facilities containing stacked parking systems shall not be exempt from providing the required number and configuration of ADA compliant handicap parking stalls.
5. The exterior facade of indoor parking facilities shall be consistent with the design requirements and character of the principal building including such design elements as materials, vertical and horizontal building articulation and fenestration in accordance with the design requirements set forth in Article XIV and design guidelines located in the Appendix of this Chapter.

J. ***Outdoor Dining.*** Outdoor dining shall be permitted as an accessory component to a permitted restaurant use or retail food establishments and regulated as follows:

1. Section 4-20, Regulating of Sidewalk Cafes, of the City's Revised General Ordinances sets forth the criteria for seating on sidewalks within the public right-of-way. The outdoor dining regulations provided in this section shall apply to outdoor dining located on private property.
2. Seating for restaurant outdoor dining shall not exceed twenty (20) seats and shall not be deemed to require additional parking. Total indoor and outdoor seating for retail food establishments shall not exceed twelve (12) seats and shall not be deemed to require additional parking.
3. Outdoor eating areas may be located on sidewalks, plazas, and courtyards immediately adjacent to any retail food establishment or restaurant. Such facilities shall be provided in a manner that pedestrian circulation or access to store entrances is not impaired. Outdoor dining facilities may only replace parking spaces if the remaining number of parking spaces complies with the required number of spaces for the use(s) in accordance with this Chapter.
4. Outdoor seating areas shall provide an unobstructed pathway of at least four (4) feet between tables, chairs and surrounding fixtures or obstructions. All outdoor dining areas shall be designed in compliance with the Americans with Disabilities Act (ADA) guidelines.
5. Outdoor dining areas shall be located a minimum of ten (10) feet from any driveway.
6. The City Engineer or Police Department shall make a determination as to whether any bollards or other safety mechanisms are required around the perimeter of the dining area exposed to vehicular traffic.
7. Umbrellas, awnings and canopies with a minimum clearance of 7 feet and heating units are permitted for outdoor dining areas.
8. Screening in the form of landscaping, fencing and/or walls minimally three (3) feet in height shall be required to provide a visual buffer from outdoor seating areas.
9. Exterior lighting for outdoor dining areas may consist of lighting fixtures mounted to façade walls or the undersides of umbrellas or awnings, freestanding lighting fixtures and/or white/yellow café or bistro style string lighting in accordance with Section 35-14.1M.

- K. **Outdoor Display of Merchandise.** The outdoor display of merchandise is prohibited in all zones, except for auto dealerships and during special or holiday events organized by Summit Downtown, Inc. ("SDI") or other Special Business Improvement District programming for geographically specific areas within the City.
- L. **Outdoor Storage.** The storage of materials, products and equipment in unenclosed outdoor areas is prohibited in all zones.
- M. **Parking Garages and Structures.** The following regulations shall pertain to parking garages and structures as defined in this Chapter.
  - 1. Location. Above -grade structured parking facilities shall only be permitted in the LI, PROD, PROD-2, PI, RO-60 GW-I and GW-II Zones. In all other zones, only surface parking and below-grade or underground parking facilities shall be permitted, excluding the Broad Street West Redevelopment Area for which the redevelopment plan shall govern.
  - 2. Building Design Requirements.
    - a. Parking structures shall be designed to not be detectable as parking structures or resemble "traditional" parking structures with monotonous colors and materials, expansive blank walls, lack of regular horizontal and vertical building articulation, devoid of pedestrian scale features, and long uninterrupted roof lines, as further addressed below.

Example of undesirable parking structure design



NOTE: The exterior façade of the above parking garage is composed of a single color and building material with no variation in roofline or division in massing with building forms, materials or height. The structure generally lacks architectural detail and ornamentation.

- b. The maximum permitted height of a parking structure shall be measured to the uppermost parking level surface if unenclosed or, if enclosed, the top of roof in accordance with the maximum permitted height of the respective zone in terms of feet. The maximum number of stories permitted in any zone shall not apply to the height limitations of detached, standalone parking structures.

- c. The unenclosed upper level of any above grade parking structure shall have a solid parapet wall not less than four (4) feet in height, or as may otherwise be required by building code, whichever is greater.
- d. All voids in a parking structure shall be architecturally detailed with sculptural elements, murals and/or "green" screened with living vegetation to minimize the visibility of vehicles and light from within the structure.

Examples of parking structures with living wall systems



- e. Parking structures attached to a principal building shall be designed to reflect the occupied portions of the building (i.e. style, materials, fenestration, etc.).

Example of a parking structure with architectural features and massing consistent with surrounding development



- f. The horizontal planes of above-grade parking structures shall have vertical breaks complementary in scale to the building's overall configuration and mass at least every fifty (50) feet with a minimum width of two (2) feet and depth of one (1) foot. Long horizontal roof lines or parapet walls exceeding an uninterrupted length of fifty (50) feet are prohibited.

g. The façade of a parking structure directly fronting a public right-of-way shall have a delineated floor line between the street level and upper floors in the form of a masonry belt course, concrete lintel, cornice line or similar architectural detail. Such horizontal feature shall have a minimum height of one (1) foot.

Example of a parking structure designed to resemble a mixed-use building



h. A minimum of 25% of parking structure facades shall remain open, excluding those facades wrapped or concealed by other buildings or permitted uses. Any architectural feature, mural or living plant wall system designed to conceal voids in the parking structure shall not count against the minimum 25% façade opening requirement.

i. No more than 80% of a parking structure façade may be composed of a single building material or color.

j. Parking structure ramps shall be located internally or fully screened on the sides of the driveway access.

3. Lighting. Lighting fixtures within a parking structure shall be recessed to shield visibility and minimize glare to adjacent properties and public roadways.

4. Ventilation. Parking structures shall be constructed so that no exhaust vents open directly onto any public street or adjacent property.

5. Solar Connectivity. All above ground parking structures shall be designed as "solar ready" regardless of the developer's intention to include solar panels when originally constructed.

N. *Satellite Dishes.*

1. Satellite dishes shall be permitted as an accessory use in all zone districts.
2. Satellite dishes may only be used by the occupant(s) of the building located on the site.
3. Satellite dishes not being used for a period of one (1) year shall be removed.

4. Residential satellite dishes.

- a. Satellite dishes for residential use shall be limited to one (1) per dwelling unit.
- b. Residential satellite dishes shall not exceed twenty-four (24) inches in diameter.
- c. Satellite dishes shall be prohibited on front and side building facades and shall be permitted only on rear building facades.
- d. Ground-mounted satellite dishes are prohibited.
- e. Satellite dishes shall not extend above the highest peak of the roof of the building to which it is affixed. When mounted on flat roofs, satellite dishes shall not extend above the parapet and shall be fully screened.
- f. Satellite dishes shall be prohibited on buildings listed on the Summit Historic Preservation Commission's inventory of historic buildings and structures, National Register of Historic Places and State Register of Historic Places.

5. Multifamily and Non-Residential Satellite Dishes.

- a. Only one (1) satellite dish shall be permitted per building.
- b. Satellite dishes shall have a maximum diameter of twenty-four (24) inches.
- c. Satellite dishes may be ground-mounted, mounted to a rear building wall or roof-mounted. Ground-mounted satellite dishes shall only be permitted in the rear yard and shall not occupy required parking spaces. Satellite dishes shall not be mounted to the front or side of any building.
- d. Roof or wall mounted satellite dishes shall not exceed a height of four (4) feet above the highest roof.
- e. Ground-mounted satellite dishes shall not exceed a height of four (4) feet above the grade plane and shall be screened with solid fencing, walls and/or evergreen landscaping sufficient to mitigate its visibility from adjacent properties and roadways. Safe and convenient access shall be provided to maintain the satellite dish.
- f. Roof-mounted satellite dishes shall be completely screened by the parapet wall, solid fencing and/or paneling within 10 feet of the satellite dish.
- g. All multifamily and non-residential satellite dishes shall have a minimum setback of fifteen (15) feet from all lot lines.

O. *Solar Energy Systems, Facilities and Equipment.*

1. Purpose. Solar energy systems shall be primarily designed to provide power to the building or site to which they are affixed and not for the generation of power to be sold for commercial purposes. This provision shall not be interpreted to prohibit the disposition of excess power generated from a solar energy system back to a public electric utility provider by which the principal use is served.

2. Ground-Mounted Solar Energy Systems.

- a. Ground-mounted solar energy systems shall not be interpreted to include solar array canopies as regulated in this Chapter.
- b. Ground-mounted solar panels shall be permitted in all residential zones and shall be limited to a maximum area of 10 square feet and height not to exceed six (6) feet. All ground-mounted solar panels in residential zones shall comply with the active accessory structure setback requirements.
- c. Except as otherwise provided in this Chapter, ground mounted solar energy systems shall only be permitted in the PROD and PROD-2 Zones, subject to the following standards:
  - (1) Systems shall not be counted in the calculation of maximum impervious coverage as regulated in the Development Regulations Ordinance.
  - (2) Systems shall not be constructed in uninterrupted structures but shall be arranged so no single contiguous panel area exceeds 50 square feet. Contiguous panel arrays shall have a minimum required horizontal spacing of four (4) feet between the longer dimension and six (6) feet between the shorter dimension for purposes of maintenance and emergency access. Any Federal or State regulations and/or other safety regulations requiring greater separation between solar panels shall supersede this Ordinance.
  - (3) Solar energy systems shall conform to the setback requirements for active accessory structures in rear yards, shall conform to the minimum principal building setback in side yards and shall not be located in front yards.
  - (4) Ground mounted solar energy systems shall not exceed six (6) feet in height.
  - (5) Systems shall be located and installed to direct sun glare away from adjoining properties and public rights-of-way.
  - (6) Systems shall be screened year-round from adjoining properties and public rights-of-way with a combination of fencing and landscaping.
  - (7) Systems shall be designed to blend into the existing setting and environment.

3. Roof-Mounted Solar Energy Systems.

- a. Roof-mounted solar energy systems shall be permitted accessory uses in all zones.
- b. Roof mounted solar energy systems shall adhere to the minimum setback and maximum height requirements of the principal or accessory building to which they are affixed. When affixed to a flat roof, solar energy systems shall have a minimum setback of 10 feet from the exterior of the building wall.
- c. All components of a roof-mounted solar energy system shall not extend more than eighteen (18) inches above a pitched roof and shall not extend higher than the roof peak of which the panel(s) or system is affixed. On flat roofs, roof-mounted solar energy systems shall not extend more than five (5) feet above the roof to which they are attached.

d. Flat roofs with solar panels and equipment shall have parapets extending to the maximum height of the panels. All accessory equipment shall be screened with solid fencing, walls or panels within ten (10) feet of the equipment.

4. Solar Array Canopies.

- a. Solar array canopies shall be permitted accessory uses in the B, LI, PROD, PROD-2, PI and RO-60 Zones and for public and private elementary and secondary schools and municipal buildings and facilities. Freestanding solar array canopies are expressly prohibited in residential zones.
- b. Solar array canopies shall be permitted solely above pedestrian walkways, parking areas and parking structures and may be freestanding or attached to a principal or accessory building.

Example of solar array canopies above pedestrian walkways



Example of solar array canopies above parking stalls



- c. Solar array canopies shall not be counted in the calculation of maximum impervious coverage as regulated in the Development Regulations Ordinance.

- d. Solar array canopies shall have a maximum height of eighteen (18) feet, except that solar array canopies installed at grade shall not exceed the height of the principal building. Solar array canopies may be attached to the unenclosed uppermost level of a parking structure, not to exceed fifteen (15) feet above the highest floor level of the parking structure, with no horizontal coverage restriction, but must adhere to the minimum required setbacks of the building to which they are attached.
- e. Attached and detached solar array canopies shall be permitted in front, side and rear yards with minimum setbacks of fifteen (15) feet from all lot lines. Solar array canopies adjacent to a residential use shall have a minimum setback requirement of fifty (50) feet from the shared lot line.
- f. Solar array canopies shall not be more than forty (40) feet wide oriented directly above parking stalls and fifteen (15) feet wide above paved pedestrian walkways. The entirety of the pedestrian walkway shall be covered by the solar canopy while the canopy's supporting elements and any remaining canopy extend beyond the limits of the walkway by a maximum of two (2) feet on each side.
- g. Solar array canopies shall have a minimum clearance of nine (9) feet, unless otherwise required by the City of Summit emergency personnel.

P. *Swimming Pools.*

- 1. Swimming pools shall be located in the rear yard, and no pool or its accessory facilities such as deck, patio or pool equipment including walkways, patios, or other impervious areas associated with the pool shall be closer than fifteen (15) feet to any side or rear lot line. Swimming pools on corner lots shall meet the setback requirements for active accessory structures as regulated in this Chapter.
- 2. On any corner lot, no part of any private swimming pool shall be constructed within the front yard area on either street and shall be screened from view. Any buildings or structures erected in conjunction with a swimming pool shall comply with the provisions of accessory structures.
- 3. Artificial lights used or maintained in connection with a private swimming pool shall be so located and shielded that the illumination therefrom is not directed upon any adjacent property.
- 4. No private swimming pool shall be used other than as an accessory use of the premises whereon it is located.
- 5. Swimming pool fences shall meet the height requirements of this Chapter and of the Uniform Construction Code.
- 6. Constructed enclosures composed of solid fencing and/or walls shall provide year-round screening of all mechanical and pool equipment within six (6) feet of the equipment.

Q. *Temporary Structures.*

- 1. Trailers, port-o-johns or mobile structures used as temporary offices, workshops or for the storage of equipment and materials in connection with permitted construction or renovation of buildings or structures, may be temporarily permitted on the same site during the actual period of construction, and shall be located no closer than ten (10) feet to any lot line.

2. Tents, carports, tarps and other similar coverings or enclosures constructed of plastic, canvas or other fabric material intended to screen or protect motor vehicles, equipment, materials or miscellaneous items from the elements shall be considered temporary and are prohibited. This shall not prohibit the use of fabric canopies, awnings or umbrellas above outdoor seating, decks, patios or walkways.

## 35-9.10 YARD REGULATIONS; CORNER LOTS AND THROUGH LOTS; BUILDABLE AREA

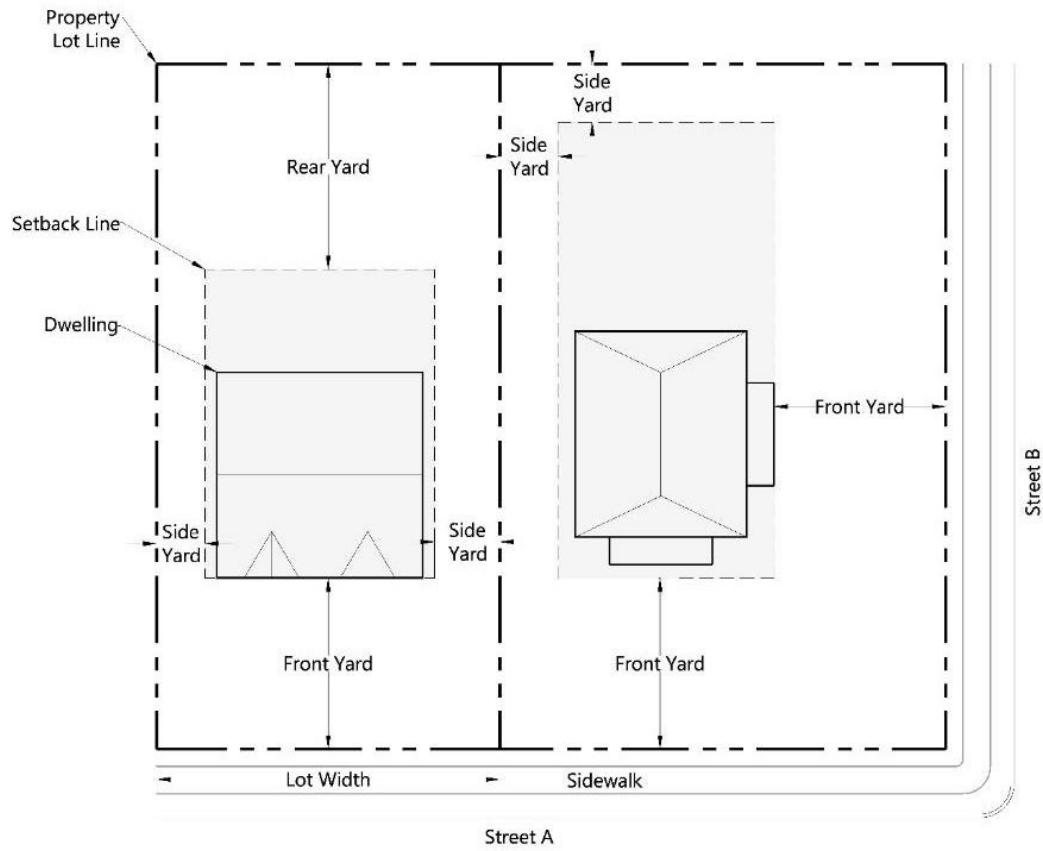
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### A. *Required Yards.*

1. No yard or other open space provided for any building for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or other open space for any other building on any other lot.
2. Every lot shall include front, side and rear yards having the areas and dimensions required within the particular zone in which said lot is located.
3. All front yards must face upon a dedicated public street or a private street approved by the Planning Board or Zoning Board of Adjustment.

Example of yard delineations in accordance with this Chapter.

NOTE: A complete set of diagrams indicating the locations of front, side and rear yards in a variety of lot configurations is provided in Appendix F at the end of this Chapter.



B. *Front Yards.*

1. The building setback distance shall be measured from the nearest line of the existing or the proposed street right-of-way perpendicular to the closest point of the building or structure.
2. Front Yards in Single and Two-Family Residential Zones. In single and two-family residential zones, a new house or house where more than 50% of the dwelling's total vertical front wall area has been removed shall be set back a distance at least equal to the required setback or the average of the setbacks in accordance with Section 35-9.6E, whichever is greater.

C. *Corner Lots.*

1. Every yard of a corner lot which abuts a street shall be considered a front yard, and the front yard setback requirements for the zone in which the lot is situated shall be complied with on every street frontage. All yards not meeting the definition of a front yard shall be considered to be side yards and shall meet the side yard requirements of this Chapter. There shall be no requirement for a rear yard on a corner lot.
2. The lot width shall be measured along each required front yard setback line between the side property line and the most nearly opposite street right-of-way line.
3. The "combined side yard" requirements shall be met on both street frontages separately and shall be calculated for each street frontage using the respective side yard and front yards.
4. Corner lots shall be a minimum of twenty (20%) percent larger than the minimum lot area for the zone.
5. Maintenance of adequate intersection sight triangles shall apply in designing structures, grading, fencing and plantings.

D. *Through Lots.*

1. Residential through lots or double-frontage lots shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street. When both streets are determined to be of an equal street classification by the City Engineer, the applicant/landowner may choose the front yard, which will be the side on which the primary building entrance faces. Otherwise, the lower classification street of which the property maintains the necessary minimum street frontage shall be considered the front yard, and the other frontage shall be considered a rear yard.
2. The rear yard setback shall be forty (40%) percent of the lot depth but not less than the minimum required front yard setback. Accessory structures, including swimming pools, shall only be located in the rear yard. The rear yard setback for accessory structures shall be calculated by multiplying the lot depth by 0.30 (thirty (30%) percent accessory structure rear yard setback), and shall not be less than the minimum required front yard setback for the zone, or the average of the front yard setbacks of the five (5) existing houses on both sides of the subject lot, up to an intervening street and within the same zone, whichever is greater.

E. *Projections and Encroachments.* Yards and courts required by this Chapter shall be free of buildings, structures or parts thereof, and no building or structure shall project into any front, side or rear yard required by this Article, nor shall use be made of such yard, except as follows:

1. Nothing in this section shall be read to restrict the right to provide ramps and other reasonable means of access for the handicapped consistent with the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq.
2. Unenclosed porches and entryways, excluding steps, extending not more than six (6) feet into the required front yard and not exceeding more than fifty (50) square feet in area, and not more than three (3) feet into the required side yard and not exceeding more than twenty (20) square feet in area.
3. Window wells affording light and air to basement and cellar areas may project not more than three (3) feet into any required yard measured from the exterior of the foundation to the interior wall of the window well.
4. Stairwells leading to basement and other below grade areas may project not more than four (4) feet into any required side or rear yard.
5. Cornices and eaves may project not more than two (2) feet into any required yard.
6. Chimneys may project not more than two (2) feet into any required yard.
7. Driveways providing access to permitted garages or parking areas.
8. Sills, leaders and similar ornamental or structural features may project not more than six (6) inches beyond the cornice or eave to which they are attached.
9. Fences and retaining walls, where specifically permitted in this Chapter.
10. Freestanding flagpoles must be set back at least five (5) feet from any property line.
11. Accessory buildings and uses, including swimming pools, where specifically permitted in this Chapter.
12. Sidewalks and pathways not wider than six (6) feet and having a minimum setback of two (2) feet from side and rear lot lines.
13. Living wall systems or vertical gardens attached to a building may project not more than two (2) feet into a required yard.
14. Artistic sculptural elements attached to the façade of a parking structure may project not more than two (2) feet into a required yard.
15. Setback requirements for air conditioning units and generators are set forth in Section 35-14.1J.

35-9.11 HEIGHT

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- A. For any new building or for any addition over six hundred (600) square feet in area, the grade plane existing on May 20, 2003 (the initial adoption of Section 5.9A Grading and Soil Erosion Controls, now Article XV, Stormwater Management Requirements) may not be altered in any way so as to achieve a conforming height or number of stories greater than that which the existing grade plane would otherwise provide.
- B. Appurtenances Attached to Principal Structures. Church spires, belfries, domes, cupolas, flag poles or antennas attached to buildings, mechanical penthouses (not for occupancy), chimneys, ventilators, skylights, water tanks, bulkheads and necessary mechanical appurtenances usually carried above roof level shall not be included when determining the height of the building, and are not subject to height limitations, except that such features shall not exceed fifteen (15) percent of the total roof area and shall not exceed fifteen (15) feet in height nor exceed the permitted building height for the zone by more than eight (8) feet.
- C. The building height, exclusive of mechanical room, attached flagpole, chimney, elevator shaft or mechanical equipment, shall not exceed the maximum height permitted in the zone by more than five (5) feet when measured from the lowest elevation around the perimeter of the foundation to the highest point of the roof or parapet. This five (5) foot limit may be exceeded in the Multi-Family/Transit Oriented Development Zone (MF/TOD) for portions of the building where there are driveways leading to underground parking facilities beneath the dwelling units, entrances to such underground parking facilities, or sunken gardens or patios. This exception shall only apply to side and rear yard areas.

35-9.12 ATTICS AND ATTIC STORIES

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- A. Attic space may be improved in accordance with the requirements of the New Jersey Uniform Construction Code if it does not meet the definition of a story or if, in the course of such improvement, it is modified in such a way that it does not become a story in excess of the number of stories permitted in this Chapter.
- B. Attic space which meets the definition of attic story may be improved if the building exceeds the number of stories permitted in this Chapter only if there are no changes to the exterior of the building, such as additional or enlarged windows or altered roof lines.

35-9.13 PUBLIC UTILITIES

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Nothing in this Chapter shall be interpreted as prohibiting public utility distribution facilities, such as water distribution lines, sanitary sewer and telephone and electric distribution lines, along with related attendant facilities, intended for local service, which utility systems are permitted in all zone districts when approved by the appropriate serving utility agency.

35-9.14 PERFORMANCE STANDARDS FOR NON-RESIDENTIAL USES

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A. Before the issuance of any building permit or certificate of occupancy for a nonresidential use, all of the following regulations must be met:

1. Noise. All activities shall comply with Section 3-8, Noise Restrictions of the City's Revised General Ordinances.
2. Fire and explosion hazards. All activities shall be carried on only in structures which conform to the standards of the National Fire Protection Association or Factory Insurance Association or City Building Code or Fire Prevention Code, whichever one is more restrictive. All operations shall be carried on and combustible raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of said National Fire Protection Association or Factory Insurance Association.
3. Odors. There shall be no emission of odorous gases or other odorous matter in such quantity as to be readily detectable without instruments.
4. Smoke, dust, gases and other forms of air pollution. There shall be no emission of smoke, dust, gases or other forms of air pollution which would in any way violate the New Jersey Air Pollution Control Laws or the New Jersey Air Pollution Control Code (see N.J.S.A. 26:2C-1 et seq. and N.J.A.C. 7:27-1.1 et seq.).
5. Liquid and solid wastes. There shall be no discharge at any point of treated or untreated sewage or industrial waste into any stream, lake, reservoir or into the ground of any material which may contaminate the water supply or endanger human health and welfare. No industrial waste shall be discharged into any system, nor shall any wastes be discharged into the public sewer system, which are dangerous to the public health and safety. All methods of sewage and industrial waste treatment and disposal shall be approved, as applicable, by the New Jersey Department of Environmental Protection, the City Board of Health and the City Engineer. All methods of treatment and disposal shall comply with the requirements of these agencies.
6. Radioactivity. No activities shall be permitted which cause radioactivity in violation of 10 CFR 1.20 entitled "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revision or amendment thereto.
7. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate side on which such use is conducted.
8. Glare and heat. No operation will be conducted which will produce heat or direct or sky-reflected glare beyond the property line of the lot on which the use is located. Industrial and exterior lighting shall be used in such a manner that it produces no glare on public highways and neighboring property.
9. Utilities. All telephone and electric service on the property shall be by underground conduit.

35-9.15 GREEN BUILDING DEVELOPMENT BONUS INCENTIVES

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- A. The green building development bonuses listed in this Section shall be available to multifamily, townhouse, mixed-use and non-residential development in all zones. Green building development bonuses shall not be available to single and two-family dwellings. The development bonuses listed in this Section shall not supersede green building development bonuses provided in any other Section of this Chapter or any Redevelopment Plan adopted by the City of Summit.
- B. The provision of any LEED certification or equivalent and/or green building component(s) does not guarantee any additional development bonus. The prescribed development bonuses set forth in this Section are intended to be the maximum allowed for any particular LEED certification, or equivalent, or green building component(s). Green building development bonuses shall not be combined under any circumstances. When a green building development bonus results in a fractional number, the figure shall be rounded to the nearest whole number.
- C. Site plan requests for any green development bonus shall be evaluated on a case-by-case basis based on the characteristics of individual sites as determined by the Planning Board or Zoning Board of Adjustment. The provision of any LEED certification or equivalent and/or green building component shall be part of the typical site plan review process where the environmental benefits are analyzed in granting the requested development bonus. Bonus allowances shall be determined based upon the proposed development's compliance with the applicable zoning and design regulations.
- D. Requests for green building development bonuses shall be reviewed by the Planning Board or Zoning Board of Adjustment, Board professionals and City Staff in the course of a technical review committee meeting and/or site plan application, as determined to be necessary. All administrative costs, including the evaluation of a development's performance, any applications for LEED or equivalent accreditation, and review by City professionals and staff shall be at the expense of the developer. The Administrative Officer shall have the discretion in determining the extent to which any escrow is required for City professional and staff review, as determined to be necessary.
- E. All green building development components shall adhere to the minimum approved/required standard for a period of no less than ten (10) years from the receipt of a final certificate of occupancy as demonstrated by an acceptable form of monitoring and annual performance reporting to be stipulated in a developer's agreement, or such other acceptable form of agreement, between the developer and City of Summit subsequent to site plan approval by the appropriate Board. Such agreements shall be recorded as a deed restriction as a condition of Board approval.
- F. Penalties and enforcement for failure to comply with the minimum approved/required green building performance standard shall be addressed in a developer's agreement between the developer and City of Summit subsequent to site plan approval by the appropriate Board.
- G. Green Building Development Bonus Incentives.
  1. Green building development bonuses shall be in addition to the maximum density, floor area ratio (FAR) and height requirements as otherwise prescribed in this Chapter.
  2. The development shall meet the minimum LEED standard or equivalent as demonstrated by a LEED Accredited Professional in order to qualify for the corresponding development bonuses listed in the table below.

<b>Bonus Incentive</b>	<b>Certified (40-49 pts.)</b>	<b>Silver (50-59 pts)</b>	<b>Gold (60 to 79 pts.)</b>	<b>Platinum (80-100 pts.)</b>
<b>Max. Density</b>	N/A	2.0 units per acre	4.0 units per acre	8.0 units per acre
<b>Max. FAR</b>	N/A	10%	15%	30%
<b>Max. Bldg. Height</b>	N/A	N/A	N/A	1 story/10 ft

3. The development shall meet the minimum green building standard to qualify for the corresponding development bonuses listed in the table below.

<b>Green Building Component</b>	<b>Standard</b>	<b>Bonus Incentive</b>
Minimum water use reduction derived from baseline calculations and a water balance model in accordance with LEED standards or similar.	50%*	Density: 2.0 units per acre and FAR: 10%
	75%*	Density: 4.0 units per acre and FAR: 15%
Minimum energy demand supplied by on-site solar energy system.	50%*	Density: 1.0 unit per acre and FAR: 5%
	75%*	Density: 3.0 units per acre and FAR: 10%
	100%*	Density: 5.0 units per acre and FAR: 15%
Min. on-site land area designated for green stormwater infrastructure (bioretention, rain gardens, etc.).	25%	Lot Coverage: 10% and FAR: 10%
Minimum green roof coverage of total building coverage.	85%	Density: 3.0 units per acre and FAR: 15%
Min. cost Performance Cost Index (PCI) below Performance Cost Index Target (PCI <sub>t</sub> ) (based on energy cost and greenhouse emissions).	25%*	Density: 2.0 units per acre and FAR: 10%
	50%	Density: 4.0 units per acre and FAR: 15%

\*Baseline calculations shall be based on the United States Green Building Council's (USGBC) most recent version of LEED standards and requirements.

4. Developers may request a green building bonus development incentive directly related to the magnitude and type of proposed green building component, subject to the determination of the Planning Board or Zoning Board of Adjustment.

## ARTICLE X – REGULATIONS GOVERNING CERTAIN PERMITTED USES

### 35-10.1 CHILD CARE CENTERS

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Child care centers are permitted uses in all nonresidential zones. The floor area occupied in any building or structure as a child care center shall be excluded in calculating (1) any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under State or local laws or regulations adopted there under; and (2) the permitted density allowable for that building or structure. Child care center buildings shall comply with City parking standards.

### 35-10.2 COMMUNITY RESIDENCES FOR THE DEVELOPMENTALLY DISABLED

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Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential zones. The requirements shall be the same as for single-family dwellings located within such zones.

### 35-10.3 ESSENTIAL SERVICES

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Public utility lines for the transportation, distribution and/or control of water, electricity, sewage, gas, oil, steam and telegraph and telephone communications, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this Chapter be interpreted to prohibit the use of a property in any zone for the above uses. For purposes of this provision, wireless communications facilities shall not be deemed an essential service.

### 35-10.4 FAMILY DAY CARE HOMES

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Family day care homes are permitted uses in all residential zones. The requirements shall be the same as for single-family dwelling units located within such residential zones as permitted in the Municipal Land Use Law and as defined in this Chapter.

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## ARTICLE XI – REGULATIONS GOVERNING CERTAIN CONDITIONAL USES

### 35-11.1 GENERAL

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The Planning Board shall not approve a conditional use unless it finds that the use meets all the requirements of this Chapter, does not substantially impair the use and enjoyment of surrounding properties and does not substantially impair the character of the surrounding area and does not have any substantial adverse effect on surrounding properties. No building, structure or premises shall be used unless in conformance with the conditions listed below.

### 35-11.2 REQUIREMENTS FOR SPECIFIC USES

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#### A. *Educational Institutions.*

1. Minimum lot area: two (2) acres.
2. Minimum frontage: two hundred (200) feet.
3. Minimum front yard: fifty (50) feet.
4. Minimum rear yard: fifty (50) feet.
5. Minimum side yards (each): fifty (50) feet.
6. Maximum building height (excluding spires, steeples, cupolas, and other ornamentation): Same as zoning district requirements for permitted uses.
7. Side Buffer. A strip of land twenty (20%) percent of the average width of the property, but not to exceed fifty (50) feet, shall be planted and maintained as a landscaped side yard buffer in each side yard that abuts a residential zone or use.
8. Rear Buffer: A strip of land twenty (20%) percent of the average depth of the property, but not to exceed fifty (50) feet, shall be planted and maintained as a landscaped rear yard buffer if the rear yard abuts a residential zone or use.
9. Maximum lot coverage: forty (40%) percent.
10. Maximum building coverage: fifteen (15%) percent.
11. Parking shall only be permitted in side and rear yards.
12. Minimum parking setback from property lines: twenty (20) feet.

#### B. *Gasoline Service Stations and Automotive Repair Facilities.*

1. Such use shall have a street frontage of at least one hundred (100) feet and an average depth of at least one hundred fifty (150) feet. Corner lots shall have a street frontage of at least one hundred fifty (150) feet along each street frontage.
2. The walls of any building or structure, other than gasoline or oil filling devices, shall be set back at least seven (7) feet from every adjoining property line and at least twenty-five (25) feet from any

street right-of-way line. For any repair garage or gasoline service station that abuts a residential zone, the minimum side or front yard setback for the residential zone shall apply.

3. The entrance and exit driveway or driveways to and from any gasoline service station shall be at least eighteen (18) feet wide but not more than twenty-five (25) feet wide, located at least ten (10) feet from any adjoining property line and at least twenty (20) feet from the corner of any intersecting public streets. Driveways shall be designed so that exiting vehicles do not have to back out onto any public sidewalk, street or right-of-way.
4. The entrance and exit driveway or driveways to and from any automotive repair facility shall be eighteen (18) feet wide.
5. A perimeter, curbed, landscaped area, at least five (5) feet wide, shall be required along all front property lines, except for areas devoted to ingress and egress driveways, and along side and rear property lines when adjacent to paved areas. No sign or other object or device shall be parked or placed thereupon, other than those shown on the approved site plan.
6. All services or repairs to or for motor vehicles shall be conducted within the confines of a building, except the sale and supply of oil and gasoline and other fluids, and the filling of tires, and other services customarily incidental to the sale of gasoline, oil and automobile supplies and accessories.
7. Storage facilities for gasoline, oil or other flammable materials in bulk over fifty-five (55) gallons shall be located wholly underground unless otherwise required by law. No gasoline pump shall be located or permitted within any enclosed or semi-enclosed building.
8. Every gasoline or oil filling device shall be located at least sixty (60) feet from any street right-of-way line, and at least fifty (50) feet from any side or rear property lines.
9. At any gasoline service station where motor vehicles to be repaired will remain more than twenty-four (24) hours, a solid fence, at least six (6) feet in height and a minimum of twenty-five (25) feet from the street right-of-way, made of a composition which will effectively screen the property, shall be placed to effectively screen views from the street.
10. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. Other than employee's vehicles, no more than six (6) motor vehicles may be located outside a service station building for a period not to exceed five (5) days provided the owners are awaiting the repair of said motor vehicles.
11. The exterior display and parking of equipment for rent or sale shall be permitted subject to site plan review, provided the area devoted to this purpose does not exceed ten (10%) percent of the total lot area, and the number of vehicles for sale or rent does not exceed two (2) vehicles at any given time, the maximum sign area for a service station is not exceeded, and that the location of the equipment being rented or sold does not interfere with the off-street parking requirements for the service station and does not interfere with the traffic circulation indicated on the approved site plan.
12. Such uses that are located less than two hundred (200) feet from a residential lot in a residential zone, measured from the perimeter of the lot line to the nearest point of the residential lot in the residential zone, shall be closed between the hours of 11:00 p.m. and 6:00 a.m.

13. Convenience retail stores shall be a permitted accessory use associated with a gasoline service station and shall be subject to the parking requirements for retail uses.
14. The following uses shall not be permitted as accessory uses associated with a gasoline service station:
  - a. Car washes.

C. *Houses of Worship.*

1. Minimum lot area: two (2) acres.
2. Minimum frontage: two hundred (200) feet.
3. Minimum front yard: fifty (50) feet.
4. Minimum rear yard: fifty (50) feet.
5. Minimum side yards (each): fifty (50) feet.
6. Maximum building height (excluding spires, steeples, cupolas, and other ornamentation): Same as zoning district requirements for permitted uses.
7. Side Buffer: A strip of land twenty (20%) percent of the average width of the property, but not to exceed fifty (50) feet, shall be planted and maintained as a landscaped side yard buffer in each side yard that abuts a residential zone or use.
8. Rear Buffer: A strip of land twenty (20%) percent of the average depth of the property, but not to exceed fifty (50) feet, shall be planted and maintained as a landscaped rear yard buffer if the rear yard abuts a residential zone or use.
9. Maximum lot coverage: forty (40%) percent.
10. Maximum building coverage: fifteen (15%) percent.
11. Parking shall be only in side and rear yards.
12. Minimum parking setback from property lines: twenty (20) feet.

D. *Institutional Uses or Structures.*

1. The property on which the structure or building is to be constructed or the activities conducted must contain a minimum of two (2) acres.
2. No building shall be closer than fifty (50) feet to the side or rear line of any adjacent property. These fifty (50) feet shall be considered as a buffer strip and shall be landscaped in accordance with the standards set forth in this Chapter.
3. No building or structure shall be closer than fifty (50) feet to any front property line or less than fifty (50) feet from any other structure.
4. All buildings must be served by driveways to be approved as to size, curvature, grade and surface to provide easy access for emergency vehicles, such as police and fire equipment.
5. No parking shall be permitted between the front building line and the street right-of-way.

*E. Philanthropic Uses.*

1. No parking shall be permitted between the front building line and the street right-of-way.
2. All buildings must be served by driveways to be approved as to size, curvature, grade and surface to provide easy access for emergency vehicles, such as police and fire equipment.

*F. Recreational Facilities, Private.*

1. Minimum lot size: nine (9) acres.
2. Maximum building coverage: five (5%) percent.
3. Maximum lot coverage: fifteen (15%) percent.

*G. Public Utilities.*

1. The building shall be designed to be residential in appearance.
2. The lot shall be landscaped consistent with the residential character of the neighborhood.
3. Parking shall only be permitted in the side or rear yard. No more than two (2) spaces are permitted.
4. No employees shall be permitted to work on a regular basis in the building.

*H. Wireless Telecommunications Systems & Equipment [RESERVED]*

## ARTICLE XII – NONCONFORMING USES, STRUCTURES AND LOTS

### 35-12.1 CONTINUANCE OF EXISTING NONCONFORMING USES AND STRUCTURES

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Any nonconforming use or structure which lawfully existed at the time of the passage of this Article may be continued, and any legally existing nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this Article.

### 35-12.2 ALTERATION, EXTENSION OR ENLARGEMENT OF NONCONFORMING USE OR STRUCTURE

---

- A. A nonconforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
- B. No building in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:
  1. Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension, expansion or increased intensity of a non-conforming use.
  2. Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
  3. Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.
- C. Structural alterations, internal rearrangements, additions and renovations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this Chapter, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the nonconformance of said building or structure.
- D. A nonconforming use changed or altered to a conforming use shall constitute a rebuttable presumption of abandonment of the nonconforming use and may not thereafter be changed back to a nonconforming use.
- E. A nonconforming use shall not be permitted to be changed to another nonconforming use.

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**35-12.3 RESTORATION OF LAWFULLY EXISTING NONCONFORMING BUILDINGS OR STRUCTURES**

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Whenever a building is nonconforming because it fails to comply with any height, area, yard, off-street parking or requirements of this Chapter, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing non-conformance.

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**35-12.4 NONCONFORMING IMPROVED LOT**

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When an improved lot in a residential zone exists as a separate isolated lot (the lot does not adjoin any land or lot of the same owner), and which said improved lot is non-conforming due to size, shape, area or setback, any existing residential building or structure on the lot may be further improved, provided that:

- A. The number of dwelling units shall not be increased even if such increased number of dwelling units is allowed in the zone, unless approved by the Zoning Board of Adjustment.
- B. Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be extended or made more nonconforming, including any vertical or below ground additions of any type.
- C. Any existing and proposed improvement on the nonconforming improved lot shall not exceed the percentage of maximum building coverage, lot coverage, and floor area ratio set forth in of Space Regulations located in the Appendix at the end of this Chapter.

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**35-12.5 NONCONFORMING UNIMPROVED LOT**

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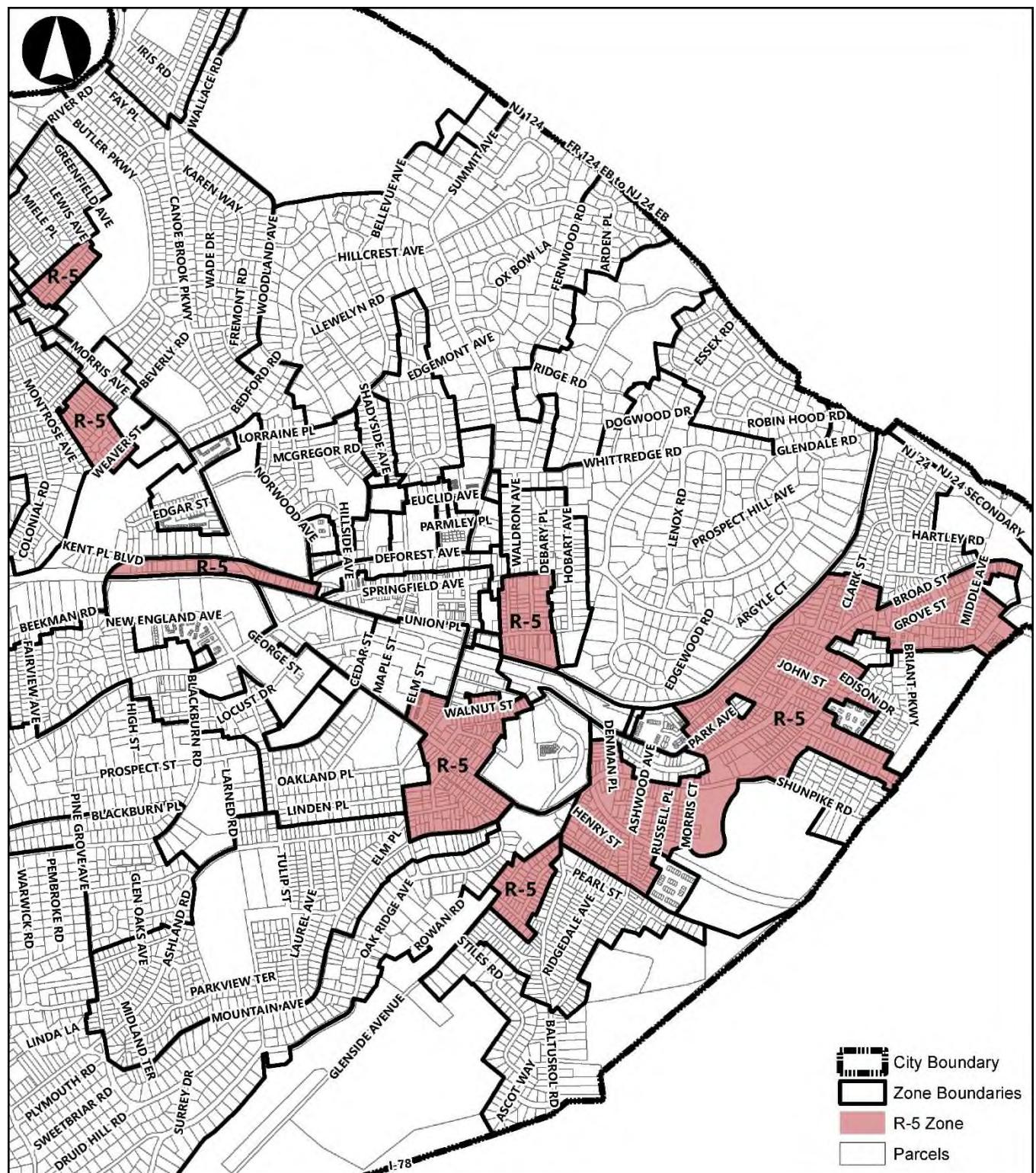
Notwithstanding any other provisions of this Article, any existing non-conforming lot in the R-43, R-25, R-15, R-10, R-6, R-5 and RAH-1 zones not adjoining any vacant land under common ownership and which is non-conforming due to width or area, may be improved with a new building or structure in accordance with the use requirements of this Article, provided that the structure shall meet all other requirements in Schedule of Space Regulations located in the Appendix at the end of this Chapter.

## ARTICLE XIII – ZONING REGULATIONS

### 35-13.1 ZONING REGULATIONS

The purpose of these zones is to provide for a variety of housing types designed to support and address the housing needs of a diverse population, to clearly define commercial and industrial areas and uses, and to provide transition zones between residential and non-residential zones.

## 35-13.2 R-5 SINGLE AND TWO-FAMILY ZONE



A. **Purpose.** The purpose of the R-5 Zone is to preserve the integrity of existing single and two-family residential areas by preventing the intrusion of nonresidential uses into residential neighborhoods and by maintaining existing development intensity and population density consistent with single and two-family residential neighborhood patterns. A compatible relationship between new or expanded houses and traditional neighborhood houses that reflect the best of the neighborhood character, particularly in terms of scale, siting, design features and orientation on the site is encouraged.

B. **Permitted Uses.**

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#### **PRINCIPAL USES:**

---

1. Detached single-family dwellings.
2. Twin house dwellings.
3. Two-family dwellings.
4. Public parks and playgrounds.

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#### **ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### **CONDITIONAL USES:**

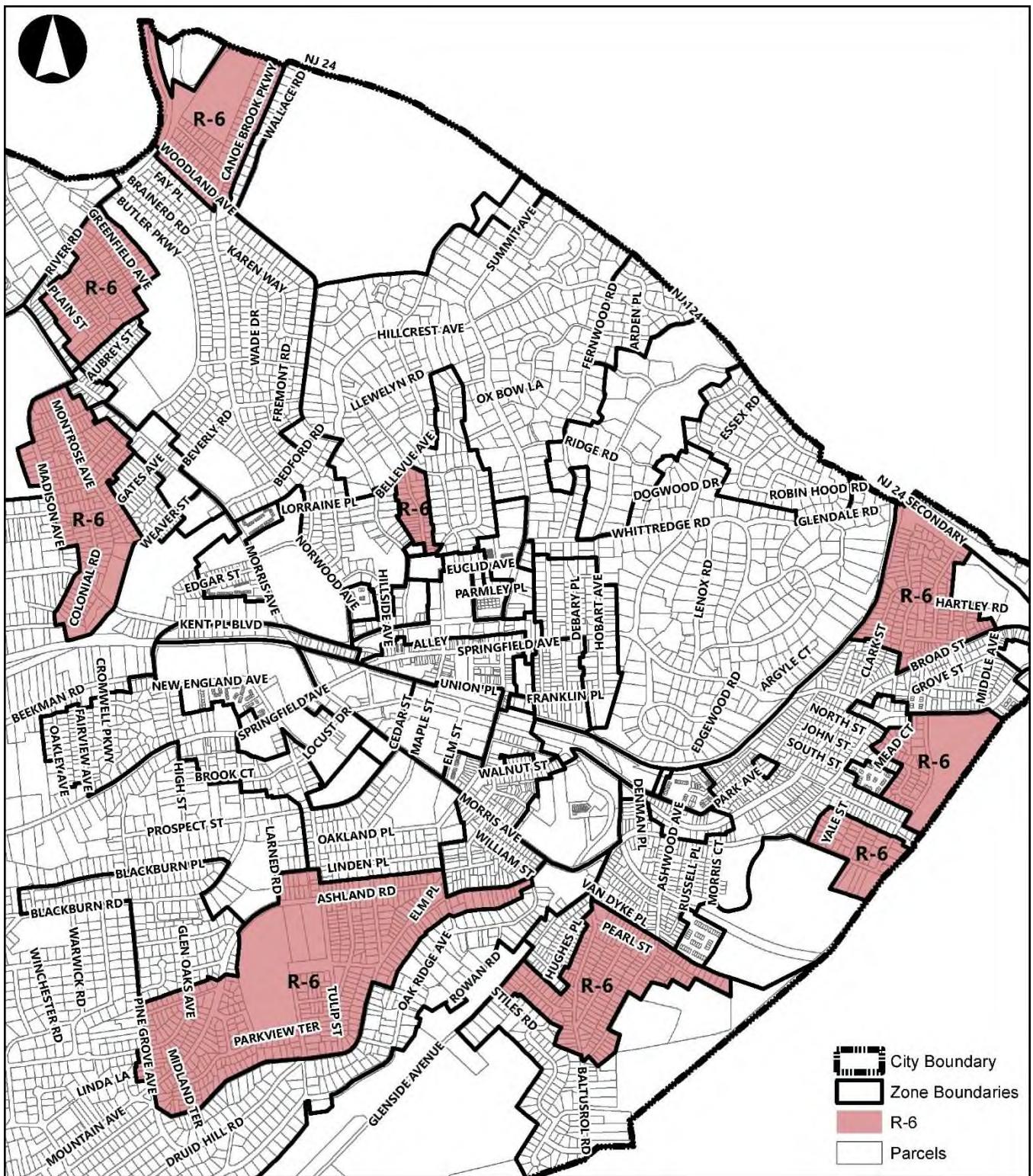
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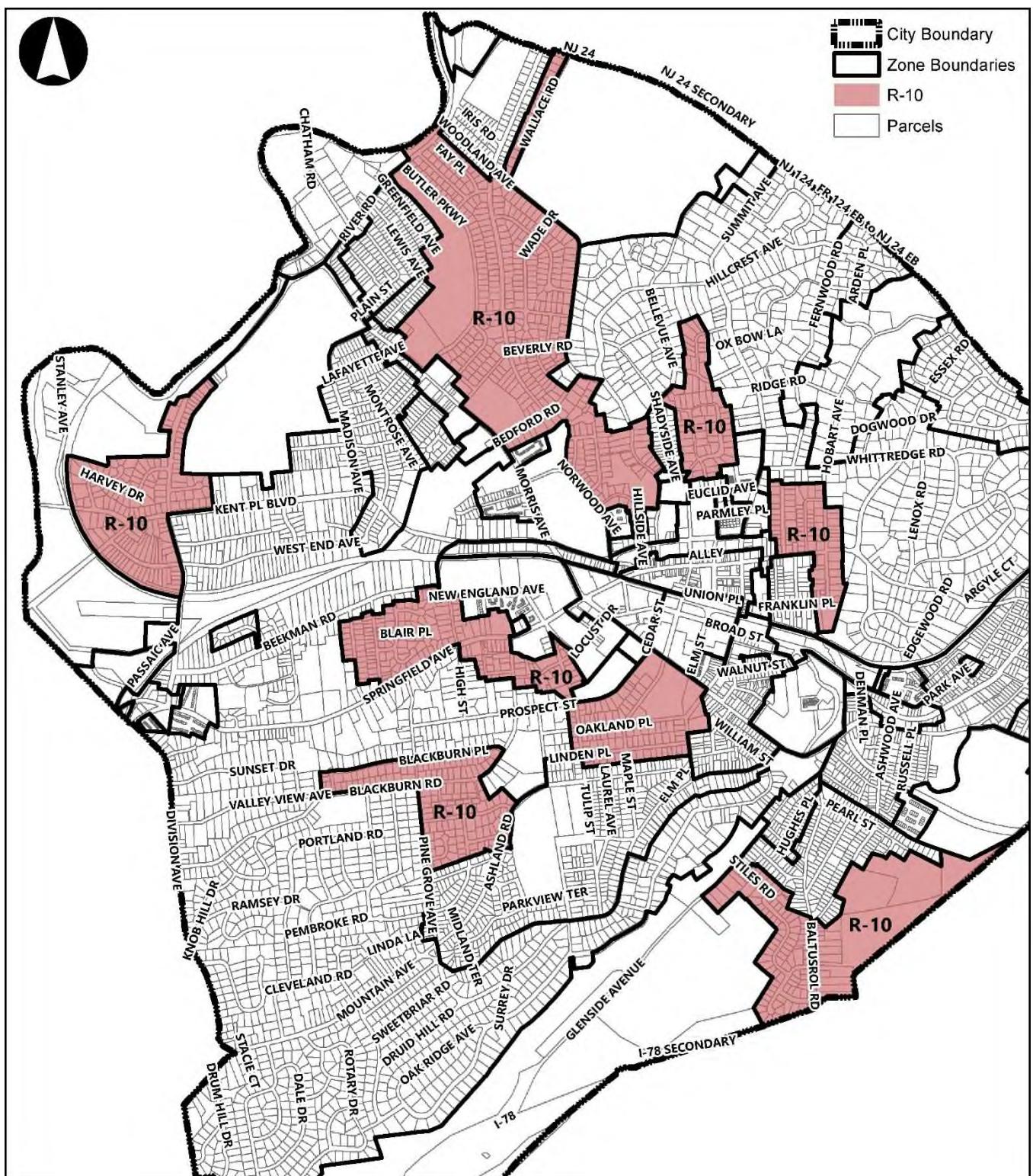
1. Houses of Worship.
2. Educational Institutions.

C. **Supplementary Requirements.**

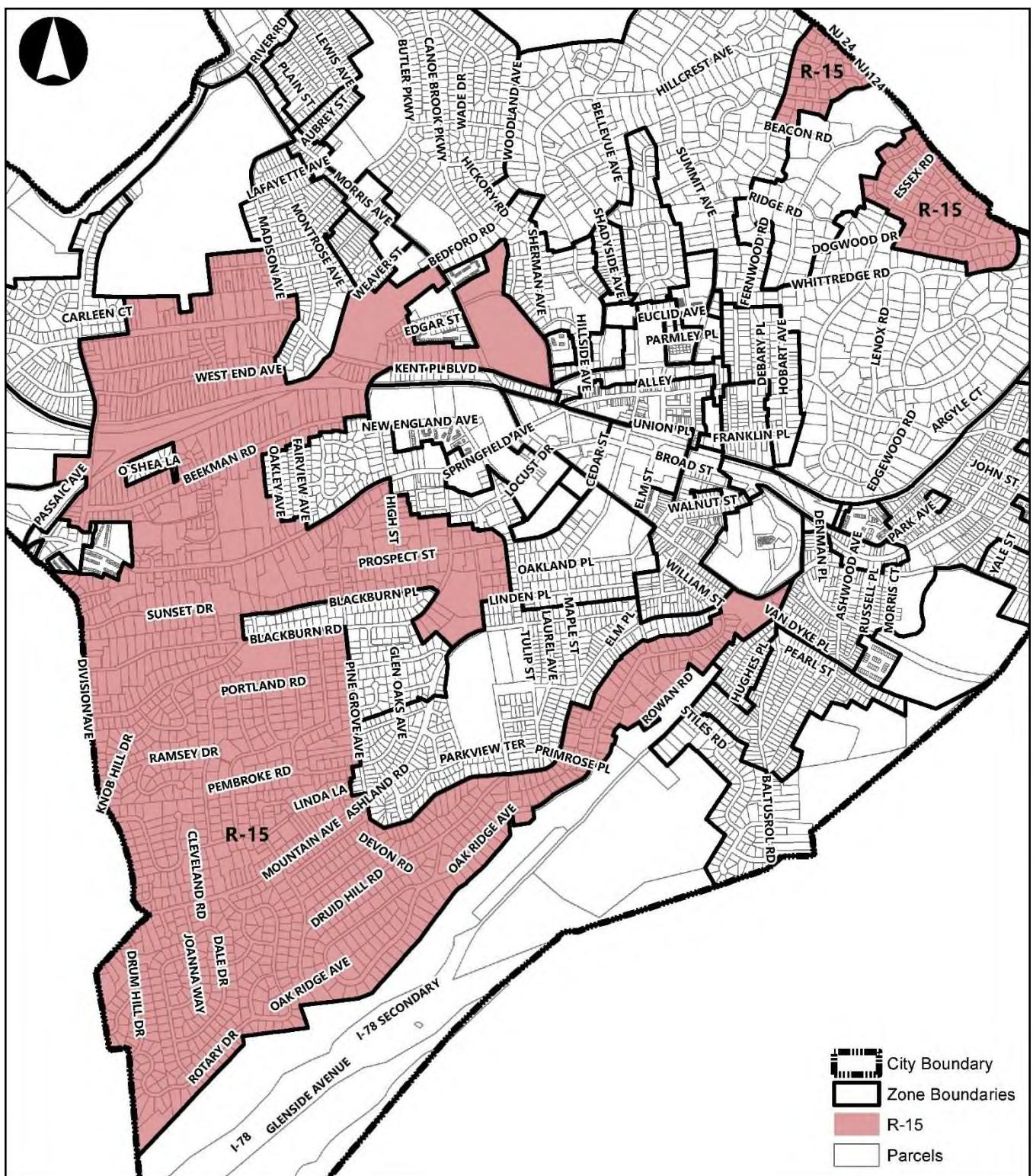
1. Twin houses shall be on adjacent lots of five thousand (5,000) square feet per dwelling unit by recorded agreement of owners and provided that side yards are doubled on unattached sides of the buildings.
2. Two-family houses shall be located on lots with a minimum lot area of ten thousand (10,000) square feet.
3. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## R-6 Zone

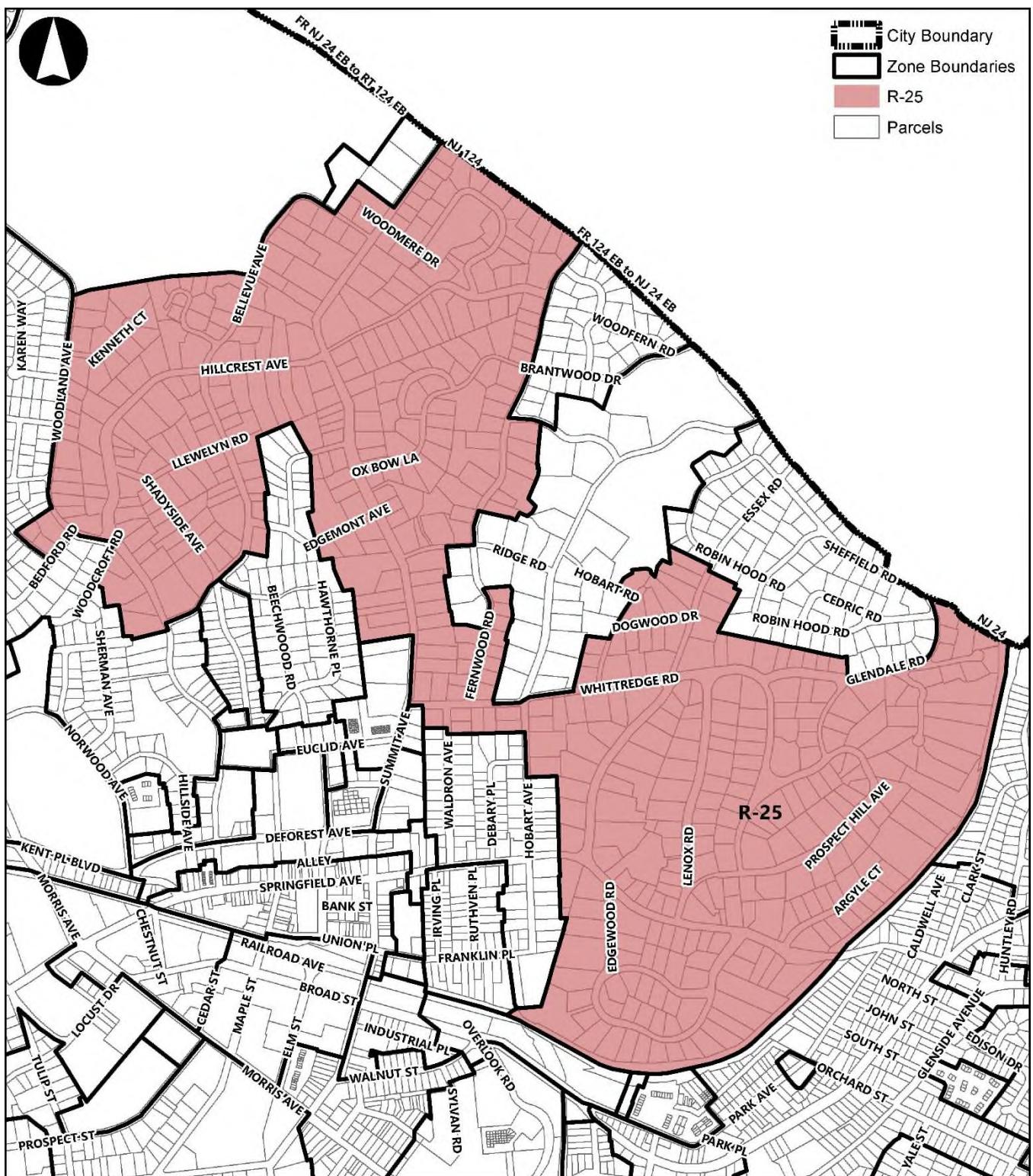


R-10 Zone

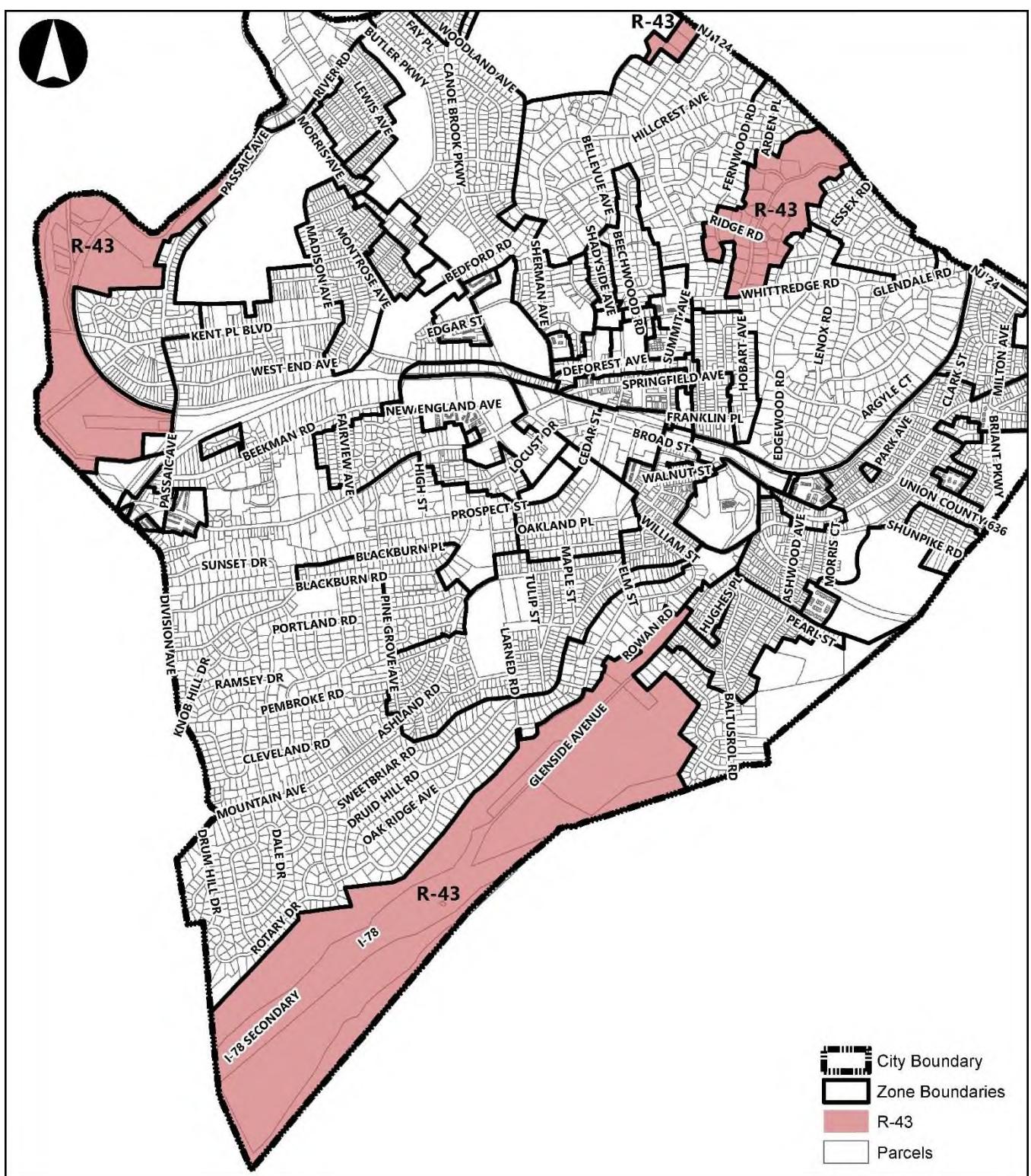
## R-15 Zone



## R-25 Zone



### R-43 Zone



A. **Purpose.** The purpose of the R-6, R-10, R-15, R-25 and R-43 residential zones is to preserve the integrity of existing single-family residential areas by preventing the intrusion of nonresidential uses into residential neighborhoods and by maintaining existing development intensity and population density consistent with single-family residential neighborhood patterns. A compatible relationship between new or expanded houses and traditional neighborhood houses that reflect the best of the neighborhood character, particularly in terms of scale, siting, design features and orientation on the site is encouraged.

B. **Permitted Uses.**

**PRINCIPAL USES:**

---

1. Detached single-family dwellings.
2. Public parks and playgrounds.

**ACCESSORY USES:**

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

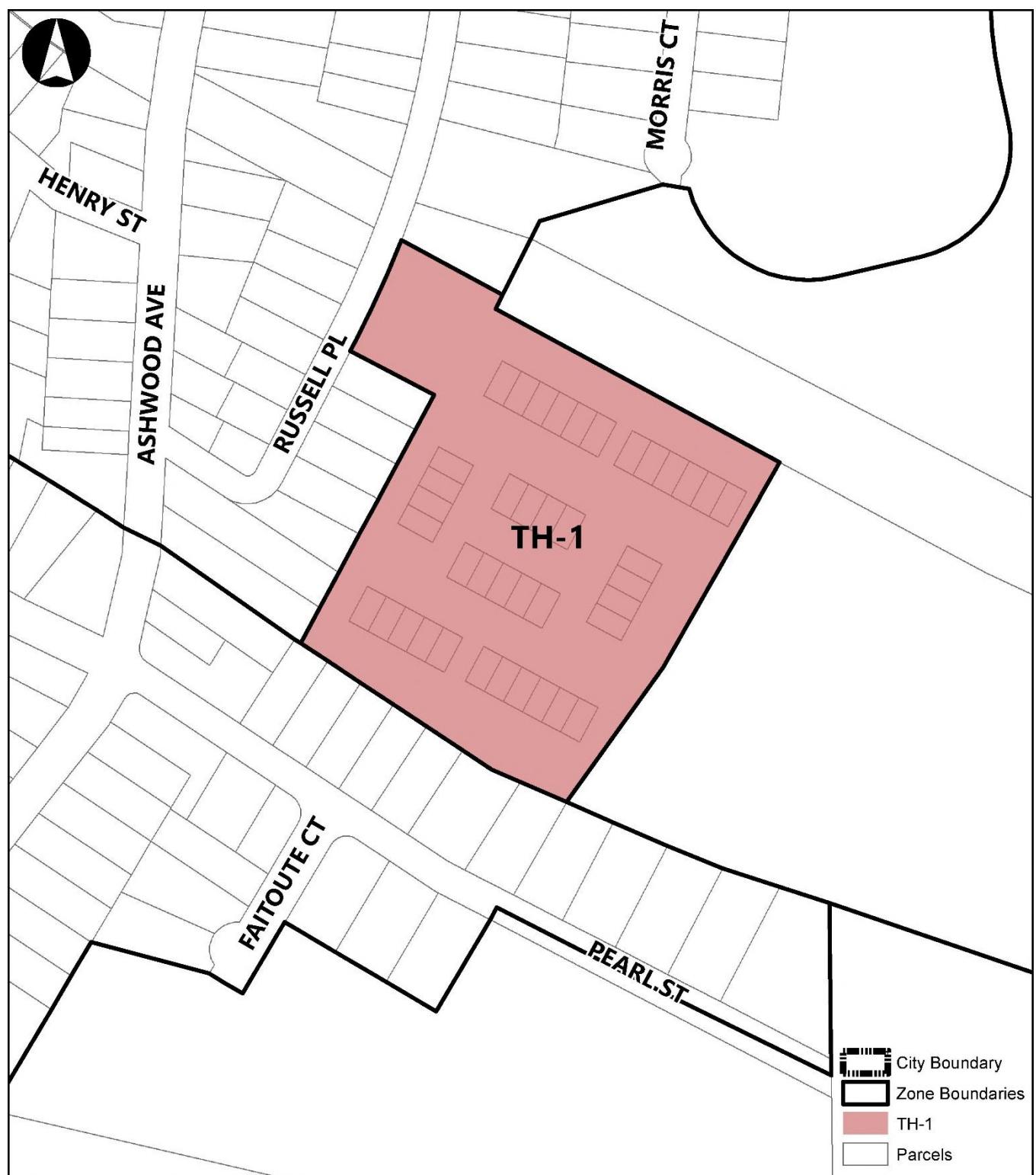
**CONDITIONAL USES:**

---

1. Houses of Worship.
2. Educational Institutions.
3. Recreational Facilities, Private (R-43 only).
4. Enclosed public utility buildings (R-10 and R-6 only).

C. ***Supplementary Requirements.***

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.



A. **Purpose.** The purpose of the TH-1 Zone is to implement an agreement dated November 13, 2001 between (1) the City of Summit and the Planning Board for the City of Summit; and (2) Summit View L.L.C. and Stephens Miller Company (hereinafter "Summit/Stephens Miller Settlement"). This zone is intended to permit a townhouse development that is compatible with the surrounding residential neighborhood.

B. **Permitted Uses.**

**PRINCIPAL USES:**

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1. Townhouses subject to the requirements as imposed by this subsection and other provisions of the DRO consistent herein.

**ACCESSORY USES:**

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

**CONDITIONAL USES:**

---

1. None.

C. **Supplementary Requirements.**

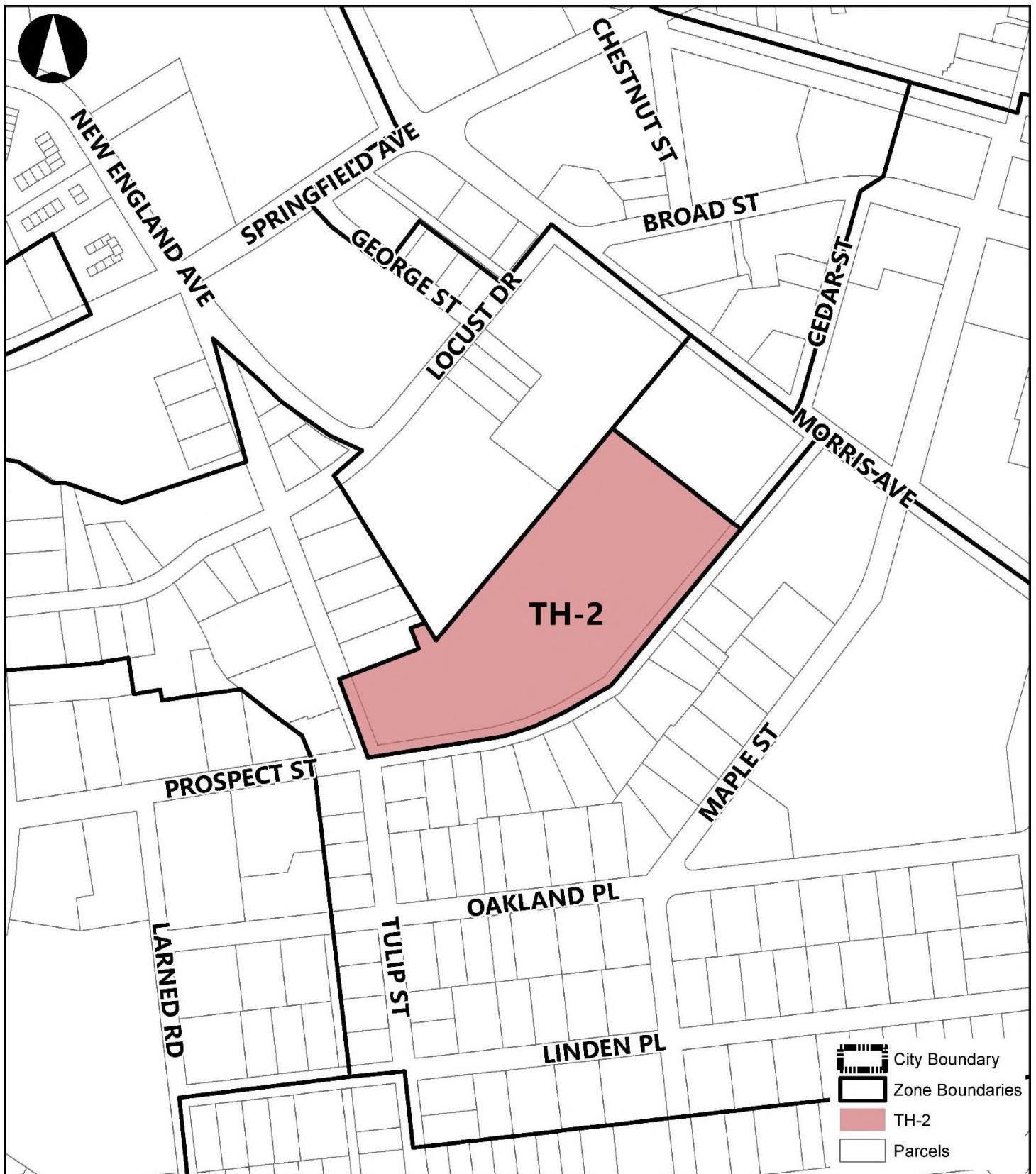
1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
2. Minimum perimeter setback: fifty (50) feet adjacent to any residential zone; twenty (20) feet adjacent to any nonresidential zone or railroad right-of-way. Within the setback, no above-ground buildings or structures, or off-street parking areas shall be permitted except utilities (catch basins, manholes and other pertinent items in connection with underground storm water detention facilities), fences, retaining walls, and access driveways except as set forth in paragraph E,2 and 3 below. Patios and decks not more than eighteen (18) inches high shall not encroach more than ten (10) feet into the required setback. The maximum height of a retaining wall shall not exceed three (3) feet, with an allowable exception that no more than ten (10%) percent of the length of the wall may be permitted to a maximum height of four (4) feet, so long as any retaining wall greater than three (3) feet in height shall not be visible from a residential use or district. No deck floor over eighteen (18) inches above grade shall be permitted in any setback.
3. Minimum setback of access driveways abutting residential uses or zones: twenty (20) feet.
4. Minimum setback of access driveways abutting railroad right-of-way and nonresidential uses or zones: ten (10) feet. An enhanced evergreen landscaped buffer shall be required.
5. The Planning Board may require the applicant to supplement any existing vegetation with additional landscaping and/or fencing. An enhanced evergreen landscaped buffer shall be required to screen the access driveways from adjacent land uses.

6. Minimum setback from building to edge of access driveway: twenty-five (25) feet
7. Minimum distance between buildings: twenty (20) feet
8. Permitted encroachments into the setbacks and yards: chimneys (not more than twenty-four (24) inches); overhangs, bay windows, trellis (front yard only)
9. Maximum number of units per building: six (6)
10. Required parking: two (2) parking spaces per unit shall be garaged.
11. Accessory uses or structures are not permitted between the building and the access driveway.
12. No public roadways shall be provided within the tract. Access driveways shall be a minimum of twenty-two (22) feet in width with battered curbs.
13. Trash/recycling containers shall be housed in garages and placed at the curb the night before or the morning of collection.
14. One (1) freestanding sign shall be permitted along the Russell Place frontage. The sign shall not exceed twelve (12) square feet in area, three (3) feet in height and shall not intrude into the sight triangle.
15. No backlight signs or those in which letters are silhouetted against a light background are permitted. External lighting may be permitted.
16. No fences shall be permitted along the Russell Place frontage.

D. ***Mandatory Contribution to Affordable Housing Trust Fund.*** The right to develop townhouses is subject to the payment of a Mt. Laurel fee based upon the following formula: (i) a fee which shall be the sum of twenty (20%) percent multiplied by the number of market rate units approved for construction multiplied by twenty thousand and no/100 dollars (\$20,000.00) (the "Base Payment"); and (ii) in addition, if any unit sells for more than four hundred thousand (\$400,000.00) dollars after adding the cost to the purchaser of the extras to the contract sales price, "a surplus payment" fee equivalent to six (6%) percent of the portion of the sales price over four hundred thousand (\$400,000.00) dollars.

E. ***Compliance with Summit/Stephens Miller Settlement.*** An essential and non-severable condition of any approval to develop in this TH-1 Zone shall be full compliance with the Summit/Stephens Miller Settlement. All standards of the DRO shall apply; however, where the provisions of this subsection conflict with other provisions of the Summit DRO, the provisions of this subsection shall control.

## 35-13.5 TH-2 TOWNHOUSE 2 ZONE



A. **Purpose.** The TH-2 Zone is intended to permit the development of low-density townhouses with a themed architectural design that is compatible with the adjacent single-family residential neighborhood. The zone takes advantage of its proximity to the downtown, the train station and other community amenities.

B. **Permitted Uses.**

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#### PRINCIPAL USES:

---

1. Townhouses.
2. Single-family detached dwellings subject to the requirements of the R-10 Zone.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 9.9.

---

#### CONDITIONAL USES:

---

1. None.

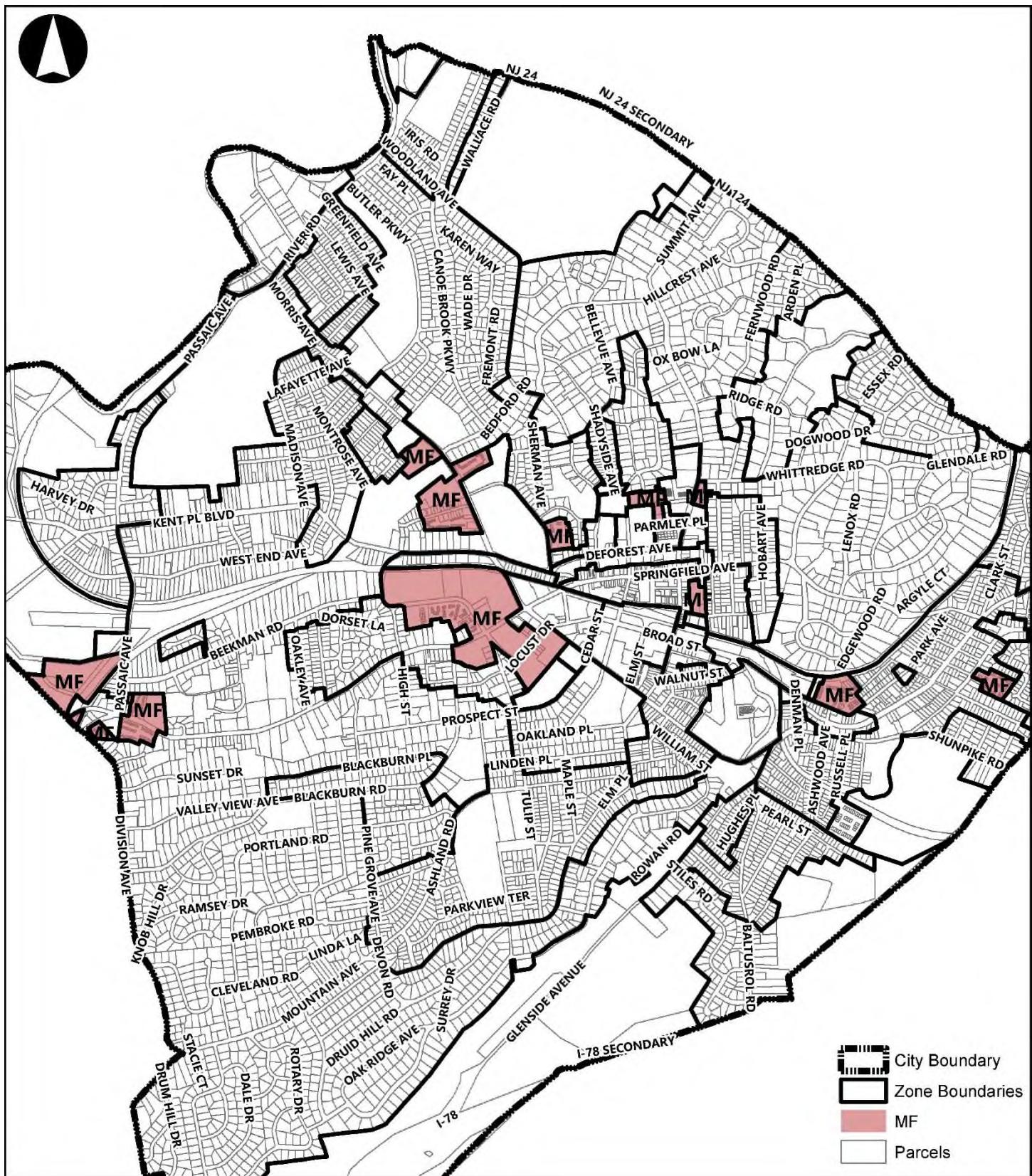
C. **Supplementary Requirements.**

1. Minimum Setbacks of Buildings. No principal building shall be located closer than one hundred (100) feet to Prospect Street and one hundred fifty (150) feet to Tulip Street, twenty-five (25) feet from any property line and fifteen (15) feet to any private access way.
2. Minimum Buffer Setbacks. Seventy-five (75) feet along Prospect Street and one hundred fifty (150) feet along Tulip Street.
3. Access Driveways. No access driveway shall be permitted from Tulip Street.
4. Minimum Distance Between Buildings.
  - a. End wall to end wall (no windows): twelve (12) feet.
  - b. Any window wall to end wall: thirty (30) feet.
  - c. Window wall to window wall: sixty (60) feet.
5. Other Requirements.
  - a. Minimum four (4)-foot building offset shall be provided for each two (2) attached single-family units.
  - b. Maximum number of units in a building: six (6)
  - c. Accessory structures shall harmonize architecturally with and be constructed of materials of like character to those used in the principal structure.
  - d. Common open space shall meet the requirements of N.J.S.A. 40:55D-43.

D. *Design Requirements.* The following criteria should be considered in the design of townhouse developments:

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
2. The design of the townhouse structures and overall site plan should be compatible with the physical characteristics of the site, with buildings adjacent to the site, and with the character of the neighborhood.
3. The natural vegetation and topography of the site should be preserved to the maximum extent possible.
4. Any building rear yard shall be screened from the public right-of-way with fencing or landscaping to the maximum extent possible.
5. A maximum of two (2) common driveways shall be permitted from Prospect Street in the TH-2 zone. However, one (1) of these two (2) driveways may utilize a common access driveway in the adjacent B-1 district, provided that common access driveway is at least one hundred fifty (150) feet from any intersection.
6. Use of existing driveways shall be encouraged to minimize disturbance to the maximum extent possible.
7. Freestanding walls up to seven (7) feet in height are permitted in the front yard setback, but outside the front yard buffer along Prospect Street.

## 35-13.6 MF MULTI-FAMILY ZONE



A. ***Purpose.*** The purpose of the MF Zone is to permit multi-family residential uses at appropriate densities at locations accessible to commercial services and public facilities.

B. ***Permitted Uses.***

---

#### PRINCIPAL USES:

---

1. Detached single-family dwellings subject to the requirements of the R-5 Zone.
2. Twin house and two-family dwellings subject to the requirements of the R-5 Zone.
3. Townhouses.
4. Apartments.
5. Condominiums.
6. Public parks and playgrounds.

---

#### ACCESSORY USES:

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

---

#### CONDITIONAL USES:

---

1. Houses of Worship.
2. Institutional Uses.
3. Educational Institutions.

C. ***Supplementary Requirements.***

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.7 MFT MULTI-FAMILY TOWER RESIDENTIAL ZONE



A. *Purpose.* The MFT Zone is intended for multi-family apartments in a range of building types.

B. *Permitted Uses.*

#### **PRINCIPAL USES:**

---

1. Detached single-family dwellings subject to the requirements of the R-5 Zone.
2. Twin house and two-family dwellings subject to the requirements of the R-5 Zone.
3. Townhouses.
4. Apartments.
5. Condominiums.
6. Assisted living.

#### **ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

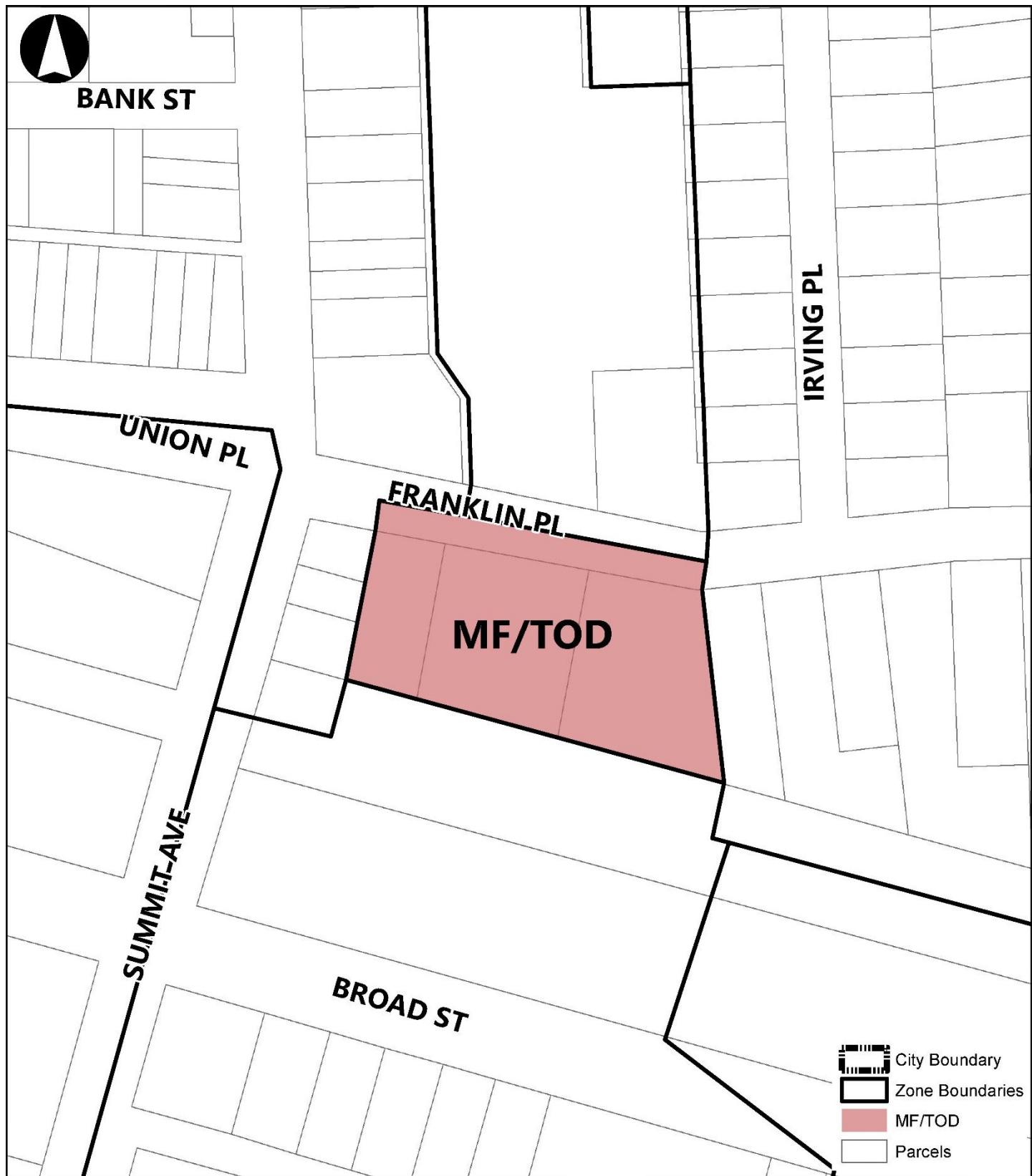
#### **CONDITIONAL USES:**

---

1. Houses of Worship.
2. Educational Institutions.

C. *Supplementary Requirements.*

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.



A. **Purpose.** The purpose of the MF/TOD Zone is to permit residential uses designed as a "residential cluster" at higher densities at locations within walking distance to commercial services and public transit facilities. The zone will be designed to serve as a transitional zone between the R-5 and CRBD Zoning Districts. While modeled on the MF Zone, the MF/TOD Zone will permit additional density bonuses based on utilization of smart growth principles and sustainable design practices. New development will be consistent with the architectural styles and attributes represented within the adjacent residential neighborhood and the impact of additional car traffic will be minimized through the required site design.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

---

1. Residential clusters which may include the following housing types:
  - a. Detached single-family dwellings.
  - b. Twin house and two-family dwellings.
  - c. Townhouses.
  - d. Brownstones.
  - e. Multifamily units as described.
2. Public parks and playgrounds.

#### **ACCESSORY USES:**

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

#### **CONDITIONAL USES:**

---

1. None.

C. **Supplementary Requirements.**

1. The bulk requirements for the zone are as shown in the Schedule of Space Regulations located in the Appendix at the end of this Chapter.
2. The grade plane, however, for purposes of computing the thirty-five (35) foot maximum height of any proposed building in the Multi-Family/Transit Oriented Development Zone (MF/TOD), shall be the average of the grade plane along the project frontage on Franklin Place; provided, however, that the ridge line of any other building not fronting on Franklin Place shall not exceed the ridgeline of those buildings located along the project's frontage on Franklin Place.
3. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
4. While a variety of housing types are permitted, lots must be consolidated and developed as a "residential cluster."
5. The site design shall be such that, regardless of housing type, there shall be a unified parking area which is

served by a single two-way driveway.

6. Parking provided pursuant to Residential Site Improvement Standards ("RSIS"), N.J.A.C. 5:21 et seq., must be accommodated on-site and located in the side and/or rear yard. However, the City does encourage alternative transportation mechanisms to balance the density and the vehicular impacts of that density on the neighborhood. (See "Off-Street Parking"—paragraph D of this subsection).
7. A density bonus has been offered for structured parking which is either entirely below-grade or substantially below-grade and whose roof is landscaped and accessible to the site residents. An alternative density bonus has been offered for covered parking that provides either a vegetated roof or solar panels. (See "Density Incentives").
8. Regardless of whether the building type is single or two-family detached or multi-family development, all buildings shall incorporate pitched roofs (with a minimum pitch of 8" on 12"), front doors, and either porticoes or front porches.
9. For all building types, buildings that front on and/or are visible from the street shall present themselves as a series of individual homes with individual entrances opening to the street, with a minimum of one (1) front door for every three (3) dwelling units. Such housing shall also incorporate architectural treatments such as horizontal and vertical articulation to break up the mass of the buildings.
10. As the streetscape, open space, landscaping and/or green roofs/plazas are all possible elements integral to the overall development, it is recommended that a certified landscape architect shall be retained by the developer from the project's inception. This professional should work with the project team to develop the elements as identified as well as to assist in the incorporation of other LEED and site attributes into the overall development and streetscape.
11. Affordable housing pursuant to the City's Housing Element/Fair Share Plan and/or as determined by the City's housing professionals and Common Council shall be provided.
12. A density bonus has been offered to incorporate green building and sustainable development practices within the zone. The development team will be guided by and the bonuses assigned will be measured utilizing the LEED Neighborhood Development (ND) Rating System or LEED New Construction (NC) Building Rating System as the City's intent is to integrate the principles of smart growth and green building into the zoning ordinance. Any bonuses awarded or assigned shall be conditioned upon the receipt of LEED ND and/or LEED NC certification by the project and/or all the individual buildings.
13. Permitted density shall be calculated as follows:
  - a. In calculations of density where a number is a fraction or includes a fraction of the whole, for the purposes of this subsection it shall be rounded up.
  - b. Residential density: Base density of twelve (12) units per acre. Density may be increased up to a maximum of seventeen (17) units per acre through bonuses as described below. All housing forms must meet the bulk requirements as specified in the Schedule of Space Regulations located in the Appendix at the end of this Chapter.
  - c. Density Incentives. Multiple incentives are offered to encourage projects to develop in a manner that supports the general welfare by providing long-term operational cost savings via sustainability initiatives and/or additional open space through landscaping above below-grade parking or provision of solar

panels or a vegetated roof covering at grade parking. These incentives are in the form of additional dwelling units as it is believed that the overall health, safety and welfare of the community is enhanced by their use. The applicant may elect to incorporate incentives, increasing the density to a maximum of seventeen (17) units per acre as shown below. However, the overall density utilizing the maximum incentives shall not exceed seventeen (17) units per acre. The following incentives are optional and eligibility is subject to the satisfaction of the criteria identified and approval by the Planning Board.

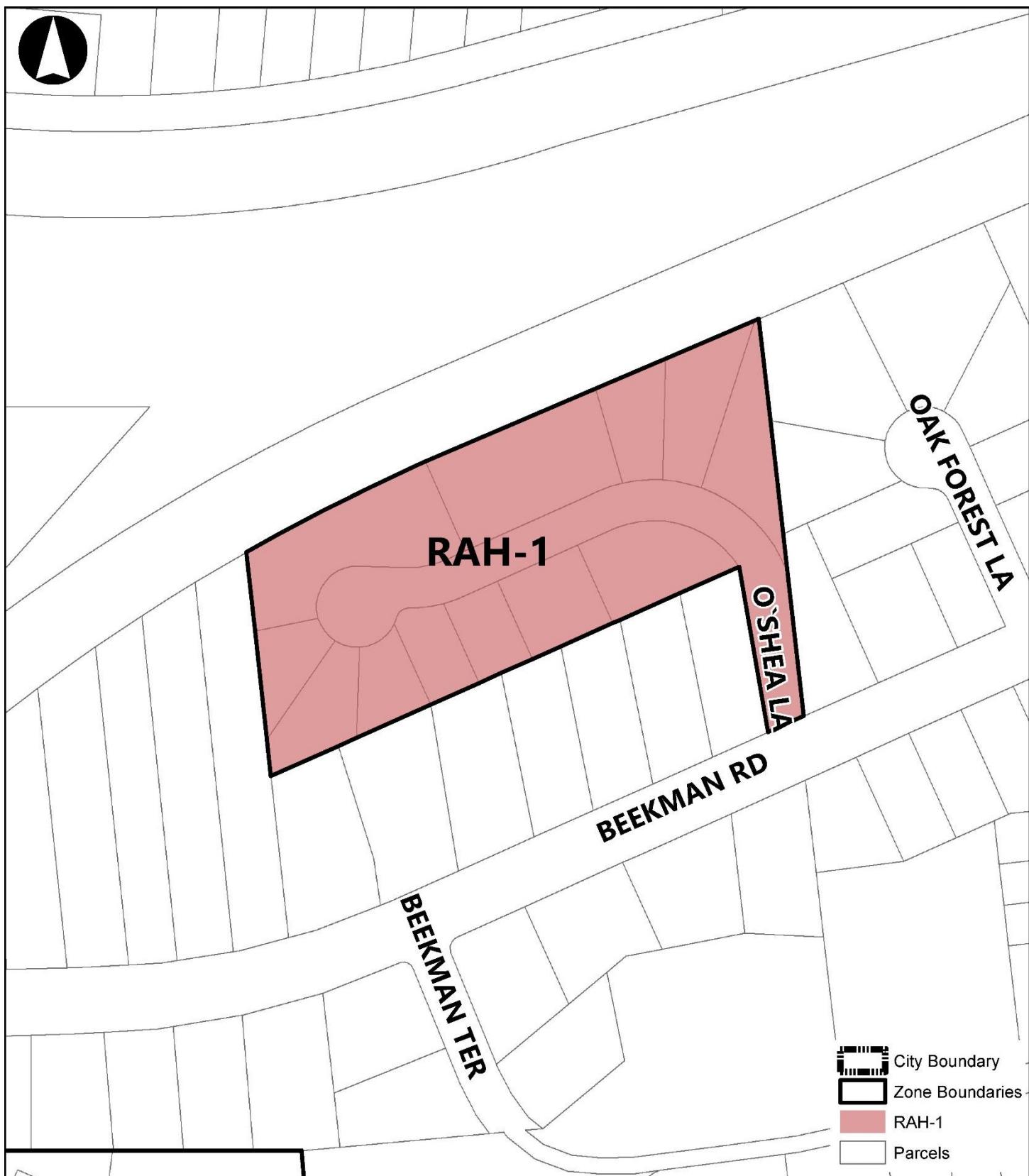
- (1) Structured Below-grade Parking: If 85% of the site's parking requirements are provided below or substantially below-grade and the rooftop of the parking structure not beneath the dwelling units is landscaped and developed as part of the residential cluster's required common open space and accessible to all residents of the development, the following density bonus will be applied:
  - (a) 3.0 additional units per acre
  - (b) Below grade parking as identified shall not be counted toward the permitted Floor Area Ratio. The top of the parking structure may rise no more than three (3) feet above grade as measured from the top of the street curb.
- (2) If eighty-five (85%) percent of the parking provided is aboveground covered parking, and the roof of the structure is covered with solar collectors and/or a green (living) roof, the following density bonus will be applied:
  - (a) 1.0 additional unit per acre.
- (3) LEED Certification: The developer may choose to design the project to meet the eligibility requirements for LEED ND or LEED NC certification and include commissioning or an appropriate methodology to quantify the benefits and reduction in environmental impacts of the overall development. The developer and the development team shall work in concert with the City and Planning Board to achieve the goals identified in this subsection and the LEED rating system utilized. A method for monitoring the project shall be established prior to site plan approval and shall be completed within a time frame acceptable to the Planning Board, with updates provided by the developer at mutually agreed upon intervals in the approval process. The monitoring method, and the time frame for its completion, shall be incorporated within any resolution of approval for the project. The bonuses offered are as follows:
 

(a) LEED ND/NC SILVER:	1.0 units per acre
(b) LEED ND/NC GOLD:	2.0 units per acre

#### D. *Off-Street Parking.*

1. Minimum Off-Street Parking. The project shall meet the parking requirements set forth in Residential Site Improvement Standards, N.J.A.C. 5:21 et seq. It is further recommended that the parking plan and traffic impact statement include information and discussion regarding the following:
  - a. Car-share programs; their availability to the development, neighborhood and to the community and whether adequate numbers of vehicles are available to the community; and
  - b. Evidence that transportation alternatives will be offered and affirmatively promoted in the marketing strategy for the project.

E. It is recommended that the applicant submit a concept plan to the Planning Board to discuss the overall architectural and site design, landscaping, open space, circulation, LEED rating system proposed, and the intended density based on the bonuses chosen.



A. **Purpose.** The RAH-1 contains a density bonus to permit single-family development at an increased density in return for a monetary contribution to the City's Affordable Housing Fund. This single-family zone shall apply solely to the property designated as Lots 15.01 through 15.13, Block 1405, on the City Tax Map.

B. **Permitted Uses.**

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#### PRINCIPAL USES:

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1. Detached single-family dwellings.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

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1. None.

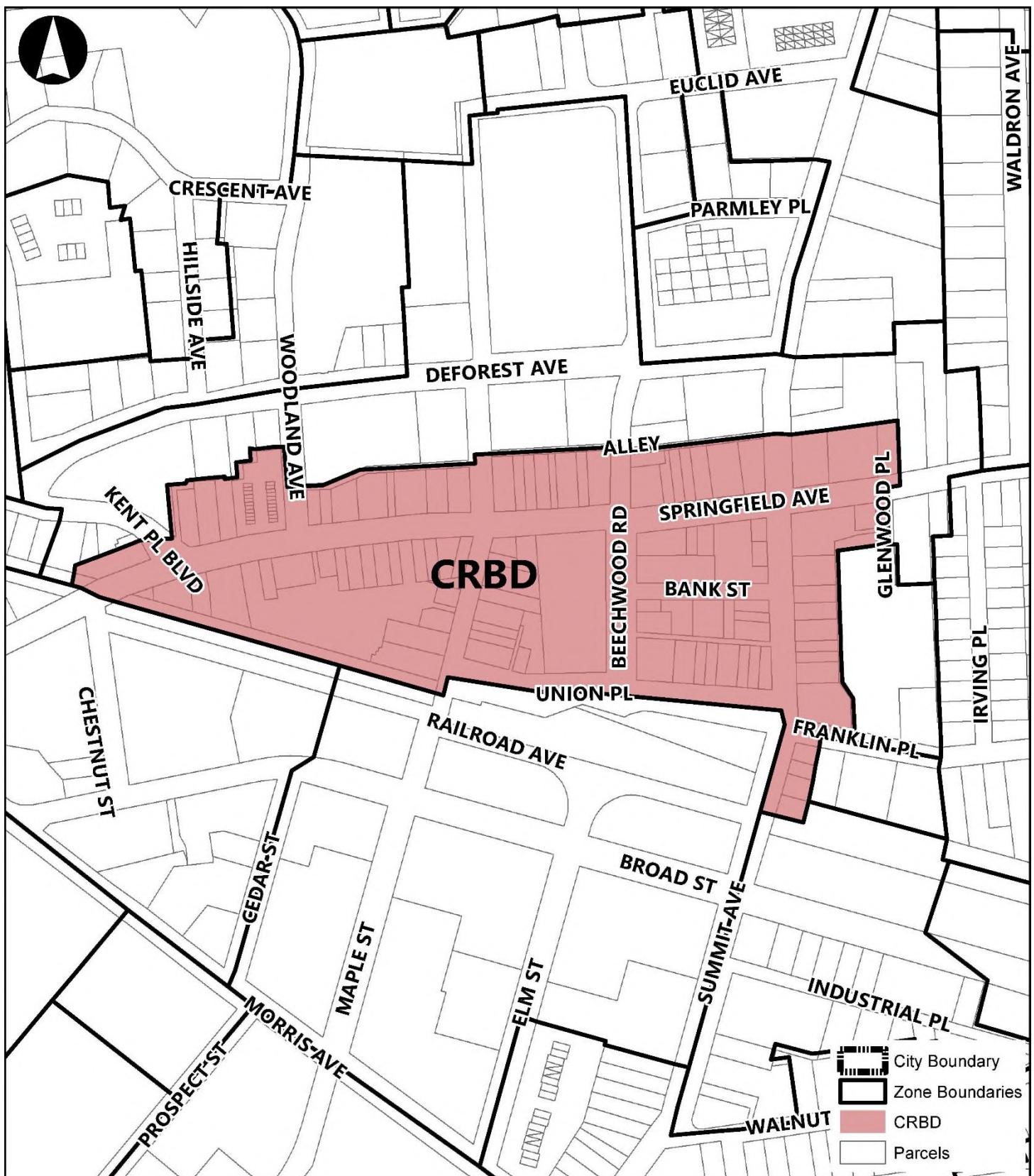
C. **Supplementary Requirements.**

1. Maximum number of lots: not to exceed the number calculated by dividing the gross area of the property to be developed by fifteen thousand (15,000) square feet.
2. Minimum setback from railroad right-of-way: fifty (50) feet.
3. Fences: Permitted in rear and side yards only; side yard fences shall not exceed four (4) feet in height.
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

D. **Affordable Housing Contribution.**

1. In return for the density bonus provided by this zone, a contribution in the amount of twenty thousand (\$20,000.00) dollars per bonus unit shall be paid to the Affordable Housing Fund provided in this Chapter.
2. The number of bonus units shall be calculated based upon the difference in the lot count between an approved plat under this zone and a conforming plat under the provisions otherwise applicable in the R-15 Zone.
3. The required contribution shall be payable on a pro rata basis (applicable to all approved lots) prior to the issuance of individual certificates of occupancy.

## 35-13.10 CRBD CENTRAL RETAIL BUSINESS DISTRICT ZONE



**A. Purpose.** The CRBD Zone constitutes the bulk of the City's central downtown area immediately north of the Summit Train Station. This zone is intended to serve as a pedestrian-oriented mixed-use district, with retail facilities and services to be primarily related to existing street frontage. It is the intent of the City to preserve and enhance the pedestrian environment, promote a diverse mix of compatible land uses, maintain historic structures and promote quality design that exemplifies the character of the City as a whole and within this particular area of the community. Development within the CRBD shall relate harmoniously with its surroundings.

**B. Permitted Uses.**

#### **PRINCIPAL USES:**

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1. Retail sales.
2. Offices, provided that offices located on the first floor shall not face a street, excluding an entryway not to exceed ten (10) feet in width and where a permitted use occupies a contiguous area of minimally 1,500 square feet between the office use and right-of-way, the intent of which is to prevent the office use from being readily visible from the public right-of-way.
3. Restaurants and other eating establishments, except that drive-in or drive-through facilities shall not be permitted.
4. Insurance offices and financial institutions, except that such uses shall not be located on the first floor facing a street unless they provide direct customer services either through tellers or automated bank machines. Drive-through facilities shall not be permitted.
5. Residential uses above the first floor.
6. Theaters, including movie theaters, performing arts centers and event spaces for arts and entertainment.
7. Personal service facilities, except coin-operated laundries. Personal training and tutoring provided they are not located on the first floor facing the street.
8. Retail service facilities, provided that security and commodity brokers, dealers, exchanges and services; telephone services; and income tax preparation services (except when temporary in nature), shall not be located on the first floor facing a street.
9. Instructional schools and studios, including but not limited to, dance, yoga, exercise, culinary, creative arts and crafts, music, martial arts and academic and athletic instruction, subject to the design requirements provided in 35-13.10C.2.
10. Health clubs subject to 35-13.10C.2. where located on the first floor facing a street.
11. Lodges and social clubs above the first floor.
12. Galleries and museums.
13. Indoor recreational uses, including but not limited to, such facilities as active recreational uses, roller and ice skating rinks, racquetball and squash facilities, bowling alleys, arcades, escape rooms, billiards, educational play centers and virtual experience centers, except adult entertainment. Indoor recreational uses

expressly prohibited in the CRBD include tennis and soccer facilities and shooting ranges.

14. Breweries, wineries, distilleries and related uses including brew pubs, microbreweries, tasting rooms, wine making and similar activities which allow for public consumption on the premises and have proper licensing as required by New Jersey State Alcohol and Beverage Control. Such uses shall have a maximum gross floor area of 3,000 square feet designated for production activities and a minimum 25% gross floor area designated as a tasting room or seating area for customers located in the front or storefront of the building as can be readily observed from the street.
15. Private clubs above the first floor.
16. Temporary/seasonal uses, limited to three (3) months in duration and including holiday businesses and services, political offices and tax preparation.

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#### **ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### **CONDITIONAL USES:**

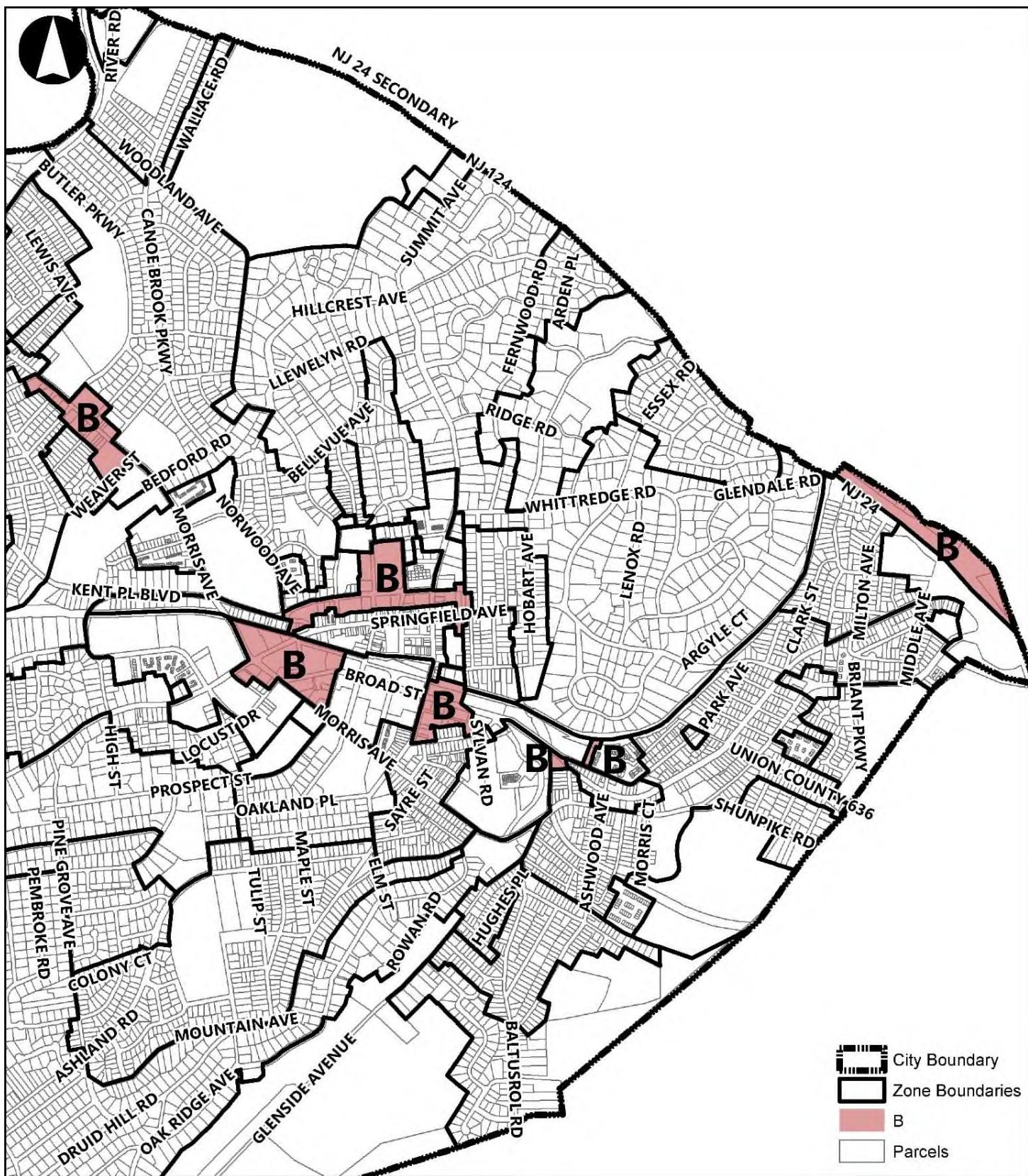
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1. None.

#### **C. *Supplementary Requirements.***

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
2. Instructional school and studios in the CRBD Zone located on the first floor shall comply with the following design requirements:
  - a. A minimum of sixty (60%) percent of the street-facing facade that is between two (2) feet and eight (8) feet in height must be comprised of clear windows.
  - b. Doors shall be provided with at least forty (40%) percent of glass panels in order to maximize the visibility of the interior space.
  - c. Windows shall not be obscured with elements that prevent pedestrians from seeing inside.
  - d. Window displays shall not include full height backdrops that block view into the interior space.

## 35-13.11 B BUSINESS ZONE



A. **Purpose.** The B Zone is intended for the conduct of general business to which the public requires direct and frequent access as prime customers, clients, or patients.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

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1. Retail sales, except that drive-thru facilities are prohibited.
2. Offices.
3. Restaurants and other eating establishments, except that drive-thru facilities shall not be permitted.
4. Financial institutions, except that drive-thru facilities are prohibited.
5. Residential uses above the first floor.
6. Theaters.
7. Personal service facilities.
8. Retail service facilities.
9. Dance schools and studios.
10. Health clubs.
11. Lodges and social clubs above the first floor.
12. Funeral parlors.
13. Institutional uses.
14. Instructional schools.
15. Automobile sales.
16. Private clubs.
17. Adult day care.

#### **ACCESSORY USES:**

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

#### **CONDITIONAL USES:**

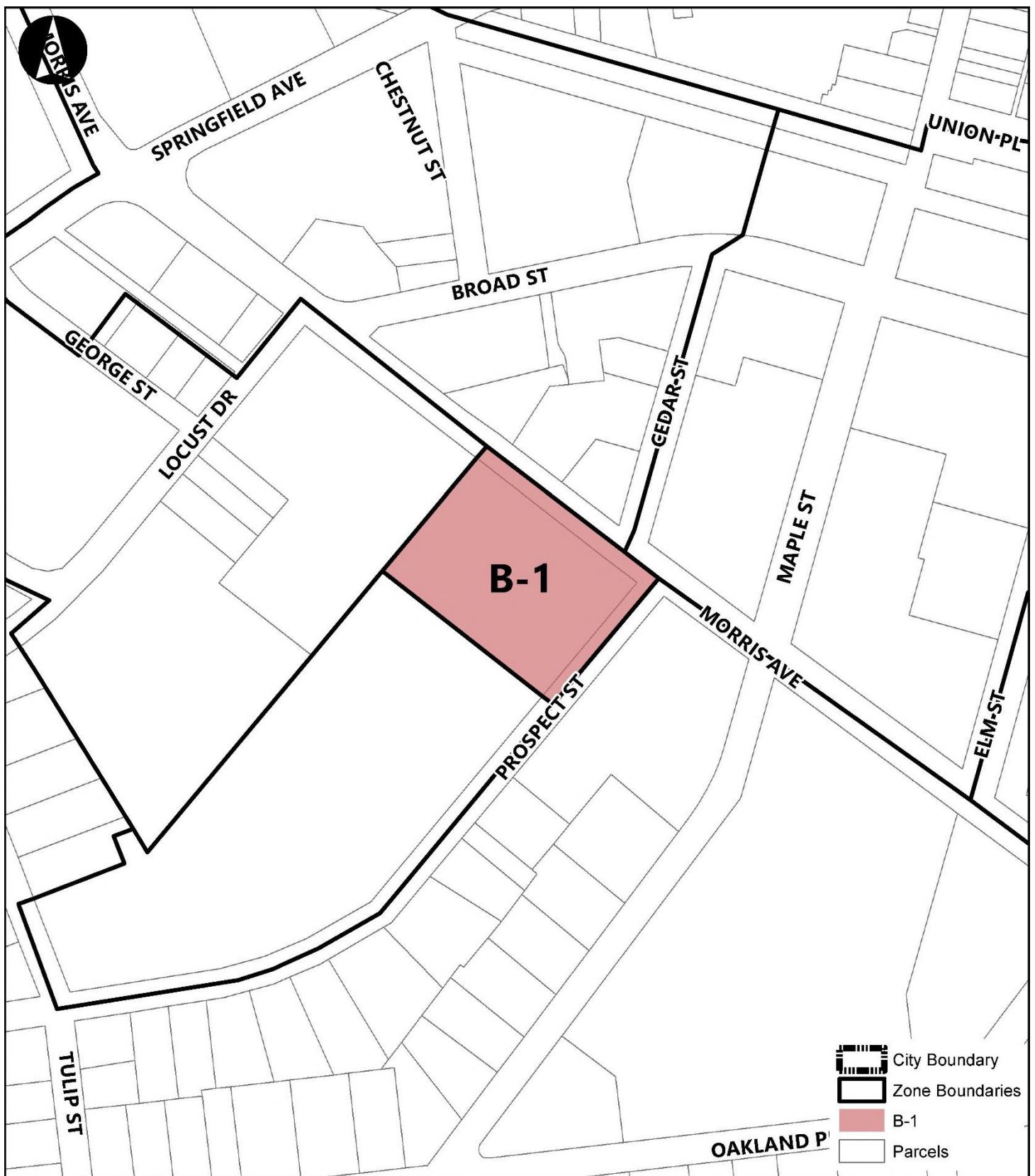
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- 1.
2. Gasoline service stations.
3. Automotive repair.
4. Houses of Worship.

C. **Supplementary Requirements.**

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.12 B-1 BUSINESS-1 ZONE



A. *Purpose.* The intent of the B-1 Zone is to provide adaptive reuse of, and maintain, an existing building in a manner sensitive to neighboring residential development.

B. *Permitted Uses.*

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#### PRINCIPAL USES:

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1. Office buildings.
2. Child care centers.
3. Private clubs.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

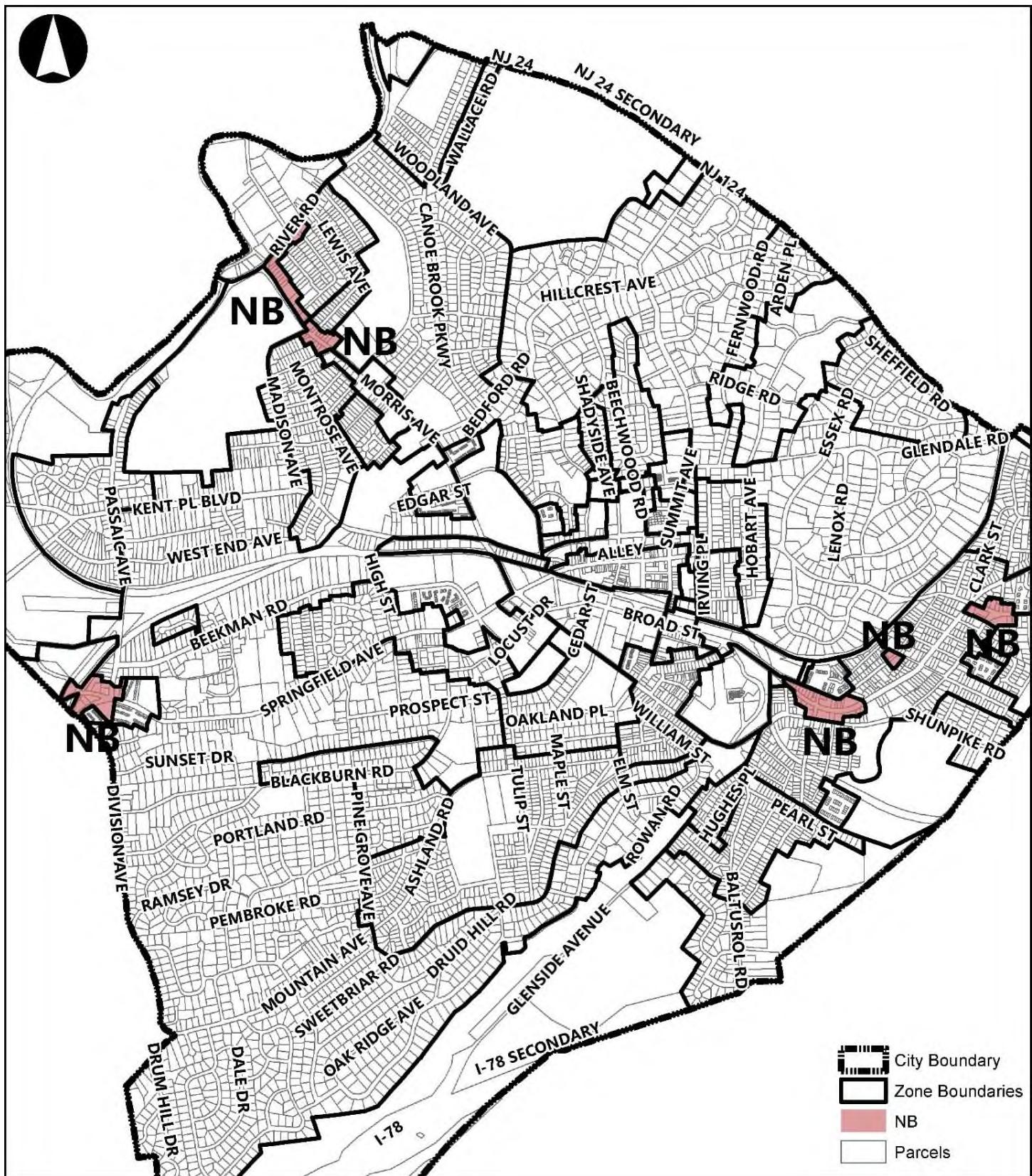
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1. None.

C. *Supplementary Requirements.*

1. Common driveways are permitted to access both office development in the B-1 Zone and residential development in the adjacent TH-2 Zone.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.13 NB NEIGHBORHOOD BUSINESS ZONE



A. **Purpose.** The primary function of this zone is to offer a mix of residential uses and convenient commercial services that are compatible with the nearby residential neighborhood and minimize impacts of such development on adjacent residential areas. The commercial uses are relatively small in scale and are related to the day-to-day needs of nearby residences. Buildings often contain a mix of street level commercial and residential on the upper floors.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

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1. Retail sales and services.
2. Personal service facilities.
3. Professional offices.
4. Dance schools and studios.
5. Restaurants and other eating establishments except that drive-in or drive-through facilities shall not be permitted.
6. Principal permitted uses found in the R-5 Residential Zone, subject to the standards of that zone.
7. Residential uses above the first floor.
8. Financial Institutions except that drive-through facilities shall not be permitted.
9. Adult day care.
10. Private clubs.

#### **ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

#### **CONDITIONAL USES:**

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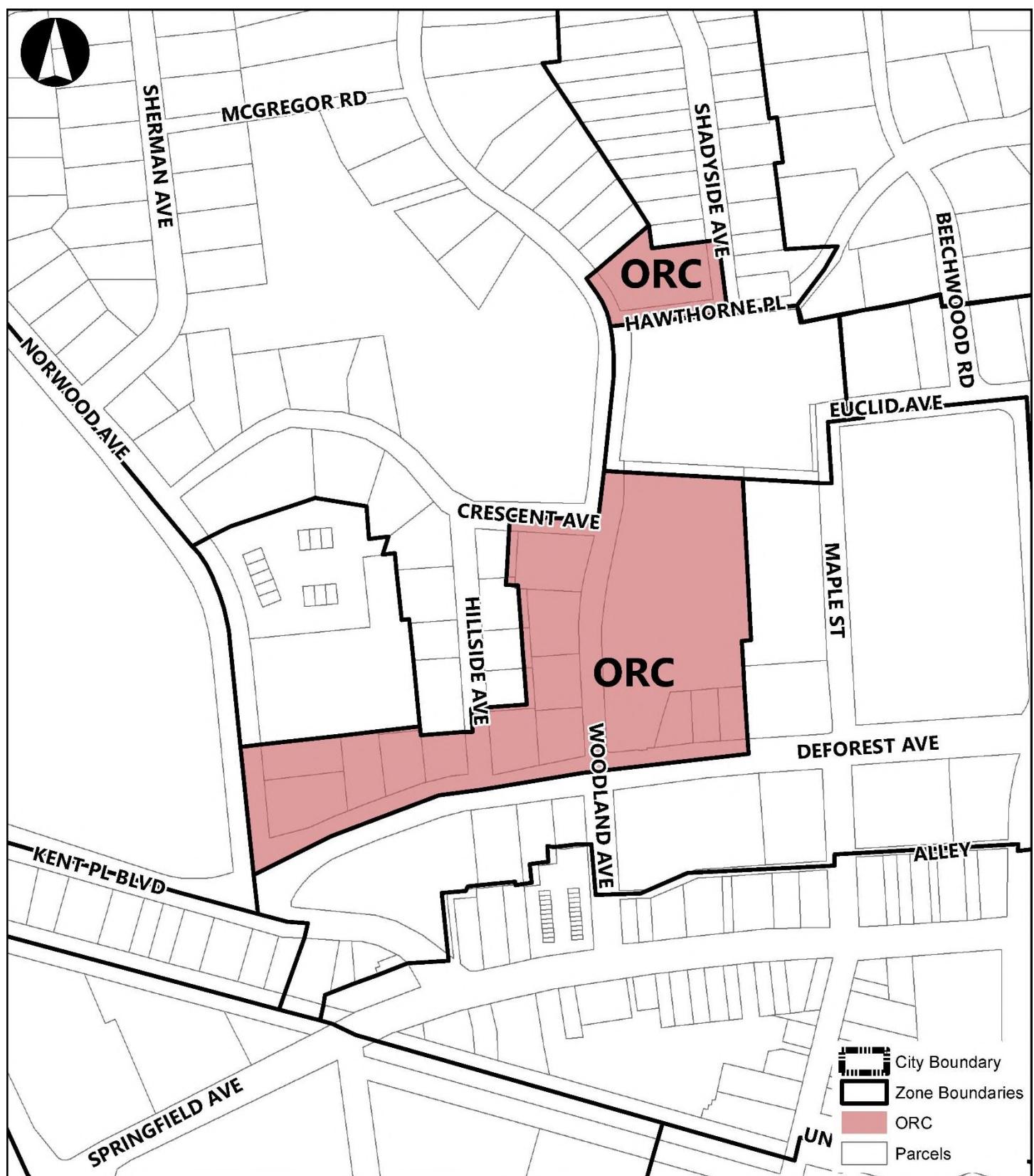
1. Houses of worship.
2. Philanthropic uses.

C. **Supplementary Requirements.**

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
2. No parking shall be permitted between the front building façade and the street right-of-way.
3. No single building on a lot shall contain more than ten thousand (10,000) square feet of gross floor area.
4. All new buildings and any existing buildings that are expanded shall contain at least two (2) stories above grade.
5. The roof pitch on all new buildings and on existing buildings where a second floor is added or created shall be a minimum of 4:12.

6. Each business establishment shall have a visually prominent entrance from the street right-of-way.
7. Use of shared driveways shall be encouraged.
8. A five (5) foot landscaped buffer shall be required along the rear property line. If parking is located in the rear, this buffer shall be in addition to the requirements of 35-14.1L and P below.
9. Parking areas shall be screened from view of adjacent residential zones by landscaping, fencing, or a combination thereof to create a buffer at least five (5) feet wide and at least five (5) feet tall and shall provide screening of vehicles in all seasons.
10. Trash disposal areas shall be located as far from residential zone boundaries as possible.
11. Lighting shall be located no closer than eight (8) feet from an adjoining residential district and shall not exceed eight (8) feet in height. Lighting shall be designed to avoid up-lighting or halo effect with fixtures incorporating shielding/cut-offs to prevent spillage off-site and on adjacent residential properties.

## 35-13.14 ORC OFFICE RESIDENTIAL CHARACTER ZONE



A. *Purpose.* The purpose of the ORC Zone is to allow the conversion of existing residential structures for office uses, while preserving the historic character, scale and features of the buildings and the streetscape.



B. *Permitted Uses.*

#### **PRINCIPAL USES:**

1. One and two-family residential dwellings subject to the R-5 Zone requirements.
2. Offices; Professional offices.
3. Mixed-use structures of office suite(s) and one (1) or more residential unit(s). Residential dwelling units and office suites shall contain a minimum of five hundred (500) square feet each.
4. Multifamily dwellings.
5. Private clubs.

#### **ACCESSORY USES:**

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 9.9.

#### **CONDITIONAL USES:**

1. Houses of worship.
2. Philanthropic uses.

C. *Supplementary Requirements.*

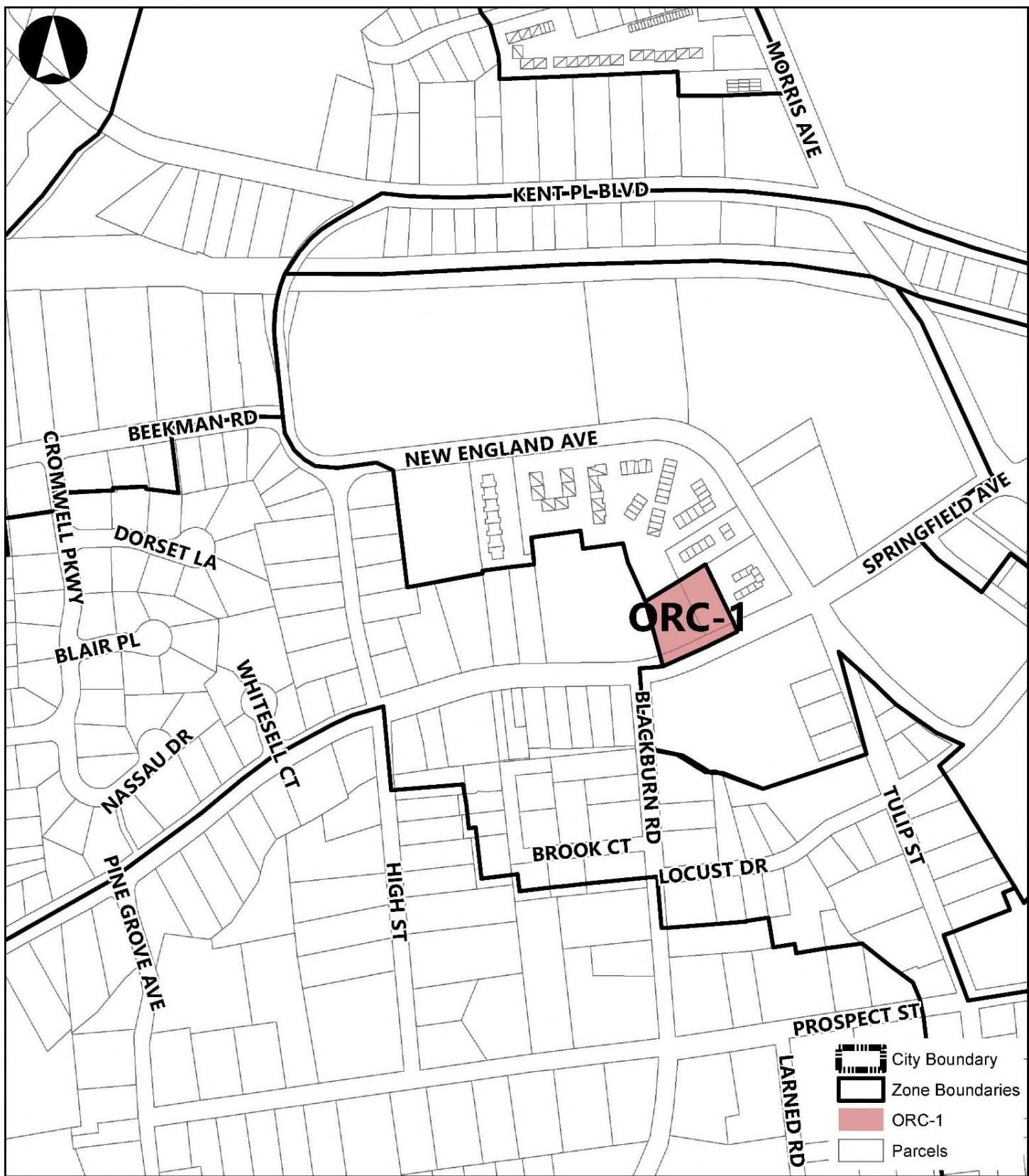
1. Buffer. A five (5) foot landscaped buffer shall be required along each side yard and a seven (7) foot landscaped buffer shall be required along the rear property line.
2. Parking.
  - a. No parking shall be permitted in the required front yard or between any part of the front building façade and the street right-of-way line.
  - b. Parking areas shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer at least five (5) feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.
3. Design Requirements.
  - a. All uses in the ORC Zone shall maintain the character and architecture of the existing structure and shall also meet the standards of this section and the design standards in Article XIV and other applicable provisions of this Chapter.
  - b. New Construction. New construction shall be compatible with the residential character of the surrounding buildings and neighborhood and shall also meet the standards of this section and the design requirements in Article XIV and other applicable provisions of this Chapter.
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
5. Building Design Requirements.
  - a. Rooftop mechanical equipment shall be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air conditioning equipment, generators, utility boxes and meters, shall be screened by landscaping, walls or fencing.
  - b. A minimum of one (1) primary building entrance shall be incorporated into the front façade. Sidewalks shall be provided within the front yard area for access from the existing sidewalk system.
  - c. The visual character of buildings along street frontages and entryways shall encourage pedestrian access.
  - d. Existing open porches that are visible from the right-of-way shall not be enclosed and shall not be included in the calculations of floor area ratio. Any porch that is enclosed will be included in the calculation of floor area ratio.
  - e. Fire escapes are prohibited on the front façade of buildings. On corner lots, both facades facing the street shall be considered front facades.

6. Trash Disposal.

- a. Trash disposal areas shall be enclosed on all sides and located as far from residential zone boundaries as possible, but in no case shall they be located within seven (7) feet of any adjacent residential zone or use.
- b. Trash disposal areas are prohibited between the front façade and the street right-of-way and shall be screened from view from the street right-of-way.

7. Storage. All provisions and facilities for storage, other than pickup of refuse and recyclables, shall be contained within a principal building.

## 35-13.15 ORC-1 OFFICE RESIDENTIAL CHARACTER-1 ZONE



A. **Purpose.** The purpose of the ORC-1 Zone is to provide flexibility in the zone and allow the conversion of existing residential structures for mixed use and office uses, while preserving the historic character, scale and features of the buildings and the streetscape, limiting the amount of building and lot coverage and setting standards that will help preserve the residential character of the properties in the zone.

B. **Permitted Uses.**

### **PRINCIPAL USES:**

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1. Detached single-family dwellings subject to the R-10 Zone requirements.
2. Offices; Professional offices; only if incorporated within and maintaining an existing structure.
3. A mixed-use structure only if incorporated within and maintaining an existing structure. The use shall balance office suite(s) and up to four (4) residential units. Residential dwelling units and office suites shall contain a minimum of five hundred (500) square feet each. Office uses shall be permitted on the first floor only.
4. Private clubs.

### **ACCESSORY USES:**

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

### **CONDITIONAL USES:**

---

1. Houses of worship.
2. Philanthropic uses.

C. **Supplementary Requirements.**

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

2. Buffer.

- a. A ten (10) foot landscaped buffer shall be required along each side yard and along each rear property line.
- b. The landscaped buffer shall include a mix of columnar evergreen trees and deciduous trees, preserving wherever possible existing, mature trees.

3. Parking.

- a. No parking shall be permitted in the required front yard or between any part of the front building façade and the street right-of-way line.

- b. Parking areas shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer at least five (5) feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.
- 4. Driveways. Shared driveways between adjacent properties are strongly encouraged.
- 5. Lighting.
  - a. All lighting shall conform to general regulations in Article XIV, as modified herein.
  - b. Lighting shall be located no closer than eight (8) feet to a property line and shall be no higher than eight (8) feet in height.
  - c. Light fixtures shall be of a "shoe box" or similar design to avoid any uplighting or halo effect. Fixtures shall be shielded to prevent spillage onto adjacent properties.
- 6. Design Requirements.
  - a. All uses in the ORC-1 Zone shall maintain the character and architecture of the existing structure and meet the standards of this section and the design requirements in Article XIV and other applicable provisions of this Chapter.
  - b. New Construction. All new construction shall be designed with a pitched roof with a minimum slope of 6/12 and shall be compatible with the residential character of the surrounding buildings and neighborhood and shall also meet the standards of this section and the design requirements in Article XIV and other applicable provisions of this Chapter.
  - c. Development shall adhere to the design requirements set forth in Article XIV and design guidelines located in the Appendix at the end of this Chapter.
- 7. Building Design Requirements.
  - a. Rooftop mechanical equipment shall be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air conditioning equipment, generators, utility boxes and meters, shall be screened by landscaping, walls or fencing.
  - b. A minimum of one (1) primary building entrance shall be incorporated into the front façade. Sidewalks shall be provided within the front yard area for access from the existing sidewalk system.
  - c. The visual character of buildings along street frontages and entryways shall encourage pedestrian access.
  - d. Existing open porches that are visible from the right-of-way shall not be enclosed and shall not be included in the calculations of floor area ratio. Any porch that is enclosed will be included in the calculation of floor area ratio.
  - e. Fire escapes are prohibited on the front façade of buildings. On corner lots, both facades facing the street shall be considered front facades.
  - f. There shall be one (1) principal building per lot. All principal and accessory buildings, including attached and detached garages, shall not exceed a combined floor area of seven thousand five hundred (7,500)

square feet per building lot.

8. Shade Trees.

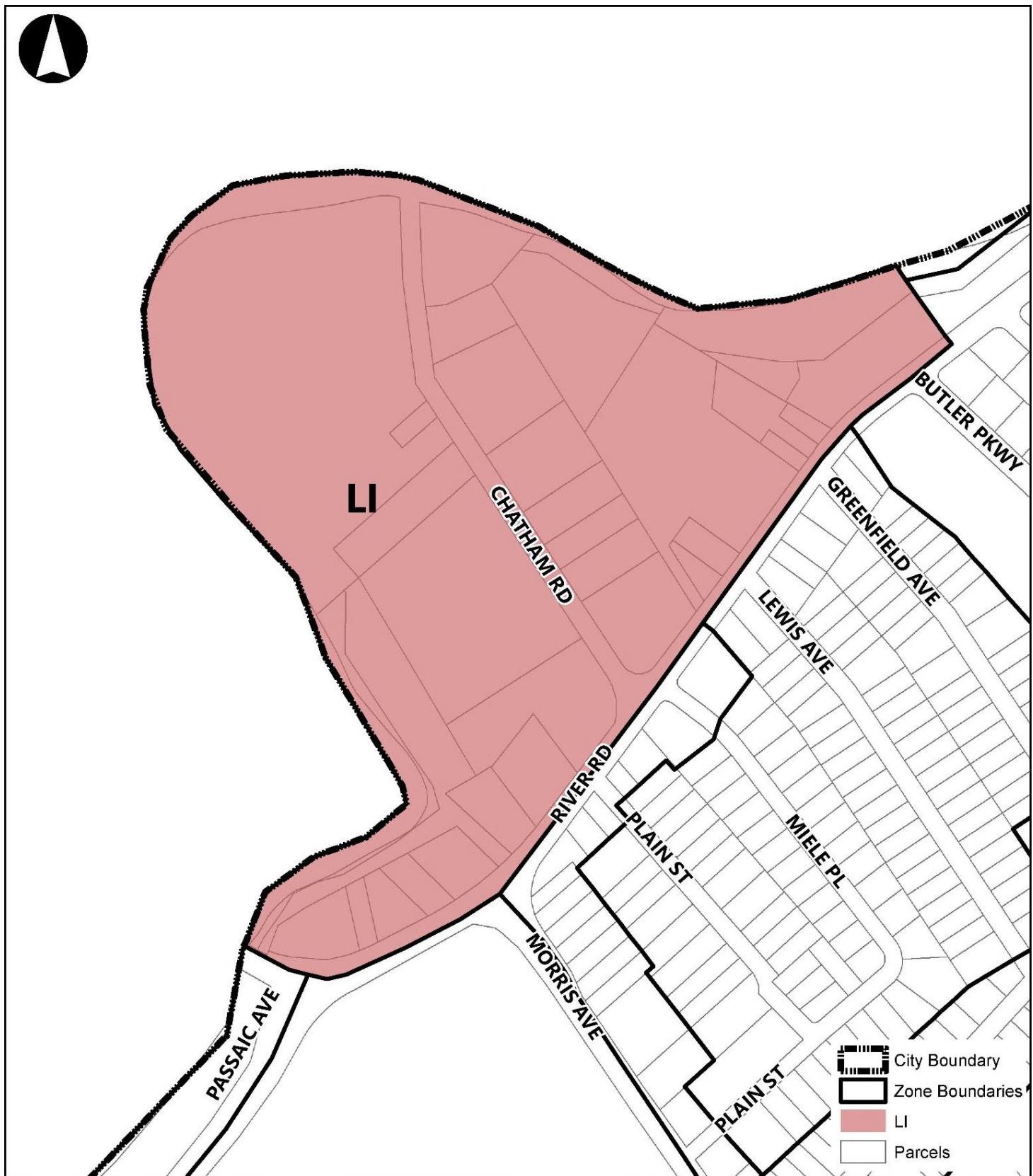
- a. To enhance the residential character of the lots in this zone, shade trees shall be part of the overall landscape plan.
- b. Existing shade trees in good condition shall be preserved wherever possible.
- c. Shade trees shall be provided within the parking area and the buffer areas and shall be included in other areas as appropriate for the overall landscape plan.

9. Trash Disposal.

- a. Trash disposal areas shall be either interior to the building or located as far from residential zone boundaries as possible, but in no case shall they be located within ten (10) feet of any adjacent residential zone or use.
- b. Trash disposal areas are prohibited between the front façade and the street right-of-way and shall be screened from view from the street right-of-way.

10. Storage. All provisions and facilities for storage, other than pickup of refuse and recyclables, shall be contained within a principal building.

## 35-13.16 LI LIGHT INDUSTRIAL ZONE



A. **Purpose.** The LI Zone is intended to permit the manufacture and warehousing of small and lightweight packaged items. The uses and activities permitted in this zone shall not generate nuisances that will negatively impact the adjacent neighborhoods.

B. **Permitted Uses.**

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#### PRINCIPAL USES:

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1. Research laboratories.
2. Product development laboratories.
3. Offices having a parking requirement of no more than 1 space per 300 square feet of gross floor area.
4. Printing facilities.
5. Warehousing of lightweight materials.
6. Manufacturing of small packaged items such as drugs and pharmaceuticals.
7. Health clubs.
8. Breweries, distilleries and wine making, which may or may not include facilities for on-site public consumption.
9. Self-storage facilities.
10. Indoor recreation and sports facilities.
11. Urgent care facilities.
12. Adult daycare facilities.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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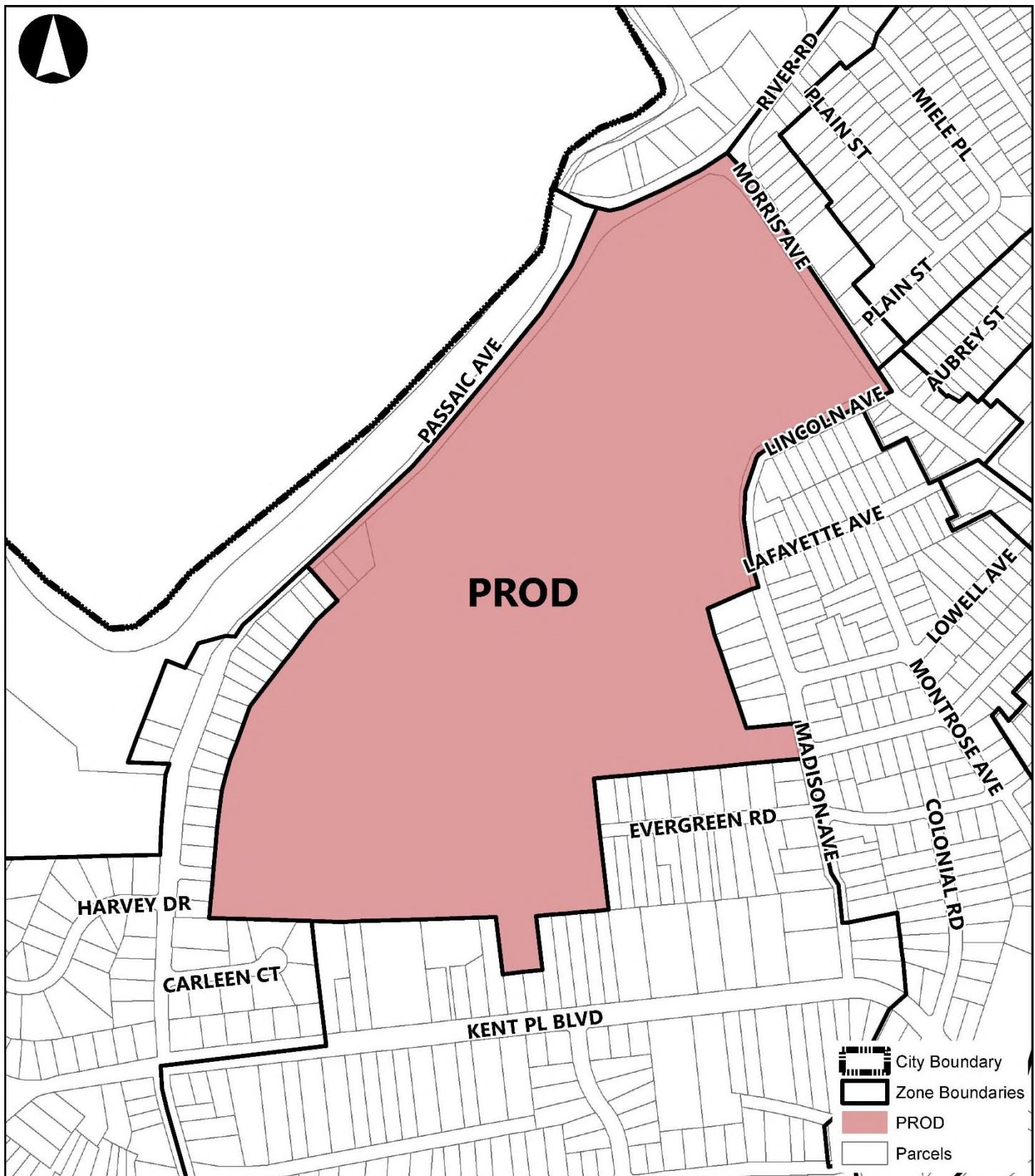
#### CONDITIONAL USES:

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1. None.

C. **Supplementary Requirements.**

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.



A. **Purpose.** The PROD Zone is intended to permit a specialized range of uses which will strengthen the local economy by expanding job opportunities and diversifying the City's tax base in a manner which is consistent with the overall character of the City and compatible with surrounding uses and facilities. The zone is intended to accommodate offices, scientific and applied research facilities, and uses dedicated to the development and application of technology and production techniques. The nature, scale, and function of such uses shall be limited and regulated to ensure that they pose no significant or unusual risk to the public health, safety, and welfare, generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances; emit no harmful radiation or pollution of the air, water, or ground; and pose a minimum of traffic, fire, and other safety hazards. The design and development of land and facilities in the zone will be regulated to create a well-planned environment with attractive buildings and structures, well-landscaped buffer and yard areas, and screened access and storage facilities. To achieve these objectives, the zone requires the integrated planning of large tracts of land while permitting phased development to minimize disruptions and instability for existing nearby residents.

B. **Permitted Uses.**

**PRINCIPAL USES:**

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1. Scientific, testing, analytical, research and product development laboratories exclusively devoted to research, design, and testing or experimentation, including processing or fabricating that is clearly incidental to the principal uses, and, except as set forth in Section 1.e. and 1.f. below, specifically excluding the manufacturing, distribution, packaging or fabricating on the premises of materials or finished products for sale to the general public.
  - a. Administrative, corporate, research and general offices.
  - b. Computer centers, data processing and communications.
  - c. Pharmaceutical research and development operations which includes discovery through clinical trials.
  - d. Pilot plants.
  - e. Research and development – including the clinical development and processing needs for the delivery of human treatments involving chimeric antigen receptor T-Cells (CAR-T) therapies and biotherapeutic therapies (targeted therapies that are processed and designed specifically for each individual patient for their exclusive use).
  - f. Commercial production and processing – the commercial production and processing of CAR-T and biotherapeutic therapies for sale and delivery to hospitals, medical facilities and medical professional authorized to administer the CAR-T and biotherapeutic therapies to the intended individual patients. Patient treatment visits at the facility are not permitted, except for discovery through clinical trials as permitted herein.

**ACCESSORY USES:**

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1. Childcare centers.
2. Buildings, structures and uses owned or operated by the City of Summit.

3. Restaurants or cafeterias supplying meals only to employees and guests of the permitted use; and newsstand, post office, health clubs, copy centers, credit unions and banking facilities and similar conveniences serving employees and guests of the permitted use.
4. Conference center and in-service training school for employees.
5. Indoor and outdoor recreation facilities such as tennis courts, basketball courts, jogging paths and exercise stations and ballfields, provided that such uses, including any accessory buildings associated therewith, shall be planned as an integral part of the site.
6. Conference and assembly halls for meetings incidental to the business of any permitted use.
7. Maintenance, utility and storage facilities incidental to any permitted use.
8. Surface parking and loading areas provided in conjunction with a permitted use.
9. Bus stop shelters, bike racks, mailboxes, phone booths, waste receptacles, gatehouses, benches, kiosks, drinking fountains, art sculptures, plazas, water features and other pedestrian and transit amenities.
10. Off-street parking in elevated structures as a conditional use subject to the standards set forth in Article XIV.

### **CONDITIONAL USES:**

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1. A parking structure no taller than sixty (60) feet shall be a permitted conditional use if setback at least one hundred (100) feet from Passaic Avenue, two hundred (200) feet from River Road, between five hundred (500) feet and eleven hundred (1100) feet from Morris Avenue, and five hundred (500) feet from Lincoln and Madison Avenues.
2. A parking structure no taller than thirty (30) feet shall be a permitted conditional use if setback at least three hundred (300) feet from Passaic Avenue and further subject to the buffer area requirements for this zone and the setbacks required in the Schedule of Space Regulations located in the Appendix at the end of this Chapter.
3. Parking structures shall be architecturally compatible with primary on-site buildings and structures. The location of parking structures shall be limited by minimum setback requirements to assure adequate shielding from off-site views and surrounding residential neighborhoods. Ample landscape screening shall be provided by the applicant to soften visual impacts associated with the construction of parking structures.
4. Parking structures shall be included as part of the building coverage calculation and are subject to the standards set forth in the footnote to Schedule of Space Regulations located in the Appendix at the end of this Chapter. Parking structures shall not be included in the calculation of floor area ratio as detailed in the Schedule of Space Regulations.

5. The planned development phasing schedule shall include the construction of one (1) or both of the parking structures in one (1) of the early phases.

C. *Supplementary Requirements.*

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
2. Any development application in the PROD Zone shall be submitted, initially, as a planned development, in the nature of a preliminary site plan application, for the entire zone. Such application shall describe any phasing of the proposal together with any on-site, off-site, and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to each phase or phases.
3. A planned research office development shall be subject to the requirements of the zone, to the mandatory findings for a planned development as required by the Municipal Land Use Law at N.J.S.A. 40:55D-45, and to the general development plan submission requirements found in Article V.
  - a. The circulation plan required by Section 35-5.24C. shall include the following supplementary elements:
    - (1) The following intersections shall be reviewed for primary and secondary impact.
      - (a) River Road and Route 24.
      - (b) Kent Place Boulevard and Morris Avenue.
      - (c) Chatham Road into Chatham (intersections with Summit Avenue and Hillside Avenue).
      - (d) Watchung Avenue and Fairmount Avenue.
      - (e) Mount Vernon Avenue and River Road.
    - (2) The general study area shall also encompass all intersections within a three-fourths (3/4) mile radius of any portion of the PROD Zone.
    - (3) The traffic study shall also include a comparison of the proposed and existing uses with the historical maximum site population two thousand five hundred (2,500) employees.
4. The physical appearance of a planned research office development shall be of the highest quality. It is necessary that planned developments adhere to a set of standards and criteria that address a variety of site plan considerations including layout, building massing and form, and landscaping. This will result in an overall coordinated appearance for a particular development. The standards and criteria listed below must be incorporated into a general development plan submission for a planned development. Design covenants shall incorporate, complement and expand upon these standards and criteria. Such design covenants may be required by the approving authority as part of the general development plan application, review, and approval process.
5. Buildings shall be set back one hundred twenty-five (125) feet from the R-15 and R-10 Residential Zone boundary lines and fifty (50) feet from the R-6 Residential Zone boundary line. This setback area shall include suitable positive landscape screening consistent with the buffer requirements in Article XIV.

6. Building Design.

- a. To maintain a high standard of construction and appearance and to provide interesting and tasteful exteriors, the exterior walls of each building shall be constructed of durable permanent architectural materials compatible with campus-like standards, tastefully handled, i.e., carefully selected brick; stone with a weathered face or polished, fluted, or broken faced. Predominant exterior building materials shall not include smooth faced concrete block, tilt-up concrete panels or prefabricated steel panels.
- b. Pre-engineered metal buildings, industrial-type structures featuring predominantly painted exteriors, and corrugated metal-sided or clapboard aluminum-sided "Butler" type buildings shall not be permitted except for accessory maintenance and storage type buildings.
- c. Building roofs are to be uncluttered. Vertical roof projections such as towers, vents, stacks or roof-mounted equipment shall be integrated into the architecture. All penetrations through the roof (i.e., mechanical equipment or skylights) must be organized in a manner that is integral to the architectural form of the building, and or completely screened from view by parapet walls or approved enclosures. Equipment screens shall be attractive in appearance and reflect or complement the architecture of the building to which they belong.
- d. Design of canopies shall be in keeping with the design of the building(s).
- e. Loading areas shall be screened using architectural walls and landscaping.

7. Building Color and Texture.

- a. Simple and uniform texture patterns are encouraged to create shadow patterns.
- b. Variations in color shall be kept to a minimum.
- c. Colors shall be subdued in tone.
- d. Accent colors may be used to express corporate identity.

8. Building Height.

- a. The maximum building height in the PROD zone shall be forty-eight (48) feet, except in the "Height Exemption Area" as shown on the survey by Keller and Kirkpatrick located in the Appendix at the end of this Chapter.
- b. Not more than thirty (30%) percent of the roof area of buildings in the PROD may be occupied by a mechanical room, chimney, stair towers, elevator shafts or mechanical equipment enclosed by screening walls, provided further that all of the above must be no more than twelve (12) feet in height and must be set back a minimum of twenty-five (25) feet from each building perimeter that faces a property line.

9. Building Mass and Form.

- a. The architectural character of each proposed building or structure shall be of a complementary design and style for the campus.
- b. Buildings shall generally have a horizontal appearance brought about by the use of horizontal bands and fascia to minimize the verticality of the structure.

- c. Materials, colors and finishes shall be coordinated on all exterior elevations of each building.
- d. Architectural designs shall be evaluated in terms of the sensitive integration of form, textures, and colors with the particular landscape and topographic characteristics of the site.
- e. Groups of related buildings shall be designed to present a harmonious appearance in terms of style and use of exterior materials, fenestration and roof type.
- f. Building exterior walls shall be articulated to reduce the scale and the uniform appearance of buildings and to provide visual interest that will be consistent with the site's identity, character and scale. As such, one (1) or a combination of the following shall be utilized in a planned research office development:
  - (1) Roof line variation;
  - (2) Grouping into smaller or multiple structures;
  - (3) Mature landscaping and land form manipulation;
  - (4) Offsets and/or breaks in the building line;
  - (5) Patterned walls;
  - (6) Fenestration;
  - (7) Color changes.
- g. The primary building objective is to maintain an architecturally harmonious development. Each building shall be sensitive to the immediate neighboring structure. Inconsistent variations in scale, texture or colors shall not be permitted.

10. Common Open Space. An adequate amount of open space shall be provided and developed for on-site conservation and recreation facilities to service the needs of all employees and their visitors. The applicant shall submit an Open Space Plan showing the proposed land area and general location of any land area to be set aside for conservation and recreational purposes and a general description of improvements to be made thereon, including a plan for operation and maintenance.

11. Electrical and Mechanical Equipment. All exterior electrical and mechanical equipment at ground level, such as transformers, shall be screened and located at the side or rear of the building and away from employee and visitor entrances. Screening methods shall include walls compatible with the building material, a plant material buffer utilizing a layered installation of shrubs, flowering trees, and ground cover.

12. Fences and Walls. Fences and walls are not desirable and shall be approved only for limited situations. Chain link fencing shall not be permitted. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. They may be used to enclose recreational areas or to secure sensitive areas to uses, such as vehicle storage areas. Fences and walls shall not be located where they impede pedestrian or bicycle circulation through or between site areas. If approved, all fences and walls shall be designed as integrated parts of the overall architectural and site design. All materials shall be durable and finished in textures and colors complementary to the overall architectural design.

13. Landscaping.

- a. Landscaping shall be required in those areas that are designated as setback and buffer areas, areas within parking lots, and areas not used for ingress, egress, parking, or storage, and areas subject to grading and re-contouring. An overall landscape theme dealing with major design elements must be established. These elements shall include:
  - (1) Setback and buffer areas along roadways as well as adjacent to residentially zoned properties;
  - (2) Parking lots and areas around buildings.
- b. The design and development of landscaping shall:
  - (1) Enhance the appearance of the site internally and from a distance;
  - (2) Include street trees and street side landscaping;
  - (3) Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
  - (4) Include, as appropriate, bike paths, bike lanes, sidewalks, pedestrian walkways or jogging trails;
  - (5) Provide buffering or transitions between uses.
- c. Landscaping shall be designed and installed in accordance with professional standards and all landscape plans shall be subject to Planning Board review and approval. All landscaping, including lawn areas, trees and shrubbery shall be maintained in excellent condition by the property owner by cutting, trimming, feeding, watering and weeding. Plants shall be replaced as may be required. Landscaping shall be installed upon the substantial completion of a building(s), weather permitting, and an underground irrigation system may be required by the Planning Board in some landscaped areas.
- d. Existing vegetation to be preserved on each site must be designated on submitted plan sheets. Techniques to be employed to preserve such vegetated areas shall be submitted to the Planning Board for review and approval. Such techniques shall address the following elements of tree structure so as to avoid damaging effects during and after construction to these elements: crown; branch system; drip line; existing grade, drainage and soil character; root system; and the feeder root system.
- e. All required planting and screening shall be maintained in good condition.

14. Lighting.

- a. Well-designed lighting of the building exterior shall be permitted provided that the lighting complements the architecture. Lighting shall not draw inordinate attention to a building facade.
- b. Parking lot, service area, and roadway lighting shall be provided by fixtures designed to minimize glare to the street and adjacent properties. The type of fixture and color of lamping shall be evaluated for their compatibility with existing street lighting, building architecture and natural site characteristics.
- c. Exterior lighting fixtures shall not exceed a maximum lighting intensity of 4,000 Kelvin (K).
- d. Lighting for pedestrian walkways may include either cut-off or exposed light sources, but the height and intensity of the light must be subdued.

- e. All lighting shall be designed and installed to avoid off-site spillage and halo effect to the greatest extent reasonably possible and consistent with public safety. Area lighting sources should be of the cut-off type.
- f. All lighting designs and installation are subject to Planning Board review and approval.

15. Maintenance. All site improvements including, but not limited to streets, drives, parking lots, drainage areas, culverts, curbing, buildings, fences, landscaping and lighting must be maintained in good condition and repair by either the owner or other designated entity.

16. Parking and Circulation.

- a. Each development site must provide adequate off-street automobile parking and loading facilities and spaces and no parking or loading facilities and spaces shall be permitted on any street, entrance drive, or any place other than in an approved location. Off-street parking and loading spaces shall conform to those standards identified in subsection 35-41.1R, as modified below. Loading facilities and spaces shall also be based on actual site design and special needs required by the applicant.

Land or Building Use	One Space for Each:
Offices	333 square feet gross floor area
Research and Development	1,000 square feet gross floor area
Utilities and Warehouse	2,000 square feet gross floor area

- b. Up to twenty (20%) percent of the total number of parking spaces may be land banked if the applicant can demonstrate to the Planning Board that not all of the required number of parking spaces are needed. The location of future parking areas shall be indicated on the site plan. The City may conduct site visits to confirm that the amount of parking provided is being utilized by the development, and, in fact, that the parking remains sufficient to meet the needs of the development. If at any time it is determined that this is no longer the case, the construction of additional "banked" or reserved parking spaces may be required by the Planning Board to meet the demand.
- c. Parking areas shall provide safe, convenient, and efficient access. They shall be placed next to buildings in order to shorten the distance to other buildings and sidewalks and to reduce the overall scale of the paved surface.
- d. All parking areas shall be screened from streets and adjacent parcels by earth berms and/or landscaping to assure that the visual effect of large paved areas and standing automobiles is minimized. The natural landscape and building views shall predominate. Parking areas shall also be subdivided by islands containing trees and other landscape materials. Planting islands shall be located at selected intervals where they will aid in reducing the visual expanse of parking areas.
- e. Parking areas shall be located to maximize the potential for shared parking between uses. Parking areas shall be designed and located so as to facilitate transit, bicycle and pedestrian access. Parking spaces closest to the building entrances, in order, shall be reserved for:
  - (1) People with disabilities (all types of parking);
  - (2) Employee vanpool vehicles; and
  - (3) Employee carpool vehicles.

- f. Traffic entrances and exits to property may not be on minor residential streets, but must be only on collector or arterial roads, as designated in the City Master Plan.
- g. Landscaped buffers adjoining residential properties along Lincoln, Madison, Evergreen and Passaic Avenues and along Kent Place Boulevard shall be subject to a comprehensive landscape plan prepared by the applicant which shall be reviewed and approved by the Planning Board on a periodic basis.
- h. Any new parking structure shall be subject to variable setbacks to assure the appropriateness of such a use at its proposed location.
- i. Bicycle lockers and/or stands may be provided as close to building entrances as possible and may be located in front of a building. If the building is served by a bus line, a bus pullout or parking stop and a bus shelter shall be provided as close to a building entrance as possible, either within the street right-of-way or on the site.
- j. Textured crosswalks shall be used where public pathways come in contact with vehicular traffic at site entry points. All walks must be well lighted. On-site pedestrian linkages may connect buildings to external perimeter pedestrian systems.

17. Refuse Collection and Recycling.

- a. All outdoor containers shall be visually screened within a durable, noncombustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or public streets. No collection areas shall be permitted between a public street and the front of a building. Appropriate landscaping shall be installed to form a year-round effective visual screen at time of planting.
- b. Collection areas shall be designed to contain all material generated on site and deposited between collections. Deposited material shall not be visible from outside the enclosure.
- c. Collection enclosures shall be designed of durable materials with finishes and colors that are unified and harmonious with the overall architectural theme.
- d. Collection areas shall be so located upon the site as to provide clear and convenient access for collection vehicles. Refuse collection and recycling areas shall not be located within parking areas or required landscaped yards and buffers.
- e. Collection areas shall be designed and located upon the property as to be convenient for the deposition of material generated on the site.
- f. An option to reduce the visual impact of collection containers shall be to store and compact material inside a building at the service area, thus eliminating the need to screen containers.
- g. Delivery, loading, trash removal or compaction, or other such operations may be limited by the Planning Board between certain hours where noise impacts at the lot line of any adjoining residential property or district shall be required to meet City and State requirements.
- h. Storage and disposal and/or recycling of solid waste and research waste shall be in compliance with applicable State and Federal regulations.

18. Screening of Loading and Service Areas. All loading docks and service areas shall be sufficient to serve the business being conducted on the site without using adjacent public streets. No loading and service areas shall be visible from any neighboring property or adjacent public street. Provision shall be made for

handling all freight on those sides of a building that do not face a street. The recommended method of screening shall consist of walls and gates compatible in color and texture with the building material, buffered by deciduous and evergreen shrubs and trees, so as not to be visible from neighboring properties and streets. Delivery and loading operations shall not disturb adjoining residential neighborhoods or other land uses.

19. Sidewalks and/or Pathways.

- a. On-site pedestrian circulation systems shall be provided to meet the circulation needs of on-site users. Such systems shall provide safe, all-weather-efficient, and aesthetically pleasing means of on-site movement and shall be an integrated part of the overall architectural and site design concept. At a minimum, sidewalks and/or pathways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers, or other such materials.
- b. Sidewalks shall be provided along any facade featuring a visitor or customer entrance, and along any facade abutting parking areas. Such sidewalks shall be located away from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. Pedestrian sidewalks may provide weather protection features such as awnings or arcades when located close to customer entrances.
- c. Where appropriate, connections shall be made between on-site and perimeter sidewalk and/or pathway circulation systems.
- d. Pedestrian crosswalks shall be clearly delineated by a material different from the surrounding road surface through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalk and/or pathway.

20. Signage.

- a. All signs shall be required to satisfy all of the requirements as set forth in subsection 35-14.1S. The Planning Board shall have the right to modify the requirements whenever such modifications are necessary to achieve an appropriate overall design theme.
- b. An overall graphic signage plan shall be developed to complement the overall site layout.
- c. Corporate identification signage may be erected at principal entrances to the site as approved by the Planning Board. The design, format, and materials must be consistent with site architecture. No flashing, neon or moving elements shall be permitted. Such signs may indicate the street address, the company or development's name and logo.
- d. Identification signage of a smaller scale shall be permitted on the exterior of a building at a location related to the principal entrance carrying the occupant's logo or symbol and such other locations as the Planning Board shall permit. They may be placed on the building surface or in a free-standing position, provided that the latter is clearly integrated with the building architecture. They shall not project above any roof or canopy elevations.
- e. Any on-site directional, traffic, or parking control signs shall be reviewed and approved by the Planning

Board, with the intent that these signs shall be restricted to the minimum necessary, shall be visually unobtrusive, and shall be consistent in format, lettering, and coloring.

- f. As the need may arise during construction of a planned development, directory-type signs identifying groups of building locations may be established.

21. Site Layout.

- a. Through the site access locations and on-site circulation and building layout there shall be minimum conflicts between service vehicles, private automobiles and pedestrians.
- b. Visitor building entrances and vehicular entrance driveways shall be readily identifiable and accessible to the first-time visitor.
- c. The visual impact of large surface parking lots located in front of buildings and along street frontages shall be minimized with landscaping, landscaped earthen berms, and pedestrian systems and/or by making parking lots smaller.
- d. Building entries shall be highlighted by such features including:
  - (1) Outdoor patios;
  - (2) Ceremonial entry porte cochères;
  - (3) Plazas, paver block or brick crosswalks or other landscape features;
  - (4) Overhangs and peaked roof forms;
  - (5) Specially treated architectural walls;
  - (6) Covered walkways;
  - (7) Recesses, projections and arches.
- e. Buildings and structures shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night security surveillance.

22. Storage.

- a. No open storage shall be permitted on any site. No articles, merchandise, products, goods, materials, or like equipment shall be kept in the open or exposed to public view, and no accessory use shall be constructed to permit open storage of materials or goods.
- b. Non-enclosed areas for storage shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall also conform to those used as predominant materials and colors on the building.

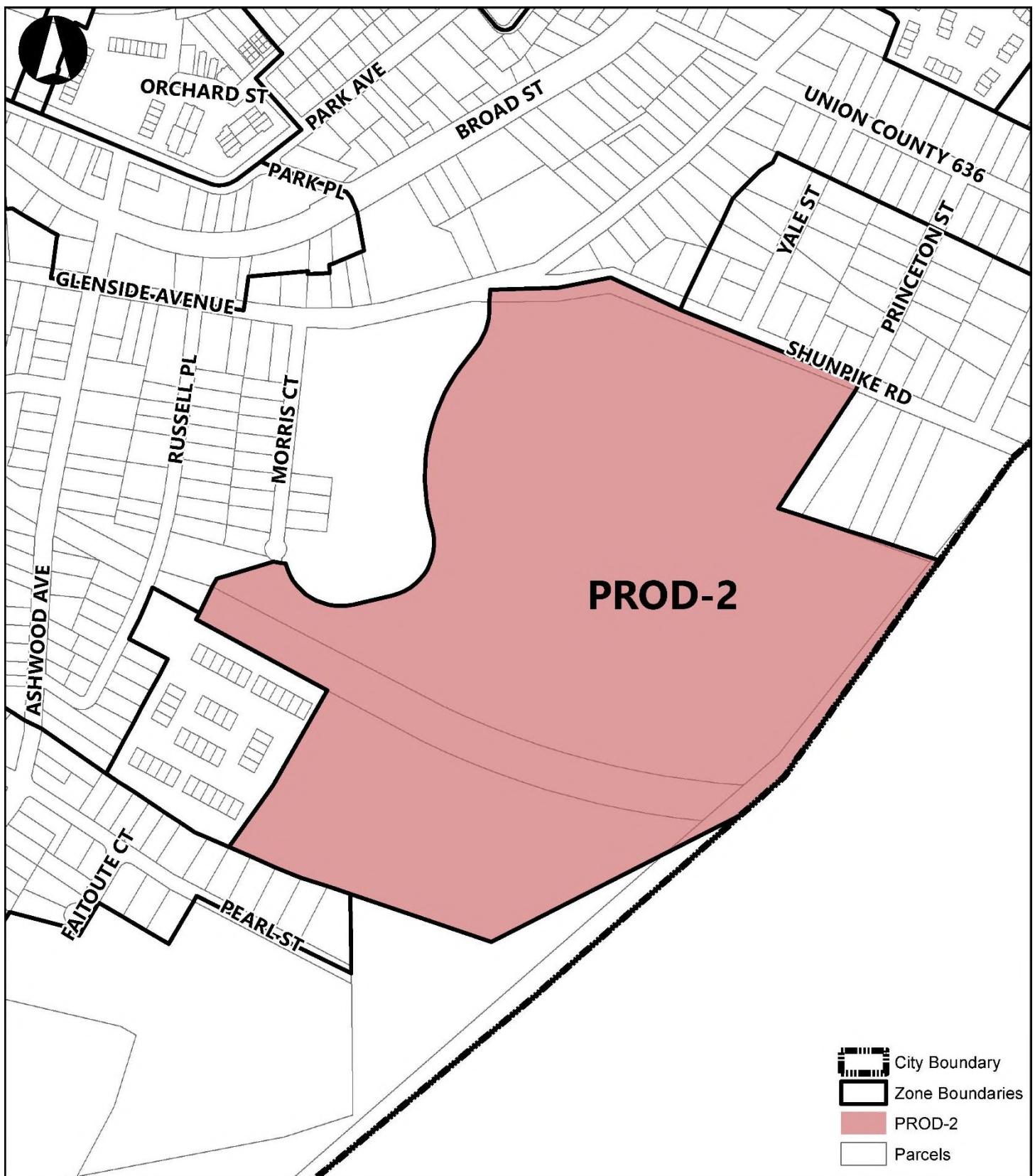
23. Street Furniture, Plazas and Other Amenities.

- a. The design of a building's related entrance areas, plazas or terraces may vary based on the intentions and needs of individual building uses. At a minimum, however, building entrances shall be highlighted with plant materials and paved surfaces.

- b. The introduction of a public or private transit system may necessitate bus shelters. As such needs become formalized, the applicant shall prepare a basic design vocabulary to cover such needs consistent with the overall design program.
- c. This planned development shall include some or all of the following: patio/seating areas, pedestrian plazas with benches, kiosk areas, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that in the judgment of the Planning Board, adequately enhances such spaces.

24. Traffic Management and Planning. The applicant shall be required to submit a Traffic Management Plan which should incorporate one (1) or more of the following: staggered work hours, flex-time, mass transit, park and ride, car and van pooling. The plan shall emphasize shuttle bus service to and from the train station.

25. Utilities. All utilities and related appurtenances on the site shall be underground or located in a building or structure to the extent reasonably practical. Any utility structures operated in conjunction with the owner and the City for the public good such as the sanitary sewer treatment facility shall not be counted towards the building or lot coverage calculations.



A. **Purpose.** The PROD-2 is intended to permit a specialized range of uses which will strengthen the local economy by expanding job opportunities and diversifying the City's tax base in a manner which is consistent with the overall character of the City and compatible with surrounding uses and facilities. The zone is intended to accommodate offices, scientific and applied research facilities, and uses dedicated to the development and application of technology and production of end products for commercial distribution and transportation thereof. The nature, scale, and function of such uses shall be limited and regulated to ensure that they pose no significant or unusual risk to the public health, safety, and welfare, generate a minimum of noise, heat, glare, odor, dust, vibration, or other nuisances; emit no harmful radiation or pollution of the air, water, or ground; and pose a minimum of traffic, fire, and other safety hazards. The design and development of land and facilities in the zone will be regulated to create a well-planned environment with attractive buildings and structures, well-landscaped buffer and yard areas, and screened access and storage facilities. To achieve these objectives, the zone requires the integrated planning of large tracts of land while permitting phased development to minimize disruptions and instability for existing nearby residents.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

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1. Scientific, testing, analytical, research and product development laboratories exclusively devoted to research, design, and testing or experimentation, including processing or fabricating that is clearly incidental to the principal uses.
  - a. Administrative, corporate, research and offices.
  - b. Computer centers, data processing and communications.
  - c. Pharmaceutical research and development operations which includes discovery through clinical trials.

#### **ACCESSORY USES:**

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1. The development and formulation of pharmaceutical ingredients resulting from the research conducted on site and the composition and assembly of the pharmaceutical ingredients so created into therapeutic end-products for commercial distribution and the transportation thereof.
2. Child care centers.
3. Buildings, structures and uses owned or operated by the City of Summit.
4. Restaurants or cafeterias supplying meals only to employees and guests of the permitted use.
5. Pilot Plants.
6. Parking structures or garages.

#### **CONDITIONAL USES:**

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1. None.

C. *Supplementary Requirements.*

1. A General Development Plan shall be submitted within two (2) years from the date of site occupancy or prior to filing an application for development of the site whichever is earlier.
2. Where the PROD-2 Zone abuts a residential zone, no part of any building or appurtenance or accessory structure (including chimneys, water tanks, etc.) may be higher than one-third (1/3) the distance of that part from the residential zone boundary line.
3. Where abutting a residential zone, buildings shall be set back one hundred twenty-five (125) feet from the residential zone boundary line and this buffer shall be equipped with suitable positive screening. The Planning Board may consider variable buffers from fifty (50) feet to one hundred twenty-five (125) feet, which will be established during the GDP approval process. The variable buffer will be based on the proposed uses and their potential impacts in the intended area. The landscaping and screening may require enhancement but at minimum shall consist of three (3) staggered rows of Norway spruce or other equivalent evergreen trees planted and maintained at not more than ten (10) feet on centers. If a fence is constructed in connection with this screening, it shall be approved by the approving authority.
  - a. The exceptions to the setback requirements are for improvements related to existing facilities (guard house) and/or keyed accessed to/from Morris Avenue into the property. The rehabilitation or modification of existing facilities, that will positively improve aesthetics or vehicular circulation into or out of the site and will not further exacerbate an existing condition may be sought without variance relief but are subject to any building, fire and police codes, permits, and approvals.
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
5. Building Mass and Form.
  - a. The architectural character of each proposed building or structure shall be of a complementary design and style for the campus.
  - b. New buildings and additions shall generally have a horizontal appearance brought about by the use of horizontal bands and fascia to minimize the verticality of the structure.
  - c. Materials, colors and finishes shall be coordinated on all exterior elevations of each building.
  - d. Architectural designs shall be evaluated in terms of the sensitive integration of form, textures, and colors with the particular landscape and topographic characteristics of the site represented.
  - e. Groups of related buildings shall be designed to present a harmonious appearance in terms of style and use of exterior materials, fenestration and roof type.
  - f. Building exterior walls shall be articulated to reduce the scale and the uniform appearance of buildings and to provide visual interest that will be consistent with the site's identity, character and scale. As such, one (1) or a combination of the following shall be utilized in a planned research office development:
    - (1) Roof line variation;
    - (2) Grouping into smaller or multiple structures;

- (3) Mature landscaping and land form manipulation;
- (4) Offsets and/or breaks in the building line;
- (5) Patterned walls;
- (6) Fenestration;
- (7) Color changes.
- g. The primary building objective is to maintain an architecturally harmonious development. Each building shall be sensitive to the immediate neighboring structure. Inconsistent variations in scale, texture or colors shall not be permitted.
- h. No more than thirty (30%) percent of the roof area of buildings in the PROD 2 Zone may be occupied by a mechanical room, chimney, stair towers, elevator shafts or mechanical equipment enclosed by parapets and decorative and sound attenuating screening, provided that the above appurtenances may not exceed twelve (12) feet in height and must be set back from the roofs edge to the greatest extent possible. However, solar panels shall be exempt from the rooftop coverage as long as it can be demonstrated that they can be positively screened from the adjacent uses.

6. Parking and Circulation.

- a. Each development site must provide adequate off-street automobile parking and loading facilities and spaces and no parking or loading facilities and spaces shall be permitted on any street, entrance drive, or any place other than in an approved location. Off-street parking and loading spaces shall conform to those standards identified in subsection 35-14.1P, as modified below. Loading facilities and spaces shall also be based on actual site design and special needs required by the applicant.

Land or Building Use	One Space for Each:
Offices	333 square feet gfa
Research and Development	1,000 square feet gfa
Utilities and Warehouse	3,500 square feet gfa

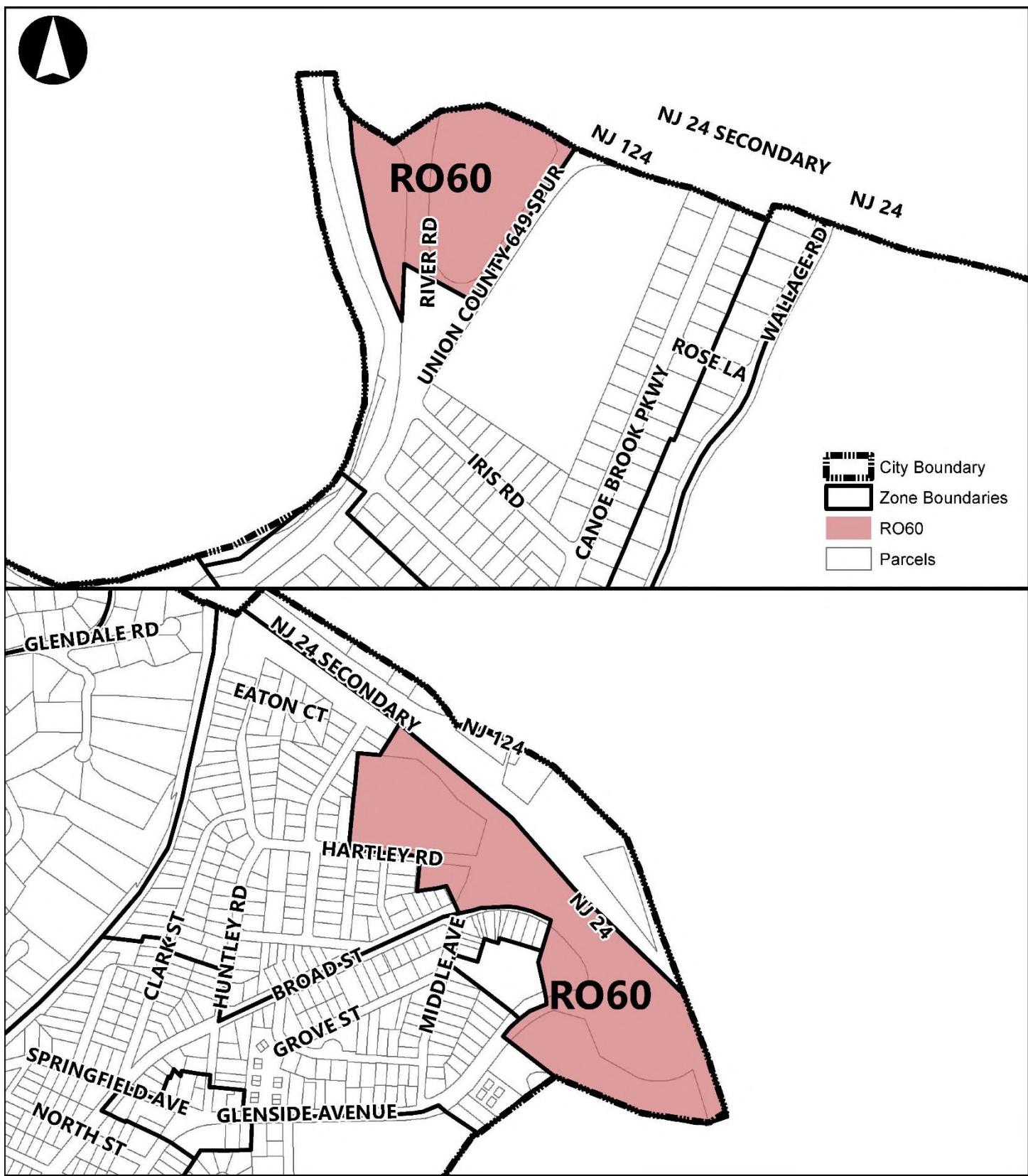
- b. Up to twenty (20%) percent of the total number of parking spaces may be land banked if the applicant can demonstrate to the Planning Board, that not all of the required number of parking spaces are needed. The location of future parking areas shall be indicated on the site plan. The City may conduct site visits to confirm that the amount of parking provided is being utilized by the development, and, in fact, that the parking remains sufficient to meet the needs of the development. If at any time it is determined that this is no longer the case, the construction of additional "banked" or reserved parking spaces may be required as determined by the City Engineer to meet the demand.
- c. Parking areas shall provide safe, convenient, and efficient access. They shall be placed next to buildings in order to shorten the distance to other buildings and sidewalks and to reduce the overall scale of the paved surface.
- d. All parking areas shall be screened from streets and adjacent parcels by earth berms and/or landscaping to assure that the visual effect of large paved areas and standing automobiles is minimized. The natural landscape and building views shall predominate. Parking areas shall also be subdivided by islands

containing trees and other landscape materials. Planting islands shall be located at selected intervals where they will aid in reducing the visual expanse of parking areas.

- e. Parking areas shall be located to maximize the potential for shared parking between uses. Parking areas shall be designed and located so as to facilitate transit, bicycle and pedestrian access. Parking spaces closest to the building entrances, in order, shall be reserved for:
  - (1) People with disabilities (all types of parking);
  - (2) Employee vanpool vehicles; and
  - (3) Employee carpool vehicles.
- f. Traffic entrances and exits to property may not be on minor residential streets, but must be only on collector or arterial roads, as designated in the Master Plan. Provisions must be made for the off-street turning of all vehicles so that it is not necessary for vehicles to back out onto streets. However, emergency access roads to minor residential streets will be fully considered by the Planning Board during GDP hearings in conjunction with the input from the police, fire and the various departments within the City.
- g. No parking or new peripheral roads may be placed in the one hundred twenty-five (125) feet of the landscaped buffer adjacent to residential zones. The parking areas will be evaluated at the time of the GDP and existing parking areas will be evaluated and moved away from the residential zone to the greatest extent possible. The buffer standards in Article XIV shall also apply.

7. The Building height and number of stories of structures may be increased to sixty (60) feet and five (5) stories if located within a "Height Enhancement Area," HEA as identified on the plan included in the Appendix at the end of this Chapter.

## 35-13.19 RO-60 RESEARCH OFFICE ZONE



A. **Purpose.** The RO-60 Zone is intended for administrative and professional office uses which involve the inoffensive creating of end products by research, engineering, development, and administrative work to which the public does not need immediate and frequent access. It is intended to prohibit all uses which are characterized by actual or potential "nuisance factors" other than congregation of employees, and light truck or rail transportation, and to screen all buildings from view of residential areas.

B. **Permitted Uses.**

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#### PRINCIPAL USES:

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1. Administrative and professional offices.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

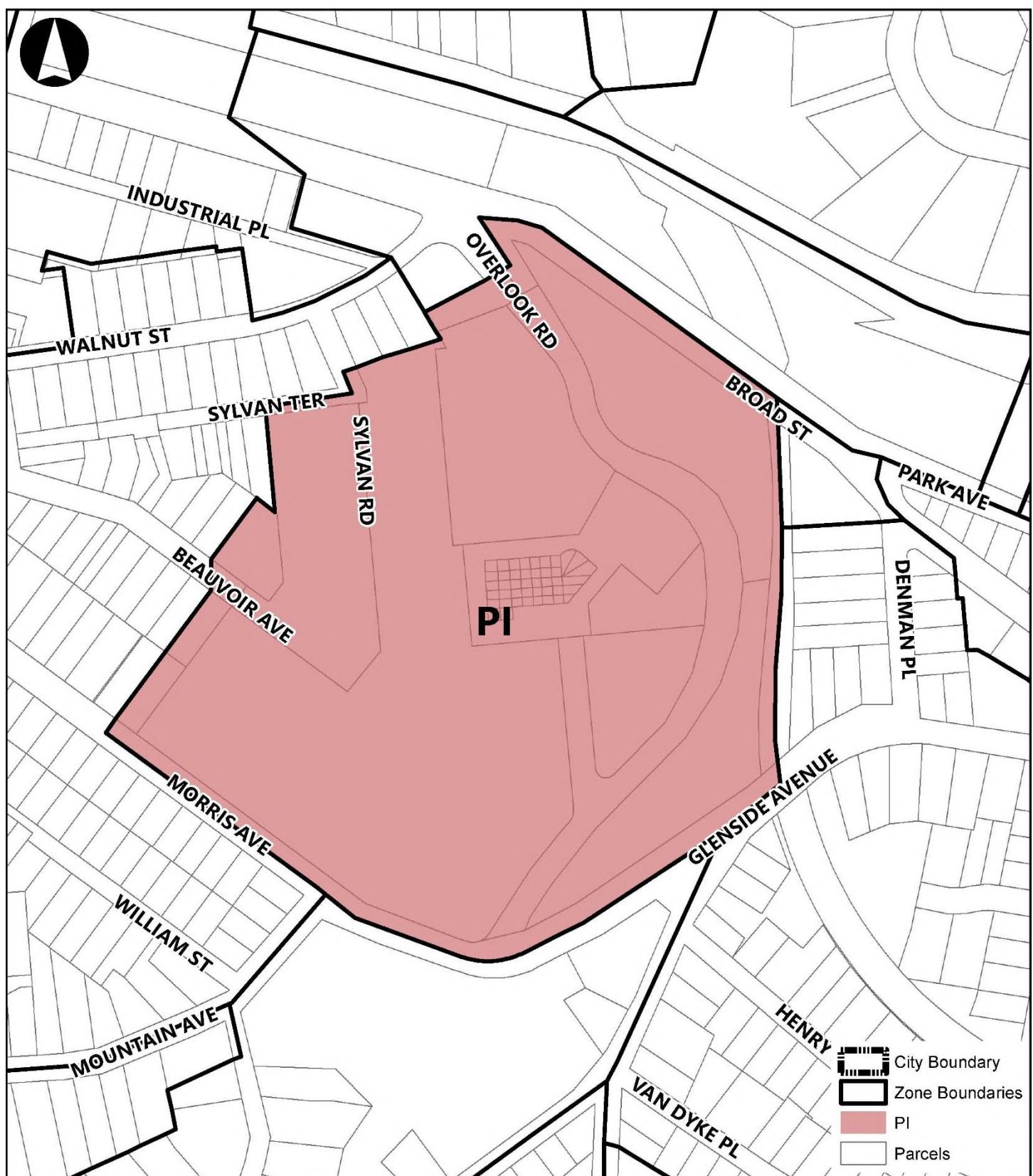
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1. None.

C. **Supplementary Requirements.**

1. Where abutting a residential zone, buildings shall be set back seventy-five (75) feet from the residential zone boundary line and this buffer shall have suitable landscaped screening. The screening shall consist of three (3) staggered rows of Norway spruce or other equivalent evergreen trees planted and maintained at not more than ten (10) feet on centers. If a fence is constructed in connection with this screening, it shall be approved by the approving authority.
2. Provisions must be made for the off-street turning of all vehicles so that it is not necessary for vehicles to back out onto streets.
3. No parking or peripheral roads may be placed in the seventy-five (75) foot landscaped buffer adjacent to residential zones.
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.20 PI PROFESSIONAL INSTITUTIONAL ZONE



A. **Purpose.** The PI Zone is intended for hospital and hospital-related uses, professional offices, and other certain institutional uses hereinafter specified, and for relatively compact residences, capable of being individually owned and owner occupied, and such other residential uses permitted in the R-5 Zone subject to the standards of the R-5 Zone.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

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1. Hospital and hospital-related facilities, including training schools for professional personnel, ambulatory care facilities, parking or parking structures, nursing homes and housing for professional trainees and professional personnel subject to Multi-Family Tower Zone space regulations, but not including correctional institutions, or institutions exclusively for the treatment of mental patients or substance abuse patients.
2. Group medical centers.
3. Medical testing laboratories.
4. Professional office buildings, whether in new nonresidential buildings or in residential buildings completely converted to nonresidential use; or offices for doctors for the practice of medicine, including biological or bio-analytical services; or offices for chiropractors, dentists, optometrists, registered nurses or nurse practitioners, recuperative therapies; and for lawyers, clergymen, architects, engineers, accountants and the like; provided in all cases that there is no advertising on the premises except for one identification sign not exceeding one square foot in area for each professional person. This paragraph shall not be deemed to include facilities providing veterinary services.
5. Child care centers.
6. Detached single-family dwellings subject to the provisions of the R-5 Zone.
7. Twin houses and two-family dwellings subject to the provisions of the R-5 Zone.
8. Adult day care.

#### **ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

#### **CONDITIONAL USES:**

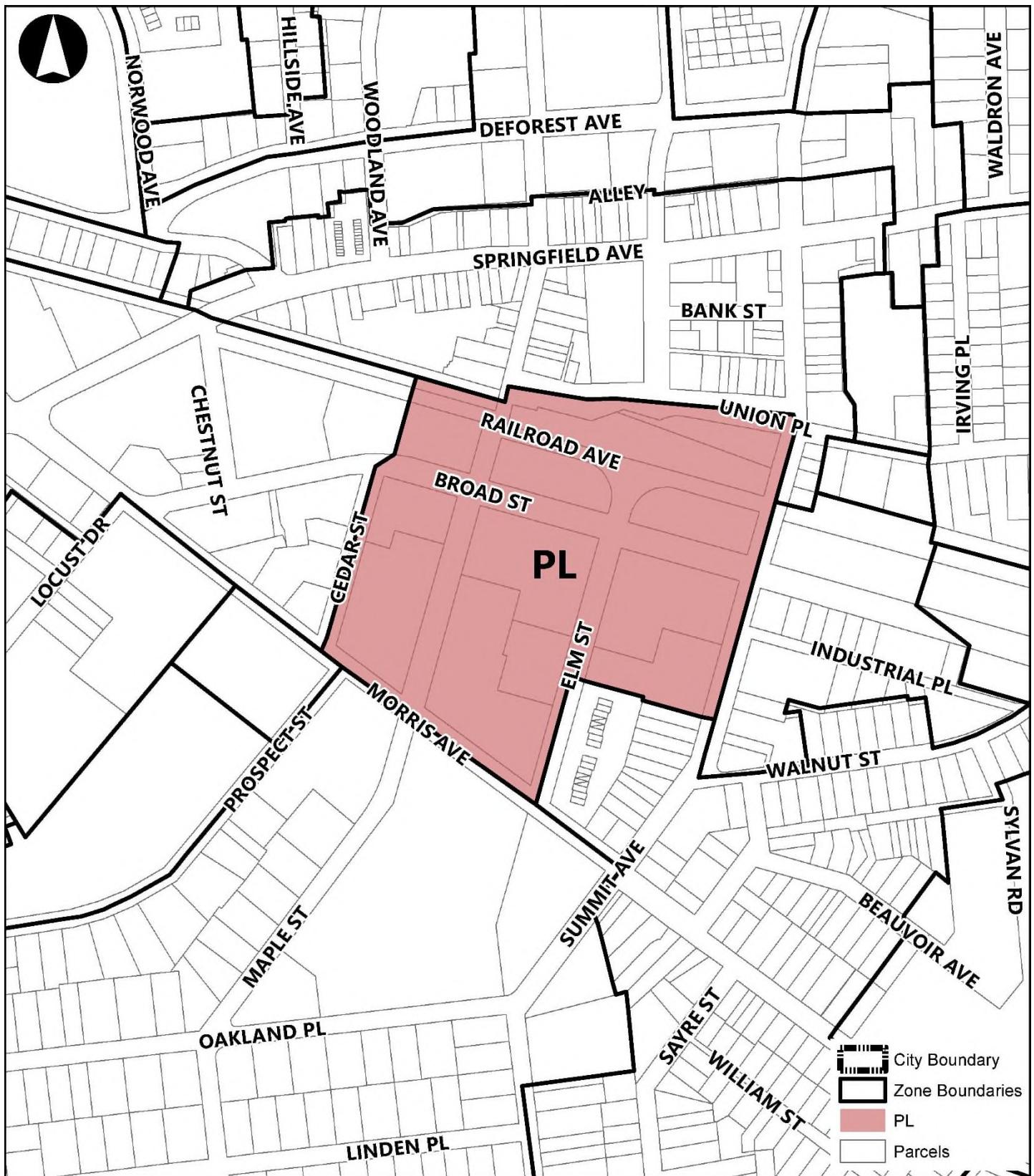
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1. Houses of worship.
2. Educational institutions.

C. *Supplementary Requirements.*

1. Where abutting a residential zone, buildings shall be set back seventy-five (75) feet from the residential zone boundary line and this buffer shall have suitable landscaped screening. The screening shall consist of three (3) staggered rows of Norway spruce or other equivalent evergreen trees planted and maintained at not more than ten (10) feet on centers. If a fence is constructed in connection with this screening, it shall be approved by the approving authority.
2. All parking areas abutting or facing a residential zone or residential use shall provide a ten (10) foot wide buffer area between any parking and loading areas and the residential zone or residential use in the PI Zone. Said buffer area shall provide a close woven wood fence, wall or hedge at least six (6) feet in height and planted with appropriate evergreen shrubs so as to create an effective screening. The required fencing shall be located in the center of said buffer with the decorative side of the fence and planting facing the residential zone or residential use in the PI Zone, provided, however, that such fence, wall or hedge may be waived or height reduced by the approving authority if, because of topographic, or other extraordinary or exceptional conditions, the same shall not be necessary to protect any abutting or facing premises situated in any residential zone or residential use in the PI Zone.
3. Building heights in the PI Zone shall not exceed four hundred ninety (490) feet above sea level (U.S.C. &G.).
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.21 PL PUBLIC LANDS ZONE



A. *Purpose.* The PL Zone is created and intended to provide a separate and distinct zoning category for lands in public use and for limited quasi-public uses such as houses of worship, and for nonprofit use.

B. *Permitted Uses.*

**PRINCIPAL USES:**

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1. Institutional uses.
2. Principal permitted uses in the R-10 Zone, subject to the requirements and standards as provided in the R-10 Zone.

**ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 9.9.

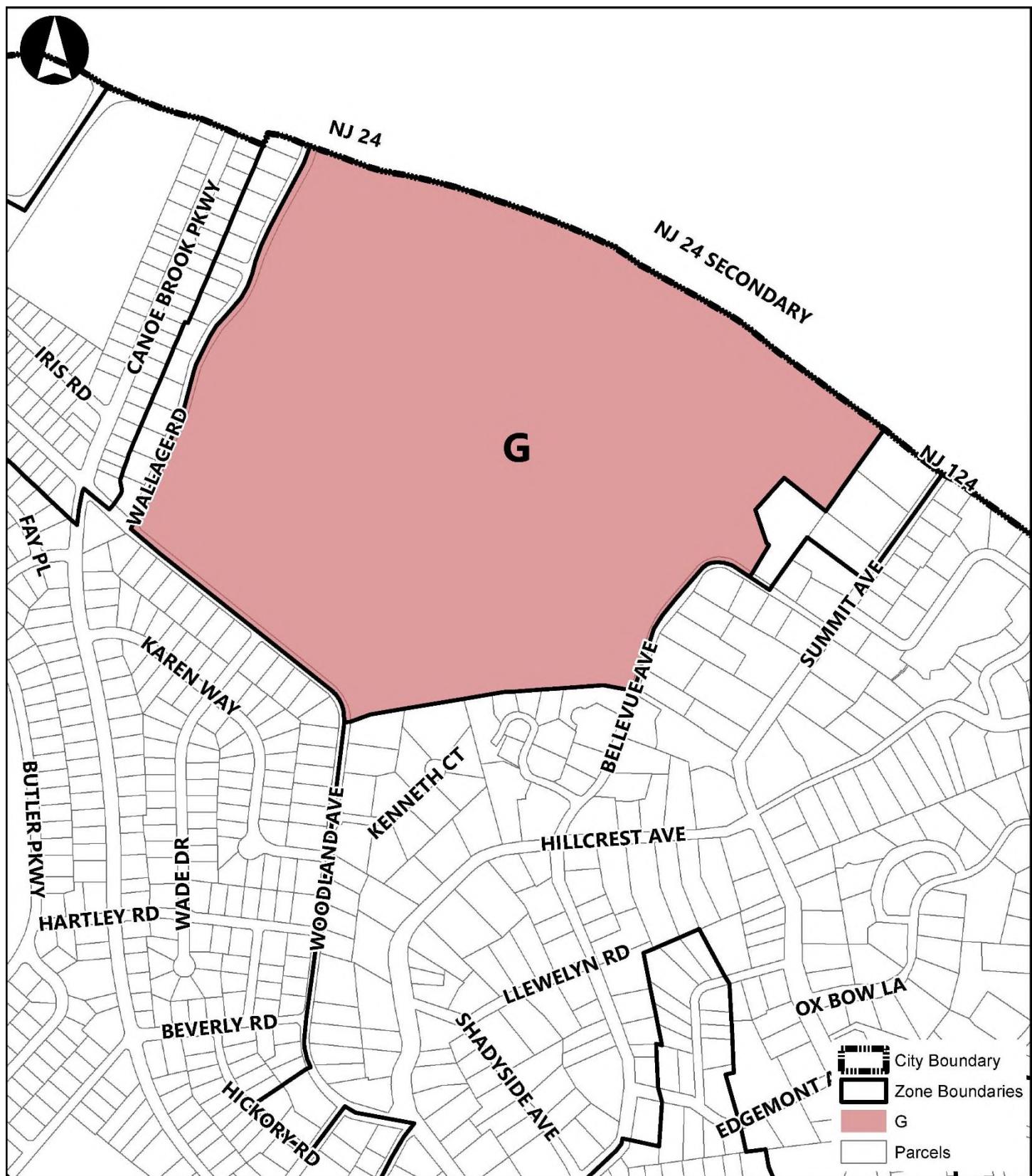
**CONDITIONAL USES:**

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1. Houses of worship.
2. Educational institutions.

C. *Supplementary Requirements.*

1. No properties in this zone shall be subdivided, unless the requirements and standards of the R-10 Zone are met.
2. Residential uses shall comply with the parking requirement for the R-10 Zone.
3. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.



A. *Purpose.* The purpose of this zone is to ensure the preservation of the existing golf course located in Block 901 Lot 1 in the City.

B. *Permitted Uses.*

**PRINCIPAL USES:**

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1. Existing golf courses.

**ACCESSORY USES:**

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1. Building and structures used for maintenance and storage associated with golf course operations.

**CONDITIONAL USES:**

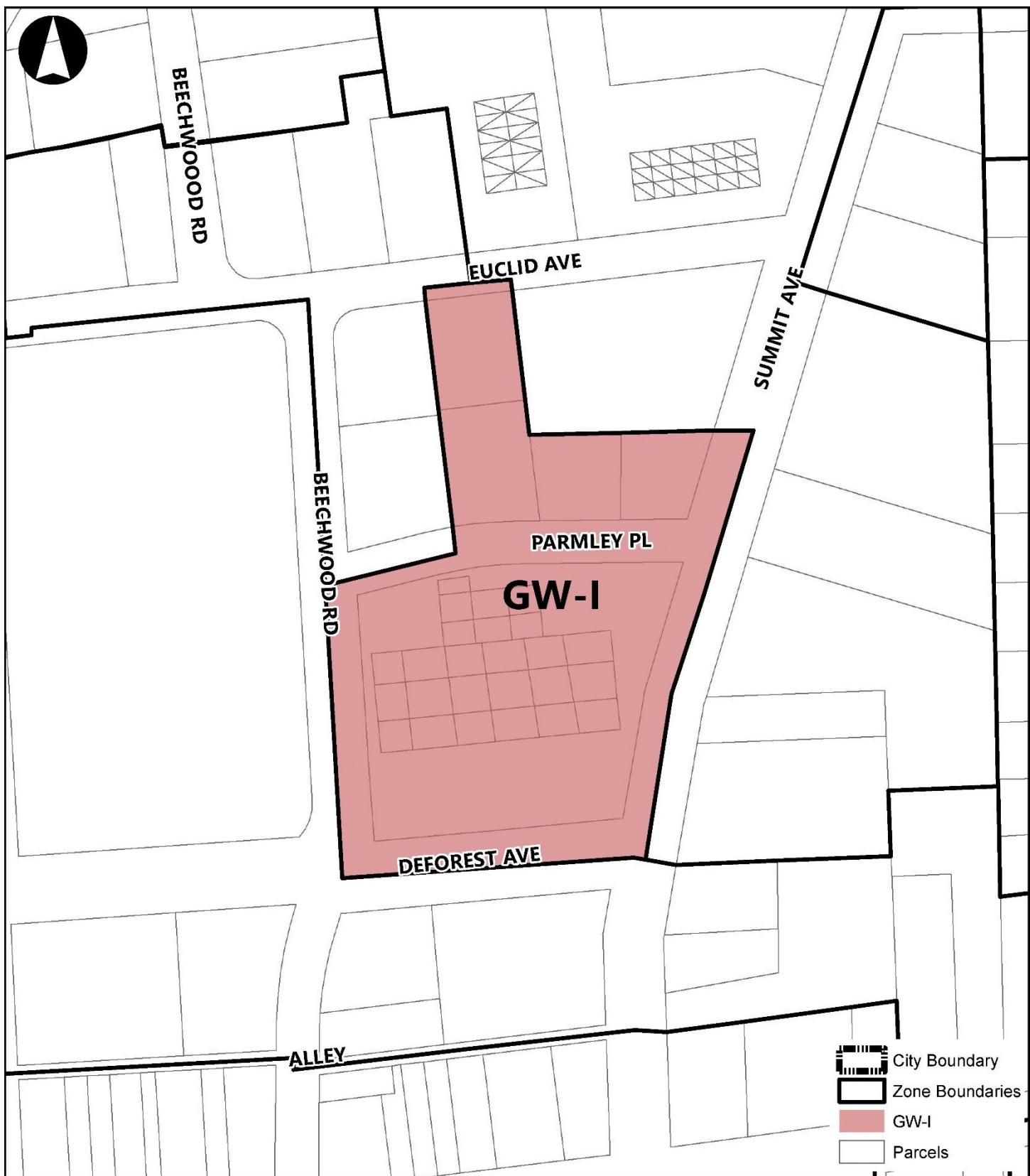
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1. None.

C. *Supplementary Requirements.*

1. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.23 GATEWAY I ZONE



A. **Purpose.** The purpose of the Gateway I Zone is to allow for the appropriate contextual reuse of the existing site in a manner in keeping with its "gateway" character. Development should be particularly sensitive to design, streetscape, buffers and setbacks in order to mitigate the impact of new development on the surrounding area. The zone should complement and support the CRBD, complement and protect the adjacent residential neighborhoods, provide housing, including affordable housing, in proximity to public transportation and serve as an attractive gateway to the downtown.

B. **Permitted Uses.**

#### **PRINCIPAL USES:**

1. Townhouses.
2. Apartments.
3. Condominiums.
4. Offices.
5. Public parks.
6. Mixed-use buildings office and residential.

#### **ACCESSORY USES:**

1. Parking structures shall be considered an accessory use. Parking structures are defined as ramp access structures either above or below grade specifically designed to accommodate vehicle parking.
2. For office uses, no eating facilities selling prepared food or drinks shall be permitted.
3. Health clubs, limited to the basement area of the Deforest Building.

#### **CONDITIONAL USES:**

1. None.

C. **Supplementary Requirements.**

1. No medical uses shall be permitted.
2. A comprehensive plan for the entire site must be submitted.
3. Any existing or new building which fronts on DeForest Avenue may contain a mix of office and/or residential uses. Only residential uses shall be permitted on the remaining portion of the zone.
4. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
5. Parking for all uses (with the exception of townhouses) shall be provided on site in a parking structure or beneath the building.
6. Any parking structure on the site must be screened from public view.

7. A buffer area of ten (10) feet shall be required where Lots 1.01 and 2.01 in Block 2607 abut adjacent Lot 7. No encroachments, such as patios or decks, shall be permitted in the buffer area. The buffer shall contain decorative fencing and/or appropriate landscaping.
8. A twenty (20%) percent set-aside of affordable housing shall be required subject to the provisions of the City's affordable housing ordinance.
9. Parking between the street and the building is prohibited with the exception of driveways associated with townhouses.
10. Front facing garages for residential uses shall not be permitted on any public street with the exception of Parmley Place.
11. The Parmley Place right-of-way shall not be vacated; however, may be realigned subject to engineering and safety considerations.
12. Number of parking spaces required:
  - a. A shared parking concept is encouraged.
  - b. Apartments: compliance with Residential Site Improvement Standards (RSIS).
  - c. Office: a minimum of one space per three hundred (300) square feet shall be required.
  - d. Townhouses:
    - (1) Compliance with Residential Site Improvement Standards (RSIS).
    - (2) Two (2) parking spaces per unit shall be garaged.
    - (3) Parking may be located either in the front or in the rear of the unit. If located in the front, a minimum driveway length of eighteen (18) feet shall be required measured from the property line. If located in the rear, the rear yard buffer may be reduced to five (5) feet.
13. The primary front entrance of any townhouse unit shall not be more than four (4) feet above existing grade.

D. *Design Requirements.*

1. General.
  - a. The design standards contained herein shall supplement the design and performance standards contained in Article XIV of City of Summit Development Regulations. If there is a conflict, the provisions of this section shall apply.
  - b. Overall development shall have a compatible design, architectural and landscaping scheme for the site.
  - c. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
  - d. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
  - e. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.

- f. The appearance of the side and rear elevations of buildings is important. Therefore, guidelines for the fronts of buildings shall also apply to the rear and sides where visible.
- g. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls.
- h. Building facades are a primary image generator. As such, facades shall portray a unifying appearance while assuring that each building has a unique design. Facades shall also be designed at a human scale.
- i. New buildings shall be oriented so the front facades relate to public streets and plazas, both functionally and visually. The primary orientation of a building shall not be towards parking.
- j. The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details.
- k. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- l. The architectural design of buildings shall be sensitive to the site's status as a "gateway" site.
- m. Primary entrances to buildings are to be clearly marked and framed architecturally.

2. Green Space.

- a. Every effort shall be made to increase the amount of green space that currently exists on site.
- b. Green space shall be appropriately designed and compatible with the landscaping and open space in the surrounding neighborhood.
- c. The predominant character of the open space within the Summit Avenue setback area shall be "green." Hardscape materials within the open space area shall be limited.
- d. Any courtyard associated with multi-family residential buildings shall be "green," to the extent feasible.

3. Parking, Loading, Access and Circulation.

- a. Any access drive which connects to Euclid Avenue shall be a one-way drive with one-way circulation toward Euclid Avenue.
- b. Regardless of any realignment of Parmley Place, the right-of-way of Parmley Place shall remain forty (40) feet and the cartway shall remain twenty-six (26) feet. In addition, a minimum five (5) foot wide continuous sidewalk shall be required on both sides of Parmley Place.
- c. Internal pedestrian circulation shall be separated from automobile circulation through the use of sidewalks and crosswalks.
- d. Crosswalks will serve as an extension of the sidewalk and shall be differentiated from roadways through the use of different textures, materials and colors.
- e. No blank walls of parking structures shall front the streetscape or public streets.
- f. No portion of any parking structure shall be constructed at a height of more than fifteen (15) feet above curb level.
- g. The parking for all uses within any parking structure shall be appropriately integrated particularly with

respect to pedestrian connections.

- h. Parking structures shall be constructed so that no exhaust vents open onto any street or open space and so that no portion of the interior structure, other than entrances and exits, is visible from adjoining streets.
- i. A landscaped plaza or recreation area may be constructed on the top of any parking structure.
- j. All facades shall provide pedestrian interest at the street level through architectural details. All voids in the parking structures shall be architecturally screened, so that lights and vehicles are not visible.
- k. The visible exterior walls of parking structures shall be architecturally designed to mimic and reflect the occupied portions of the building in terms of style, materials and the rhythm of the window openings serving the principal uses. The intent of the above regulations is that no exposed parking structure exterior wall shall be detectable as a parking structure.
- l. Loading and service areas shall be integral to building design and screened from public view to the extent feasible to minimize impacts of noise, lighting, glare and visibility.
- m. The relationship between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
- n. Structured parking shall include decorative lighting to be compatible with on-site lighting.

4. Mechanical/Utilities.

- a. Roof-vent penetrations shall be located at least ten (10) feet from any exterior building face, if possible.
- b. Bulkheads and/or mechanical equipment shall be enclosed on the roof, set back and housed in an enclosure utilizing the same material or comparable material as the rest of the building facades.
- c. Every effort shall be made to make utilities including meters and access panels as visually unobtrusive as possible.

5. Other.

- a. All pedestrian entranceways and/or lobbies shall be easily identifiable, well-lit and separate from service entrances.
- b. All storage of refuse and recyclable materials shall be maintained within the confines of an enclosed building or structure and shall be reasonably accessible for vehicular collection on the site and shall be appropriately screened and landscaped where outdoor storage is necessary.
- c. All benches, trash receptacles, lights, and other street furniture shall be compatible with the architecture of the buildings and shall complement building features.
- d. Street lights shall be placed throughout the site and shall match or be compatible with the City of Summit's Purchasing Manual.
- e. Lighting on the interior of the site shall be compatible with the architecture of buildings and shall complement building features.
- f. Sodium vapor fixtures shall be prohibited.

- g. The use of "green" building practices is strongly encouraged.
- h. Fire escapes and stairs serving parking structures shall be fully enclosed.
- i. It is anticipated that the existing building at the corner of DeForest Avenue and Summit Avenue will remain and be aesthetically improved to function more appropriately as a "gateway" building.

E. Zone Area and Bulk Requirements.

Regulations	Permitted
Minimum Tract Area <sup>a</sup> (square feet)	122,000
Minimum Front Yard Setback (DeForest Avenue)	7 feet
Minimum Front Yard Setback (Parmley Place)	
South Side	9 feet
North Side	7 feet
Minimum Front Yard Setback (Beechwood Road)	10 feet
For any structure less than 15 feet in height, including parking structures	5 feet
Minimum Front Yard Setback (Summit Avenue)	
North of Parmley Place	40 feet
South of Parmley Place <sup>b</sup>	Average 32 feet; however, in no case less than 25 feet
Minimum Front Yard Setback (Euclid Avenue)	15 feet
Minimum Rear Yard (Adjacent to Block 2607, Lot 7)	10 feet
Maximum Tract Coverage <sup>c</sup>	80%
<u>Building Height</u> <sup>d,e</sup>	
Apartments, offices, and mixed-use buildings	48 feet
Townhouses	40 feet
<u>Maximum Stories</u> <sup>e</sup>	
Apartments, offices, and mixed-use buildings	4
Townhouses	3
Maximum Floor Area Ratio (excluding parking structures) <sup>f</sup>	113.5%

<sup>a</sup> Excluding the Parmley Place right-of-way.

<sup>b</sup> Calculation of average and minimum front yard setback on Summit Avenue south of Parmley Place shall not include the setback of the existing building at the corner of Summit Avenue and DeForest Avenue.

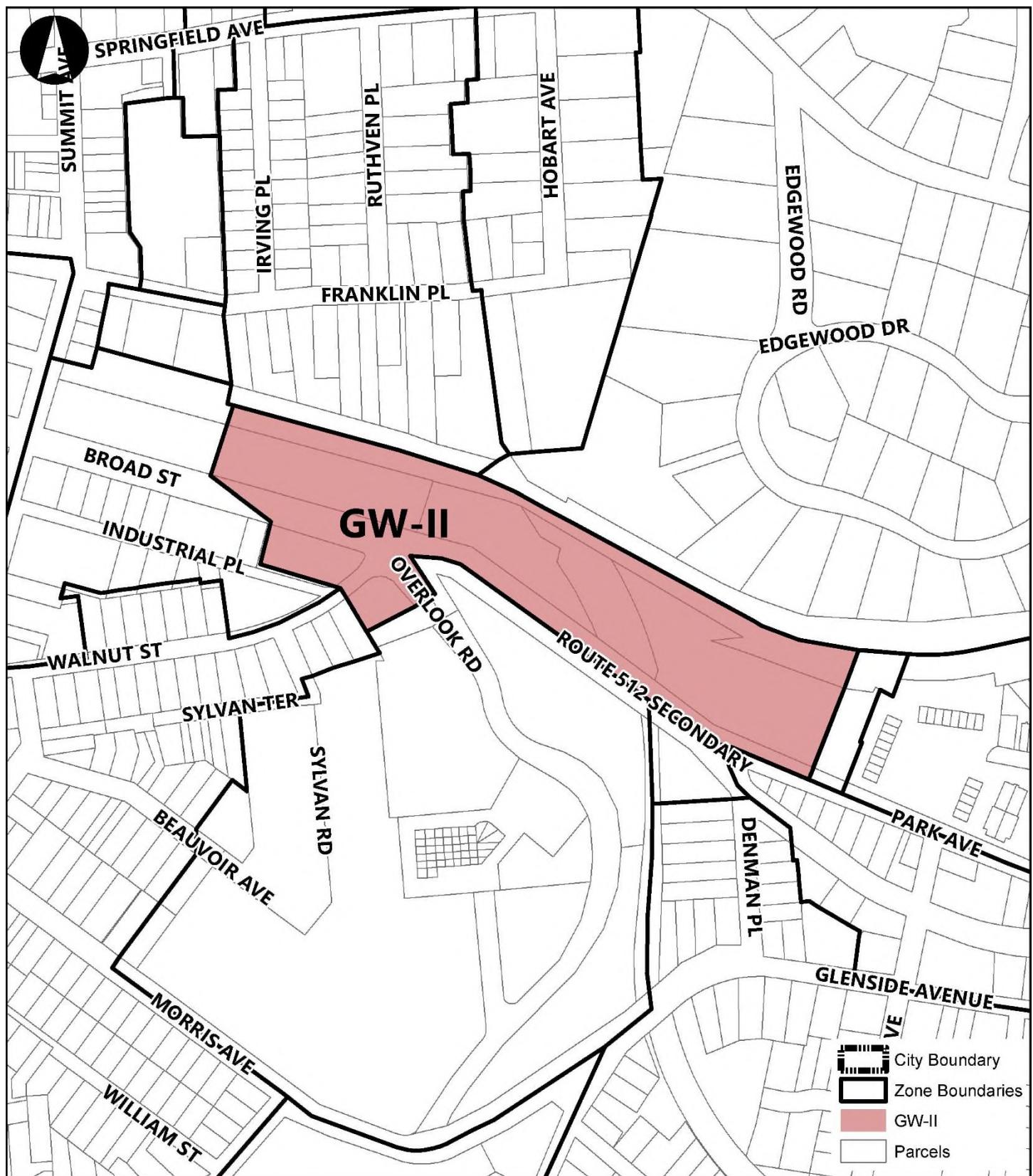
<sup>c</sup> Does not include public right-of-way.

<sup>d</sup> The existing building is exempt from setback and height standards.

<sup>e</sup> Parking levels shall not be counted toward story limitation; however, they shall be counted toward overall height limitation.

<sup>f</sup> Within office buildings in the GW-I Zone, floor area relating to health clubs in a basement, shall not be included in the calculation of floor area ratio (FAR).

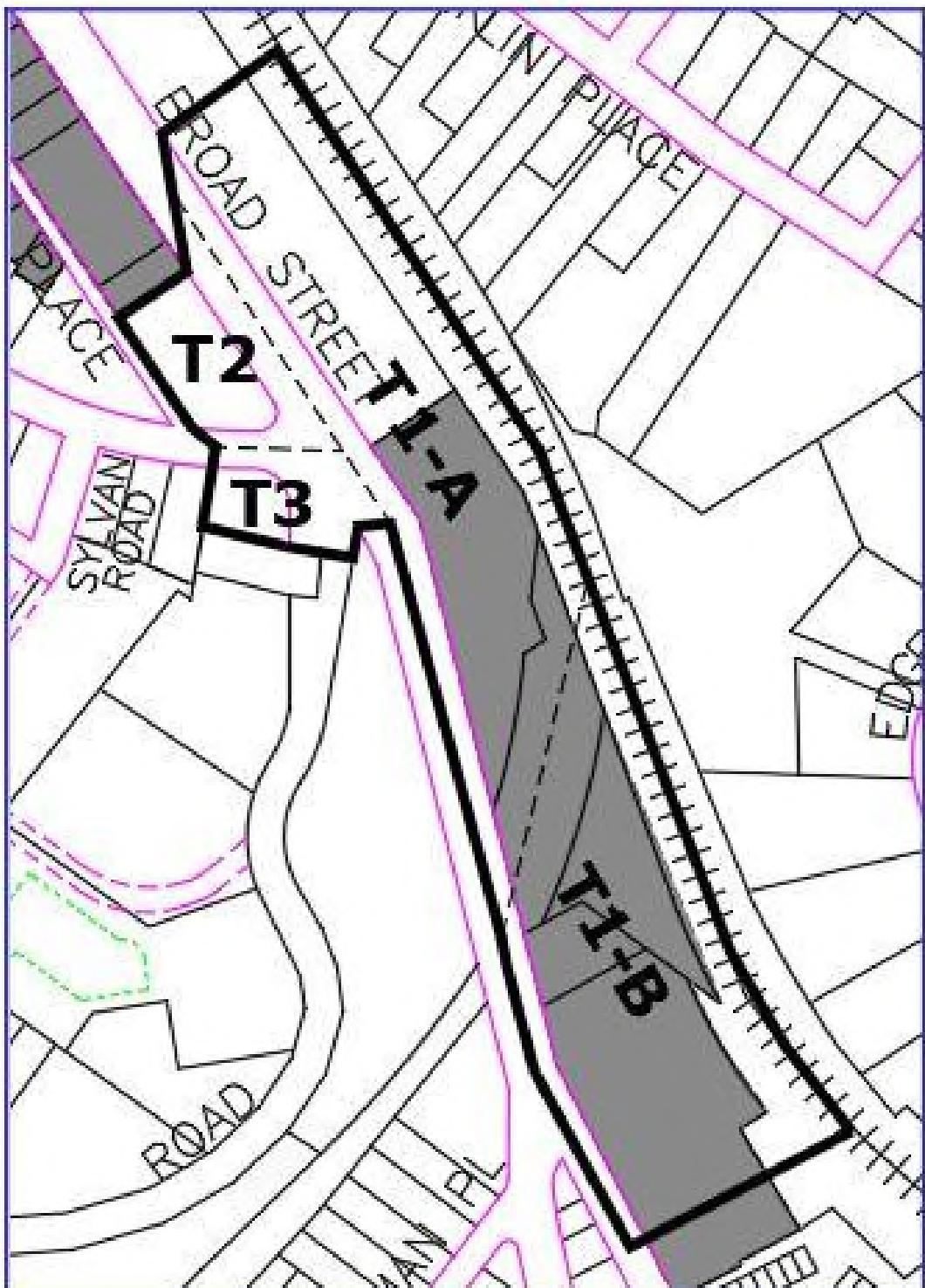
## 35-13.24 GATEWAY II ZONE



A. **Purpose.** The purpose of the Gateway II Zone is to redevelop the "Gateway II" properties, improving one of the principal entrances into the City's CRBD Zone. The primary intent is to support a welcoming streetscape and higher density residential development primarily in exchange for sustainable building practices and affordable housing, all within close proximity to the CRBD and the transportation center of the City. Creative design will be needed to reconcile the properties' existing conditions (topography, shallow depth, proximity to active/inactive rail lines), turning these challenges into opportunities to create a transit and environmentally friendly neighborhood. It is the City's intent in creating this zone to incorporate the best of urban design, sustainability practices and construction techniques to visually minimize the massing and height of the buildings while creating an attractive development linking East Summit, the City's parking facilities and the CRBD. The resulting development will provide detailed architectural treatments, sustainable building practices, enhanced landscaped courtyards and a streetscape that will soften and integrate the new development, while creating an attractive environment for further visitors, residents and the community. The zone will capitalize on the location to provide a unique housing opportunity within walking distance to the community's services, CRBD and rail station.

As delineated in the map below, Subzones T1-A, T1-B, T2 and T3 have been created in order to tailor the permitted uses and bulk requirements to their particular locations and site conditions.

Gateway II Subzone Map



GATEWAY — 2

B. *Permitted Uses.***PRINCIPAL USES:**


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1. Townhouses, brownstones (1-2 family) and brownstone duplexes (1-6 family) are permitted in all zones; required for the street frontage along Broad Street up to the property line to the City property and Broad and Walnut Street intersection in the T1-A and T1-B Zone.
2. Multi-family buildings (T1-A, T1-B, T2 and T3) except along the Broad Street frontage for T1-A and T1-B zones.
3. Uses permitted in the Neighborhood Business (NB) Zone including offices with the exception of restaurants and financial institutions. (T2)
4. Mixed-use buildings of permitted Neighborhood Business (NB) uses as identified above and residential (T2 and T3)
5. City parking (surface or structured), public buildings and public or private parks (permitted in all zones).
6. Community facilities including childcare (permitted in all zones).
7. Office Uses (T1-A, T2 and T3)

**ACCESSORY USES:**


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1. Surface and structured parking.
2. Storage, decorative and/or accessory structures including: kiosks, pergolas, bus shelters, and/or bike parking or structures.
3. Facilities and/or amenities commonly offered to residents of the planned multi-family development including: meeting and public rooms, gymnasiums, libraries, pools, parks, recreational facilities and service areas.

**CONDITIONAL USES:**


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1. None.

C. *Supplementary Requirements.*

1. A concept plan of the overall development shall be presented to the Planning Board. It shall include identification of: architectural design, land uses, landscaping, open space, pedestrian/vehicular circulation, parking, overall design layout and intended density based on the base density, bonuses and/or LEED rating system chosen. An overview of the project's intended sustainable attributes shall be provided (i.e. solar, wind or geothermal collectors and energy; net zero-energy buildings, sustainable products and materials to be used; innovative use of water resources (portable, storm, and wastewater); efficient HVAC systems and other "green" or sustainable building practices). The concept plan and presentation should be followed by a discussion with the Planning Board and review and comment by Environmental Commission regarding the project goals and sustainable attributes under consideration.

2. At the time of the submission of the site plan application and prior to any preliminary and/or final site plan approval utilizing incentive bonuses, the applicant shall submit: a construction staging and phasing plan, the details for the LEED certification sought, the methods of achieving the certification, and the monitoring plan to insure the project's performance to the LEED standards selected such as through building commissioning, etc.
3. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
4. Parking requirements in compliance with Residential Site Improvement Standards (RSIS) shall be provided within the overall project site. However, alternatives such as a shared parking arrangement with the City or other creative solutions to the provisions of parking are encouraged. (See Parking-paragraph D.6 of this subsection.)
5. This zone has been designed to accommodate affordable housing at a twenty (20%) percent set-aside. The affordable housing is intended to be incorporated on site and integrated throughout the project. This provision is subject to the regulations adopted by the Common Council on Affordable Housing and upon further discussions within the City and its professionals.
6. The zone is exempt from the variance requirements of the City's Steep Slope Ordinance. However, compliance is required of all other provisions of that Ordinance set forth in Article XVI.
7. This subsection provides substantial bonuses in an effort to incorporate green building and sustainable development practices into the zone. The developer, their professionals and development team will be guided by and the bonuses assigned utilizing the most recent versions of LEED New Construction (NC) and/or the LEED Neighborhood Development (ND) Rating System. The LEED ND Rating System shall take priority, as it integrates the principles of smart growth, new urbanism, compact development, and green building into a model environmentally sustainable neighborhood design for the City. The developer, their professionals and development team shall work in concert with the City and Planning Board to achieve the goals identified in this subsection and the LEED rating system utilized.
8. As the streetscape, open space, landscaped and/or green roofs are all contemplated and integral elements of the overall development plan, a certified landscape architect shall be retained by the developer from the project's inception. Said landscape architect shall prepare the landscaping plans while working with the project team.
9. In calculations of density where a number is a fraction or includes a fraction of the whole, for the purposes of this subsection the calculation shall be rounded up.

D. ***Bulk Requirements.***

1. **Building Height.** The existing grade or slope of the property shall be used to offset the perception of height wherever possible as further described below.
  - a. Permitted Stories and Height.

- (1) Townhouse/Brownstone.
  - (a) T1-A, T1-B, T2 and T3 zones: three (3) residential stories: forty (40) feet.
  - (b) The primary front entrance of any townhome/brownstone building shall not be more than four (4) feet above existing grade at the adjacent curb line.
  - (c) Where the site is sloped along the street front, the centerline of each building shall be not higher than forty-two (42) feet above the curb line elevation in front of that segment of the townhouse/brownstone. The buildings shall follow the existing curb line so that a "stepping" of the buildings' form will occur along the street frontage.
- (2) Multi-Family Buildings.
  - (a) In T1-A, T1-B, T2 and T3 Zones: three (3) residential stories over one of parking; total height of forty-five (45) feet with the following exceptions noted:
    - (b) In T1-B Zone: the Board may permit four (4) residential stories over a parking story or five (5) residential stories (if parking underground) where a building's height will be partially obscured from Board Street for a total height of fifty-three (53) feet.
- (3) Mixed Use.
  - (a) In T2 Zone: three (3) residential stories over one (1) story of permitted nonresidential use or parking; total height of forty-five (45) feet. In T3 Zone: four (4) stories over one (1) story of permitted nonresidential use or parking for a total height of fifty-five (55) feet.
- (4) Office.
  - (a) In the T1A and T3 Zones, for a building exclusively of office development, four (4) stories over parking for a total of fifty-five (55) feet.

b. Supplementary Requirements.

- (1) The building height for buildings with street frontage shall be measured from the centerline of each module (such as townhouse, brownstone, office, or half of a brownstone duplex) to the existing curb line. In no case shall the height of either front building corner, exceed the permitted height by more than two (2) feet. For all other buildings, the height of the building shall be measured by taking the average of the existing grade surrounding the proposed building footprint.
- (2) A parking story shall only be counted towards the number of stories when at least fifty (50%) percent of the parking garage story is above the existing average grade around the building.

2. Yards.

Front Yards	15 foot setback and 10 feet from internal streets or drives. No driveways are permitted in the front yards of buildings along the Broad Street frontage.
Side Yards	10 foot setback to property line or drives; 20 foot setback between buildings.
Rear Yards	10 foot setback measured from the lot line opposite Broad Street.

3. Tract Dimensions.

Minimum Tract Area	
T1 (A and B)	4.5 ac
T2 and T3	0.25 ac
Minimum Tract Width	N/A
Minimum Tract Depth	N/A

4. Coverage. The coverage indicated below applies to individual tracts; if however, multiple tracts are developed by a single developer, the Planning Board may allow flexibility and variations in coverage on individual tracts so long as maximum permitted coverage is not exceeded overall.

- Building Coverage, Max.: 40% overall
- Impervious Coverage, Max.: 60% T1-A, T1-B/80% T2 and T3
- Open Space/Pervious Coverage, T1-A, T1-B min.: fifty (50%) percent (exclusive of railroad right-of-way) Overall the site shall include a minimum of thirty-five (35%) percent pervious at grade open space, landscaped and designed to provide recreation and visual relief. The balance of the open space fifteen (15%) percent may be provided by either green roofs and/or landscaped rooftops. An overall landscaping and open space plan shall integrate the project's open space with the adjacent properties. For areas to be included in the open space calculation (for active/passive recreation, courtyards and gardens) they must have a slope of less than eighteen (18%) percent.

5. Density.

- Residential Density: Twenty (20) dwelling units (du's) per acre. However, the applicant may choose to receive up to twenty-nine (29) du's/acre by selecting incentives. The incentives are to encourage the project to be developed in a manner that supports long term environmentally sustainable practices and affordable housing for the City. These incentives will be offered as additional units per acre as it is believed that the overall health, safety and welfare of the community is enhanced by the incentives offered and the City is willing to provide additional density in recognition of the benefits accrued from the sustainable and green building efforts used. However, in no case shall the cumulative value of all incentives selected exceed an overall density of twenty-nine (29) du's/acre. The following incentives are optional, and eligibility shall be subject to compliance with any or all of the following:

- (1) Structured Parking—A minimum of fifty (50%) percent of the site's required parking are to be provided below or partially below grade. If the parking is not located below the building, the rooftops of the parking fixtures shall be landscaped and developed as open space/park and accessible to the development:
  - (a) Bonus 2.0 additional du/ac;
- (2) Solar/Landscaped/Green Rooftops—Fifty (50%) percent of the rooftops of all buildings shall consist of either a green roof, landscaped roof, solar roof array, or a combination of the above:
  - (a) Bonus 1.0 additional du/ac;
- (3) To receive the following bonuses, the project is required to be designed to meet the eligibility requirements resulting in LEED N or LEED ND certification. However, the bonus indicated for LEED NC or LEED ND Platinum is a maximum density and inclusive of all other bonuses. The bonuses offered are as follows:
  - (a) Certified: 1.0 additional du/ac;
  - (b) Silver: 2.5 additional du's/ac;
  - (c) Gold: 6.0 1.0 additional du's/ac
  - (d) Platinum: 9.0 additional du's/ac
- (4) If different LEED certifications and their attenuating bonuses are chosen for different project parcels, the number of units as a result of the bonuses selected will be calculated proportionally based on the parcel's area.

## 6. Parking

- a. Minimum Off-Street Parking. The applicant's design shall meet Residential Site Improvement Standards requirements for parking. However, a reduction in the required parking will be considered by the Board where applicant can demonstrate that:
  - (1) Transportation alternatives such as bicycle and walking are to be encouraged throughout the design process;
  - (2) A viable ongoing "car sharing" program is incorporated and has an adequate number of vehicles available with preference for project's site population;
  - (3) Through professional testimony of current parking literature from recognized sources and presentation of similar or representative projects demonstrating that parking demand for this type of development differs;
  - (4) Transportation alternatives are being employed and incorporated into the project's design, marketing strategy and will be affirmatively promoted;
  - (5) The parking strategy developed, is supported by the City.
- b. Where different residential buildings are located on the same tract, parking may be located within parking structures or provided under the multi-family buildings as described below.

- (1) Townhouses, Brownstones.
  - (a) Minimum: One (1) parking space per dwelling unit must be provided in, under or adjacent to the dwelling unit and the balance of the parking, as required by Residential Site Improvement Standards may be provided elsewhere on the site.
  - (b) Parking shall be provided as follows:
    - i. Parking garages must be accessed from either the side or rear of the buildings.
    - ii. Parking in the rear of the townhouses or brownstones such as side by side and tandem parking for different units is permitted.
    - iii. Parking for townhouses or brownstones may be provided under multi-family buildings on the same tract.
    - iv. No individual driveways or parking shall be located between Broad Street and the building front facades.
- (2) Multi-family buildings: one (1) parking space per dwelling unit shall be provided adjacent to or under the building. The balance of the parking as required by Residential Site Improvement Standards may be provided elsewhere on site. Creative parking and solutions to minimize the impact of vehicles, as reflected in paragraph D.6.a. above, should be considered.
- (3) Office/retail: A minimum of one (1) parking space per three hundred fifty (350) square feet of gross floor area shall be required on-site.
- (4) Mixed-Use building: Total required for combined individual uses as indicated above.

c. Supplementary Regulations.

- (1) Residential Site Improvement Standards shall govern parking requirements for the project and its various phases within the overall project site except as otherwise noted or permitted by law. Surface parking is discouraged in favor of structured or underground parking (exceptions as noted above). Parking should be under the building and/or below grade to the greatest extent possible.
- (2) The developer will provide a pro-rata share of street improvements for the purpose of the Broad Street Boulevard. The Broad Street Boulevard is to include upon appropriate approvals from the County and City: minimizing the number of curb cuts, a landscaped and vegetated median (where possible) which would also include appropriate landscaping and/or trees, widened sidewalks, street trees, pedestrian/vehicular improvements as well as an evaluation of on street parking and bicycle facilities such as bike lanes, signage, markings, bicycle parking, etc. in accordance with the Design Standards in Article XIV and the City of Summit Purchasing Manual.
- (3) Any parking structure on the site must be screened from public view as described below.
- (4) Stairs serving parking structures shall be fully enclosed.

d. Circulation.

- (1) Crosswalks shall serve as an extension of the sidewalk and shall be differentiated from roadways through the use of textures, materials and colors similar to those in use in the CRBD.

- (2) The parking for all uses within any parking structure shall be appropriately designed with respect to the integration of bicycle and alternative transportation/vehicle facilities.
- e. Façade Treatment/Screening of Parking Structures.
  - (1) All facades shall be architecturally detailed to provide pedestrian interest at the street. All voids in the parking structures shall be architecturally detailed or "green" screened with vegetation so that lights and vehicles are camouflaged.
  - (2) The visible exterior walls of parking structures shall be designed to reflect the occupied portions of the building (style, materials and the rhythm of the windows). The City's intent in enacting the above regulations is that no exposed exterior wall shall be detectable as a parking structure.
  - (3) Parking structures shall be constructed so that no exhaust vents open directly onto any public street.
  - (4) The lighting fixtures within a parking structure shall be recessed and not visible from Broad Street.
  - (5) Loading and service areas shall be integral to a building's design and screened from public view to the extent feasible.

E. *Design Requirements.*

- 1. General.
  - a. The design standards set forth herein shall supplement the design and performance standards contained in Article XIV of City of Summit Development Regulations. If there is a conflict, the provisions set forth in this section shall apply.
  - b. The development's architectural style should be cognizant of the "Design and Preservation Guidelines for Historic Properties in the City of Summit, New Jersey," prepared for the Summit Historic Preservation Commission in 2004. Although shown as single-family detached houses, this document should be consulted and the design balanced between the site's features and location while ensuring compatibility and/or assimilation with Summit's unique architectural heritage and CRBD.
  - c. Multi-family buildings located along Broad Street shall be designed to appear as a series of townhouses or brownstone and approximating a thirty (30) foot module. These buildings shall provide a recessed or protected entrance with landscaped courtyards, patios and/or design elements to provide interest on the street. No multi-family building form shall exceed one hundred sixty-five (165) feet in length along the Broad Street frontage.
  - d. The multi-family building form along Broad Street shall provide distinct and varied architectural features among buildings and provide significant articulation including vertical and horizontal elements to reduce massing on the street.
  - e. The project shall be designed so as to integrate the development into the site's unique topographical and existing conditions while softening the transition and edges between the street and adjacent properties.
  - f. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and natural material and/or sustainable "green" materials, and offer an attractive façade to the traveling public on Broad Street.

- g. The appearance of all sides of a building are important and elevations of each side shall be provided. The guidelines for the fronts of buildings shall also apply to the side and rear yards unless obscured by slope or railroad structures or embankment.
- h. Flat roofs shall be enclosed by parapets or other appropriate architectural treatment.

2. Green/Open Space.
  - a. The open space provided for the project shall be integrated throughout the project.
  - b. A detailed landscape and open space plan shall be provided that utilizes native trees and indigenous vegetation while harmonizing the various site elements (unit types, streets, public frontage and private drives, parking areas, walkways, buffers, plazas, open spaces & recreational or landscaped rooftops). Attention shall be taken to address the screening of the railroad, bases of lighting fixtures and utilities to the extent possible.
  - c. In addition to the open space/pervious area required, a minimum of one hundred (100) square feet of open space (front, side, rear -patio/deck) shall be required for each residential unit constructed. This open space shall be located adjacent to the residential unit to the extent possible. When not adjacent to a unit, the open space shall be collectively assembled and accessible to those units as a surface pocket park or rooftop park for the residents. On tracts T2 and T3 individual open space requirements may be located either adjacent to the unit or on a building's rooftop.
3. Mechanical/Utilities.
  - a. Roof-vent penetrations shall be located ten (10) feet from any exterior building face.
  - b. Mechanical equipment and roof vents shall be enclosed and /or screened on the roof, while not detracting from the building facades.
  - c. All flat roofs shall be enclosed and screened by a parapet.
  - d. Every effort shall be made to make utilities including meters and access panels, hidden or disguised and as visually unobtrusive as possible.
4. Other.
  - a. The project shall be guided in environmentally sustainable goals and practices as identified in the Action Plan for a Sustainable Summit (2008).
  - b. All storage of refuse and recyclable materials shall be maintained within the confines of an enclosed building or structure and be screened and landscaped.
  - c. All benches, trash receptacles, lights, and other street furniture shall be compatible with the architecture of the buildings and shall complement the project and buildings' features.
  - d. Site lighting shall be energy efficient, prevent light trespass and compliment the architecture of the building.
  - e. Energy-efficient lighting/fixtures shall be utilized throughout the site and include dusk activated timers and utilize solar energy to the extent possible.

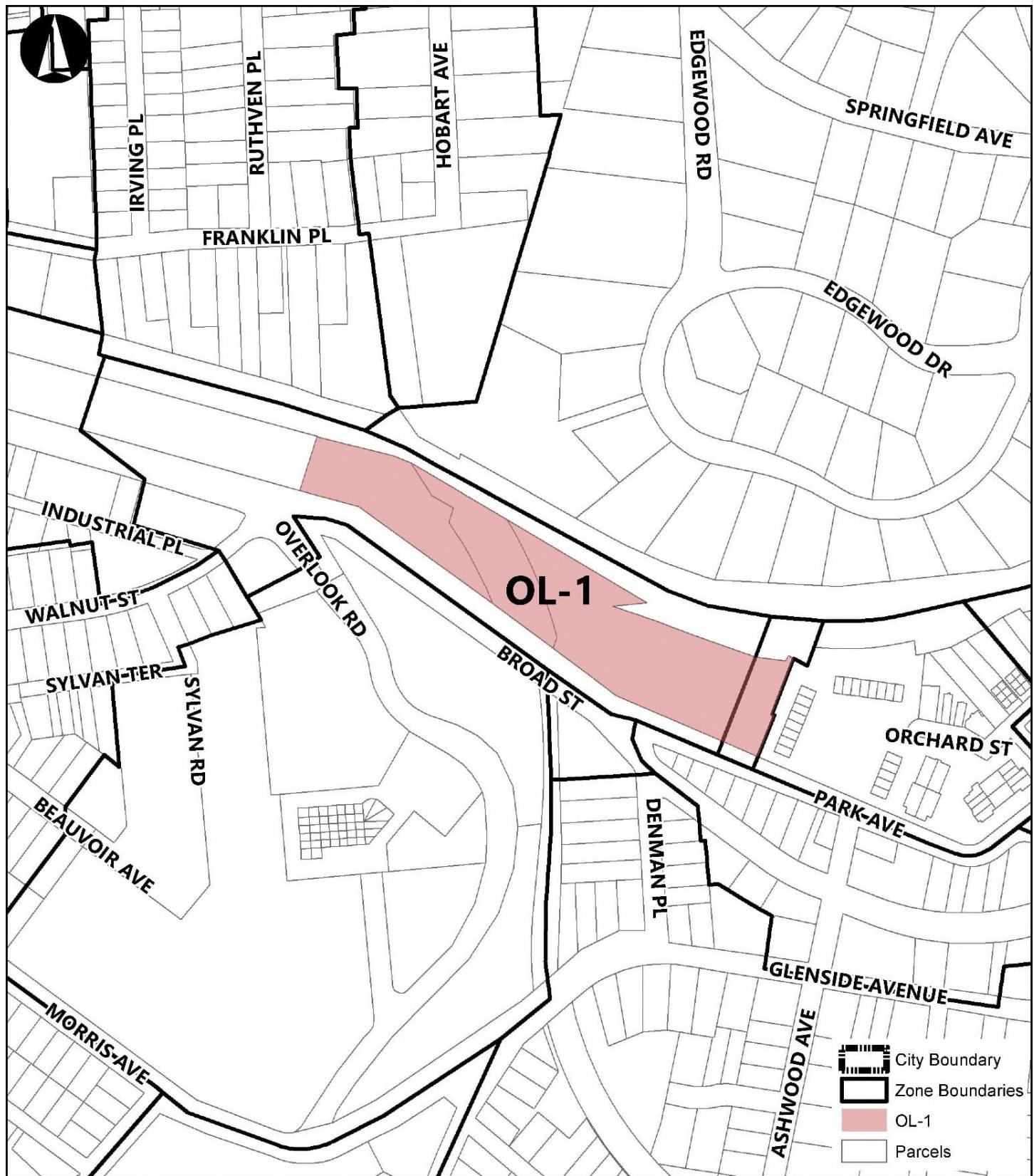
f. The owner of the railroad tracks and/or trackage rights currently identified as the Rahway Valley Railroad Line, located in the Gateway II Zone, should be approached to determine whether (in the absence of any long term plans to reactivate the line for a rail or freight transportation use) the easement may be converted to a pedestrian/bicycle linear path which shall be integrated into the project's landscaping and park plan with an anticipation of possible future linkages to the adjacent parking garage property, CRBD and Train Station.

F. **Severability.**

1. In the event that any portion or provisions of this subsection, or the application of this subsection to any specific situation or application, shall be declared invalid, such declaration shall not, in any manner, prejudice the enforcement of the remaining portions or provisions of this subsection, or the enforcement in other situations or applications.
2. All ordinances or parts of ordinances inconsistent with the provisions of this subsection are, to the extent of any such inconsistency, hereby repealed.

G. **Zone Area and Bulk Regulations.** Zone area and bulk regulations shall apply to all subzones except where indicated in this Chapter.

## 35-13.25 OL-1 OVERLAY ZONE DISTRICT



A. **Purpose.** The OL-1 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for stand-alone multi-family residential development, townhouses, and mixed use multi-family residential development above at-grade retail/office use as an alternative to the underlying zone district regulatory provisions that are, and remain, in force. All forms of multi-family residential and townhouse development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. **Permitted Uses.**

**PRINCIPAL USES:**

1. Multifamily.
2. Townhouses.
3. Mixed-use multifamily residential above at-grade retail/office uses
4. Principal uses permitted in underlying zone district.

**ACCESSORY USES:**

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated by Sections 35-9.8 and 35-9.9.

**CONDITIONAL USES:**

1. None.

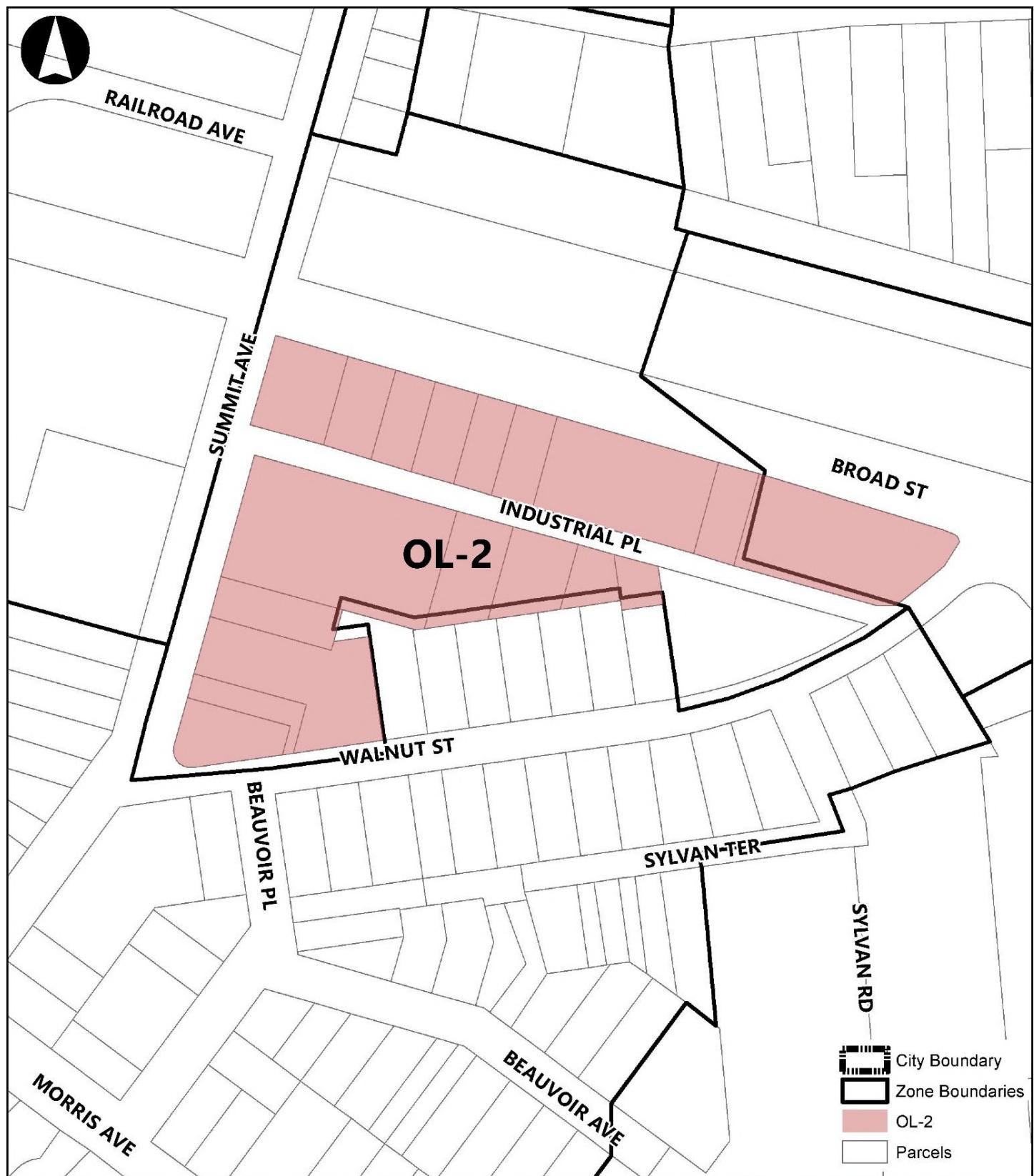
C. ***Supplementary Requirements.***

1. **Area and Bulk Regulations.** See accompanying Schedule of Area and Bulk Regulations located in the Appendix at the end of this Chapter. Supplemental multifamily and townhouse regulations, set forth herein below, shall also apply as additional regulatory controls.
  - a. **Multifamily Residential Buildings: Setbacks Between Multiple Buildings On-Site:**
    - (1) End wall (no openings) to end wall (no openings): 12 feet minimum.
    - (2) Building face to parking area: 10 feet minimum.
    - (3) End wall (no openings) to window wall: 25 feet minimum.
    - (4) Window wall to window wall: 35 feet minimum.
  - b. **Townhouse Units: Setbacks Between Buildings On-Site:**
    - (1) End wall (no openings) to end wall (no openings): 12 feet minimum.
    - (2) Building face to parking area: 10 feet minimum.
    - (3) End wall (no openings) to window wall: 20 feet minimum.
    - (4) Window wall to window wall: 30 feet minimum.
2. All proposed work shall be in accordance with the design requirements set forth in the Development

### **35-13.25.**

Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.26 OL-2 OVERLAY ZONE DISTRICT



A. ***Purpose.*** The OL-2 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for stand-alone multi-family residential development or mixed use multi-family residential development above at-grade retail use, as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multifamily residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. ***Permitted Uses.***

---

#### PRINCIPAL USES:

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1. Multifamily.
2. Mixed-use multifamily residential above at-grade retail uses. Multifamily residential uses shall be permitted at-grade on streets other than Broad Street or Summit Avenue.
3. Principal uses permitted in underlying zone district.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

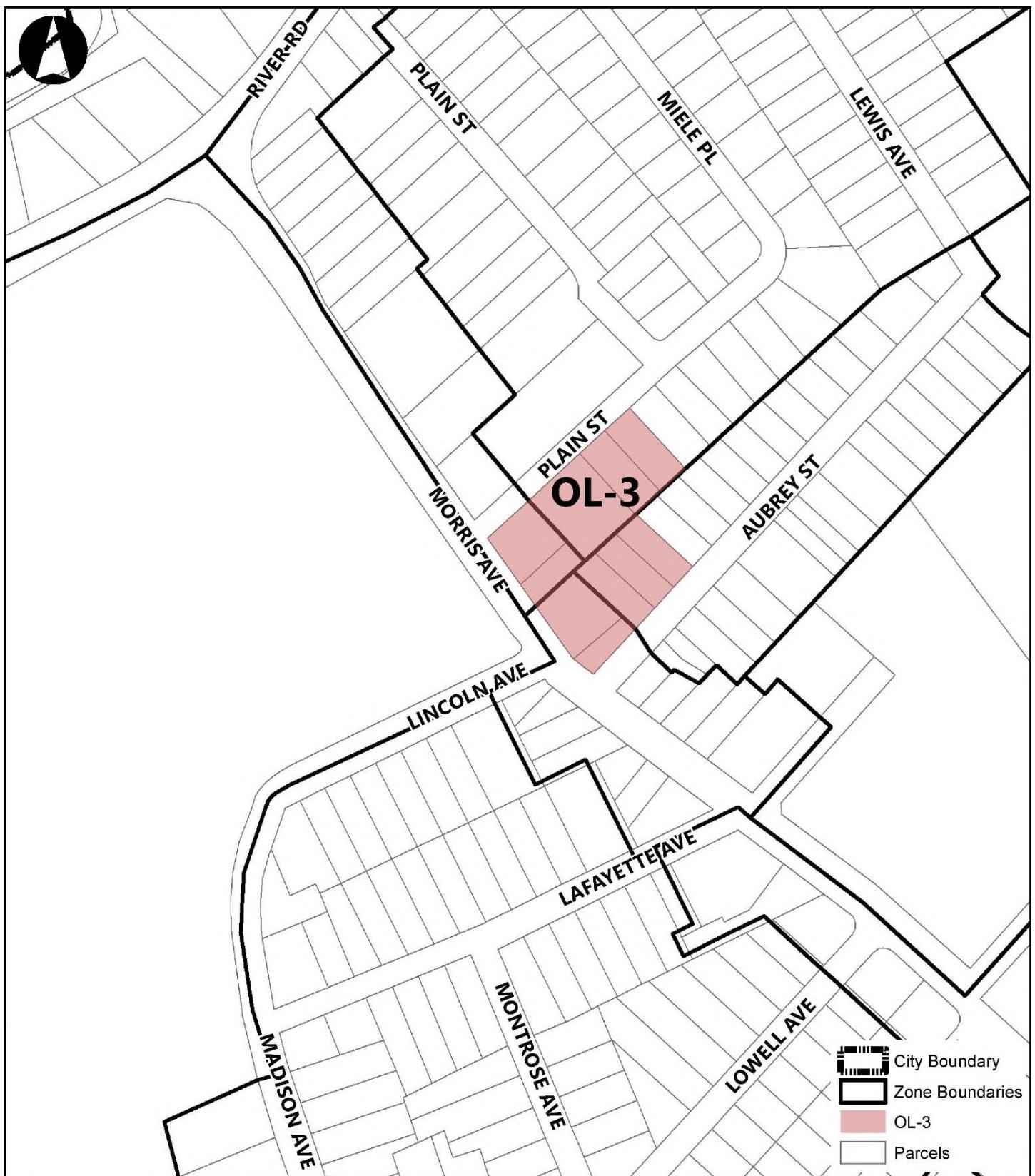
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1. None.

C. ***Supplementary Requirements.***

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations referenced in the Appendix located at the end of this Chapter.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.27 OL-3 OVERLAY ZONE DISTRICT



A. ***Purpose.*** The OL-3 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for stand-alone multi-family residential development or mixed use multi-family residential development above at-grade retail/office use, as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multi-family residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. ***Permitted Uses.***

---

#### PRINCIPAL USES:

---

1. Multifamily.
2. Mixed-use multifamily residential above at-grade retail/office uses. Multifamily residential uses shall be permitted at-grade along Broad Street.
3. Principal uses permitted in underlying zone district.

---

#### ACCESSORY USES:

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

---

#### CONDITIONAL USES:

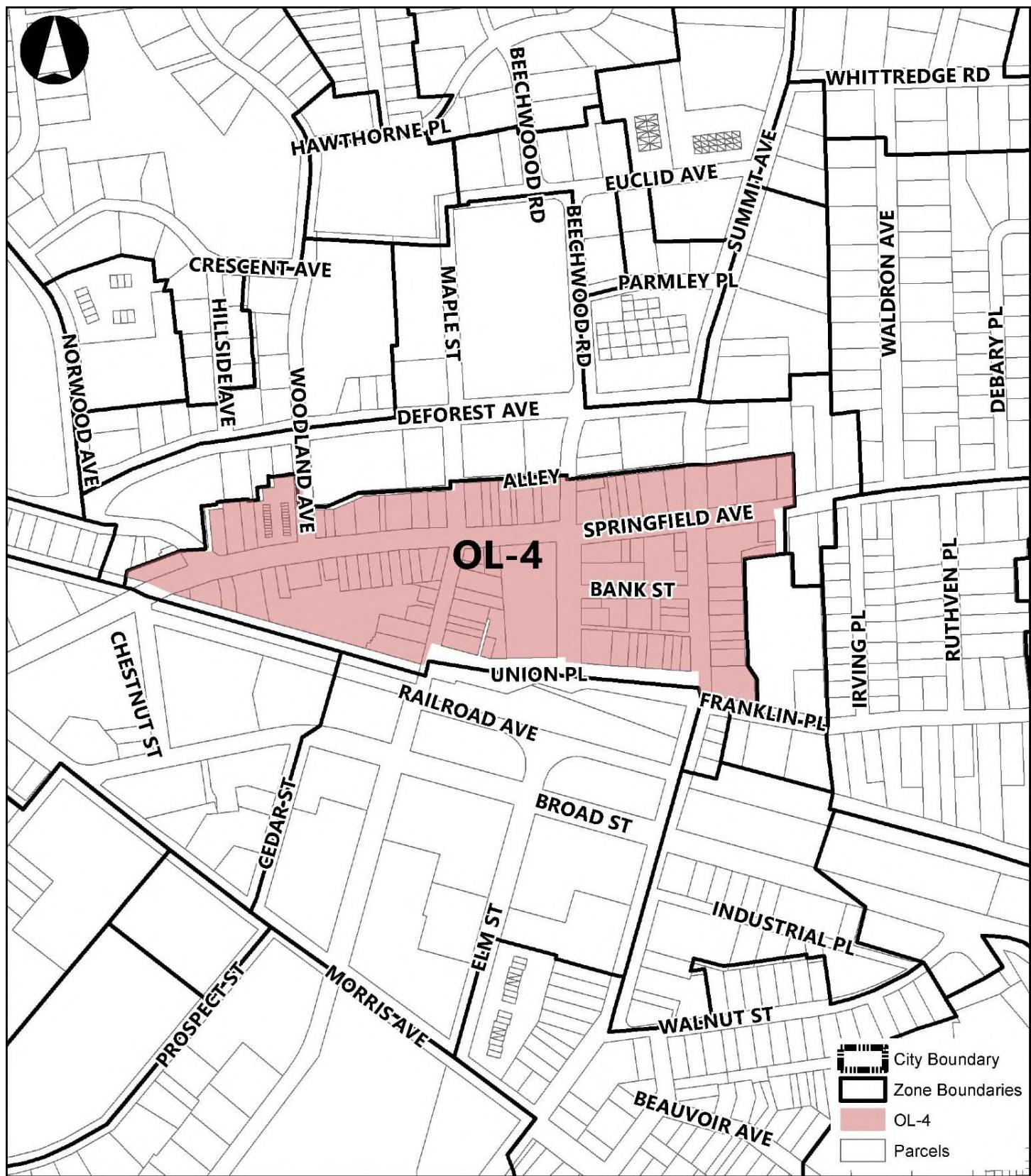
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1. None.

C. ***Supplementary Requirements.***

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations located in the Appendix at the end of this Chapter.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.28 OL-4 OVERLAY ZONE DISTRICT



A. ***Purpose.*** The OL-4 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for mixed use multi-family residential development above at-grade retail use as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multi-family residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. ***Permitted Uses.***

**PRINCIPAL USES:**

---

1. Mixed-use multifamily residential above at-grade retail uses.
2. Principal uses permitted in underlying zone district.

**ACCESSORY USES:**

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

**CONDITIONAL USES:**

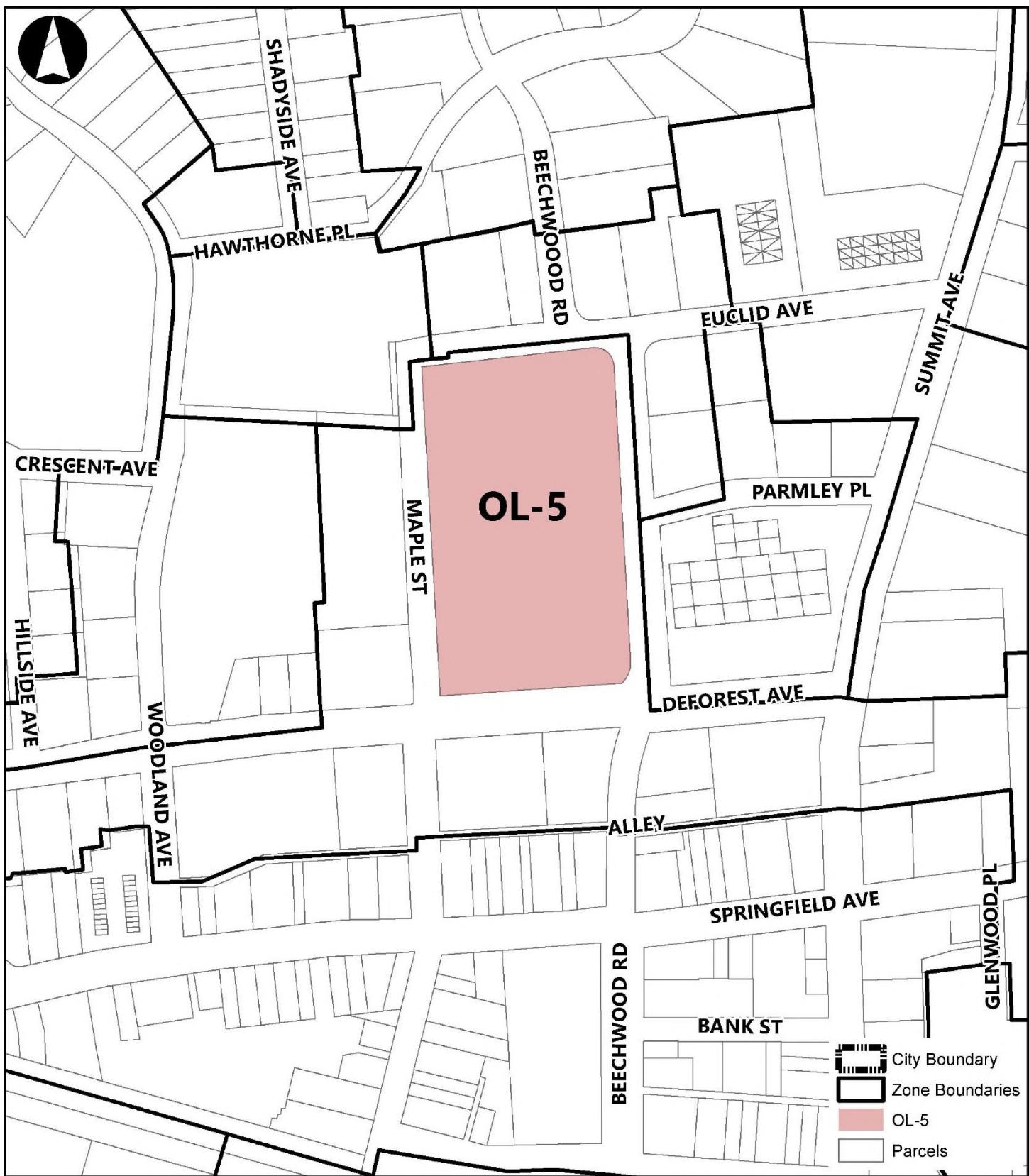
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1. None.

C. ***Supplementary Requirements.***

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations located in the Appendix of this Chapter.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.29 OL-5 OVERLAY ZONE DISTRICT



A. **Purpose.** The OL-5 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for townhouse and stand-alone multifamily residential development, as more fully described in below, and mixed-use multifamily residential development above at-grade retail/office use, as more fully described in subsection below, as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multifamily residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. **Permitted Uses.**

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#### **PRINCIPAL USES:**

1. Within a distance of three hundred fifty (350) feet of the Euclid Avenue right-of-way, the property may be developed with stand-alone multifamily residential development and townhouses, provided that no buildings other than townhouses shall be permitted within one hundred (100) feet of Euclid Avenue.
2. Mixed-use multifamily residential dwellings located above at-grade retail/office uses shall be permitted within two hundred (200) feet of the DeForest Avenue right-of-way.
3. Townhouse development and mixed-use multifamily residential dwellings located above at-grade retail/office uses, as provided above, may be permitted to be designed with a common access and parking lot configuration.

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#### **ACCESSORY USES:**

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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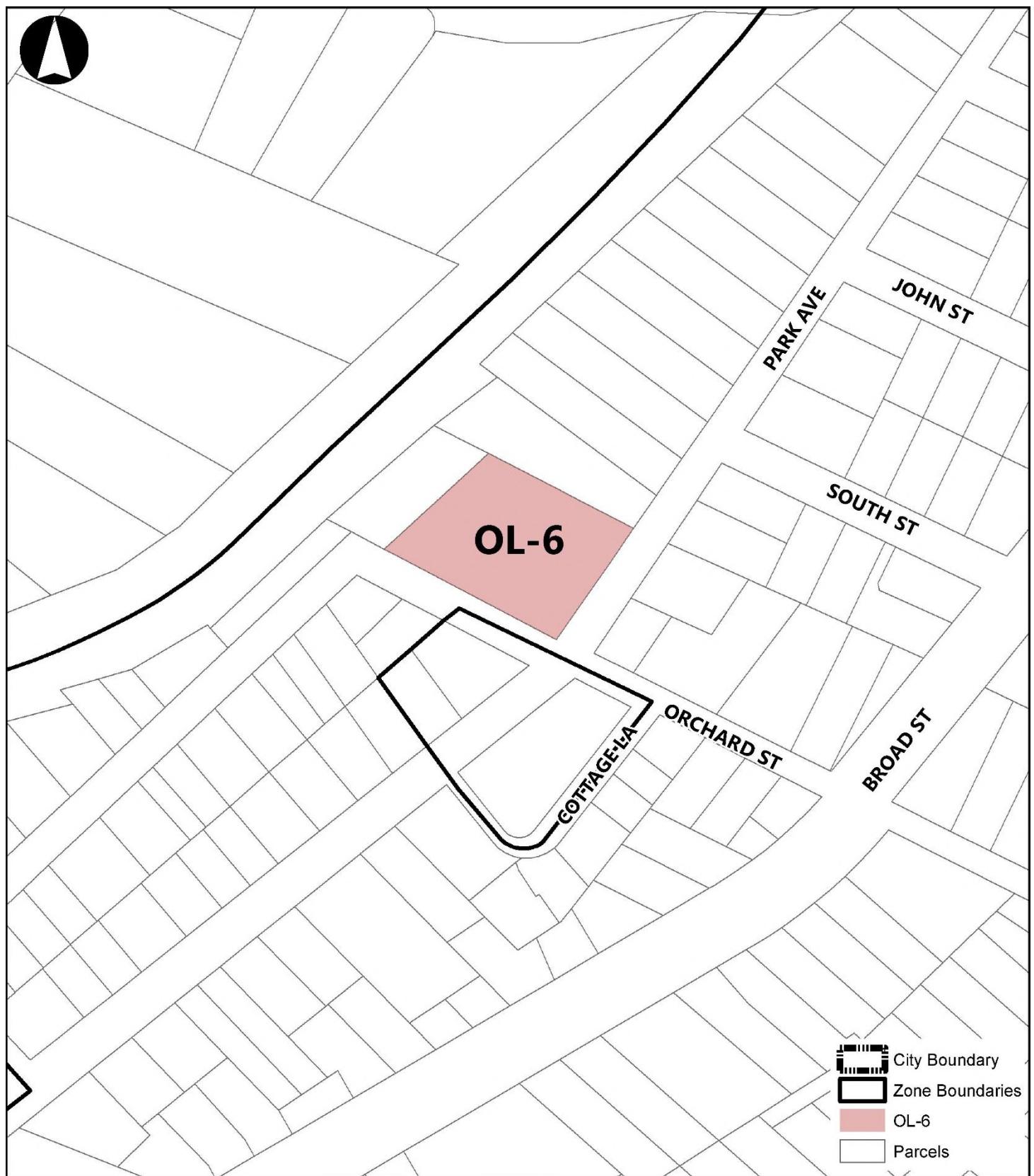
#### **CONDITIONAL USES:**

1. None.

C. **Supplementary Requirements.**

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations located in the Appendix at the end of this Chapter.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.30 OL-6 OVERLAY ZONE DISTRICT



A. ***Purpose.*** The OL-6 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for townhouse and multifamily residential development as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multifamily residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. ***Permitted Uses.***

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#### PRINCIPAL USES:

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1. Townhouses.
2. Multifamily.
3. Principal uses permitted in underlying zone district.

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#### ACCESSORY USES:

---

1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

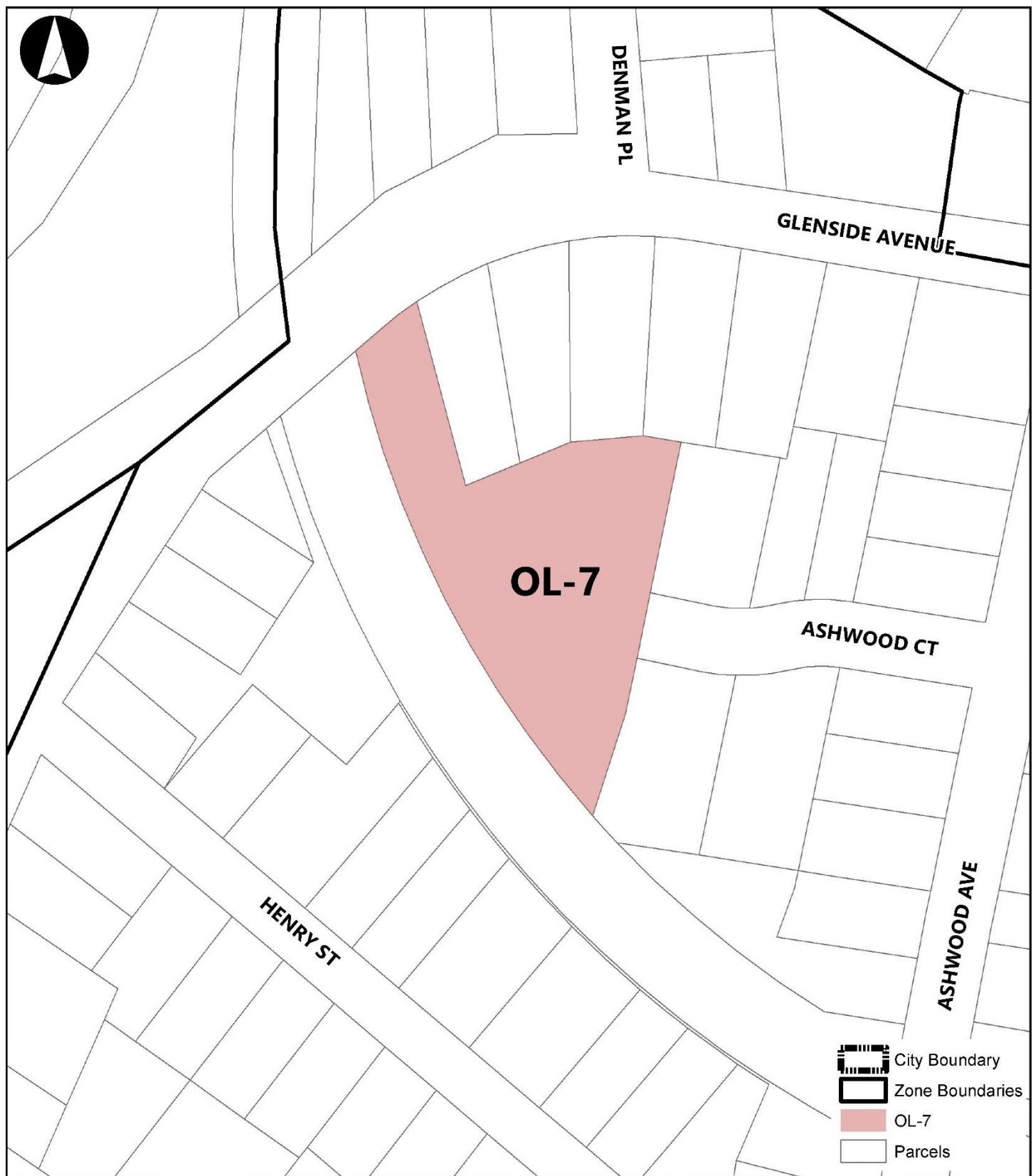
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1. None.

C. ***Supplementary Requirements.***

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations located in the Appendix at the end of this Chapter.
2. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.

## 35-13.31 OL-7 OVERLAY ZONE DISTRICT



A. **Purpose.** The OL-7 Overlay Zone District, as shown on the accompanying Overlay Zone District Map, is designed to enable property within the Overlay Zone to be developed for multi-family residential development as an alternative to the underlying zone district regulatory provisions that are, and shall remain, in force. Multi-family residential development shall include an affordable housing set-aside as provided for elsewhere in this Chapter.

B. **Permitted Uses.**

---

#### PRINCIPAL USES:

---

1. Multifamily.
2. Principal uses permitted in underlying zone district.

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#### ACCESSORY USES:

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1. Uses which are customarily incidental and accessory to the principal permitted use as regulated in Sections 35-9.8 and 35-9.9.

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#### CONDITIONAL USES:

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1. None.

C. **Supplementary Requirements.**

1. Area and Bulk Regulations. See accompanying Schedule of Area and Bulk Regulations located in the Appendix at the end of this Chapter.
2. Design Requirements.
  - a. All proposed work shall be in accordance with the design requirements set forth in the Development Regulations Ordinance and consistent with the Development Design Guidelines in the Appendix of this Chapter which are illustrative of the design requirements.
  - b. Development of this site for any permitted Overlay Zone uses shall provide its vehicular access through Ashwood Court.

35-13.32 BROAD STREET WEST REDEVELOPMENT AREA

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The Broad Street West Redevelopment Plan, dated March 20, 2019, sets forth the development regulations for the redevelopment area depicted in the map below. The redevelopment area is divided into four subdistricts, each with specific use and development regulations. Ultimately, the redevelopment plan is intended to facilitate mixed-use development of this part of the City immediately west of the Summit train station and south of the CRBD Zone. The plan promotes pedestrian friendly, transit-oriented development and amenities, design that is consistent with the established character of the City and will introduce new uses to this area of the community.

The Broad Street West Redevelopment Plan can be found on the City's website at the link below.

<https://www.cityofsummit.org/DocumentCenter/View/3235/Summit-Broad-Street-West-Redevelopment-Plan?bidId=>

**Broad Street West Redevelopment Area**



## ARTICLE XIV – DESIGN AND PERFORMANCE REQUIREMENTS

### 35-14.1 GENERAL DESIGN REQUIREMENTS

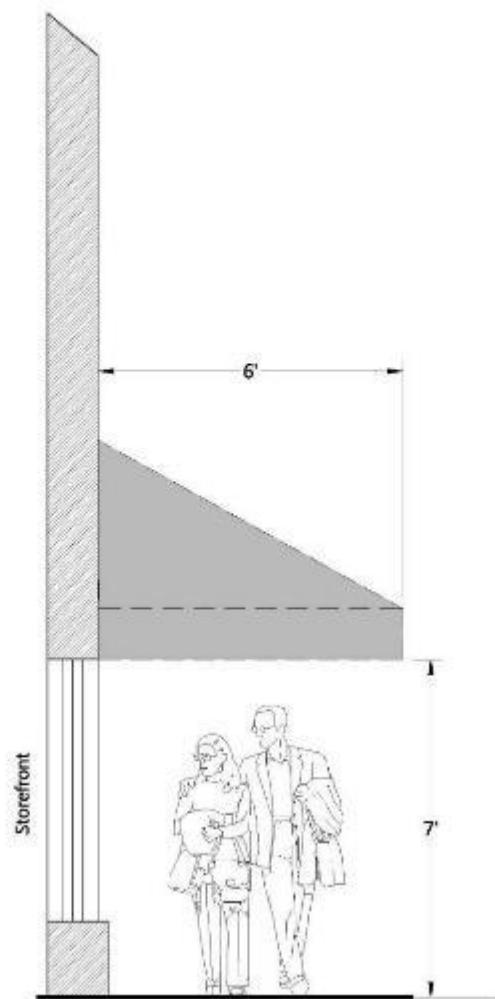
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- A. ***Purpose.*** The design requirements set forth in this Chapter are intended to guide all development in the City of Summit in a manner that is harmonious and consistent with the existing character of the community, including the architectural styles, forms, massing, orientation and materials of existing buildings, structures and site configurations. Buildings and additions shall not be dominant but shall be proportionate to and complement surrounding development. Site improvements and buildings shall be incorporated in a comprehensive development plan that ensures safety, functionality, sustainability and aesthetic enhancement in a manner that respects the site's physical features and relates well to the design vernacular of surrounding development and the City of Summit. In addition, the design of buildings, structures and sites shall be consistent with the Development Design Guidelines located in the Appendix at the end of this Chapter.
- B. ***Applicability.*** The design requirements set forth in this Article shall apply to all development in the City of Summit including, but not limited to, single and two-family, site plan and subdivision applications as applicable. These requirements shall not supersede specific design criteria established in any particular zone.
- C. ***Awnings and Canopies.***
  1. Awnings and canopies are encouraged at the ground floor level of multifamily, mixed-use and nonresidential buildings.
  2. For buildings with multiple storefronts or tenant spaces, awnings and canopies may vary by tenant in terms of material, color, size and design but shall be the same for any individual tenant.
  3. Awnings and canopies shall be designed with a minimum vertical clearance of seven (7) feet and shall not extend more than six (6) feet into the required front and rear yard setback or more than three (3) feet into the required side yard. In addition, awnings in the CRBD Zone may extend above a sidewalk within the right-of way not to exceed a maximum projection of 6 feet from the building wall to which it is affixed.
  4. A maximum number of four colors, inclusive of black and white, are permitted per tenant.
  5. No awning shall be erected or maintained so as to obstruct access to any fire escape, window or door.

Examples of attractive awnings



Illustration of awning design requirements



**D. *Circulation.***

1. The Board shall consider pedestrian and vehicular traffic movement within and adjacent to a lot or tract with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads, within the lot or tract, between buildings and between buildings and vehicles. In site plans, the Board shall determine which roads shall be public and which shall remain private.
2. The Board shall ensure that all parking areas are landscaped in accordance with 35-14.1L and spaces are usable and are safely and conveniently arranged. Access to a lot or tract from adjacent roads shall be designed so as to interfere as little as possible with traffic flow and to permit vehicles a safe ingress and egress to the lot or tract.
3. The circulation plan of each development shall reflect the Master Plan's circulation plan element. Major access improvements in critical environmental areas shall be discouraged. The location and provision of bikeways, sidewalks and other pedestrian linkages shall be encouraged and clearly indicated.

**E. *Conformance with Master Plan.***

1. All developments shall conform to the proposals, conditions, goals and objectives set forth in the City's Master Plan which may be found on the City's website at:

<https://www.cityofsummit.org/DocumentCenter/View/1396/2000-City-of-Summit-Master-Plan?bId=>

2. Streets, public drainage ways, flood control basins and other public areas shown in the Master Plan shall be shown on the plan of a proposed development in locations and sizes suitable to their intended uses. The Board may reserve the locations and extent of such public areas in accordance with the requirements of N.J.S.A. 40:55D-44.

**F. *Drainage and Stormwater Management.*** Part 3 of this Chapter provides development requirements for stormwater management and drainage.

**G. *Driveways, Gutters and Sidewalks.***

1. In all zones, street sidewalks shall conform to City specifications.
2. In all zones, curbs and associated gutter areas along municipal roads shall conform to City specifications, along County roads shall conform to County specifications, and along State roads shall conform to New Jersey Department of Transportation specifications. In each case the applicant shall seek permits and approvals from the appropriate agency.
3. With the exception of single-family and two-family residential lots, off-street curbs, driveways, gutters and sidewalks in all zones shall conform to city specifications.

**H. *Easements.***

1. Easements for utility and drainage installations shall be along side or rear property lines where possible. Such easements shall be of sufficient width to accommodate the facilities, including access for maintenance, but shall not be less than twenty (20) feet wide. Whenever possible, the facilities shall be located at the proximate center of the easement.

2. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plain except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes. Proposed tree removals shall be subject to the review and approval of the City Forester.
3. All easements shall be shown on the plat and described in the deed and shall be clearly labeled and dimensioned to permit accurate location of easement limits.
4. Excluding individual single and two-family isolated lots, internal grading of a lot as by swale, berm, or other topographical feature designed to intercept or direct waters shall be dedicated by recorded instrument and described in the deed in such a way as to give notice to future owners of said property and insure continued maintenance of the drainage feature.
5. Easements for a particular land feature or purpose may be requested by an applicant for development and/or required by the approving authority.

I. ***Environmental Considerations.*** Environmental elements relating to the prevention of soil erosion, protection of significant vistas or views, preservation of trees and protection of watercourses, resources, topography, wellhead protection areas, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. Development requirements pertaining to floodplains, wetlands, steep slopes and stormwater management are provided in Part 3 of this Chapter.

J. ***Exterior Mechanical Equipment.***

1. Electrical and mechanical equipment, including generators and air conditioning units, 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. Screening materials shall be located within ten (10) feet of the equipment which they are intended to conceal.
2. Ground level utilities shall be screened so as to be unobtrusive when viewed from the public rights-of-way and adjacent uses with screening provided within ten (10) feet of the equipment.
3. Exterior nonresidential mechanical equipment, including heat pumps, air conditioning condensers and generators, shall be located in accordance with the following:
  - a. 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.
  - b. Equipment located in the front yard shall meet the minimum required front yard setback for principal buildings in the zone. Any such equipment located in the front yard must be screened with dense landscaping.
  - c. Equipment located in the rear yard shall have a minimum required setback of twenty-five (25) feet in all non-residential zones, except in the CRBD Zone wherein the minimum required rear yard setback

shall be ten (10) feet.

4. Exterior residential mechanical equipment, including heat pumps, air conditioning condensers and generators, shall be located in accordance with the following:
  - a. Within the R-25, R-43, TH-1, TH-2 and multifamily zones, air conditioning units and generators shall have a minimum required setback of fifteen (15) feet from side lot lines and a minimum required rear yard setback of twenty-five (25) feet.
  - 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 ten (10) feet and a minimum required rear yard setback of twenty-five (25) feet.
  - c. Air conditioning units and generators in the front yard shall comply with the minimum required principal building front yard setback, except in multifamily zones the minimum required front yard setback shall be twenty-five (25) feet. Any equipment located in the front or side yard must be screened with dense landscaping and/or solid fencing.
  - d. Air conditioning units and generators shall be located a maximum of fifteen (15) feet from the principal building which they are intended to serve. Generators must be located at least five (5) feet from the doors and windows of a dwelling.
  - e. Air conditioning units and generators serving detached structures shall have minimum required side and rear yard setbacks of twenty-five (25) feet and shall not be permitted in the front yard.
  - f. Permitted scheduling for regular generator testing is limited to Monday through Friday from noon until 4 P.M.

**K. *Fences, Walls or Wall-Like Structures.***

1. Purpose. The purpose of this subsection is to establish requirements governing the construction, erection or installation of any fence, wall or wall-like structure, including shrubs, hedges and the like located on or within the boundary lines of any lot or parcel of land within the limits of the City of Summit. The requirements set forth herein are designed to prevent the construction of such fences, walls and wall-like structures in such a manner as to constitute a nuisance or restrict visibility through or across such lands at locations where such visibility is necessary for the safe operation of vehicles passing, entering or leaving any lot or parcel of land located on a public thoroughfare.
2. Permit. A zoning permit shall be obtained for all fences, prior to the construction, erection, or installation of any fence. A construction permit shall be obtained from the Construction Official for any fence, wall or wall-like structure that is subject to the Uniform Construction Code.
3. Fences, walls or wall-like structures including retaining walls shall be considered as accessory to a principal permitted use and shall be permitted in accordance with the standards set forth below.
4. Type of Fence or Wall. The following list is not exhaustive but represents common fence and wall types. Fences may be solid, semi-open, or open, depending on the density of the materials and the area of openings. Translucent, transparent or clear plastic or similar materials shall not be permitted.

Solid (90% or more)	Semi-Open (25% up to 90%)	Open (Up to 25%)
Solid picket	1x2 wood screen	Post and rail (split or dowel-end)
Board (stockade or similar)	Contemporary picket	
Board-on-board		Wrought-iron styles
Louver panel		Chain link
Panel		Metal vertical rail
1x4 wood screen		
Masonry		

NOTE: Openness is defined as the total area of solid element divided by the total area of the fence.

5. Maximum Height and Location.

- a. Fences shall have maximum height of seven (7) feet above grade and shall not be considered a building with regard to side and rear yard requirements as illustrated in Appendix G at the end of this Chapter.
  - (1) Within any front yard, fences shall not exceed a height of four (4) feet above grade, except that any solid fence, wall or wall-like structure, hedge or shrubbery not exceeding thirty (30) inches above the top of the curb or the centerline grade of the road may be constructed, erected or planted within five (5) feet of the front property line.
  - (2) An open fence up to four (4) feet in height may be installed within any front yard up to and along the front property line.
- b. Any combination of fence and retaining walls shall not exceed ten (10) feet.

6. General Regulations for Fences and Walls.

- a. No fence, wall or wall-like structure shall be constructed, erected or placed within the dedicated public right-of-way, nor within a required sight triangle, nor in any case within ten (10) feet inside the curb line of any public thoroughfare nor within twenty-five (25) feet of the intersection point of the curb lines of two (2) streets. These dimensions shall be measured to the center line of a fence, the outer face of a wall, or the extreme horizontal projection or maintained trim line of the plants on the street side.
- b. No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
- c. The face or finished side of a fence or wall shall face the adjacent property.
- d. No fence or wall shall be constructed with barbed wire, metal spikes, electrified conductors or other such dangerous material or constructed in such manner as to be dangerous to animals or humans.
- e. Split rail fences up to four (4) feet in height used at front property corners as part of a general landscaping or decorative plan shall be exempt from the provisions of this paragraph, except that such decorative elements shall not be installed or erected within the right-of-way or within the sight triangle.

7. Swimming Pool Fences. Every private swimming pool shall have a fence enclosure which complies with the Uniform Construction Code.

8. Hedges and Other Landscaping. Hedges and other landscaping shall not be located so as to constitute a hazard to traffic or safety and in no case shall hedges be installed within ten (10) feet of the curb line or the

edge of the pavement.

- a. Any brush, hedges, shrubbery or other plant life presently growing within ten (10) feet of the curb line or within the public right-of-way of any street or within twenty-five (25) feet of the intersection of the curb lines of two (2) streets shall be cut and maintained to a height of not more than thirty (30) inches above the elevation of the edge of the adjacent street pavement where it shall be necessary and expedient for the preservation of the public safety. Such brush, hedges, shrubbery or other plant life shall not overhang the curb, edge of the pavement or adjacent sidewalk.
- b. When such plant life is not so cut or maintained, and within ten (10) days after notice to cut the same, the owner or tenant shall have refused or neglected to cut such plant life, the Department of Community Services shall cause the cutting to be done, and shall certify the cost thereof to the Common Council. The Council shall examine the certificate and if found correct and reasonable shall cause the cost to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands. It shall bear interest at the same rate and shall be collected and enforced in the same manner as taxes.

**L. *Landscaping.***

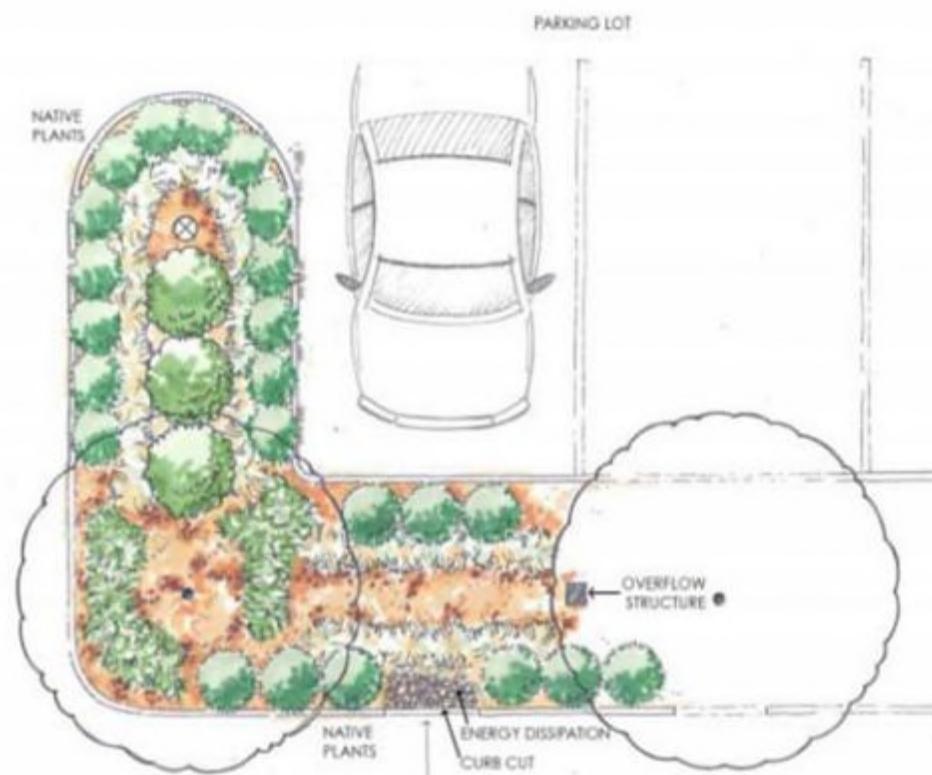
**1. General.**

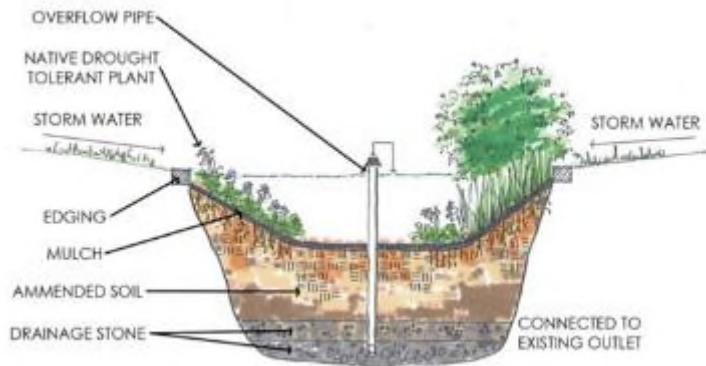
- a. Site plan applications shall require a landscape plan prepared by a landscape architect licensed by the State of New Jersey State Board of Landscape Architects, or other qualified licensed individual as accepted by the appropriate Board.
- b. Landscaping shall be provided as part of any site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include a combination of trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and/or the use of building and paving materials arranged in an imaginative, context focused manner to provide aesthetic enhancement and/or a functional purpose such as screening or as part of a stormwater retention system. Landscape plans shall be considered for year-round impacts.
- c. Landscaping shall be located to mitigate the effects of climate on the building, and to accent, soften and complement buildings.
- d. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
- e. A variety and mixture of landscaping plants and materials shall be provided to enhance the property through colors, textures, shapes, blossoms, foliage, and season while at the same time minimizing susceptibility to disease.
- f. Any landscaping shown on an approved site plan or required as a condition of approval by either the Planning Board or Zoning Board of Adjustment shall be maintained in perpetuity and shall be replaced if damaged or destroyed by any means.
- g. Tree removal permits shall be required in accordance with Section 29-8 of the City of Summit Revised General Ordinances.

2. Design Requirements.

- a. All lot areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall consist of lawn area, groundcover, or landscape plantings, provided further that a minimum of five (5%) percent of the lot area shall have landscape plantings, excluding lots in the CRBD, B, NB and PI Zones and as otherwise regulated in this Chapter.
- b. Entrances to nonresidential lots shall be given special landscaping treatment.
- c. Irrigation systems shall be installed to support landscape plantings as determined to be feasible and necessary by the appropriate Board.
- d. Landscaping in parking areas shall be provided in accordance with this Article or as otherwise regulated in this Chapter.
- e. The installation of rain gardens and bioretention basins is encouraged.

Example: Stormwater infiltration island planting



Example: Typical section of bioretention basin

- f. Local soil conditions and water availability shall be considered in the choice of landscaping.
- g. Grass and/or ground cover shall be required between the front property line and the curb line.
- h. Ground cover shall be used to prevent erosion.
- i. Vines and climbing plants shall be considered for large expanses of wall.
- j. The impact of any proposed landscaping plan at various time intervals shall be considered. The plan should avoid shrubs that may grow and eventually block sight distances or foundation plants that may block out buildings.
- k. Existing large trees shall be saved by not varying the grade around the trees by more than six (6) to twelve (12) inches, by construction of tree wells and by erecting protective fences. Clumps or masses of trees shall be protected.
- l. Tree removals, plantings or protections must be approved by a New Jersey Licensed Tree Expert (LTE).
- m. Grouping of trees shall be considered at critical points.
- n. Smaller trees shall be used on narrow streets and under utility lines.
- o. Deciduous trees shall be a minimum of two and one-half (2 1/2) to three (3) inches caliper at planting, and evergreen trees shall be at least four (4) feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- p. Landscaping may include the planting of street trees, subject to the City's tree ordinance.
- q. Existing trees located within ten (10) feet of any street right of way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
- r. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous non-woven synthetic landscape fabric or other materials shall be used.

3. Guarantee.

Any required landscaping that dies within two (2) years of planting shall be replaced with like kind and size(s) by the developer at the developer's sole expense. This requirement shall become part of the developer's agreement with the City. Landscaping shown on any approved site plan shall be maintained and replaced in perpetuity as needed by the property owner thereafter.

M. *Lighting.*

1. Purpose. Regulation of outdoor lighting and recreational/sports facility lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light trespass and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to save energy and reduce costs and to preserve and protect adjacent properties from negative lighting impacts.
2. Requirements. All outdoor light fixtures installed and thereafter maintained, shall comply with the following requirements:
  - a. The maximum height of all light fixtures shall not exceed fifteen (15) feet except as otherwise regulated in this Chapter, except as may otherwise be required by law.
  - b. All light fixtures shall be designed, installed and maintained to prevent trespass light.
  - c. Site lighting shall not include any uplighting fixture, except as follows:
    - (1) Lighting fixtures used to illuminate the State or National flag mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extensions of the illuminated object.
    - (2) Lighting fixtures directly focused upon on-site landscaping or architectural features, the sources of which cannot be seen from adjacent properties or rights-of-way and do not generate excessive light trespass as regulated in this Chapter.
  - d. Lighting fixtures shall contain appropriate shielding to direct light and minimize unnecessary glare and sky glow. Lighting fixtures shall be 'dark-sky' compliant or the equivalent. Any fixture mounted above ten (10) feet shall have no more than ten (10%) percent of its light distribution at a vertical angle of eighty (80) degrees above nadir (the lowest point) and two and five-tenths (2.5%) percent at an angle of ninety (90) degrees above nadir (the lowest point).
  - e. Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, as amended from time to time.
  - f. The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:
    - (1) All outdoor lighting during nonoperating hours of a business or sports or recreational facility on site not necessary for safety and security purposes shall be reduced, activated by motion-sensor devices or turned off. Such lighting may be turned on one hour prior to the opening of a business or facility and may remain on until one hour after the business or facility closes.
    - (2) All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

- g. Luminance requirements.
  - (1) Street Lighting. Average maintained luminance shall not exceed Illuminating Engineering Society of North America ("IESNA") recommendations. IESNA average to minimum luminance uniformity ratios are to be used for the design of roadway lighting.
  - (2) Outdoor Parking Facilities. Average maintained luminance and uniformity ratios shall not exceed IESNA recommendations.
  - (3) Walkways. Maximum average foot-candles shall be as follows:
    - (a) Sidewalks (roadside):
      - i. Commercial: one and zero-tenths (1.0).
      - ii. Residential: two-tenths (0.2).
    - (b) Walkways, stairways and bikeways (distant from roadways): two-tenths (0.2).
- h. Lighting fixtures shall not exceed a color temperature of 3,500 Kelvin.
  - i. The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.
  - j. Floodlight-type fixtures shall be prohibited.
  - k. Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
  - l. The maximum illumination at property lines shall be one-tenth (0.1) foot-candle at grade.
  - m. All wiring shall be laid underground.
  - n. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating or other intermittent operation.
  - o. Bare bulbs or tubes are prohibited, excluding café or bistro style lights utilized for outdoor dining, public spaces or residential development.
  - p. String lights or lengths of LED lighting around any architectural element of a building shall be prohibited, excluding holiday lights.

#### N. *Nuisance Elements.*

- 1. General. No use shall be conducted in such a way that it causes nuisance factors as defined in this Chapter. The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristic	Location of Test
Smoke	Vent or smokestack
Air pollution including solid particles or fly ash	Vent or smokestack
Odors	Property line
Liquid waste	Property line
Solid waste	Property line
Noise	Property line
Vibration	Building wall
Trespass lighting	Property line
Temperature change: gas, liquid or solid	Vent or smokestack/property line
Open burning	Point of source

Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

2. Requirements to be enforced.

a. Air Pollution.

- (1) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the City. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.
- (2) Smoke. In any nonresidential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.
- (3) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected.

b. No open burning shall be permitted in any district, excluding outdoor fireplaces, grills or fire pits.

c. Wastes.

- (1) Liquid Wastes. No liquid waste (other than private swimming pool discharge water) shall be discharged into the stormwater system, or into any watercourse in the City without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate City official shall have first investigated the character and volume of such wastes and shall have certified that the City will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the

installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

(2) **Solid Waste.** Each property owner shall be responsible for:

(a) Adequate and regular collection and removal of all refuse, except where the City assumes such responsibility, as provided in the Revised General Ordinances.

(b) Compliance with all applicable provisions of the NJDEP.

(c) Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.

(d) No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.

d. **Noise.** All properties and uses shall comply with the provisions of N.J.A.C. 7:29 and the City of Summit Revised General Ordinances.

e. **Vibration.** In any zone, vibrations discernible without instruments at the measuring location shall not be permitted.

f. **Trespass Lighting.** It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

g. **Temperature Change.** Any use or process shall not produce a temperature change greater than three degrees Celsius (3° C.) at the measuring location.

h. **Fire and Explosive Hazards.** If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Administrative Officer or applicable Board may require the applicant to supply proof of:

(1) Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.

(2) Approval from the City of Summit Fire Department that the applicant has complied with all applicable City fire prevention regulations.

O. **Off-Tract Improvements.** An applicant may be required, as a condition for approval of a subdivision or site plan, to pay his pro-rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the subdivision or development but necessitated or required by construction or improvements within such subdivision or development.

P. **Parking and Loading (Off-Street).**

1. Where applicable, the Residential Site Improvement Standards (RSIS), as amended from time to time, shall apply.

2. General Provisions for Multifamily, Mixed-Use and Nonresidential Development. All off-street parking areas for nonresidential, multifamily uses or mixed uses and all off-street parking areas in nonresidential zones shall meet all of the following requirements.
  - a. All off-street parking areas shall be subject to site plan approval by the Planning Board or by the Zoning Board of Adjustment. The Board shall consider the effect of any parking area upon traffic safety, abutting properties, immediate and unhindered access for emergency and service vehicles and shall ascertain that all requirements of this ordinance are met.
  - b. All off-street parking areas shall be surfaced with two (2) inches compacted thickness of bituminous concrete on a minimum of five (5) inch compacted thickness crushed stone base and shall be so graded and drained as to dispose of all surface waters as approved by the City Engineer or shall be completely sheltered (garages), underground or on the roof and shall be located either in the required rear yard or in the buildable area of the lot on which the building is located.
  - c. All parking spaces within any parking area shall be clearly marked with double white hairpin stripes to show the parking arrangement within the said parking area and shall conform to City specifications.
  - d. All lighting for off-street parking areas shall conform to the lighting requirements of this Chapter.
  - e. All parking areas shall provide granite block or concrete curbing around the entire pavement perimeter at a height of six (6) inches above the paved surface.
  - f. All parking or loading areas in nonresidential zones shall provide a five (5) foot wide buffer between the adjoining properties, planted with appropriate evergreen shrubs so as to create an effective screening.
  - g. No driveway shall be located closer than two (2) feet from a side property line, unless a joint driveway is provided with the adjoining lot.
  - h. All such parking areas shall be used only for the parking of non-commercial vehicles, except as otherwise provided for accessory structures and uses in Part 2 of this Chapter. No commercial repair work, storage or sales of any kind shall be conducted in any parking areas. The area used for the display for sale of new or used cars as permitted in this Chapter shall be construed as sales area and not parking.
  - i. Off-street parking facilities shall be located as hereinafter specified in this Chapter. Where a distance is specified, it shall be the distance measured from the nearest point of pedestrian access to the building or structure that such area is required to serve. For all multi-family residential buildings and structures regardless of the zone in which they may be located, and for all nonresidential buildings and structures, required parking shall be provided on the same lot with the building.
  - j. All curbing, pavement striping, lighting, fencing, shrubs, trees and other plantings shall be maintained in a professional manner and shall be replaced or repaired at the cost and expense of the applicant or its successor, in the event of loss or destruction, within forty-five (45) days of notice served by the Department of Community Services.
  - k. All parts of all yards not used for off-street parking areas or other permitted uses shall be adequately landscaped, subject to approval by the Planning Board or other approving authority and maintained in good condition.

- I. In outdoor parking lots of ten (10) or more spaces, at least ten (10%) percent of the parking area shall be suitably landscaped, including landscape plantings around the perimeter of the parking area and at least one (1) shade tree for every ten (10) parking spaces.
- m. Street trees shall be provided along all rights-of-way at a minimum spacing to be approved by the City Forester.
- n. Parking and traffic circulation plans shall include sufficient aisles and spaces to adequately accommodate pick-up and drop-off for all programs contained within the structure and so arranged to avoid use of the public right-of-way for such activities.
- o. Loading areas shall be screened with landscaping, fencing, berms, walls or any combination thereof and such screening shall not be less than six feet in height. The screening shall be sufficient to obscure the view of parked vehicles, loading platforms and loading activities. The recommended method of screening shall consist of walls and gates compatible in color and texture with the building material, buffered by deciduous and evergreen shrubs and trees, so as not to be visible from neighboring properties and streets.

3. Off-Lot Parking. In the event hardship is proved in providing the required parking on the same lot as the building served, the approving authority may approve off-lot parking, provided:

- a. Required spaces are within five hundred (500) feet of pedestrian access to the building served, unless some lesser distance is required by the Americans With Disabilities Act;
- b. The off-lot space is held by the same owner in fee simple title or other acceptable form of land control, which may include a lease of at least five (5) years; and
- c. The land shall not be alienated from the parent parcel or devoted to other use, and this restriction shall be reflected in the deed.

4. Central Retail Business District (CRBD) Parking. No off-street parking or loading spaces shall be required for buildings located in the Central Retail Business District for a floor area ratio up to or equal to two hundred twenty-five (225%) percent. However, an increased Floor Area Ratio up to and equal to a three hundred (300%) percent aggregate is permitted for residential uses above the first floor if a parking space is provided for each residential unit created above the floor area ratio of two hundred twenty-five (225%) percent. Parking shall be at a rate of one (1) parking space for each additional dwelling unit generated above the two hundred twenty-five (225%) percent floor area ratio, or as may otherwise be required by Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1 et seq. The property owner will demonstrate parking availability for those units at the time of the site plan approval and the parking requirements may be satisfied through the following mechanisms:

- a. Demonstration that parking is available on site; or
- b. The property owner shall purchase an overnight parking permit or permits from the City's Parking Services Agency to be renewed annually through said Agency. The requirement for the purchase of a permit shall be secured as a deed restriction at the time of the site plan approval.

5. General Provisions for Off-Street Parking in Residential Zones. All off-street parking areas for residential uses in residential zones shall meet the following requirements.

- a. All parking areas shall be located either in the required rear yard or in the buildable area of the lot on

### **35-14.1.**

which the building served is located. If located in the required rear yard, a five (5) foot wide buffer, planted with evergreen shrubs so as to create an effective screening, shall be required along adjoining property lines at least three (3) feet in height for the purpose of shielding vehicle headlights.

- b. No driveway shall exceed a grade of ten (10%) percent nor be located closer than two (2) feet to a side property line.
- c. Gravel or crushed stone driveways shall be permitted and shall have permanent or semi-permanent edging, capable of preventing the gravel or stone from spreading outside of the driveway area.
- d. Enclosed parking spaces (garages) must be used for residents of the principal structure.
- e. Parking requirements for one and two-family dwellings are located in Section 35-14.2.

6. Required Minimum Parking in Residential and Non-Residential Zones.

a. In all residential and non-residential zones, off-street parking shall be provided as follows:

Land or Building Use	One Space for Each:
Adult Day Care	300 square feet gross floor area (gfa)
Assembly Hall, Auditorium, Stadium, Theater	3 seats
Banks and Financial Businesses	300 square feet of gfa
Boarding House, Rooming House	1 bedroom
Breweries, Brewpubs, Wineries and Similar	3 spaces per 1,000 square feet gfa
Club, Lodge, Social, Community Center Building or similar use	6 Parking Spaces minimum plus 1 additional parking space for each 250 square feet gfa.
Commercial Gym, Health Club, Sport or Athletic Facility	200 square feet gfa
Child Care/Day Care Facilities	3 Parking Spaces minimum plus 1 additional parking space for each staff member
Educational Institutions	2.5 per classroom for nursery schools 2 per classroom for grades K-10 3.5 per classroom for grades 11 and 12
Galleries and Museums	3 spaces per 1,000 square feet gfa
Funeral Home, Mortuary	50 square feet gfa
Hospital, Nursing Home	1 bed
Hotel	1.42 bedroom
House of Worship	3 seats or 10 square feet of gross floor area, whichever is greater
House in R-43, R-25, R-15, R-10 Zones	Per RSIS; 2 spaces must be provided in enclosed garage
House or Dwelling Unit in R-6, R-5, RAH-1, TH-1, TH-2, MF or MFT Zones	Per RSIS; 1 space must be provided in enclosed garage
House or Dwelling Unit in all other Zones	Per RSIS
Industry, Research, Mfg.	700 square feet gfa
Institutional and Philanthropic	250 square feet of program space
Instructional Schools	200 square feet of gfa
Medical & Dental Offices; Urgent Care Facilities	150 square feet gfa
Motor Vehicle Sales	200 square feet sales area
Offices	300 square feet gfa
Religious Retreat, Convent	4 beds
Retail Food Establishment	200 square feet of gfa
Retail Sales and Services	200 square feet of gross floor area (gfa)
Restaurant	50 square feet gfa
Service Stations	0.2 bays and 1 per pump island
Storage, Warehouse	1000 square feet gfa

7. Mixed-Uses. Total parking space shall equal the sum of the required parking spaces for all the uses computed separately.
  - a. Uses not specifically listed shall provide parking as deemed necessary and appropriate by the approving authority.
  - b. Parking lots shall not exceed the minimum parking requirements as set forth above by more than twenty-five (25%) percent without approval of the Planning or Zoning Board.
8. Electric Vehicle (EV) Charging Station Requirements.
  - a. Electric vehicle charging station requirements, including the minimum number of required spaces and design criteria, are provided in Section 35-9.9E of this Chapter.
9. Minimum Required Loading Spaces.
  - a. In any zone except the CRBD, every building or part thereof hereafter erected or altered, which is arranged, intended or designed to be used for hospital, office, manufacturing, industrial or other commercial use, for warehouses or supply houses, or for retail or wholesale stores shall provide loading spaces in accordance with the following minimum schedule.

Minimum Loading Requirements			
	Gross floor area at which the first berth is required	Gross floor area at which the second berth is required	Number of add'l square feet for each add'l berth
Assembly operations	*	40,000	30,000
Auto sales	*	40,000	40,000
Cemetery	none required		
Community Center	none required		
Dwelling unit	none required		
Financial institutions	10,000	100,000	100,000
Finishing operations	*	40,000	30,000
Hospital	*	100,000	100,000
Hotel	*	100,000	100,000
House of worship	none required		
Industrial	*	40,000	30,000
Library	none required		
Manufacturing	*	40,000	30,000
Medical & professional offices	3,000	40,000	40,000
Offices	3,000	100,000	100,000
Receiving	*	40,000	30,000
Research	*	40,000	40,000
Restaurant	*	25,000	20,000
Retail Store	*	20,000	20,000
Shipping	*	40,000	30,000
Storage area	*	40,000	30,000
Utilities	10,000	100,000	100,000
Veterinarian hospital	*	100,000	100,000
Warehouse	*	40,000	30,000

NOTE: \*Minimum of one space required.

- b. When more than one use is located in a building or where multiple uses are designed as part of a shopping center, industrial complex, or similar self-contained complex, the number of loading spaces shall be based on the cumulative number of square feet within the building or complex, shall be dispersed throughout the site to best serve the individual uses, and be part of site plan approval.
- c. If a tract of at least twenty-five (25) acres has no portion of a loading area, including maneuvering areas, closer than two hundred (200) feet to any property line and where the length of the driveway connecting the loading area to the street is at least three hundred (300) feet long, the number of off-street loading spaces may be less than the number required by the schedule provided the applicant shall document on the site plan how the number of spaces to be provided will be adequate to meet

the needs of the specific use.

10. Size and Design. All layouts, except those for single family and two- family houses that are not otherwise part of a development application, require site plan approval by the approving authority.

a. Parking spaces shall be nine by eighteen (9 x 18) feet, excluding dedicated handicap parking stalls. All parking stalls shall be marked with double white hairpin striping approved by the City Engineer. Where a vehicle can overhang the edge of the lot without interfering with a planting area, stall length may be reduced by two (2) feet. Minimum widths of access aisles shall be related to the angle of parking stalls and use of one-way or two-way traffic as follows:

Parking Angle	Aisle Width	Traffic Direction
45 degrees	18 feet	One-way
60 degrees	20 feet	One-way
90 degrees	23 feet	One or two-way

b. All other angles of parking and aisle widths shall be determined and approved by the approving authority. No traffic aisle shall dead end.

c. Parallel parking spaces shall be a minimum of twenty-four (24) feet long and marked with white painted "L's" for terminal spaces and "T's" for intermediate spaces. The pavement markings shall be placed so as to provide for eight (8) foot stall widths. Where parallel parking spaces are utilized opposite angle or perpendicular parking spaces, the aisle widths set forth in this Article shall be increased by two feet.

d. Parking lots which have assigned spaces may provide up to thirty (30%) percent of the spaces at a minimum size of eight and one-half by eighteen (8.5 x 18) feet.

e. All parking and loading spaces and driveways for uses other than single-family and two-family houses shall be so arranged so that cars and trucks may turn around on the lot so that it is not necessary to back into any street.

f. Any off-street loading space shall be not less than twelve (12) feet wide, sixty (60) feet long, and fourteen (14) feet high having direct usable access to a street or alley. The off-street loading space shall be located on the property so as to permit any vehicle to be parked in the loading space with no portion of the vehicle extending into the public street.

Q. Refuse Storage and Disposal. Solid waste storage and disposal shall be subject to the requirements of the Revised General Ordinances, Health Ordinances, and the following supplementary regulations:

1. For all uses and structures, there shall be a minimum of one (1) solid waste pickup location located either within or outside a building in steel-like or other approved, totally enclosed container(s). If located within a commercial or industrial building, the doorway(s) may serve both the loading and trash/garbage collection functions. If located outside the building, it may be located adjacent to or within the loading area(s) provided the container(s) in no way interfere with or restrict the required loading functions.
2. Outdoor refuse and recycling containers shall be visually screened within a constructed enclosure, in harmony with the building, so as not to be visible from adjacent lots or sites, neighboring properties or streets.

3. No refuse or recycling storage area shall be located so as to prevent natural runoff from such areas or impair the existing water quality of any stream, watercourse or aquifer.
4. All materials or wastes which might cause fumes, dust, odor or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in sealed and covered watertight containers which are adequate to eliminate such hazards. Plastic bags are not acceptable.
5. Refuse and recycling collection areas shall be effectively designed to contain all refuse generated on site and deposited between collections.
6. Refuse and recycling collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
7. Medical, hazardous or other regulated waste shall meet the State and Federal standards for disposal of such materials.

R. *Sight Triangles.*

1. Sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways other than those serving one- and two-family dwellings.
2. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement.
3. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than thirty (30) inches above the centerline grade of either intersecting street or driveway or lower than eight (8) feet above their centerlines, excluding street name signs and official traffic regulation signs and poles up to one (1) foot in diameter to support signals.
4. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle.
5. The sight triangle is that area bounded by the intersecting street curblines and a straight line which connects "sight points" located on each of the two (2) intersecting street lines and the following distances away from the intersecting curblines:
  - a. Arterial streets at one hundred thirty (130) feet.
  - b. Minor arterial streets at ninety (90) feet.
  - c. Collector streets at sixty (60) feet.
  - d. Local streets at thirty-five (35) feet.

The locations of these streets are illustrated in the Street Classification Map located in Appendix I at the end of this Chapter.

6. Where the intersecting streets are both arterial, both collectors or one (1) arterial and one (1) collector, two (2) overlapping sight triangles shall be required which are formed by connecting the sight points noted above with a sight point thirty-five (35) feet on the intersecting street.

7. Any proposed development requiring site plan approval shall provide sight triangle easements at each driveway with the driveway classified as a local street for purposes of establishing distance. The classifications of existing and proposed streets shall be those shown on the Street Classification Map located in Appendix I at the end of this Chapter
8. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the City of Summit Development Regulations Ordinance".
9. Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in the minimum setbacks required by the zoning provisions. Existing lots and developments shall be subject to the sight distance objectives of this section even in those situations where a sight triangle easement is not recorded.
10. For all design criteria not specifically addressed above, the developer shall submit plans and support data to show compliance with the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) manual titled "A Policy on Geometric Design of Highways and Streets."

S. *Signs.*

1. Purpose. To provide each business enterprise with equal visibility, it must be protected from being masked by overhanging signs or virtually obliterated by nearby signs of incongruous shape, size, design or device. The appearance and visual peace of the community must also be protected by prevention of devices which tend to make the diversion of attention an involuntary act.
2. Application. Signs shall be designed so as to be aesthetically pleasing, coordinated with other signs on the site and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians. Detailed regulations pertaining to signs are contained in the Sign Matrix located in the Appendix at the end of this Chapter.
3. Design Theme. There shall be a coordinated graphics design theme throughout any site plan. The design theme shall include a consistent style and size of lettering, construction materials, colors, location, type of pole or standard, size and lighting. The color of letters and backgrounds shall be carefully considered in relation to the color of the material or buildings or where the signs are proposed to be located.
4. Sign Permit Exemptions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Chapter. The exemption shall apply to the requirement for a sign permit only. Permits shall be required except for the following exemptions:
  - a. Any public notice or warning required by a valid and applicable Federal, State, County or local law, regulation or ordinance.
  - b. Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
  - c. Holiday lights and decorations with no commercial message.
  - d. Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which sign is cut into a masonry surface or made of bronze or similar permanent material including historic tablets, cornerstones, memorial plaques and emblems which do

not exceed four (4) square feet in area from a single viewpoint.

- e. Traffic control signs on private property, the face of which meets the Department of Transportation standard, and which contain no commercial message of any sort.
- f. Flags of the United States, State of New Jersey, the City of Summit, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by an elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States such as those representing branches of the military, veterans and prisoners of foreign war . A flag's area shall be in reasonable proportion to the length of the pole from which it is displayed. The pole shall not exceed forty (40) feet in height. The statutory requirements associated with flags and generally accepted standards of flag display etiquette shall be observed.
- g. Pump-mounted fuel price informational signs subject to the following:
  - (1) Only one (1) fuel price informational sign shall be permitted per fuel pump.
  - (2) Fuel price informational signs shall be limited in size to an area of two hundred sixteen (216) square inches in accordance with State and Federal regulations.
  - (3) Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.
  - (4) Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this subsection.

5. Permit Procedure. No sign except those exempted above shall be placed, constructed, or erected or modified unless a sign permit shall have been obtained from the Zoning Officer and, where required by the New Jersey Uniform Construction Code, a building permit shall have been obtained from the Construction Official.

6. Measurement of Signs.

- a. *Measurement of Area of Individual Signs.* The area of a sign shall be computed by determining the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework. No sign shall have more than two (2) display faces. The sign area for a sign with two (2) faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign having two (2) faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two (2) faces. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by County, State or Federal agencies are exempt from the signage calculation up to the minimum size required by such agencies. The area of the sign in excess of the minimum shall be subject to the sign calculation. In the event that no size requirement is imposed by such agency, the sign shall not exceed one (1) square foot.

b. *Measurement of Height.* The height of a freestanding sign shall be computed as the distance from the normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

7. General Regulations.

- a. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.
- b. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.
- c. Freestanding signs shall be integrated with the landscaping on site and installed as regulated in the Sign Matrix located in Appendix D at the end of this Chapter.
- d. Building signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.
- e. No sign shall extend or project above the elevation of the first story or seventeen (17) feet whichever is less, nor shall it extend above the highest elevation of the existing wall to which it is attached. This shall exclude non-illuminated signs above the first floor in the CRBD Zone which shall have the appearance of being painted or etched in glass with a translucent background limited to 20% of the glass area and shall be located in the bottom 1/3 of the window area.
- f. No electric wiring associated with a sign shall be visible to public view.
- g. **Illuminated Signs.**
  - (1) Externally illuminated building identification or other signs shall only use shielded light fixtures mounted on top of the sign structure.
  - (2) Internally illuminated signs shall have characters, letters, figures and designs which are illuminated by electric lights as part of the sign proper.
  - (3) Signs lit by external sources shall be allowed but shall be located in such a manner so as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located. Uplighting to illuminate signs is prohibited.
  - (4) External lights used for the illumination of any sign on a building shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

(5) Electronic screens shall be permitted in real estate offices/brokerages in the CRBD Zone only for the purpose of advertising property listings. No other form of advertising shall be permitted on such electronic signs. Electronic screens shall not exceed more than 10% of the individual window area to which they are affixed and no individual screen shall exceed a dimension of thirteen (13) inches by twenty-three (23) inches. The images of any individual sign shall have a minimum turnover or refresh time of 45 seconds.

h. Prohibited Signs.

- (1) No off-site advertising sign shall be erected, used or maintained within the City of Summit; provided, however, that this regulation shall not apply to temporary signs, otherwise permitted by this subsection, that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions.
- (2) No signs shall be placed on public property or suspended between fences, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, water towers or other such locations, or suspended between buildings, unless approved by the Common Council.
- (3) No roof sign, also known also as "sky sign", shall be allowed.
- (4) No sign shall be lighted by means of a flashing light, nor shall any sign be in whole or in part moving, mobile or revolving or electrically or mechanically activated.
- (5) No sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.
- (6) No commercial sign shall be allowed in a window which serves a residential use.
- (7) No signs shall be allowed on any street furniture.
- (8) No signs shall be allowed that are placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. This is not intended, however, to prohibit signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer.
- (9) No sign shall be allowed which obstructs any window or door opening used as a means of egress, interferes with an opening required for ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
- (10) No sign shall be allowed which obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
- (11) No sign element shall be interpreted as part of the architectural element of the building.
- (12) No silhouetted or 3-dimensional signs; i.e., 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 plane shall be allowed.

- (13) No sign visible from the public right-of-way, using an arrow or the word "Stop" shall be allowed, excluding required traffic or directional signs.
- (14) No free-standing sign or sign projecting from a building within an area bounded by the intersection of two (2) rights-of-way and points thirty (30) feet from such intersection along the right-of-way shall be allowed.
- (15) No banners or fluttering bunting shall be allowed.
- (16) No signs using bare bulbs or tubing shall be permitted.
- (17) No freestanding or roof-mounted billboards shall be permitted in any zone.

8. Nonconforming Signs.

- a. No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity. Existing non-conforming permanent signs may continue to exist; however, when the sign is modified either in shape, size, illumination or structure, the sign shall be altered to conform to the provisions of this section.
- b. Should any non-conforming sign be damaged by any means to an extent of more than fifty (50%) percent of its replacement cost at time of damage, it shall not be reconstructed or replaced except in conformity with the provisions of this section.

9. Removal of Certain Signs.

- a. In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Administrative Officer shall issue a written notice to the sign owner or any lessee and to the property owner, which notice shall state that such sign shall be removed with the following time period:
  - (1) Sign face: sixty (60) days.
  - (2) Posts, columns and supporting structures: one (1) year.
- b. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Administrative Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
  - (1) The sign face, along with posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
  - (2) The sign face and supporting structures of projecting, roof or wall signs shall be taken down and removed from the property.

10. Sign Permit Revocable. All rights and privileges acquired under the provisions of this Chapter or any amendment thereto are revocable at any time if the applicant fails to accurately depict the sign erected or to be erected or if the sign which is erected fails to meet the details or the detailed drawing submitted by the applicant. All such permits shall contain this provision.

11. **Permitted Signs.** Permitted signs and the standards and conditions that govern such signs are set forth in the Sign Matrix at the end of this Chapter. All other signs are expressly prohibited.

T. **Trees.** Trees are to be located at least one (1) foot inside property lines so as not to interfere with utilities or sidewalks over time and shall be a type approved by the Department of Community Services, and except as may otherwise be approved or required by the Planning Board or Zoning Board of Adjustment.

U. **Utilities.**

1. The storm drainage system, sanitary waste disposal system, water supply system, and solid and wet waste collection and disposal plan and electrical and other distribution systems shall be reviewed and approved.
2. Utilities, such as electric, cable, telephone, and the like, shall be placed underground in major site plans and subdivisions involving three (3) or more lots.
3. Particular emphasis shall be given to the protection of delineated flood plains, preservation of stream corridors, establishment of drainage rights-of-way, analysis of the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage, provide for treatment of effluent and to maintain an adequate supply of potable water at sufficient pressure.
4. In such event that they cannot be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with landscaping and/or buffering as approved by the Board.

## 35-14.2 SINGLE AND TWO-FAMILY DWELLINGS

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A. **Applicability.** The following design criteria shall be required for single and two-family development requiring building permit and/or zoning permit approval. Existing nonconforming conditions which are only receiving improvements to the building envelope (i.e. new roof or siding) or minor structural repairs (replacement of a support beam) may remain.

B. **Height.**

1. **New Single-Family Construction in the R-25 and R-43 Zones.** New dwellings in the R-25 and R-43 Zones on lots with a minimum area of 25,000 square feet, conforming setbacks and minimum roof pitch of 8/12 shall be permitted a bonus increase in maximum building height not to exceed thirty-eight (38) feet.
2. **Existing Single and Two-Family Dwellings in Any Zone.** Additions to existing dwellings with a maximum height greater than thirty-five (35) feet in any zone may be constructed to match the roofline of the existing dwelling not exceeding thirty-eight (38) feet in height where the minimum required yard setbacks of the dwelling and proposed addition are conforming. Existing dwellings shall be subject to the City's requirements for existing nonconforming uses and structures as regulated in this Chapter.

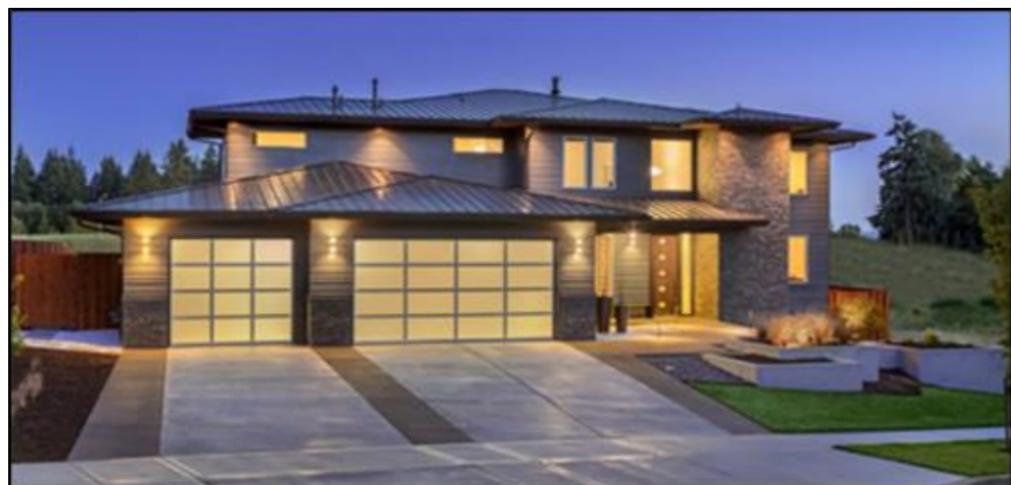
C. **Roofs.**

1. Flat roofs are prohibited on single and two-family dwellings, except on lower tier roofs and shall not occupy more than 20% of the dwelling's total roof coverage (not to be interpreted as total roof area). This provision shall not prohibit the reconstruction of flat roofs on existing dwellings.

Example of a dwelling with a flat lower tier roof less than 20% of total roof coverage



Examples of dwellings with flat and low-pitched roofs that are inconsistent with the style and character of the City's existing housing stock



2. All single and two-family dwellings shall have a minimum roof pitch of 6/12 for a minimum of 80% of the dwelling's total roof coverage (not to be interpreted as total roof area) and shall be fully enclosed to the roof peak. This provision shall not prevent the reconstruction of existing roofs on existing dwellings with pitches less than 6/12.
3. Additions to dwellings in all zones shall have roof pitches equal to that of the primary roof on the dwelling, except as may otherwise be permitted for lower tier roofs.

D. ***Primary Entrance.*** The primary entrance to single and two-family dwellings shall face the street containing the property's address.

E. ***Dormers.***

1. The cumulative width of attic dormers above the second floor of a dwelling shall be limited to a maximum of fifty (50%) percent of the width of the floor below which the dormer is situated measured from the same building facade.
2. The placement of a dormer directly above or on top of another dormer feature shall be prohibited on any dwelling level.

F. ***Garages.***

1. **Required Garages.** Dwellings in the R-5, R-6, RAH-1, TH, TH-1, MF and MFT Zones require a minimum of one (1) enclosed garage space. Dwellings in the R-10, R-15, R-25 and R-43 Zones require a minimum of two (2) enclosed garage spaces.
2. Required garages for single and two-family homes shall have minimum interior floor areas of 10 feet by 20 feet for one car garages and 20 ft by 20 ft for two car garages.
3. Attached garages in single and two-family dwellings may project a maximum of eight (8) feet from the front plane of the dwelling to which the primary front door is attached to prevent "snout" design configurations and minimize the prominence of garages as they are intended to be secondary design features consistent with the prevailing character of the City's existing housing stock. All garages shall comply with the minimum setback requirements of the respective zone.
4. Attached garages shall have entrances from other than the front, except that lots of a width less than ninety (90) feet shall be permitted to have front facing garages limited to a maximum of twenty-four (24) feet in width to accommodate parking for a maximum of two vehicles.

G. ***Driveways.***

1. In the R-5, R-6, R-10 and RAH-1 zones a single driveway is permitted in the required front yard not to exceed eighteen (18) feet in width including the curb opening and apron.
2. In the R-15, R-25, and R-43 Zones, a single driveway is permitted in the required front yard, not to exceed twelve (12) feet in width and having a curb opening not to exceed fifteen (15) feet in width and a driveway apron not to exceed twelve (12) feet in width
3. A single driveway providing direct access to permitted attached, front-facing two car garages shall not exceed twenty (20) feet in width, have a curb opening not to exceed eighteen (18) feet in width and a driveway apron not to exceed fifteen (15) feet in width. Dwellings in the R-10 and R-15 Zones that have an attached front-facing garage, the driveway may be either the width of the garage or twenty (20) feet,

whichever is less.

4. Circular driveways with two (2) curb cuts on the public street are permitted in the front yard on lots of at least one hundred twenty-five (125) feet in width developed with a single dwelling. Circular driveways shall not exceed fifteen (15) feet in width have a driveway apron not to exceed twelve (12) feet in width and curb cut not to exceed fifteen (15) feet in width with curb openings on the same street.
5. Garages facing a side yard shall have their primary entrances set back a minimum of twenty-five (25) feet measured perpendicular to the nearest adjacent side lot line to accommodate a paved turning area of at least twenty (23) feet between the garage and side lot line and a minimum driveway setback of two (2) feet from the side lot line.
6. No driveway shall exceed a grade of ten (10%) percent nor be located closer than two (2) feet to a side property line.
7. Gravel or crushed stone driveways shall be permitted and shall have permanent or semi-permanent edging, capable of preventing the gravel or stone from spreading outside of the driveway area.
8. Parking areas for single and two-family dwellings shall be at maximum two hundred (200%) of the minimum parking requirements set forth above, except when this excess is also provided in an approved, enclosed garage.
9. Enclosed parking spaces (garages) must be used for residents of the principal structure.

### **35-14.3 ATTACHED SINGLE-FAMILY (TOWNHOUSE) DEVELOPMENT**

- A. ***Application.*** The following design criteria shall be required for attached single-family (townhouse) development in all zones.
- B. ***General.***
  1. The overall development shall have a compatible architectural and landscaping theme.
  2. The design of the townhouse structures and overall site plan shall be compatible with the physical characteristics of the site, with buildings adjacent to the site and with the character of the surrounding neighborhood.
  3. Building design features such as exterior materials, rooflines and roof designs, windows, shutters, doors, porches, colors and orientation of the facades shall be considered in the overall plan.

Example of townhouse development incorporating the applicable design requirements



C. *Building Form and Mass.*

1. Primary front entrances to all individual dwelling units shall be well-defined with front facing doors and front porches or porticoses.

Townhouse with front porch



### 35-14.4.

2. A maximum of six (6) dwellings units shall be permitted in a single row with a minimum horizontal offset of two (2) feet in the front building elevation between every two (2) dwelling units.
3. Individual dwelling units shall have a minimum width of twenty (20) feet.

#### D. *Distance Between Buildings.*

Townhouse buildings shall be located with the minimum required distances between buildings indicated in the table below.

Configuration	Minimum Required Distance
End wall to end wall*	15 feet
Any window wall to end wall*	30 feet
Window wall to window wall	50 feet

\*End walls shall constitute the "sides" or narrowest lengths of a building.

#### E. *Building Height and Roofline.*

1. The rooflines of at least thirty (30%) percent of the number of units attached in a structure is to be staggered in height by not less than 2.5 feet of the height of the rooflines of the other units in such structures, and/or by other features which will provide relief or articulation to the roofline.
2. Townhouses shall have a minimum roof pitch of 6/12 for a minimum of eighty-five (85%) percent of the building's total roof coverage (not to be interpreted as total roof area).

#### F. *Required Parking and Garages.*

1. Parking areas and driveways to individual dwelling units shall be prohibited in the front yard. Entrance driveways providing access to interior driveways and parking areas, including those located in side and rear yards, shall be permitted to traverse the front yard.
2. All townhouse units shall have a minimum of one (1) designated garage space of minimally 10 feet by 20 feet directly attached to the dwelling unit and providing direct indoor access to the dwelling unit which it is intended to serve. The balance of the required parking may be provided elsewhere on the site in accordance with Residential Site Improvement Standards (RSIS).
3. Garages may not directly front a public street and must be accessed from the side or rear of townhouse buildings. A minimum of one (1) garage space is required per dwelling unit. The remainder of required and surplus parking spaces may be located in surface parking areas.

Required and surplus parking for townhouses may be provided under multifamily buildings or in parking structures on the same tract located no more than two hundred (200) feet from the dwellings units which they are intended to serve.

## 35-14.4 MULTIFAMILY DEVELOPMENT

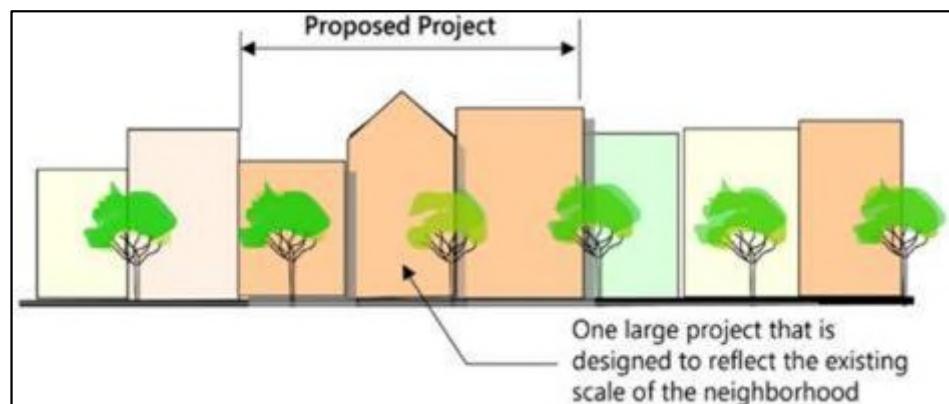
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A. *Application.* The below design criteria shall be required for multifamily development in all zones.

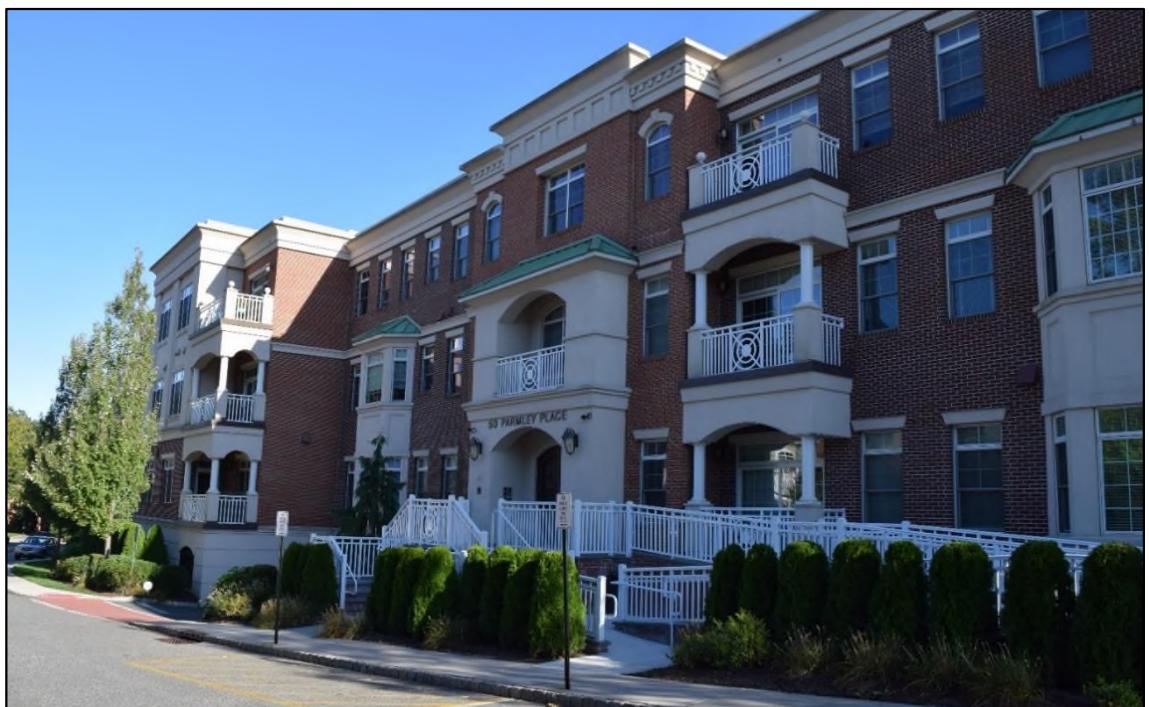
#### B. *General.*

1. The placement of multifamily buildings shall be harmonious in architectural style, scale and materials with other buildings in the surrounding neighborhood.

Example of development designed to reflect the existing scale of the neighborhood



Existing multifamily development is consistent with other neighborhood dwellings



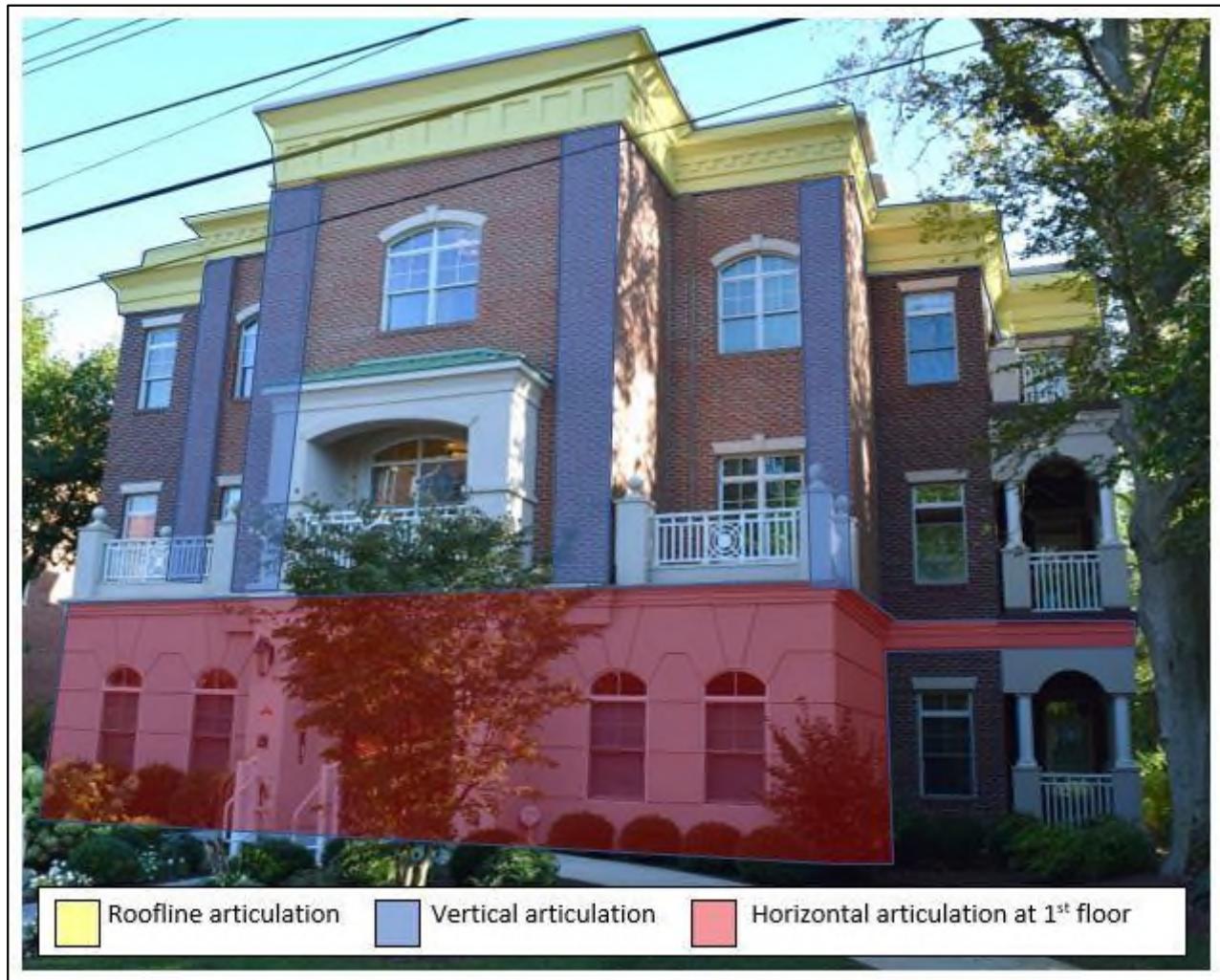
**C. Building Form and Mass.**

1. Orientation. Buildings shall be oriented with a primary entrance facing at least one (1) adjacent public street. The primary building orientation shall not be toward a parking lot or parking structure.
2. Horizontal Articulation Between Floors. Each façade shall be designed to have a delineated floor line between the street level and upper floors. This delineation may be in the form of a masonry belt course, concrete lintel or a cornice line.
3. Vertical Articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:

#### 35-14.4.

- a. Each vertical articulation shall be no more than thirty (30) feet apart.
- b. Each vertical articulation shall be a minimum of one (1) foot deep.
- c. Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth and having a maximum width of ten (10) feet.

Illustration of building design elements



4. Build-To Line. Buildings constructed through infill development shall have the front building elevation aligned with adjacent facades at the street level where there are uniform setback lines of buildings on a block.

D. *Building Height and Roofs.*

1. The top floor of all buildings must be capped by a cornice or sloping roof element.
2. Flat roofs shall be enclosed with by parapets or other acceptable architectural feature.
3. Cool roofs. Buildings with a flat roof surface area of five hundred (500) square feet or more shall utilize a

material that has a solar reflectivity of fifty (50%) percent or greater as certified by the Cool Roof Rating Council.

4. All roof-mounted equipment such as HVAC and ventilation units shall be screened from public view by use of parapet walls at least four (4) feet in height or by screening elements within ten (10) feet of the equipment.

**E. *Facades and Fenestration.***

1. Exterior building colors and materials shall have a complimentary palate that is consistent with the general theme of the development and harmonious with the character of surrounding development.
2. For buildings being renovated or rehabilitated, windows, doors and architectural treatments shall be compatible with the original architectural style of the existing building.
3. Side and rear building elevations shall receive architectural treatments comparable to front building facades in terms of building articulation, materials and fenestration.
4. Large horizontal building facades (i.e. those larger than 50 linear feet) shall be broken into segments with materials and/or architectural features providing vertical articulation. No more than 50 feet of front or rear building wall is permitted without providing a break in the façade of an acceptable method of differentiation including, but not limited to, changing roof lines, building step backs above the first floor, bay windows, cornices, alterations in building height and variations in building materials, colors and textures.
5. Buildings with expansive blank walls are prohibited.
6. Balconies are encouraged.
7. Enlarged foyer or atrium areas are encouraged.
8. Fire escapes are prohibited on the front façade(s) of any building except where required by the City of Summit Fire Official.

**F. *Required Parking and Garages.***

1. Parking structures shall be developed in accordance with Section 35-9.9P. or as otherwise required in this Chapter.

G. ***Trash and Recycling.*** Trash and recycling shall be stored in a designated location within the principal building or enclosed accessory structure in accordance with the requirements set forth in Article XIV or as otherwise required in this Chapter.

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**35-14.5 MIXED-USE AND NON-RESIDENTIAL DEVELOPMENT**

- A. ***Application.*** The following design criteria shall be required for all mixed-use and non-residential development in all zones excluding the GW-I, GW-II, PROD and PROD-2 Zones.
- B. ***General.*** The placement of mixed-use and non-residential buildings shall be harmonious in architectural style with other buildings in the surrounding neighborhood.

C. ***Building Form and Mass.***

1. **Orientation.** Buildings shall be oriented with a primary entrance facing at least one (1) adjacent public street.

The primary building orientation shall not be toward a parking lot or parking structure.

2. Horizontal Articulation Between Floors. Each façade shall be designed to have a delineated floor line between the street level and upper floors. This delineation may be in the form of a masonry belt course, concrete lintel or a cornice line delineated by wood detailing.
3. Vertical Articulation. Each building facade facing a public right-of-way must have elements of vertical articulation comprised of columns, piers, recessed windows or entry designs, overhangs, ornamental projection of the molding, different exterior materials or wall colors, or recessed portions of the main surface of the wall itself. The vertical articulations shall be designed in accordance with the following:
  - a. Each vertical articulation shall be no greater than thirty (30) feet apart.
  - b. Each vertical articulation shall be a minimum of one (1) foot deep.
  - c. Each vertical projection noted above may extend into the required front yard a maximum of eighteen (18) inches in depth and having a maximum width of ten (10) feet.

Illustration of building design elements



**D. Building Height and Roofs.**

1. The top floor of all buildings must be capped by a cornice or sloping roof element.
2. Flat roofs shall be enclosed with by parapets or other acceptable architectural feature.

3. Cool roofs. Buildings with a flat roof surface area of five hundred (500) square feet or more shall utilize a material that has a solar reflectivity of fifty (50%) percent or greater as certified by the Cool Roof Rating Council.
4. All roof-mounted equipment such as HVAC and ventilation units shall be screened by use of parapet walls at least four (4) feet in height or by screening elements within ten (10) feet of the equipment.

**E. *Facades and Fenestration.***

1. For mixed-use and nonresidential buildings in the CRBD, NB, B and B-1 Zones, excluding office development, and Overlay Zone Districts fronting a public street, a minimum of sixty (60%) percent of the first floor of retail and mixed used building frontage shall be clear window glass. This percentage shall be calculated within the area of the building façade that is located between three (3) and ten (10) feet above sidewalk level.

Storefront with recessed entrance and more than 60% glass at the ground level



Examples of additional storefront design details



*Example of Recessed Entrance*



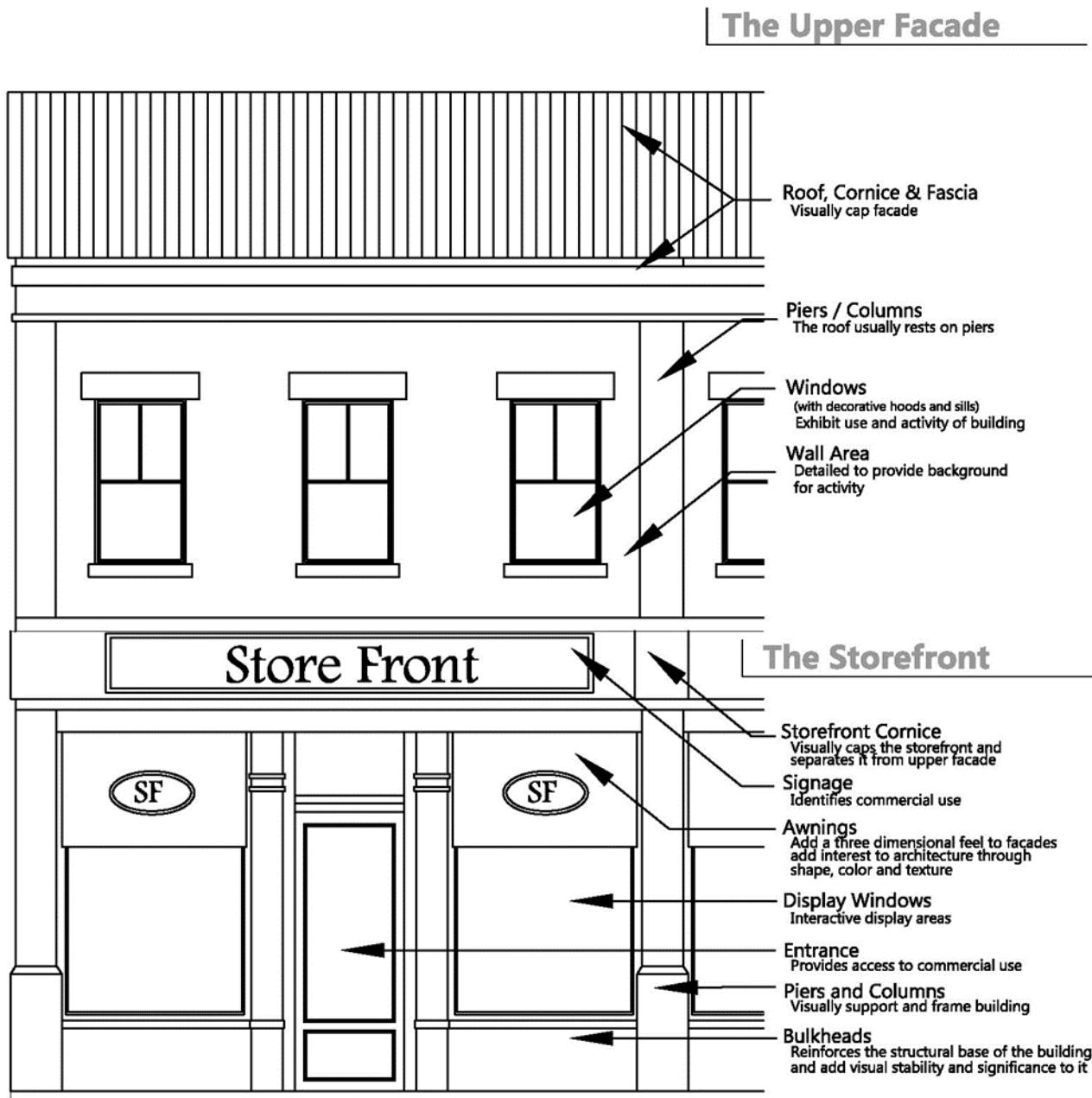
*Example of Entry Emphasized with Facade Details*



*Example of Attractive Window Fenestration*



*Example of Building Articulation and Window Fenestration*

Illustration of mixed-use building façade elements

2. Building entrances accessing a public sidewalk shall be recessed to promote safe pedestrian circulation.
3. Awnings and canopies are encouraged at the ground floor level, provided that in all cases canopies shall not encroach beyond the property line.
4. Facades facing public alleyways shall be consistent with the primary front building façade facing the public street(s), including such design elements as building articulation, materials, entranceways and storefronts.

Example of existing ground level façade and entranceway on public alleyway



## 35-14.6 SUBDIVISION REGULATIONS

### A. *General Subdivision Requirements.*

1. Compliance Required. The subdivider shall observe the requirements and principles of land subdivision in the design of each subdivision or portion thereof, as set forth in this Chapter. Subdivisions shall comply with the lot area averaging requirements located in Section 35-9.6E.
2. General Statement. The subdivision plat shall conform to design standards that will encourage sound development patterns within the City. Where an Official Map or Master Plan, or both, has or have been adopted, the subdivision shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds or other areas shown on the officially adopted Master Plan or Official Map shall be considered in approval of all subdivision plats. Where no Master Plan or Official Map exists, streets and drainage rights-of-way shall be shown on the final plat in accordance with N.J.S.A.40:5D-38 and shall be such as to lend themselves to the harmonious development of the City and to enhance the public welfare in accordance with the design standards set forth herein.
3. Existing Permits, Approvals and Variances. Nothing in this Chapter shall require any changes in a building permit, site plan or zoning variance which was approved before the enactment of this Chapter, provided that construction shall have been started within one (1) year from the effective date of this Chapter and the project shall be continuously pursued to completion; otherwise said approvals and permits shall be void.
4. Board Imposed Conditions. The Board may impose other conditions where specific problems peculiar to any particular development exist which are likely to be detrimental to the public safety and general welfare of the City.

### B. *Subdivision Design Requirements.*

1. Streets and Curbs – Non-Residential. Streets and curbs in nonresidential developments shall be designed and constructed in accordance with all applicable requirements of this Chapter and Chapter 18, Streets and Sidewalks, of the City of Summit Revised General Ordinances.

- a. *Arrangement.* The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets, conform to the topography as determined to be practical, and allow for continued extension into adjoining undeveloped tracts. When a development adjoins land capable of being developed further, suitable provisions shall be made for future street access.
- b. *Street classifications.* The classifications of existing and proposed streets shall be in accordance with the Road Classification Map located in Appendix I at the end of this Chapter.
- c. Local streets shall be so designed as to discourage through traffic.
- d. *Minimum right-of-way width.* The right-of-way width shall be measured from lot line to lot line, and shall not be less than the following, except as may otherwise be required by the New Jersey Residential Site Improvement Standards ("RSIS") N.J.A.C. 5:21-1 et seq.
  - (1) Arterial streets – eighty (80) feet.
  - (2) Collector streets – sixty (60) feet.
  - (3) Local streets – 50 fifty (50) feet.
  - (4) The right-of-way width for internal roads and alleys in multifamily, commercial and industrial development shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for firefighting equipment.
- e. *Pavement width.* The pavement width of public streets shall be measured from curb to curb and shall not be less than thirty (30) feet.
- f. *Grades.* Grades of arterial and collector streets shall not exceed four (4%) percent. Grades of other streets shall not exceed ten (10%) percent except under special approval of the Planning Board or Zoning Board of Adjustment and Common Council. No street shall have a grade of less than one (1%) percent in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards.
- g. *Reserve strips.* Reserve strips are prohibited except where approved by the City Common Council under conditions approved by the Planning Board or Zoning Board of Adjustment.
- h. *Substandard street right-of-way and pavement width.* Subdivisions that adjoin or include existing streets that do not conform to the widths as shown on the Master Plan or Official Map or the street width requirements of this Chapter shall dedicate and improve additional right-of-way or pavement width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be dedicated and improved.
- i. *Intersections.* Street intersections shall be as nearly at right angles as is possible and intersection of less than seventy-five (75) degrees (measured at the center line of streets) shall not be permitted.
- j. *Crosswalks.* Crosswalks shall be required at intersections along established pedestrian routes within one thousand (1,000) feet of schools and other public facilities, and where otherwise deemed necessary by the approving authority. All crosswalks shall comply with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition, the Americans with Disabilities Act (ADA) guidelines and City of Summit

requirements.

- k. *Street jogs.* Collector and/or arterial streets intersecting another street from opposite sides shall either be directly opposite each other without offset or shall have at least two hundred fifty (250) feet offset distance between center lines. Street jogs with center-line offsets on local streets of less than one hundred twenty-five (125) feet shall be prohibited.
- l. *Tangents.* A tangent at least fifty (50) feet long on local streets, one hundred (100) feet long on collector streets and three hundred (300) feet long on arterial streets shall be introduced between reverse curves.
- m. *Curves.* Curves shall be used to connect street lines which deflect from each other at any one (1) point by more than ten (10) degrees and not more than forty-five (45) degrees. Curves shall have a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.
- n. *Street line deflection.* When connecting street lines deflect from each other at any one (1) point by more than ten degrees ( $10^\circ$ ) and not more than forty-five degrees ( $45^\circ$ ), they shall be connected by a curve with a radius of not less than one hundred (100) feet for local streets and three hundred (300) feet for collector and arterial streets.
- o. *Changes in grade.* All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, as established in the American Association of State Highway and Transportation Officials (AASHTO) publication "A Policy on Geometric Design of Highways and Streets."
- p. *Dead-end (cul-de-sac) streets.* Dead-end streets are prohibited, except where unavoidable or determined to be necessary for public safety, and recommended by the Planning Board after consideration of:
  - (1) The effect of the development of the property fronting on the proposed dead-end street on adjoining property already developed.
  - (2) Traffic, parking and safety hazards.
  - (3) Topographical conditions.
  - (4) The furnishing of municipal services to the properties fronting on the proposed dead-end street.
    - (a) Where approved, said dead-end street shall not be longer than seven (700) feet nor serve more than ten (10) lots. A turnaround shall be provided at the end of the cul-de-sac with a right-of-way radius of not less than fifty (50) feet and a curbline radius of not less than forty (40) feet. Whenever possible, the turnaround shall be tangent to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided, and provisions made for the future extension of the street and reversion of the excess right-of-way to the adjoining properties. The removal of excess improvements shall be the responsibility of any future developer.
- q. *Private streets.* Private streets shall not be accepted by the City of Summit as public streets, and public improvements shall not be approved for any private street.
- r. *Railroad crossings.* Access to a subdivision by means of a railroad grade crossing is prohibited.

- s. *Curbs.* Curbs shall be constructed along both sides of all streets, in accordance with the City's street standards.

C. *Streets and Curbs – Residential.* Streets and curbs in residential developments shall be designed and constructed in accordance with the provisions set forth in 35-14.6B.1. for nonresidential developments, except where such provisions conflict with the Residential Site Improvement Standards at N.J.A.C. 5:21. In the event of a conflict between 35-14.6B.1. and the Residential Site Improvement Standards (RSIS), the RSIS shall govern.

1. In all residential zones, development bounded by any arterial or collector street shall control access to said streets by having all driveways intersect local streets. Where the size, shape, location, or some other unique circumstances may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street. Abutting lots may use abutting driveways with one curb cut.

D. *Street Signs, Traffic Signs and Street Names.*

1. Design and placement of traffic signs included in all development applications shall follow the requirements specified in "Manual on Uniform Traffic Control Devices for Streets and Highways", published by the United States Department of Transportation and adopted by the New Jersey Department of Transportation. Such features shall also comply with New Jersey Residential Site Improvement Standards ("RSIS") N.J.A.C. 5:21 et seq. as amended.
2. There shall be at least two (2) street signs furnished at each four (4) way intersection and one (1) street sign at each T-intersection. All signs shall be installed free of visual obstruction and shall show the name of both intersecting streets. Street name signs shall be designed and erected in accordance with City standards.
3. At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal, or otherwise suitably suspended over the intersection. Roadway clearance shall be a minimum of seventeen (17) feet from the bottom of the sign or supporting equipment to the top of the paved surface.
4. *Street names.* All streets shall be named by the Common Council. No new street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets. The continuation of an existing street shall have the same name. The Planning Board reserves the right to change any proposed subdivision street name as it deems desirable. In general, the following may be used as a guide for names:
  - a. Place: a connecting link, one block long and between two (2) longer streets.
  - b. Court: a cul-de-sac.
  - c. Terrace: a loop street which begins and ends on the same street and is not connected with other streets.
  - d. Lane, street or way: short streets not serving as connectors.
  - e. Avenue, drive or road: a connector or arterial street.

E. *Sidewalks.* Sidewalks shall be required as part of any site development and shall be designed in accordance with Chapter 18, Streets and Sidewalks, of the City of Summit Revised General Ordinances.

F. *Bikeways.*

1. Separate bicycle paths and lanes shall be required where deemed appropriate and safe by the Planning

Board.

2. Bicycle lanes, where provided, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be located between the parking lane, if provided, and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.
3. The construction of bikeways shall comply with the specifications set forth in N.J.A.C. 5:21-4.18, as well as the following:
  - a. The paved width of the bicycle path shall be in accordance with the following standards:
    - (1) For bicycle lanes that are part of a shared use roadway, the minimum pavement width shall be five (5) feet.
    - (2) For shared use bicycle paths that are not part of a roadway, the minimum pavement width shall be eight (8) feet.
  - b. Choice of surface materials, including bituminous mixed, concrete, compacted gravel, soil cement, stabilized earth, and wood planking shall depend on use and users of the path. Gradients of bike paths should generally not exceed five percent (5%).
  - c. Bicycle-safe drainage grates shall be used in the construction of all streets and driveways for all developments.

G. **Monuments.** Monuments shall be of the size and shape required by L. 1960, c. 141, the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), shall be placed in accordance with said statute and shall be indicated on the final plat. Monuments will be required to delineate critical area easements and conservation easements at the discretion of the Board. In any new subdivision, all lot corners shall be permanently marked with a metal alloy pin or equivalent.

H. **Blocks.**

1. Block length and width or acreage within bounding roads shall be of such size and shape as to accommodate the size of lots required in the area by the zoning regulations. Consideration of topography and street layout shall provide for convenient access, circulation control and safety of street traffic.
2. In blocks of one thousand (1,000) feet or more in length, pedestrian footpaths or access may be required in locations deemed necessary by the approving authority, as permitted in N.J.A.C. 5:21-4.5(f). Such walkway shall be at least ten (10) feet wide in right-of-way with a five (5) foot wide improved pavement surface. Said walkway may also include other improvements, including street lighting and street trees.

I. **Lots.**

1. *Dimensions.* Lot dimensions and area shall be not less than the requirements of the Zoning Ordinance (see Part 2 of this Chapter) and neighborhood average calculations set forth in Section 35-9.6E.
2. *Side lines.* Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
3. *Frontage.* Each lot must front upon an approved and improved street with a right-of-way width in

accordance with the Union County Land Development Standards or Residential Site Improvement Standards, as applicable.

4. *Setbacks.* Where extra width has been dedicated or is proposed in the Master Plan for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
5. *Suitability.* Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, drainage conditions, watercourses, historic sites, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. All lots shall be so arranged that, to the greatest extent possible, each lot can reasonably be developed without intruding into areas of physical and environmental constraint, especially areas of steep slope and wetland areas.
6. *Corner lots.* The intersection of the two property lines adjoining the street shall be rounded to a radius of twenty-five (25) feet.
7. *Further subdivision.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision.

J. *Underground Utilities.*

1. Utility lines including, but not limited to, those providing electric, cable, telephone and internet service, shall be placed underground in major site plans and subdivisions involving three (3) or more lots.
2. The storm drainage system, sanitary waste disposal system, water supply system, and solid waste collection and electrical supply, internet, data access and other distribution and collection systems shall be reviewed and approved.
3. Particular emphasis shall be given to the protection of delineated flood plains, preservation of stream corridors, establishment of drainage rights-of-way, analysis of the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage, provide for treatment of effluent and to maintain an adequate supply of potable water at sufficient pressure.
4. In such event that they cannot be installed underground, facilities such as pumping stations or transformers shall be enclosed in buildings or effectively screened with landscaping and/or buffering as approved by the Board.
5. All new electric and telephone wires shall be installed underground. In addition, underground community antenna television service lines shall be installed if the City has executed a franchise agreement with a community antenna television company. All such utility installations shall be made in accordance with the following provisions:
  - a. The applicant shall arrange with the serving utility for the underground installation of the utility's distribution supply lines, transformers, service connections and related equipment and shall submit to the applicable Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; provided, however, that lots in such subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from such overhead lines or extensions thereof, but the

transformers, service connections and related equipment from the utilities' overhead shall be installed underground. The requirements of this subsection are in addition to and supplement the regulations of the Board of Public Utility Commissioners, and wherever the provisions of this subsection require a greater amount of equipment to be placed underground or impose restrictions more extensive than the regulations of the Board of Public Utility Commissioners, the requirements of this subsection shall govern.

- b. Wherever the utility is not installed in the public right-of-way, an appropriate utility easement not less than twenty (20) feet in width shall be provided.
- c. All such underground installations for utilities and their service lines shall be subject to inspection and approval by the City Engineer, who shall be notified of such underground installations at least twenty-four (24) hours prior to any excavation therefor. No underground installation shall be covered until inspected and approved by the City Engineer and those agencies having jurisdiction over the particular installation. Notification and request for inspection shall take place immediately upon completion of the utility. Bank-run sand and gravel shall be used as backfill material and shall be thoroughly mechanically tamped.

**K. *Water Supply.***

- 1. Each lot within the subdivision area shall be provided with public water by the required extension of water mains and connections thereto. The cost thereof shall be borne by the subdivider. All such installations of water mains and connections shall be subject to the inspection and approval of the City of Summit Engineering Division and other agencies having jurisdiction.
- 2. Fire-fighting facilities. Whenever a central water system services a development, fire hydrants shall be installed along all streets. Fire hydrants shall be of the type approved by the Fire Department, shall be placed and installed in accordance with its standards and shall also be subject to inspection by and approval of the Fire Department.
- 3. In addition to the provisions above, all water supply systems in residential developments shall be installed in accordance with the Residential Site Improvement Standards at N.J.A.C. 5:21-5. In the event of a conflict between this section and the Residential Site Improvement Standards (RSIS), the RSIS shall govern.

**L. *Sanitary Sewers.***

- 1. Each lot within the subdivision area shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereto. The cost thereof shall be borne by the sub-divider. All such installations of sewer mains and connections thereto shall be subject to the inspection and approval of the City of Summit Engineering Division.
- 2. In addition to the provisions above, all sanitary sewer systems in residential developments shall be installed in accordance with the Residential Site Improvement Standards at N.J.A.C. 5:21-5. In the event of a conflict between this section and the Residential Site Improvement Standards (RSIS), the RSIS shall govern.

**M. *Topsoil and Seeding.***

- 1. Topsoil specifications. No topsoil shall be removed from any site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) compacted inches of spread cover to all seeding and planting areas of the subdivision and shall be stabilized by seeding or

### 35-14.6.

planting. In the event that the quantity of topsoil at the site is insufficient to provide four (4) inches of cover for all seeding and planting areas, the developer shall provide and distribute a sufficient quantity of topsoil to provide such a cover. Topsoil so provided shall meet the following specifications:

Physical Limits		
Type	Diameter	Quantity (percent by weight)
Gravel	Larger than 1 inch	None
Gravel	1/4 inch to 1 inch	Less than 3
Gravel	2 mm to 1/4 inch	Less than 10
Sand	0.05 mm to 2 mm	40 to 60
Silt	0.002 mm to 0.05 mm	25 to 50
Clay	Less than 0.002 mm	Less than 20

Chemical Limits of Organic Matter (wet digestion method)	
Type	Quantity (percent)
Sandy loam	1.5 to 20
Loam or silt loam	3.0 to 20
Soil reaction (pH)	4.5 to 7.0
Salt concentration (1:2 soil/water ratio)	Less than 50

#### 2. Fertilizer, seed and mulch specifications.

- a. The fertilizing, seeding and mulching shall meet the following specifications:
  - (1) Ground limestone: two (2) tons per acre.
  - (2) 10-20-10 fertilizer: six hundred (600) pounds per acre.
  - (3) Salt, hay or straw mulch: one and one-half (1 1/2) to two (2) tons per acre.
  - (4) Temporary seeding: one (1) pound of ryegrass per one thousand (1,000) square feet.
  - (5) Permanent seeding: one-half (1/2) pound of perennial ryegrass, three-fourths (3/4) pound of creeping red fescue and three-eighths (3/8) pound of Kentucky bluegrass per one thousand (1,000) square feet.

- b. These mixtures may be either broadcast seeded or hydroseeded. If hydroseeded, the fertilizer, seed, mulch and mulch binder are applied at the same rate in a slurry mix. This section of the Land Use Regulations will not be considered complied with until the seed attains growth sufficient to ensure a stable, nonerodible ground condition.
- 3. Compliance with Somerset-Union Soil Conservation District. The addition or removal of topsoil shall comply with the requirements of the Somerset-Union Soil Conservation District.
- N. **Grading Plan.** Conceptual grading plans shall be required for all subdivisions and a final grading plan shall be required for all individual lots in accordance with Part 3 of this Chapter.
- O. **Shade Trees.** Shade trees shall be provided and installed by developers, along City roads, as required by this Chapter or by the approving authority.
- P. **Street Lighting.** A lighting plan prepared by a qualified individual shall be provided with major subdivision applications. Streetlights shall be installed at all intersections and cul-de-sacs and at three hundred (300) foot intervals along all streets. All street lighting shall be subject to a plan approved by the applicable public utility authority. The lights shall be installed solely for the purpose of illuminating the roadways and sidewalks and shall be of such a nature as to minimize the illumination on adjacent properties. The developer shall provide for the installation of underground service.
- Q. **Easements, Riparian Zones and Natural Features.**
  - 1. Easements. Easements for utility and drainage installations shall be along side or rear property lines where possible as may be required by the City Engineer. Such easements shall be of sufficient width to accommodate the facilities, including access for maintenance, but shall not be less than twenty (20) feet wide. Whenever possible, facilities shall be located at the proximate center of the easement.
    - a. The removal of trees and ground cover shall be prohibited in a conservation easement or flood plain except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes. Proposed tree removals shall be subject to the review and approval of the City Forester.
    - b. All easements shall be shown on the plat and described in the deed and shall be clearly labeled and dimensioned to permit accurate location of easement limits.
    - c. Internal grading of a lot as by swale, berm, or other topographical feature designed to intercept or direct waters shall be dedicated by recorded instrument and described in the deed in such a way as to give notice to future owners of said property and insure continued maintenance of the drainage feature.
    - d. All easements shall have survey markers/monuments installed.
  - 2. Riparian zones. Where a subdivision is traversed by a watercourse, drainageway, channel, stream or other surface water body, said subdivision shall comply with the riparian zone requirements set forth in the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, Part 3, Environmental Requirements, of this Chapter and Section 26-11 of the Revised General Ordinances.
  - 3. Natural features.
    - a. Natural features, such as trees, brooks, hilltops, wetlands and wetland transition areas, steep slopes and

views shall be preserved, to the greatest extent possible, in designing any subdivision containing such features.

- b. Subdivisions containing steep slopes and/or wetlands shall be designed in accordance with Part 3 of this Chapter.
- c. The Planning Board may require that natural features be protected by means of deed restrictions, conservation easements or other appropriate instruments. Conservation easements shall be clearly indicated.

R. ***Energy Conservation.*** All subdivisions shall, to the greatest extent possible, follow energy-efficient design principles and maximize the use of renewable energy sources as follows:

1. Streets. Streets shall be so oriented as to permit the buildings to be constructed thereon to maximize solar gain. Where possible, streets shall run in an east-west direction.
2. Lots. Lots shall be oriented as to permit buildings to be constructed thereon to maximize solar gain. Where possible, the long axis of a lot shall run in a north-south direction.
3. Topography. The development shall take advantage of topographic features to maximize solar gain and afford protection from winter winds. Where possible, development shall be oriented to southerly slopes.
4. Vegetation. Existing and new vegetation shall be used to the greatest extent feasible to afford protection from winter winds and provide shading in summer.

## 35-14.7 SITE PLAN REQUIREMENTS

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### A. *Building Designs and Layouts.*

1. The design and layout of buildings and parking areas shall be aesthetically pleasing and provide for efficient arrangement. Particular attention shall be given to energy conservation, safety and fire protection and impact on surrounding development. Architectural design shall be compatible with the environmental and natural characteristics of the tract and the surrounding neighborhood.
2. Fire escapes shall be constructed only against the side or rear wall of a building and shall be located so as not to detract from the appearance of such buildings, to the maximum extent possible.

### B. *Buffers.*

1. Purpose.
  - a. Buffering shall be located to minimize light from vehicles and structures, noise, the movement of people and vehicles, and to shield activities from adjacent properties when required. Buffering may include but not be limited to fencing, walls, evergreens, shrubs, landscaping, berms, rocks, boulders, open space, ponds, steep slopes, deciduous trees or combinations thereof to achieve the stated objectives.
  - b. Extensive buffering shall be required where intensive land uses abut less intensive uses. Existing natural vegetation may be retained, if appropriate for the above stated purposes as may be approved by the applicable Board.

2. General Buffer Requirements.

- a. All vegetation screening shall provide a visual barrier on a year-round basis.
- b. Existing vegetation within the buffer shall be preserved, when suitable, and supplemented with plantings and other buffer devices to provide screening.
- c. Buffer dimensions shall be measured perpendicular to property lines or other locations as required.
- d. Within any buffer area, above ground utilities or driveways may be permitted to cross at right angles through the buffer.
- e. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the required buffer area.
- f. All plantings shall be installed according to accepted horticultural standards.

3. Specific Buffer Requirements. The following buffer area and landscape requirements shall apply to any lot, other than a lot in the PROD, PROD-2, RO-60, G, GW I or GW II Zones, that abuts a residential zone, and to any non-permitted uses on a lot within a residential zone.

## a. Dimensions.

- (1) A strip of land twenty (20%) percent of the average width of the property when a nonresidential use abuts a residential zone on the side, and/or twenty (20%) percent of the average depth of the property when a nonresidential use abuts a residential zone at the rear, shall be designated as a buffer area and so indicated on the plat.
- (2) Buffer areas shall be contiguous with residential property lines and shall be of uniform width. In no case shall the width of the buffer be required to exceed fifty (50) feet.
- (3) If the buffer is less than twenty (20) feet wide, the applicant may be required to erect a six (6) foot high stockade or other type of solid fence within the buffer area parallel to the lot line of the abutting residential lot and set back a distance appropriate for the landscaping treatment in the buffer area. However, in no case shall a buffer of less than ten (10) feet be allowed.
- (4) Where more restrictive standards are set forth in specific zoning districts, they shall apply.

## b. Requirements for Planting in the Buffer Area.

- (1) A solid and continuous landscaped screening shall be planted and maintained to conceal the parking, loading and similar areas, and to eliminate the glare of vehicle lights from the abutting residential areas throughout the year. In addition, adequate plantings including deciduous trees shall be utilized to soften the appearance of the building as viewed from adjoining residential lots. The screening for parking lots and loading or other areas shall consist of evergreen trees. Trees shall be planted in an area five (5) to twenty (20) feet from the residential line in a zigzag pattern and not more than six (6) feet apart, except where otherwise authorized by the approving authority. Evergreen trees shall be not less than five (5) feet high when planted and the lowest branches shall not be more than one (1) foot above the ground. In the event the existing evergreen trees do not cover the required area from the ground, said landscaping screening shall be supplemented with evergreen shrubbery.

- (2) Shade trees shall be planted at a spacing that is appropriate for the species, but in no case shall this distance exceed forty (40) feet from each other.
- (3) The height of the landscape screening shall be measured in relation to the elevation of the leading edge of the area being screened. Where the landscape screening is lower than the elevation of the area being screened, either the required height of the screen shall be increased equal to the difference in elevation, or the area being screened shall be moved to allow the plantings to be located in an area with a similar elevation as the screened area.
- (4) If the buffer area includes existing growth of evergreen and deciduous trees and shrubbery, but not enough to provide a suitable screen as required above, existing trees and shrubbery may remain and shall be supplemented by additional evergreen plantings to provide the required landscape screen.

c. Variance from Buffer Requirements.

- (1) Under exceptional circumstances, the approving authority shall have the power to grant variances from any of the requirements or details specified above if they determine an adequate buffer can be provided in less than twenty (20) feet while maintaining the purposes of this subsection.
- (2) The approving authority when considering variances from any of the buffer requirements, shall review the proposed plat and the standards and purposes of N.J.S.A. 40:55D-51, and to those ends shall consider the location of buildings, parking areas, outdoor illumination and other features of the topography of the area and existing features such as trees; streams; the efficiency, adequacy, and safety of the proposed layout of driveways, streets, sidewalks and paths; the adequacy and location of existing green areas and buffer areas; the adequacy and location of screening and parking areas; structures and uses; and such other matters as may be found to have a material bearing on the above standards and objectives.

C. *Open Space.*

1. When applicable, open space shall be provided as part of a site plan and shall serve as a buffer and/or help integrate buildings and uses. The objective of providing open space is to preserve a tract's natural amenities and vistas. Ponds, rock outcroppings, wooded areas, steep slopes, wellhead protection areas, ravines and streambeds are prime lands recommended for undeveloped open space.
2. Open spaces shall be so located as to provide for maximum benefit and site aesthetics as well as to create a harmonious relationship between buildings.

D. *Recycling Facilities.*

1. The following requirements for recycling facilities shall be applicable to all development in all zones in the City of Summit.
2. There shall be included in any new or existing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of recyclable materials generated on-site. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
3. The recycling area shall be conveniently located for the disposition of source-separated recyclable materials

preferably near, but clearly separated from, a refuse dumpster. Such facilities shall be located inside of a principal or accessory building to the extent feasible.

4. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
5. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
6. A sign clearly identifying the recycling area and the materials accepted therein and no larger than two (2) square feet shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
7. Walls and/or fencing shall be provided around any outdoor recycling area and shall be constructed and maintained in an aesthetically pleasing manner.

## PART 3 – ENVIRONMENTAL REQUIREMENTS

### ARTICLE XV – STORMWATER MANAGEMENT REQUIREMENTS

#### 35-15.1 REQUIREMENTS FOR MAJOR DEVELOPMENT

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Chapter XXVI, Stormwater Management Regulations of the Revised General Ordinances sets forth the stormwater management requirements for major development. In accordance with N.J.A.C. 7:8-1.2, 'major development' shall mean "an individual development as well as multiple developments that individually or collectively result in: (1) the disturbance of one or more acres of land since February 2, 2004; (2) the creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004; (3) the creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or (4) a combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3 or 4 above. Projects undertaken by any government agency that otherwise meet the definition of 'major development' but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered 'major development'."

#### 35-15.2 REQUIREMENTS FOR MINOR DEVELOPMENT

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- A. *Lot Grading.* All property development shall be designed to provide proper grading and erosion control, including the prevention of sedimentation and/or damage to on-site and off-site property, as established herein.
  - 1. Lot grading standards and requirements are necessary to help control drainage on a site or to channel that drainage to either naturally occurring or constructed storm drainage systems in an approved manner.
  - 2. No land area shall be disturbed by any person or entity such that:
    - a. The rate of storm water runoff occurring at the area is increased over what occurs prior to the disturbance.
    - b. The drainage of adjacent areas is adversely affected.
    - c. Soil erosion during and after development is increased over what naturally occurs.
    - d. Soil absorption and ground water recharge capacity of the area is decreased below what occurs there under existing conditions.
    - e. The natural drainage pattern of the area is altered in a significantly adverse manner.
    - f. The grades and/or elevation of the site are altered contrary to Section 35-9.11.

3. The following standards and requirements shall be read in conjunction with all of the standards and requirements found in Part 3, Environmental Requirements, of this Chapter.

B. *Grading Permit Required.*

1. A grading permit is required prior to land disturbance or construction. This permit shall be considered a "prior approval" under the Uniform Construction Code, and no construction permit application shall be issued unless the applicant has obtained the required grading permit.
2. Exemptions from Requirement.
  - a. Any development which has received site plan or subdivision approval from the Planning Board or Zoning Board of Adjustment, provided, however, that individual lots for one or two-family dwellings included within any approved subdivision shall not be exempt.
  - b. Total Land disturbance for any purpose and/or clearing of less than six hundred (600) square feet, including temporary disturbance during construction (provided that there are no environmentally sensitive areas such as but not limited to steep slopes, wetlands, streams or bodies of water located in the area to be graded or disturbed).
  - c. Any cumulative increase in impervious area of three hundred (300) square feet or less. The cumulative increase shall represent a total increase of impervious coverage measured against the existing impervious coverage that is within a given property on the date of passage of this ordinance.
3. The City Engineer may waive the requirement for a permit and/or a grading plan based on the specific land disturbance and site conditions.
4. All properties exempt from a grading permit, or for which the City Engineer grants a waiver, are subject to Section 35-15.2A.2.

C. *Grading Plan Preparation and Contents.*

1. The lot grading and soil erosion control plan shall be prepared by a land surveyor or professional engineer, architect or landscape architect licensed by the State of New Jersey.
2. The plan must detail how all requirements of Section 35-15.2A.2 will be met. If the site currently has a drainage problem, the plan must also propose a method to address these existing conditions.
3. Five (5) copies of the plan shall be submitted to the City Engineer together with one (1) copy of an application for a lot grading permit (which application form shall be available through the Office of the City Engineer) and the required fee. A copy of the application and plan will be returned to the applicant once approved.
4. The lot grading, soil erosion and sediment control plan shall contain the following information:
  - a. Date.
  - b. North arrow; standard engineering scale, no smaller than 1"=30'; block and lot number; and street address of the subject property (or properties); name and address of record owner; name, address, license number and seal of the person preparing the plan.
  - c. Complete lot boundary line information based on a current survey prepared by a New Jersey licensed

land surveyor.

- d. Building setback lines, lines of existing streets, easements affecting the property and any areas dedicated to public use.
- e. A separate and complete existing conditions survey including but not limited to full topographic information and the location of existing buildings and structures, if any, including walls, fences, culverts and bridges. Structures to be removed shall be indicated by dashed lines.
- f. Location of all existing and proposed storm drainage structures. The information shall include proposed methods of controlling foundation drains, sump pump discharges, and on-site storm water, and may include grading, use of underground leaders to storm water systems or dry wells, and other similar or related methods as detailed in Section 35-15.2E.
- g. Spot elevations for slopes of zero (0%) percent to two (2%) percent, and existing contours at one -foot intervals where slopes are greater than two (2%) percent and less than twenty (20%) percent, and five-foot intervals where slopes are twenty (20%) percent or greater. Existing contours shall be shown by dashed lines. The City Engineer may request topographic information to be shown on adjoining properties for at least 5' and must be shown in the adjacent gutter line of the street for at least 2'.
- h. Proposed contours shall be shown by solid lines; all existing contours shall be dashed. All changes in grade proposed on site must be delineated on the grading plan.
- i. Location of existing rock outcroppings, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant natural features.
- j. Driveways, roads, curbs, sidewalks and other paved areas, along with the proposed use of land, buildings and other structures.
- k. Existing and proposed utility locations.
- l. Existing vegetation to remain and all areas to be seeded or planted. Size and species of proposed trees, shrubs and other plant material shall be indicated. All trees eight (8) inches DBH (diameter at four and five-tenths (4.5) feet from ground) or greater shall be shown. Protection for trees that are to remain must be shown.
- m. Silt fencing, hay bales, and such other soil conservation methods as may be required shall be provided downstream of all areas of disturbance. Soil conservation and sediment control measures shall conform to The Standards and Specifications for Soil Erosion and Sediment Control of the New Jersey State Soil Conservation Committee.
- n. Such other information as may be required by the City Engineer in order to determine that the requirements of this section have been met.
- o. Narrative describing the existing conditions, proposed improvements and conditions resulting from the proposed work.

**D. *Time for Action and Approval.***

1. The City Engineer shall review and approve, deny, or request revised plans of the lot grading permit application within thirty (30) days of the date on which a complete application is submitted. Otherwise, the application for a grading permit shall be deemed approved.

2. An approval sheet, listing required inspections, shall be provided back to the applicant along with an approved plan and a copy of the signed permit application form. All three documents are to be kept on site during construction at all times and must be provided if requested by a representative of the Engineering Division.

**E. *Drainage for Minor Development.***

1. All impervious area increases over three hundred (300) square feet shall be mitigated using storm water devices or methods provided in the New Jersey Stormwater Best Management Practices Guide, as amended from time to time. Specifically, the City shall require that 3" of rainwater be mitigated over the increase in impervious area. The three hundred (300) square feet shall be measured cumulatively and compared to the existing impervious coverage on the property on the date of passage of this ordinance and previously mitigated areas shall not be counted again.
2. All drainage mitigation methods that include the percolation of storm water into soil shall require a percolation test or soil analysis including the soil K value performed by a New Jersey licensed Professional Engineer or an organization that is accredited for such services. The design engineer must certify in writing under their respective license and seal that the proposed design will meet the standard requirements for the mitigation method given the provided percolation test or soil analysis.
3. When a percolation test or soil analysis renders any mitigation method infeasible a fee of \$6 per square foot of increase in impervious coverage shall be submitted to the City to be used towards stormwater infrastructure work or the preservation of green space within City limits.

**F. *Grading Permit Fee.*** Each applicant for a grading permit under this section shall submit an application fee payable to the City of Summit in the amount of four hundred (\$400.00) dollars. For every revised plan submitted an additional review fee of seventy-five (\$75.00) dollars will be charged. The fee for the first revision is waived. For applications that have had the plan requirement waived by the City Engineer, the grading permit fee shall be one hundred (\$100.00) dollars. All application and review fees for grading permits shall be used for the offsetting of costs incurred by the Engineering Division.

**G. *Construction Requirements.*** The applicant shall construct or install soil erosion and sediment control protective measures as required by the City Engineer or by the Somerset-Union Soil Conservation District prior to any site development work at the start of construction and shall notify said regulatory entity for proper inspection.

1. The applicant shall notify the City Engineer prior to commencing construction and shall schedule inspections as indicated on the approval sheet.
2. The applicant shall grade the property and install any required control measures as may be shown on the approved grading plan or as specified in the grading permit, or both, and shall obtain final grading approval from the City Engineer.
3. All soil erosion and sediment control protective measures shall be maintained operational throughout the project or until such time as the City Engineer authorizes removal.
4. Applicant shall be responsible to repair any damage made within the City right of way including, but not limited to curb and asphalt damaged caused by construction activities associated with the installation of the proposed improvements.
5. Applicant shall remove all excavated and excess soil from the site and shall not use excess soils elsewhere

on site unless otherwise appropriately shown on the grading plan.

6. Applicant is responsible to remedy any adverse drainage issues on their property and/or neighboring property caused by the construction of the proposed improvements.

H. ***Enforcement Officer.*** The requirements of this Article shall be enforced by the City Engineer who shall inspect or require inspection of the work.

1. The City Engineer may order correction or modification of any conditions found that were not as stated in the application, or any work that does not conform to the approved grading plan or permit, or both, and may refuse to approve further work unless and until satisfactory corrections or modifications are in place or may invalidate the original approval of the grading permit and application.
2. The City Engineer shall notify the property owner in writing of any such orders or refusals, with copies also provided to the Zoning Officer and the Construction Official.
3. The City Engineer may seek such other penalties as provided elsewhere in the City Ordinances.

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## ARTICLE XVI – REGULATIONS FOR DEVELOPMENT WITHIN STEEP SLOPE AREAS, WETLANDS AND FLOODPLAINS

### 35-16.1 STEEP SLOPE AREA REQUIREMENTS

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#### A. *Purpose and Finding of Fact.*

The purpose of this Article is to provide for reasonable control of development within the steep slope areas of the City in order to minimize the adverse impact caused by the development of such areas, including, but not limited to, erosion, siltation, flooding, surface water runoff, and pollution of potable water supplies from point and non-point sources.

According to the Soil Conservation Service, United States Department of Agriculture, soils with a slope fifteen (15%) percent or greater invariably involve severe limitations to development, including, but not limited to, building and road construction and septic effluent disposal. It is hereby found that the removal of vegetation, disturbance of the soil and the construction of buildings and structures in steep slope areas of the City may increase surface water runoff; soil erosion and siltation with the resultant pollution of streams, as well as the potential danger of flooding and water drainage, thereby having the potential of endangering public and private property and life. Summit's location within both the Passaic River basin and the Rahway River basin areas requires extra care when dealing with water resource issues.

The disturbance of soil and construction and development on steep slopes create an additional hazard to the lives and property of those dwelling on the slopes and below them. The most appropriate method of alleviating such conditions is through the regulation of such vegetation and soil disturbances, construction and development.

Therefore, it is determined that the special and paramount public interest in these slopes justifies the regulation of property located thereon as provided below, which is the exercise of the police power by the City for the protection of persons and the property of its inhabitants and for the preservation of the public health, safety and general welfare.

It is recognized that there is a strong relationship between the integrity of the City and the region's water resources and the development on steep slopes, tree removal, soil disturbance, storm water management and the general use of land resources. Therefore, the appropriate management of these resources is an important health, safety and general welfare concern.

#### B. *Applicability.*

1. Applicants for site plan or subdivision approval shall submit all information required under this Article to the appropriate reviewing authority which shall not approve the application unless the approval requirements of this Article are met.
2. Whenever development is proposed in any steep slope area, applicants for permits, including the construction of buildings, walls, driveways or other structures or the clearing of land shall submit a grading permit application with the information required in this Ordinance and within the Grading, Drainage and Soil Erosion & Sediment Control Ordinance, to the City Engineer to insure that the proposed development of the lot will respect the natural features of the tract and minimize adverse impacts associated with such

clearing and/or construction.

3. Applicants to the Land Use Boards for subdivision or site plan review shall submit information required in this Article as the approving authority can render a decision concerning the land's suitability to accommodate the proposed project without negatively impacting the community health or welfare. The approving authority shall use this information to evaluate the appropriateness of the project.

**C. *Steep Slope Identification and Criteria for Review.***

1. All applications for subdivision, site plan approval or for a permit for construction, grading or clearing of any lot shall be evaluated by the applicant for the presence of steep slopes as defined herein. Each proposed or existing lot shall be evaluated to determine the presence of steep slopes fifteen (15%) percent or greater.
  - a. The slopes shall be identified on a plan showing existing and proposed topographic information at a scale required as per site plan or subdivision submission requirements or as per the Grading, Drainage, Soil Erosion & Sediment Control Ordinance where applicable.
2. Disturbance of slopes is limited by this ordinance, and may only be permitted where it can be shown to the satisfaction of the applicable Board or the Administrative Officer that:
  - a. Proposed excavation, removal, depositing or disturbance of soil shall be for purposes consistent with the intention of this section and shall be executed in a manner that will not cause excessive erosion or other unstable conditions.
  - b. Provision shall be made for the proper disposition of surface water runoff so that it will not create unstable conditions. Appropriate storm drainage facilities shall be constructed as required and as adequate protective measures for downstream properties.
  - c. Provision shall be made for any structures or protective measures that may be required for the protection of the public safety including but not limited to retaining walls, headwalls and fences.
  - d. Any proposed building, structure or protective measures will not impede the flow of surface waters through any stream corridor or cause an increase in flood heights or velocities.
  - e. Any proposed vehicular facilities including roads, drives or parking areas shall be so designed that any land disturbance shall not cause excessive erosion. Both vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created.
  - f. Steep slope areas, where possible, should be avoided through the use of cluster subdivision or alternative placement of structures or vehicular facilities.
  - g. Areas of disturbance shall comply with Chapter XXIX, Protection of Trees in the Revised General Ordinances.
  - h. Proposed finished grades shall not exceed 3:1.
  - i. Water resources, including quality and quantity, shall be evaluated to avoid degradation of resources.

D. *Steep Slope Disturbance Application Contents.* Where application for a permit is being made in conjunction with this Chapter, the following shall be required:

1. A legibly drawn plan, at a scale no smaller than one inch equals thirty (1" = 30') feet and no larger than one inch equals ten (1" = 10') feet shall be submitted by a New Jersey licensed engineer, land surveyor or architect which provides sufficient on-site detail to evaluate the proposed development.
2. The Steep Slope Disturbance Plan shall contain, at a minimum, the following items:
  - a. Existing and proposed topographic information using one (1) or two (2)-foot contour intervals for all steep slopes as defined above and within all areas contemplated for clearing and/or construction as described above. Topographic information can only be supplied by a licensed land surveyor registered in the State of New Jersey.
  - b. Existing and proposed drainage patterns up to one hundred (100) feet of the proposed lot under development or as needed to properly determine any impacts to neighboring properties.
  - c. Location of existing and/or proposed well and septic systems.
  - d. Details concerning architectural design and how the proposed construction will relate to, complement and minimize adverse impacts upon the existing natural features of the lot.
  - e. Location of all trees in excess of eight (8) inches in diameter.
  - f. Soil types contained on the lot with specific reference to highly erodible soils as defined by the United States Department of Agriculture Natural Resources Conservation Service.
  - g. All impervious areas including driveway locations, paved areas and details.
  - h. Other information required by the Administrative Officer, Land Use Board or City Engineer to make a determination concerning suitability.

E. *Steep Slope Disturbance Application Procedures.*

1. Prior to the issuance of a permit for any structure or the disturbance of any soil or vegetation within any steep slope area (including temporary disturbance for construction access) as herein defined, an applicant for permit shall submit a grading permit application to the City Engineer for its review and approval.
2. Applicants for site plan or subdivision approval involving the disturbance of steep slopes shall submit information regarding steep slope conditions required as per Section 35-16.1D to the appropriate reviewing authority as part of the required submission which shall be examined within the appropriate site plan or subdivision review context. Requests for permitted disturbance of steep slopes shall not be approved unless the requirements of Sections 35-16.1F below have been met.

F. *Limit of Disturbance.*

1. The platting of any parcel for subdivision or the siting of any structure or grading for site plan approval or construction permit shall avoid disturbance of slopes fifteen (15%) percent or greater. The placement of lots or structures that would necessitate or be likely to cause future disturbance of such areas shall also be avoided.

2. Where proposed lots to be platted for subdivision contain steep slopes, each lot shall contain at least twenty-five (25%) percent of its area in a non-steep slope condition to avoid excessive erosion, vegetation clearance, and degradation of water resources while ensuring the proper placement of housing and associated uses.
3. The siting of any structure for site plan approval, grading permit or construction permit shall provide a minimum distance of ten (10) feet from the foundation of any structure to the steep slope area as defined in the Chapter. The Schedule of Space Regulations must also be met.

G. ***Variance Required.*** Disturbance of steep slope areas as indicated in Section 35-16.1F, Permitted Limit of Disturbance, shall require a variance. Applications for variances from these standards shall be submitted to the Zoning Board of Adjustment for all developments except those developments that otherwise require Planning Board approval of a subdivision, site plan or conditional use.

H. ***Minor Steep Slope Areas.***

1. The Administrative Officer may disregard steep slope areas that are cumulatively less than one thousand (1,000) square feet in size if in their assessment of the total disturbed area where such action would be in the interest of good planning, not seriously impair the purposes of this Chapter and would otherwise result in practical difficulties to the applicant.
2. Where, however, the Administrative Officer finds the area to be significant and of such size so as to constitute a substantial contiguous area to a steep slope, or finds that the impact of disturbing the steep slope may have a negative effect on an adjoining property, the reviewing authority may consider them significant and subject to regulation under this Chapter. In such case the area will be considered disturbance of a steep slope area.
3. The Administrative Officer may disregard a steep slope area that is less than two thousand five hundred (2,500) square feet in size for the sole purpose of installing solar panels and/or a geothermal system, in a previously disturbed steep slope area such as grass or landscaping areas. This relief does not apply to steep slopes in natural wooded areas.
4. The Administrative Officer may disregard a steep slope area that is less than two thousand five hundred (2,500) square feet in size if the disturbance is for the purpose of replacing existing lawn areas or landscaping areas or performing maintenance work in these areas. The disturbance shall be in the interest of good planning, not change any existing drainage patterns, not seriously impair the purposes of this Chapter and would otherwise result in practical difficulties to the applicant.
5. The applicable board or Administrative Officer may disregard a steep slope that is being impacted for the purposes of construction access and/or utility installation only where no trees and/or vegetation are being removed or disturbed.

I. ***Time for Decision.***

1. Where the request for steep slope disturbances is part of a site plan, subdivision or variance application, the time periods regulating those applications shall apply.
2. Where the request for steep slope disturbance is part of a permit application that does not require site plan or subdivision approval, the Administrative Officer shall approve, approve with conditions or deny an application for a steep slope disturbance approval within thirty (30) days from the date of submission of a

completed application.

J. **Appeals to the Zoning Board of Adjustment.** Appeals of the decision of the Administrative Officer may be taken by the applicant to the Zoning Board of Adjustment within twenty (20) days of the date of such decision by filing a notice of appeal with the Administrative Officer specifying the grounds of such appeal and the appropriate fee for review and processing. The Administrative Officer shall immediately transmit to the Board the grading plan and all related documents upon which its decision was based. The Zoning Board of Adjustment shall render a decision within one hundred twenty (120) days after receipt of the aforementioned documents from the Administrative Officer, or within such further time as may be consented to by the appellant.

## 35-16.2 WETLANDS REGULATIONS

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The New Jersey Department of Environmental Protection (NJDEP) has exclusive control over regulated activities within freshwater wetlands as defined in the New Jersey Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. The purpose of these regulations is to coordinate municipal development review procedures with the wetlands regulations of NJDEP.

- A. **Documentation.** All freshwater wetlands, and all wetland transition areas required pursuant to N.J.A.C. 7:7A-1 et seq., or any successor regulations, shall be clearly shown on all subdivisions, site plans, lot grading plans, and/or other development plans submitted to the City for any development approval. Whenever it has been confirmed that no wetlands or wetland transition areas are present on a site, a note to that effect shall be shown on the plans for development.
- B. **NJDEP file identification number.** Whenever on-site freshwater wetlands and/or wetland transition areas have been verified by NJDEP through the issuance of a Letter of Interpretation (LOI), all subdivision, site plans, lot grading plans, and/or other plans submitted to the City for any development approval shall include therein the wetlands line file identification number assigned by NJDEP in connection with the issuance of an LOI for the property.
- C. **Disturbance fencing.** To prevent encroachment into freshwater wetlands and wetland transition areas, the developer of any approved subdivision, site plan, lot grading plan or other development plan shall install disturbance fencing in accordance with the requirements of the NJDEP and the Union County Soil Conservation District before the commencement of any land disturbance or construction adjacent to any freshwater wetlands and/or wetland transition area.
- D. **Silt fencing.** Prior to the commencement of any land disturbance or construction, the developer of any approved subdivision, site plan, lot grading plan, or other development plan shall install silt fencing and/or hay bales downstream of any disturbance area adjacent to freshwater wetlands and/or wetland transition areas in accordance with the requirements of the NJDEP and the Somerset-Union County Soil Conservation District.
- E. **Proof of recording of deed restriction.** Prior to the signing of any approved minor subdivision plat or deed description, final major subdivision plat, or final site plan drawings, the applicant shall submit to the Secretary of the reviewing board proof that any deed restrictions required by the NJDEP in connection with transition area averaging or other transition area modifications associated with the approved subdivision or site plan have been duly recorded in the land records of the Clerk of Union County.

F. *Recording notice of wetland limits.* As a condition of approval of any application for development of any lot containing freshwater wetlands and/or wetland transition areas, the applicant shall be required to record in the land records of the Clerk of Union County a mapped description of the limits of such freshwater wetlands and/or wetland transition areas, together with a bold print notice that no land disturbance or other activities may be undertaken therein without the obtaining of all necessary prior approvals from the NJDEP.

G. *Waiver for improvements to existing single-family dwellings.* Whenever any variance or grading permit is sought for any addition to or modification of any existing single-family dwelling and/or the lot on which it is located, the Board of Adjustment, when acting on a variance, and the City Engineer, when acting on a grading permit, may waive the requirements of Subsections A, B, and/or F of this subsection (to the extent they are applicable) when it is reasonably clear to the reviewing authority that there exist no on-site wetlands and/or wetland transition areas, or that any on-site wetlands and/or wetland transition areas are remote from the areas of proposed development and/or disturbance. Nothing herein shall authorize or permit any unlawful disturbance of or activities within freshwater wetlands and/or wetland transition areas.

### 35-16.3 FLOODPLAIN DISTRICT REGULATIONS

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Application for a building permit for any proposed development on land lying within Floodplain Zone A, Special Flood Hazard Area, as shown on the current Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps for the City of Summit, shall be first reviewed by the Planning Board under the provisions of this Chapter 35, and all standards, procedures and requirements therein set forth shall be complied with to the extent applicable to construction or other improvements in a floodplain area having special flood hazards.

## PART 4 – AFFORDABLE HOUSING

### ARTICLE XVII – AFFORDABLE HOUSING DEVELOPMENT FEES

#### 35-17.1 FINDINGS AND PURPOSE

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- A. The City of Summit Common Council finds and declares that the creation and preservation of affordable housing in Summit serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector. The purpose of this Article is to create an Affordable Housing Trust Fund from payment of development fees to assist in the marshaling of public and private monies dedicated to affordable housing projects and programs.
- B. The New Jersey Supreme Court, in Holmdel Builder's Assn. v. Holmdel Township, 121 N.J. 550 (1990), determined that mandatory development fees are both statutorily and constitutionally permissible. The Court further anticipated that the Council on Affordable Housing would promulgate appropriate development fee rules specifying, among other things, the standards for these development fees. The purpose of this Article is to provide municipal regulations that comport with the Fair Housing Act, N.J.S.A. 50:27D-301, and New Jersey Council on Affordable Housing Procedural and Substantive Regulations contained in N.J.A.C. 5:91, 5:92 and 5:93 et seq.
- C. The purpose of the Mandatory Affordable Housing Development Fee regulations is to provide revenues with which to fund rehabilitation of housing units occupied by low and moderate income households, to construct housing for low and moderate income families and/or to fund other programs for low and moderate income housing in order for Summit to meet its responsibility for providing affordable housing pursuant to Mount Laurel II, the Fair Housing Act and other applicable laws. The funds collected pursuant to this Article shall be used exclusively for the production of low and moderate-income housing and to offset municipal expenses in developing and administering the program(s) under which low and moderate-income housing will be produced to meet Summit's fair share need of affordable housing. No funds shall be expended except in accordance with a Spending Plan approved by the New Jersey Council on Affordable Housing and as provided by N.J.A.C. 5:93-8.15.

#### 35-17.2 AFFORDABLE HOUSING DEVELOPMENT FEE SCHEDULE

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- A. Affordable Housing Development Fees shall be paid by all developers other than developers of exempt developments. Such fees shall consist of monies paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules. Affordable Housing Development Fees collected shall be used for the sole purpose of providing low and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees.
- B. Fees shall be based on the equalized assessed value of a property determined by the City Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction costs. Final equalized assessed value will be determined at project completion

construction by the City Tax Assessor.

C. The following regulations shall determine the fees due for residential and non-residential development:

1. Residential Development Fees.

- a. In the R-43, R-25, R-15, R-10, R-6, R-5, RAH-1, TH-1, TH-2, MF, MFT, GW-I and GW-II Zones where a developer develops land for residential purposes and receives no right to increased density, the developer shall pay one (1%) percent of the equalized assessed value. In those same zones, when a developer develops land for nonresidential purposes, the developer shall pay a development fee as provided in paragraph C2, Nonresidential Development Fees below.
- b. In those circumstances where a developer secures the right to increased density resulting from a variance granted pursuant to N.J.S.A. 40:55D-70d (a "d-5" or "use" variance), then the developer will incur a bonus development fee for the additional residential units realized (above what is permitted by right under the existing zoning). The developer shall pay a fee of one (1%) percent of equalized assessed value for all base units and six (6%) percent of equalized assessed value for all bonus units. If there has been an ordinance adopted within two (2) years prior to the filing of the "d" variance application that decreases the density permitted on the subject property, the base density, for the purpose of calculating the six (6%) percent bonus shall be the highest density permitted by right during the two (2) years preceding the filing of the "d" variance application.
- c. The City may collect fees exceeding those permitted above provided that the City enters into an agreement with a developer that offers a financial incentive for paying higher fees. No agreement may provide for a voluntary fee without also providing for a comparable offsetting incentive. All such agreements are subject to Court approval.

2. Non-Residential Development Fees.

- a. In the B, B-1, NB, CRBD, ORC, ORC-1, RO-60, PROD, PROD-2, LI, PI, GW I and GW-II Zones where a developer develops land for nonresidential purposes and receives no right to increased development rights, the developer shall pay two (2%) percent of the equalized assessed value. In those same zones, when a developer develops land for residential purposes, fees shall be calculated as in paragraph C1, Residential Development Fees above.
- b. The City may secure a higher fee than set forth in paragraph a. above. The increased development rights that may warrant a higher fee include, but are not limited to, the following: (a) a tax abatement; increased commercial, industrial or other nonresidential square footage; increased commercial, industrial or other nonresidential lot coverage; increased commercial, industrial or other nonresidential impervious coverage; and/or a change in the nonresidential use of the property that enhances the value of the property. The right to collect a higher fee shall be subject to: (a) the City and the developer entering into an agreement with respect to the increased fee/increased development right(s); (b) the increased fee bearing a reasonable relationship to the increased development right(s); and (c) the agreement being approved by a court.
- c. In those circumstances where a developer secures the right to an increase in development rights pursuant through the granting of a variance granted pursuant to N.J.S.A. 40:55D-70d ("d-4" or "use" variance), then the additional floor area ratio (FAR) realized (above what is permitted by right under existing zoning) the developer will incur a bonus development fee. However, if the zoning on a site has

changed during the two (2) year period preceding the filing of the "d" variance application, the base floor area ratio (FAR) for the purpose of calculating the six (6%) percent bonus development fee shall be the highest floor area ratio (FAR) permitted by right during the two (2) years preceding the filing of the "d" variance application. The base floor area ratio (FAR) shall be subject to the two (2%) percent fee pursuant to paragraph a. above.

- d. The City may collect fees exceeding those permitted above provided that the City enters into an agreement with a developer that offers a financial incentive for paying higher fees. No agreement may provide for a voluntary fee without also providing for a comparable offsetting incentive. All such agreements are subject to the Court's approval.

### **35-17.3 ELIGIBLE EXACTIONS, INELIGIBLE EXACTIONS AND EXEMPTIONS**

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- A. Development fees shall be collected for any development which requires major or minor site plan and/or major or minor subdivision approval and/or planned research office development approval from either the Planning Board or Zoning Board of Adjustment. Development fees shall also be collected from any new single-family or two-family dwelling construction eligible for new home warranty otherwise exempt from site plan or subdivision approval.
- B. The City shall not reduce densities from pre-existing levels and then require developers to pay development fees in exchange for an increased density.
- C. Developments that have received preliminary or final approval prior to the effective date of this Article shall be exempt from development fees unless the developer seeks a substantial change in the approval; for example, a substantial alteration in site layout, development density or types of uses within the development.
- D. Developers that convert any portion of an existing residential structure to a non-residential use shall pay a development fee. The development fee shall be based on the increase in the equalized assessed value of the converted structure.
- E. The City exempts the following types of development from the imposition of development fees:
  - 1. Nonprofit organizations which have received tax exempt status pursuant to Section 501(c) (3) of the Internal Revenue Code, providing current evidence of that status is submitted to the City Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges.
  - 2. Federal, State, County and local governments.
  - 3. Public utilities under the jurisdiction of the New Jersey Board of Public Utilities to the extent that the construction for which approval is sought is of a facility which shall house equipment only and not to be occupied by any employees.
  - 4. Developers of low and moderate-income housing units provided that the required minimum percentage of residential units in the development are affordable units in accordance with all applicable COAH regulations including but not limited to those establishing minimum set-asides for low and moderate sales and rental housing. Where affordable housing units are required to be constructed and where the developer has been authorized to pay a development fee in lieu of building the affordable housing units, developers shall pay a fee related to the internal rate of subsidization. For purposes of this Chapter, the

internal rate of subsidization shall be not less than twenty thousand (\$20,000.00) dollars for each affordable unit not built.

5. Public uses including public educational and cultural facilities and outdoor and indoor recreational facilities.

#### **35-17.4 PAYMENT OF FEES**

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All fees due pursuant to the formulae set forth above shall be payable as follows: fifty (50%) percent upon receipt of a building permit and fifty (50%) percent upon issuance of the first certificate of occupancy.

#### **35-17.5 HOUSING TRUST FUND**

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- A. All development fees shall be deposited with the Chief Financial Officer in a separate designated interest-bearing housing trust fund. The development fees placed in the housing trust fund shall be deemed "dedicated revenues" as such term is defined in N.J.S.A. 40A:4-36. In establishing the housing trust fund, Summit shall provide whatever express written authorization may be required by the bank utilized by the City in order to permit COAH to direct the disbursement of development fees pursuant to Section 35-17.9B of this Chapter. No money shall be expended from the housing trust fund unless the expenditure conforms to a Spending Plan approved by the court.
- B. If the court determines that Summit is not in conformance with the court's grant of a Judgment of Repose, the court is authorized to direct the manner in which all development fees collected pursuant to this Article shall be expended. The City shall enter into an escrow agreement with the bank in which the fees are to be deposited to enable the court to enforce the Spending Plan approved by the court or take such other measures as the court deems appropriate.

#### **35-17.6 USE OF FUNDS**

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- A. The City shall use revenues collected from development fees for any activity approved by the court for addressing the City's fair share obligation. The expenditures of all money shall conform to a Spending Plan approved by the court.
- B. Funds shall not be expended to reimburse Summit for housing activities that preceded the entry of a Judgment of Repose for the current housing cycle by a court.
- C. At least thirty (30%) percent of the revenues collected from development fees shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low interest loans, and rental assistance. This requirement may be waived in whole or in part when Summit demonstrates to the court the ability to address the requirement of affordability assistance from another source. Development fees collected to finance indigenous need rehabilitation or new construction of deed restricted affordable units shall be exempt from this requirement.
- D. No more than twenty (20%) percent of the revenues collected from development fees shall be expended on administration costs necessary to develop, revise or implement the Housing Plan Element, including, but not limited to, salaries and benefits for City employees or consultant fees necessary to develop or implement a

rehabilitation program, a new construction program, a housing element, and an affirmative marketing program. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fees shall not be used to defray the costs of existing staff, except that COAH may consider permitting fees to defray the cost of staff whose sole responsibility is to implement the housing element.

## 35-17.7 MONITORING AND REPORTING REQUIREMENTS

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- A. The City shall collect information on each applicant for low and moderate-income housing on forms approved by COAH. Such report shall include:
  - 1. Monitoring forms approved by COAH.
  - 2. An evaluation of the income and demographic characteristics of each applicant of low and moderate-income housing, as well as the occupants of the units; and
  - 3. An evaluation of any necessary adjustments in the affirmative marketing program as a result of the evaluation in paragraph b. above.

## 35-17.8 SPENDING PLAN

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- A. The City shall submit to the court a Spending Plan for the development fees the City anticipates it will collect pursuant to this Chapter. Plans to spend development fees shall consist of the following information:
  - 1. A projection of revenues anticipated from imposing fees on development based on historic activity;
  - 2. A description of the administrative mechanism that the City will use to collect and distribute revenues;
  - 3. A description of the anticipated use of all development fees;
  - 4. A schedule for the creation or rehabilitation of housing units;
  - 5. In the event the City envisions being responsible for public sector or nonprofit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
  - 6. The manner through which the City will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

## 35-17.9 PENALTIES

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- A. In the event that any of the conditions set forth in paragraph B below occur, the court or its designee shall be authorized, on behalf of the City, to direct the manner in which all development fees collected pursuant to this Article shall be expended. Should any such condition occur, such revenues shall immediately become available for expenditure at the direction of the court or its designee upon receipt by the City Clerk and Chief Financial Officer of written notification from the court or its designee that such a condition has occurred. In furtherance of the foregoing, the City shall, in establishing a bank account pursuant to N.J.A.C. 5:93-8.15 and paragraph F of this section, ensure that Summit has provided whatever express written authorization which may be required by the bank to permit the court or its designee to direct disbursement of such revenues from the account

following the delivery to the bank of the aforementioned written notification provided by the court or its designee upon receipt by the City Clerk and Chief Financial Officer.

B. Occurrence of the following may result in the court or its designee taking an action pursuant to the paragraph above:

1. Failure to submit a plan pursuant to N.J.A.C. 5:93-5.1c. within the time limits imposed by the court;
2. Failure to meet deadlines for information required by the court in its review of a housing element, development fee ordinance, or plan for spending fees;
3. Failure to proceed through the court processes toward a Judgment of Repose in a timely manner;
4. Failure to address any conditions the court may impose for approval of a plan to spend development fees within the deadlines imposed by the court;
5. Failure to address the any conditions the court may impose for a Judgment of Repose within deadlines imposed by the court;
6. Failure to submit accurate monitoring reports within the time limits imposed by the court;
7. Failure to implement the spending plan for development fees within the time limits imposed by the court, or within reasonable extensions granted by the court;
8. Expenditure of development fees on activities not permitted by the court;
9. Revocation of the Judgment of Repose by the court; or
10. Other good cause demonstrating that the revenues are not being used for the intended purpose.

#### **35-17.10 EXPIRATION OF AFFORDABLE HOUSING DEVELOPMENT FEE REGULATIONS**

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The regulations in Article XVII shall expire if:

- A. The court revokes the Judgment of Repose the City anticipates that the court will enter in the ongoing affordable housing litigation.
- B. The Judgment of Repose expires prior to the City filing an adopted Housing Plan Element with COAH or the court and seeking COAH's or the court's approval of the Housing Plan Element.
- C. The court denies the City's efforts to secure approval of its Housing Plan Element and Fair Share Plan in its current form or in a form acceptable to the City and the court.

## ARTICLE XVIII – AFFORDABLE HOUSING MULTIFAMILY SET-ASIDE

### 35-18.1 QUANTIFICATION OF AFFORDABLE HOUSING OBLIGATION FOR MULTIFAMILY DEVELOPERS

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All zones or districts in which multifamily developments are permitted shall be subject to a mandatory set-aside of affordable dwelling units and shall provide affordable dwellings on-site in accordance with the requirements of this Article.

- A. Any multifamily development of five (5) or more dwelling units in a multifamily residential development that is not a rental development as described below in paragraph B., shall provide an affordable housing set-aside such that twenty (20%) percent of the dwelling units on site shall be affordable dwellings. As an example, if five (5) units are proposed on a site, at least one (1) affordable unit must be constructed on site.
- B. Any multifamily development of five (5) or more dwelling units in a multifamily residential development that is a rental development shall provide an affordable housing set-aside such that fifteen (15%) percent of the dwelling units on site shall be affordable units.
- C. At least thirteen (13%) percent of the affordable dwellings shall be affordable to households earning thirty (30%) percent or less of the median income for the COAH Region.
- D. Where the set-aside requirement of twenty (20%) percent in paragraph A., above, or fifteen (15%) percent in paragraph B., above, results in fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number.
- E. Developers shall have the opportunity to demonstrate that the set aside percentages set forth in paragraphs A. and B. above render the proposed project to be economically infeasible and, upon the provision of satisfactory proofs, may seek relief such as, but not limited to, additional density, a monetary subsidy from the City's affordable housing trust fund, bulk/design waivers, a payment in lieu of taxes, or other forms of relief, provided that developers shall not be permitted to seek reductions in the set-aside required by this Ordinance.

### 35-18.2 PERMISSIBLE MANNER OF SATISFACTION OF AFFORDABLE HOUSING OBLIGATION OF RESIDENTIAL DEVELOPERS

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- A. For all residential development, an applicant shall satisfy its affordable housing production obligation through on-site housing production in connection with the residential project, which is one of the mechanisms permitted pursuant to COAH's regulations.
- B. The other alternative mechanisms permitted under COAH's regulations include (a) the purchase of an existing market-rate unit at another location in the community and its conversion to an affordable price-restricted unit in accordance with COAH's criteria, regulations and policies, and/or (b) participation in reconstruction and/or buy-down/write-down, buy-down/rent-down programs. An applicant shall only be entitled to satisfy its affordable housing obligation via one or more of the alternative mechanisms set forth above if the applicant demonstrates to the Common Council that one or more of the alternatives better advances the goals and policies set forth in the City's Housing Element and Fair Share Plan. The Common Council shall have the

complete discretion to determine whether the alternative(s) better advances the goals and policies set forth in the City's Housing Element and Fair Share Plan.

C. Full and complete satisfaction of compliance with the affordable housing requirements of the development shall be a specific, automatic, essential and non-severable condition of all land use approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the Zoning Board's affordable housing condition of approval prior to obtaining the first building permit and compliance with the affordable housing condition should be a continuing condition of all Board approvals for development.

### **35-18.3 COMPLIANCE WITH COAH'S RULES**

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The affordable unit(s) to be produced pursuant to the sections 18.1 and 18.2 above shall be available to a low-income individual or household should only one (1) affordable unit be required. Thereafter, each of the affordable units shall be divided evenly between low and moderate-income individuals and households except in the event of the applicable formulas resulting in an odd number of affordable units; in which event the unit shall be a low-income residential unit. All affordable units shall strictly comply with COAH's regulations, policies and the Uniform Housing Affordability Controls (UHAC) rules including, but not limited to, pricing, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, and income qualification. It shall be the applicant's responsibility, at its sole cost and expense, to arrange for a COAH and City approved qualification service to ensure full COAH compliance and to file such certificates, reports and/or monitoring forms as may be required by COAH or the Court to verify COAH compliance of each affordable unit.

## ARTICLE XIX – AFFIRMATIVE MARKETING OF AFFORDABLE UNITS

### 35-19.1 AFFIRMATIVE MARKETING OF AFFORDABLE UNITS

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- A. The City of Summit shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The affirmative marking plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are at least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Union, Warren and Morris counties.
- D. The Administrative Agent designated by the City of Summit shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing process for available affordable units shall begin at least four (4) months prior to the expected date of occupancy.
- G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the City of Summit.

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## **PART 5 – HISTORIC PRESERVATION [RESERVED]**

This section of the Development Regulations Ordinance has been reserved for comprehensive historic preservation regulations to be implemented by the City of Summit. The City's current regulations governing Summit's Historic Preservation Commission ("HPC") are located in Section 2-29 of the City's Revised General Ordinances.

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# **Appendix**

Appendix A – Development Design Guidelines

Appendix B – Zoning Map

Appendix C – Schedule of Space Regulations

Appendix D – Sign Matrix

Appendix E – Development Application Checklists

Appendix F – Yard Diagrams

Appendix G – Fence Diagrams

Appendix H – PROD and PROD-2 Zone Height Enhancement Area Maps

Appendix I – Road Classifications Map



# DEVELOPMENT DESIGN GUIDELINES

## CITY OF SUMMIT

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### DESIGN GUIDELINES.

In accordance with the goals of the City of Summit Master Plan to guide development to maintain and enhance the character of Summit, these DEVELOPMENT DESIGN GUIDELINES are an integral part of the *Development Regulation Ordinance* (DRO) and shall be used to review new construction, and renovations and additions to existing buildings in the City of Summit pursuant to the requirements of Chapter XXXV.

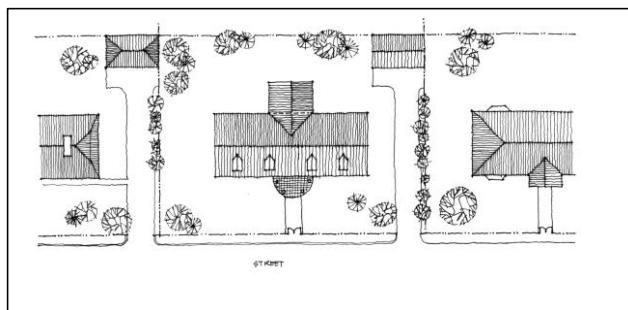
#### **Siting.**

Siting refers to the manner by which a new building or an addition is located in relationship to the site or the existing building. In cases of new construction, the building, parking and landscaping shall be sited in a manner compatible with neighboring buildings. In cases of additions, they shall be located in a manner that is compatible with the original building. Views from the street are an important consideration and the addition should be sited in such a manner as to not compromise the character-defining qualities of primary elevations. Other considerations include: setbacks from streets; spacing between neighboring buildings that produce a rhythm along the street; siting of the long and short sides of the structure with regard to the street; whether the building is sited parallel or at an angle to the street; and an appropriate mix of deciduous and evergreen trees of species, height, and general density compatible with examples found in the neighborhood.

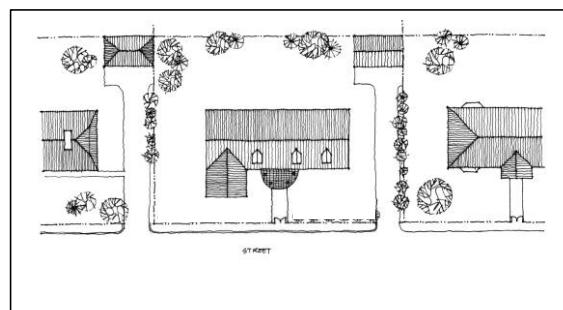
**Do:** Add to the back of the building wherever possible, so that the street setback is maintained, and the primary façade is not affected. Work with the landscaping patterns of the street.

**Don't:** Disturb the street setback line by adding to the front.

**Do:**



**Don't:**



## Scale.

Scale refers to the relative size of a building in terms of height, footprint, and volume. New buildings shall be of the same general scale or size as adjacent buildings. In case of an addition, the building's original sense of scale shall be maintained. Considerations include the height of the new building or the addition and the overall footprint or square footage of the building at grade.

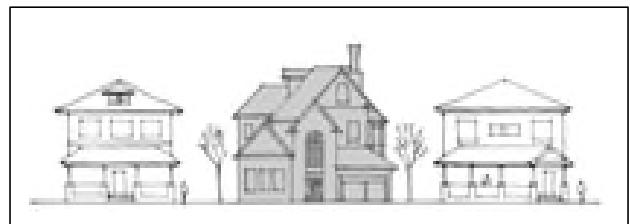
Do: Respect the scale of the neighborhood.

Don't: Build a new house that is out of scale and that disturbs the streetscape.

Do:



Don't:



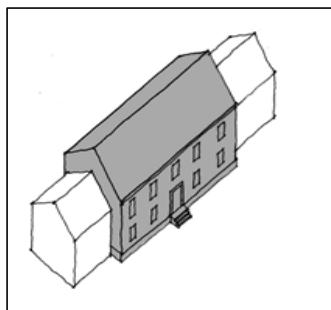
## Massing.

Massing refers to the volumetric relationship between various parts of the building. The new construction shall be of the same general massing as adjacent buildings. In case of an addition it shall be compatible with the original massing of the building. Design issues that affect massing include: the general grouping of the building parts (a box vs. a building with several additions); the relative heights of different parts of the building; the presence of a roof and/or dormers; the roofing style (gable, mansard, or hipped); and the roof's slope (rise over run).

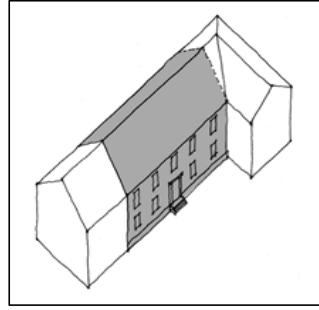
Do: Articulate the massing of the additions and arrange them so that the visual integrity of the original buildings is maintained.

Don't: Undermine the character-defining aspects of the building or streetscape with out-of-character massing.

Do:



Don't:



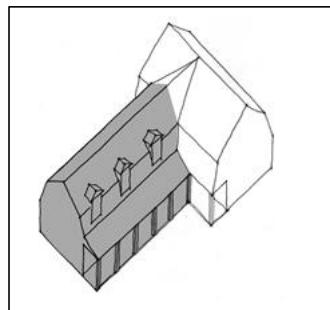
## **Height.**

The height of proposed buildings or additions shall be visually compatible with adjacent buildings. The height of additions shall be visually compatible with the existing building to which the addition is being added. Considerations include maintaining overall proportions and the compatibility of the visual lines that give a sense of height of the building. These include rooflines, eave lines, and cornice lines.

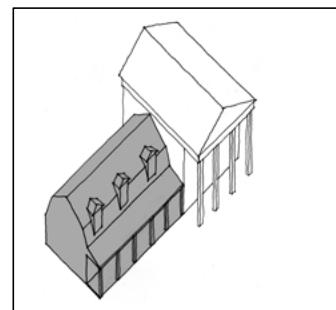
**Do:** Maintain a compatible height (either the same or lower) with the existing structure and carry through horizontal lines where appropriate. Addition may be lower in height than the existing building, by utilizing the same roof pitches and design features, in a smaller scale.

**Don't:** Give a directional emphasis (in this case vertical) that is out of character with the original building.

**Do:**



**Don't:**



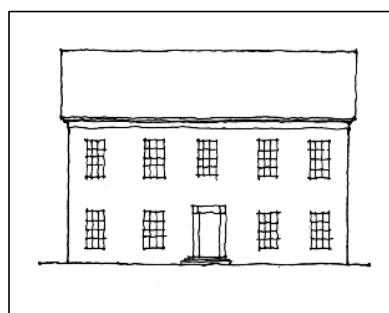
## **Proportion.**

Proportion refers to the relationship of the height-to-width of the elevation. The proportion of new structures shall be compatible with adjacent buildings. Proportions that are characteristic of the style of the original building should be maintained.

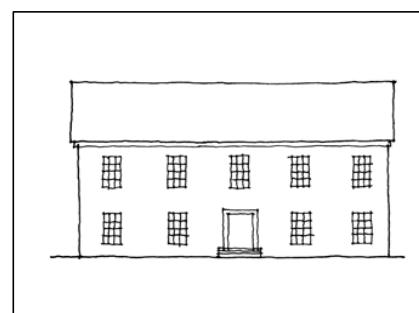
**Do:** Maintain the height-to-width ratio and space the windows in accordance with characteristic proportions of the style.

**Don't:** Elongate the building to an uncharacteristic proportion. If the building needs to be longer, add articulated appendages.

**Do:**



**Don't:**



## Windows and doors.

Windows and doors shall be visually compatible with those in the original building and neighborhood. In the case of new or existing buildings, the windows and doors should be in keeping with the style of the building. Considerations include: materials; proportions (height-to-width ratios); types of window (double hung, casement etc.); multiple window groupings; configuration of the windows including the number of lights or panes in each window part; and special design features such as straight, arched or rounded tops, decorative lintels and exterior trim. When restoring an historic building, windows and doors shall be restored whenever feasible. If windows or doors are too deteriorated to be restored, new replacements shall be as close to the original in appearance and materials as possible.

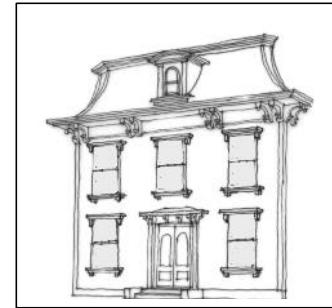
**Do:** Restore existing windows or replace windows consistent with the style and material of the building. Wood two-over-two double-hung windows are appropriate for a Second Empire style house.

**Don't:** Use windows that are inconsistent with the style and material of the building. One-over-one vinyl replacement windows are not appropriate in a Second Empire style house.

**Do:**



**Don't:**



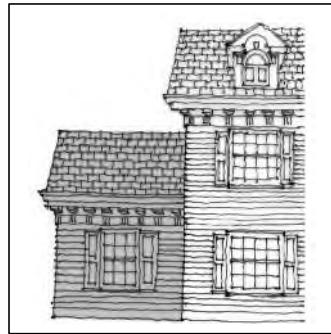
## Materials.

To create a harmonious streetscape, new buildings shall be constructed of the same or compatible materials as that of its neighbors. In case of an addition, the materials shall be the same as that of the original building. Masonry structures may be stone, painted, or unpainted brick or terracotta; wood buildings may contain vertical or horizontal siding or shingles, either painted or unpainted. Some structures may contain a mix of materials that should be reflected in the compatible new work. Roofs may have a significant impact on the appearance of buildings, and materials for them should be carefully considered. They may be made of slate, wood shakes, seamed metal, or asphalt shingles.

Do: Use the same or compatible materials and detailing in the extension as in the original building.

Don't: Use vinyl siding, aluminum trim, and asphalt shingles on an extension to a house with clapboard siding, slate roof, and ornamental wood trim.

Do:



Don't:



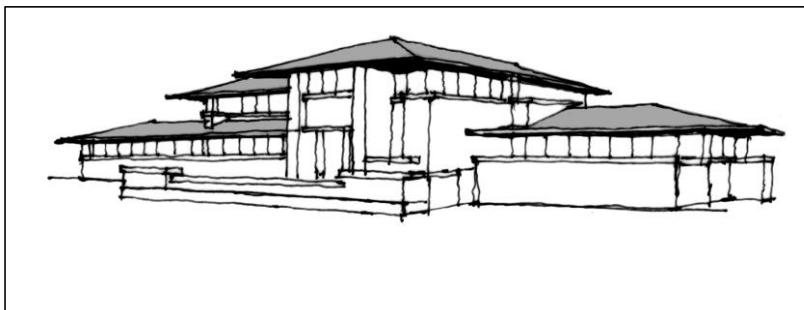
## **Roof.**

New buildings and additions shall have roof lines that are in harmony with neighboring buildings of similar style or with the original building which is receiving an addition. Roof lines and roof shapes characteristic of the particular building style should be used. Important consideration shall also be given to roof slopes, shapes, materials, dormer windows, location and articulation of chimneys, cornice lines, and the eaves along which the roof meets the façade.

**Do:** Use well thought-out roof forms that reflect the style of the building and bring coherence to the design. Frank Lloyd Wright used low hipped roofs with overhangs to emphasize the horizontal.

**Don't:** Use a mix of conflicting roof forms, as seen in many newer houses. This reflects a poorly thought-out design.

**Do:**



**Don't:**



## **Rhythm of Solids to Voids.**

Solids refer to the walls of the façade, while voids refer to openings such as doors and windows. The rhythm of solids and voids in the façade of the building shall be visually compatible with the original building (in the case of an addition) or with neighboring buildings (in the case of infill). In the case of a new freestanding building, it shall be characteristic of the style of the building.

**Do:** Maintain the rhythm of windows and doors on the street elevation.

**Don't:** Disturb the rhythm of windows and doors with different patterns of openings.

**Do:**



**Don't:**



## **Directional Expression.**

Directional expression is conveyed by the dominant axis on the façade of a building and the lines and elements that suggest either a horizontal emphasis or a vertical emphasis. A new building or the addition shall be visually compatible with adjacent buildings or with the original building in terms of its directional expression whether that is horizontal, vertical or non-directional.

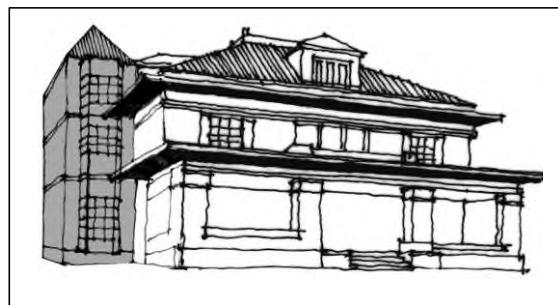
**Do:** Understand the directional expression of the house. This one-story addition that carries through the cornice lines reinforces the horizontal nature of the house.

**Don't:** Contradict the directional expression of the house. This two-story addition with a vertical emphasis conflicts with the house.

**Do**



**Don't:**



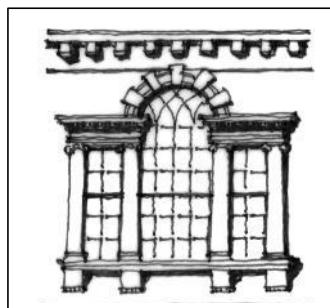
## **Relief.**

Existing buildings often have more relief and texture than their modern counterparts. This can be attributed to the depth of window or door openings; the visual qualities of shadows created by use of porches; setbacks; and the profiles and depth of cornices, moldings, columns, and trim. Additions and new buildings shall reflect this quality.

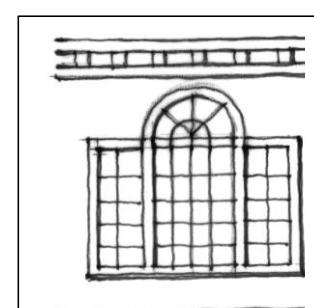
**Do:** Use details on buildings that provide relief and strong shadows on the plane of the façade, as is characteristic of quality construction.

**Don't:** Use off-the-shelf modern equivalents of historic features which often lack the relief and detail that gives character to buildings. These flat elements should be avoided.

**Do:**



**Don't:**



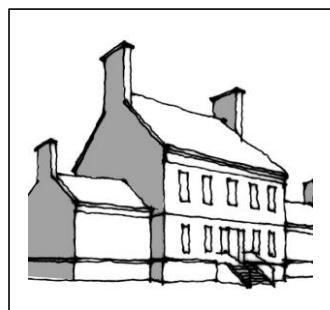
## **Design Features.**

Buildings often contain special, characteristic design features such as porches, piers, pilasters, pediments, rails, balustrades, stepped-end gables, cornices, and unusual chimney types that contribute to the character of the neighborhood. Architectural design of new construction shall take prompts from neighboring examples to ensure compatibility with the neighborhood and to maintain the character of the street.

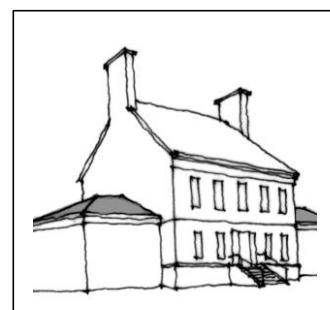
Do: Take cues from the existing building in regard to special design features and details.

Don't: Insert a feature that is inconsistent with the character of the original building.

Do:



Don't:



## **Storefronts and Entryways.**

Storefronts and entryways shall be comprised primarily of glass with masonry and/or wood base, mullions or pillars separating large expanses of windows and entablature. Storefronts and associated signage and lighting shall be in keeping with the character of surrounding buildings and neighborhood.

**Do:** Use proportions, materials, lighting, and signage similar to that of neighboring storefronts that contribute to the existing character of the street. Storefronts in downtown Summit are comprised of large format masonry, wood, metal, and glass.

**Don't:** Use incompatible proportions, materials, lighting, or signage that detract from the existing character of the street or obscure sightlines into the first floor space.

**Do:**



**Don't:**



## **Awnings.**

Awnings shall not obscure architectural features that contribute to the character of the neighborhood or streetscape. Awnings shall be the appropriate scale, materials, and appearance for both the building and the surrounding neighborhood and streetscape.

**Do:** Use fabric awnings with movable valances that attached to the primary façade and do not obscure character-defining architectural features.

**Don't:** Install awnings that disrupt the streetscape and obscure character defining architectural features. Do not install bubble or waterfall awnings.

**Do:**



**Don't:**



## **Historic Districts and Buildings.**

Historic resources shall include historic districts, buildings and structures listed on the National Register Historic Places, the State Register of Historic Places and the City of Summit's local inventory of historic resources. All work performed within historic districts or on historic structures shall be visually compatible with the existing buildings in the neighborhood. Work on historic buildings must not compromise their architectural integrity or their character defining features. New construction or additions shall employ materials used in existing structures in the district in order to maintain visual compatibility. Such materials include but are not limited to: wood siding; brick; stucco, stone, painted and non-reflective metals, glass, aluminum, wrought iron, matte finish ceramic, slate, and terra cotta. When doing repairs or renovations, original materials shall be retained and restored wherever possible. If original materials need to be replaced, they shall be replaced with materials of the same design and substance wherever possible. Covering existing building materials with secondary materials for cosmetic or other reasons shall be avoided whenever possible. Synthetic materials, such as synthetic stucco, shall be avoided whenever possible. Masonry that was originally unpainted shall remain unpainted. Work on historic buildings shall be reviewed based upon the *Standards for Rehabilitation* in the United States Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* prepared by the National Park Service revised in 2017 (<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>).

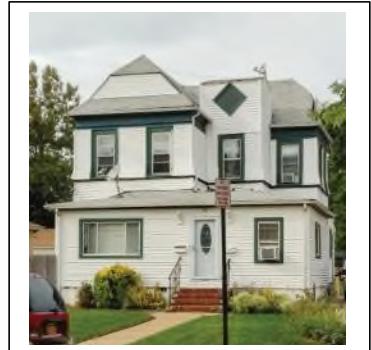
Do: Construct additions to the rear of existing structures using compatible, design, scale, massing and materials.

Don't: Enclose front porches or add additions that are incompatible with the original building.

Do:



Don't



### ***Secretary of the Interior's Standards for Rehabilitation***

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

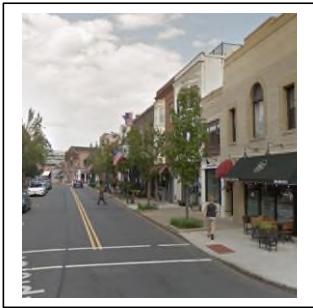
## **Downtown Streetscapes.**

Downtown streetscapes shall have consistent paving, curbing, scored sidewalk patterns, shade trees, signage, lighting, furniture, and receptacles. The City of Summit Purchasing Manual lists approved products for signage, lighting, furniture, trash/recycling receptacles etc.. The City, property owners, developers and designers shall refer to this purchasing manual for approved streetscape appurtenances. Signage shall be consistent in terms of color, style, size, and type when not dictated by agency regulations such as the form of stop signs. Signage should be black and white wherever possible. All traffic lights, metal street furniture, recycling and trash bins shall be black-painted metal. Street light posts shall be pedestrian scaled and shall be consistent in style, height, material, and color, and be placed at roughly even intervals along the street. All trees shall be planted 20' to 25' apart in tree wells to match existing. Any new trees shall be native species and shall provide significant shade to pedestrians.

**Do:** Plant shade trees along sidewalks at 20' to 25' intervals

**Don't:** Use inconsistent signage, lighting and color schemes.

**Do:**



**Don't:**



## **Residential Streetscapes.**

Residential streetscapes shall consist of 3' wide sidewalks bounded by a minimum of a 3' wide or wider landscaped area (tree-lawn) and curb. Native shade trees shall be planted a 20' to 25' apart.

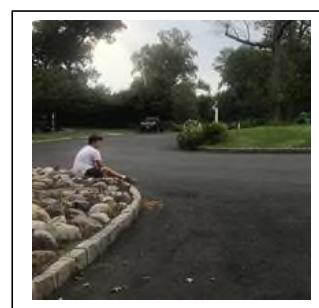
**Do:** Plant native shade trees along residential neighborhood streets.

**Don't:** Pave over tree-lawns in residential neighborhoods.

**Do:**



**Don't:**



## Alleys.

Alleys are used by pedestrians as much or more than by vehicles. The alleys are often the first public space visitors to Summit see after parking. Therefore, alleys should have a distinct paving pattern, enclosed garbage and recycling containers, storefronts wherever feasible, window boxes and/or planters, public rear entries and shade trees along adjacent parking areas.

Do: Create inviting rear entries and storefronts facing alleys.

Don't: Leave alleys unimproved and trash exposed.

Do:



Don't:



## Parking Lots and Driveways.

Parking lots in commercial districts shall have rain gardens, bio swales, and shade trees, pervious pavers when feasible, and light posts to match or that are consistent with those existing in the neighborhood. Provide at least one (1) shade tree for every ten (10) parking places on tree islands within the parking lot.

Do: Include rain swales to collect runoff.

Don't: Make planting beds too small or narrow to sustain trees.

Do:



Don't:



## **Landscaping and Vegetation.**

Projects shall be designed to preserve or improve the existing vegetation, especially mature trees. To the extent possible it shall have a diversity of vegetation, use native plant species, and low maintenance and drought-tolerant species. Even in modest residential projects, opportunities exist to create viable habitats for plants and animals. Planting areas and plants selected can attract pollinators and be bird friendly. When possible, culverted streams shall be restored to a natural state. Look for opportunities to create multiple concurrent benefits, such as family play space and recreational areas along with erosion control and storm water management.

**Do:** Plant native vegetation to help with hydrology, shading and diminishment of heat island effect.

**Don't:** Use invasive or noxious plant material.

**Do:**



**Don't:**



## **Stormwater.**

The City of Summit encourages projects that manage all stormwater on site. Consider using natural landscape elements including bioswales, riparian landscapes, and more trees to filter pollutants and aid infiltration, minimizing the release of runoff into the sewer system. As importantly, try to use pervious paving.

**Do:** Use pervious paving or gravel driveways when possible.

**Don't:** Assume that run-off can safely and effectively drain to the street.

**Do:**



**Don't:**



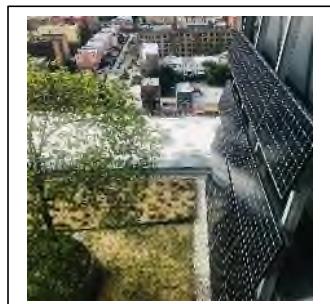
## **Energy.**

The City of Summit encourages projects designed to earn the Energy Star label and to improve energy efficiency. To achieve best energy and greenhouse gas emission performance, try to augment efficiency measures with renewable energy sources such as solar, solar thermal, geothermal, wind, and fuel cells. Look to integrate highly insulated exterior walls and roofs, daylight to minimize electric lighting and natural ventilation where feasible. Taking into account passive tactics and renewable sources used in the project, look at mechanical systems for greenhouse gas emission and energy savings.

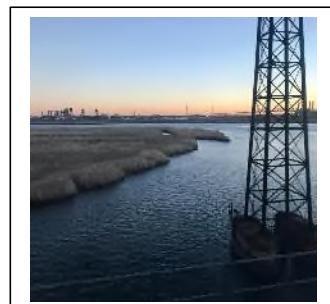
**Do:** Use rooftop solar panels for both residential and commercial projects. For new projects, assure that roof structure and orientation are solar-ready, that is capable of taking the added weight of future photovoltaic panels.

**Don't:** Use mechanical systems that contribute excessively to greenhouse gas emissions and energy consumption.

**Do:**



**Don't:**



## Water Use.

The City of Summit encourages the use of the Environmental Protection Agency's WaterSense water conservation criteria. WaterSense Partnership high-efficiency fixtures should be used for bathroom sink faucets, showerheads, toilets, and urinals. In addition, the project shall utilize landscape irrigation with weather- or sensor-based irrigation control technologies.

Do: Take steps each day to save water and protect the environment by choosing WaterSense labeled product in your home, yard, and business.

Don't: Use: wasteful lawn-irrigation sprinklers that are not controlled by weather-based sensors.

Do:



Don't:



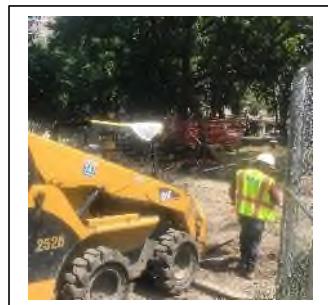
## Construction Waste.

The City of Summit encourages the recycling or re-use of construction and demolition waste.

Do: Use conscientious construction practices in regard to recycling of construction and demolition waste.

Don't: Assume that unused material fragments can be absorbed into landfill.

Do:



Don't



## **Leadership in Energy and Environmental Design (LEED)**

The City of Summit encourages projects that are designed to achieve Leadership in Energy and Environmental Design (LEED) certification. LEED certification was created and is managed by the U.S. Green Building Council (USGBC). LEED provides a framework to create healthy, highly efficient, and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement. LEED exists for buildings as well as for neighborhood development projects.

**Do:** Use LEED certification as a measure of sustainable practice.

**Don't:** Assume that LEED is only for commercial buildings. LEED also exists for residential construction or urban design projects. Similarly, don't assume that sustainability can be achieved without proper attention to a checklist that focuses on energy conservation, material selection, and other green criteria.

**Do:**



**Don't:**

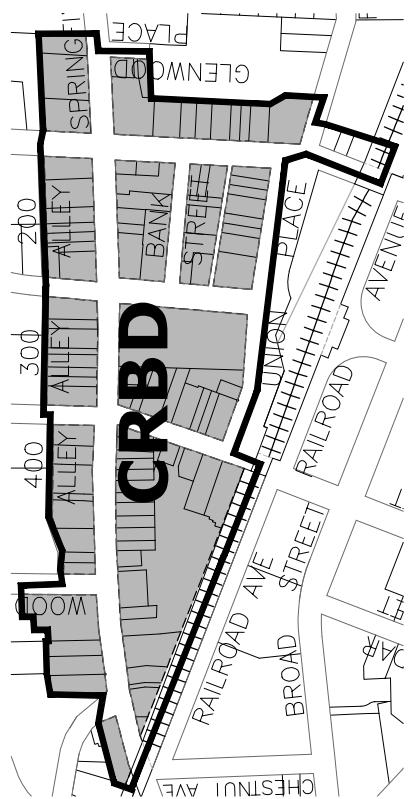




# ZONING MAP

# CITY OF SUMMIT UNION COUNTY, NEW JERSEY

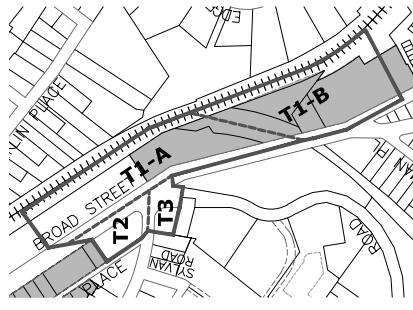
October 20, 1998



## CENTRAL RETAIL BUSINESS DISTRICT



**GATEWAY - 2** BROAD ST WEST REDEV ZONE



GATEWAY - 2

BOROUGH OF CHATHAM  
MORRIS COUNTY

## CHARTHAM COUNTY

A detailed map of a residential area. The main map shows several streets: R-43 running vertically; PASSAIC Street running horizontally; MORRIS Street running diagonally; and TOWNSHIP Drive running diagonally. There are also smaller streets like 14th Street, 15th Street, and 16th Street. A small map in the top right corner shows a larger regional context with labels like "MOUNTAIN", "VALLEY", "HILLS", and "RIVER".

PROD

15

R-43

MF

DRIVE

PIGE

12

R-25 SINGLE FAMILY RESIDENTIAL  
R-15 SINGLE FAMILY RESIDENTIAL  
R-10 SINGLE FAMILY RESIDENTIAL  
R-6 SINGLE FAMILY RESIDENTIAL  
R-5 SINGLE FAMILY RESIDENTIAL



## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – RESIDENTIAL ZONES

(Section 35-9.4)

REQUIREMENTS	R-43	R-25	R-15	R-10	R-6	R-5	RAH-1	MF Apts. <sup>a</sup>	MFT <sup>a</sup>	TH-1	TH-2
Lot Area Min. Sq. Ft.	43,000	25,000	15,000	10,000	6,000	5,000 <sup>b</sup>	7,000	2 acres	5 acres	6 acres	
Density—Units per Acre <sup>h</sup>	NA	NA	NA	NA	NA	NA	NA	12	20	8	4
Lot Width Minimum Ft.	150	100	90	75	60	50	50	150	150	c	c
Front Yard Minimum Ft.	50	35	35	30	25	25	15	50	35	c	c
Rear Yard Minimum Ft.	50	45	45	40	30	30	30	35	35	c	c
Side Yard Min. Ft. Ea. Side	25	17	15	12	8	7	7.5	25 <sup>d</sup>	25	c	c
Total Side Yard Min.	40%	35%	35%	33%	33%	NA	30%	30%	30%	c	c
Lot Coverage Max % <sup>h</sup>	30%	30%	35%	40%	45%	40%	70%	75%	70%	45%	
Bldg. Coverage Max. %	12%	14%	18%	18%	20%	20%	30%	20%	20%	40%	18%
Building Height Max. Ft. <sup>h</sup>	35 <sup>f,g</sup>	35 <sup>f,g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35 <sup>g</sup>	35	48	35	35
Maximum Stories <sup>h</sup>	2	2	2	2	2	2	2	2	4	2.5	2
Floor Area Ratio <sup>h</sup>	25%	25%	25%	25%	35%	35%	40% <sup>e</sup>	40%	60%	NA	30%

NA: Not Applicable

a Townhouses are also permitted, subject to a density of not more than 6 units per acre. In the MFT Zone only, the maximum density for assisted living development shall be 35 units per acre on lots or tracts at least 2 acres in area.

b Two-family houses must have a minimum lot area of 10,000 feet.

c These requirements for Townhouse Zones TH-1 and TH-2 are included in the text at Article XI.

d End units only. Minimum distance between buildings is the building height.

e 40% of first 8,000 sq. ft. 25% of portion in excess of 8,000 sq. ft.

f New construction with a minimum roof pitch of 8/12 shall be permitted a bonus height increase not to exceed 38 ft. in accordance with Section 35-1.1.

g Additions to existing dwellings greater than 35 ft. shall be permitted to match the existing roofline not to exceed 38 ft. where the minimum existing and proposed setbacks are conforming in accordance with Section 35-1.1.

h Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

October 6, 2020

## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – NONRESIDENTIAL ZONES

(Subsection 35-9.4)

REQUIREMENTS	B	B-1	NB	ORC	ORC-1	CRBD	G <sup>1</sup>	LI	PI	PL	PROD	PROD-2	RO60
Lot Area Min. Sq. Ft.	NA	85,000	NA	8,000	10,000	NA	124 Acres	15,000	15,000	NA	85 Acres	15 Acres	60,000
Density—Units per Acre <sup>h</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Lot Width Minimum Ft.	NA	250	NA	75	75	NA	NA	100	100	NA	NA	100	100
Front Yard Minimum Ft.	NA	10 & 100 <sup>j</sup>	NA	25	30	NA	NA	25	25	15 <sup>k</sup>	25 <sup>l</sup>	25	25
Rear Yard Minimum Ft.	NA	NA	NA	25	25	NA	NA	25	25	NA	NA	25	25
Side Yard Min. Ft. Ea. Side	NA	15	NA	10	12	NA	NA	12	12	NA	NA	12	12
Total Side Yard Min. <sup>m</sup>	NA	30	NA	33%	35%	NA	NA	25%	25%	NA	NA	25%	25%
Lot Coverage Max. % <sup>h</sup>	90%	60	90%	75%	50%	NA	3%	70%	90%	NA	70%	60%	65%
Bldg. Coverage Max. %	30%	15	30%	30%	20%	NA	NA	40%	50%	NA	35% <sup>n</sup>	25%	40%
Building Height Max. Ft. <sup>h</sup>	42	35	42	35	35	42	NA	48	48	48 <sup>o</sup>	48 <sup>o</sup>	48	48
Maximum Stories <sup>h</sup>	3	2	3	2	2	3	NA	3	4	3	NA	3 <sup>p</sup>	3
Floor Area Ratio <sup>h</sup>	75%	27%	75%	75%	40%	225%/ 300% <sup>q</sup>	NA	70%	150%	NA	65%*	50%*	60%

NA: Not Applicable

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>i</sup> A minimum perimeter setback of 25 feet shall be provided in lieu of specific "yard" dimensions.

<sup>j</sup> 10 feet on Morris Avenue and 100 feet on Prospect Street.

<sup>k</sup> Elm Street, Maple Street, Morris Avenue frontage only. NA for all other streets.

<sup>l</sup> Passaic Ave. and River Rd. only; minimum 30 feet on Morris Ave. and 50 feet on Madison and Lincoln Aves.

<sup>m</sup> Maximum required for one side yard shall be two times the minimum side yard for each side in feet.

<sup>n</sup> 35% may be increased proportionately to a maximum of 40% as each parking structure is completed.

<sup>o</sup> Building height of 60 feet is permitted in "Height Exemption Area"—See Sections 35-13.16 and 35-13.17.

<sup>p</sup> Building height of 5 stories is permitted in the "Height Exemption Area"— See Section 35-13.17.

<sup>q</sup> In the CRBD, where a building is compliant in terms of use(s), an increase in the floor area ratio from 225% up to or equal to 300% shall be permitted. The Floor Area Ratio calculation shall not include the area associated with the following: structured parking, elevators, and required ADA or code mandated improvements.

\* Parking structures shall be excluded from FAR calculations.

October 6, 2020

## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – GW-I ZONE

(Subsection 35-9.4)

REQUIREMENTS	GW I
Tract Area Min. Sq. Ft. <sup>r</sup>	122,000
Front Yard Setback Min. (DeForest Avenue)	7 feet
Front Yard Setback Min. (Parmley Place)	
South Side	9 feet
North Side	7 feet
Front Yard Setback Min. (Beechwood Road)	
For any structure less than 15 feet in height, including parking structures	
Front Yard Setback Min. (Summit Avenue)	
North of Parmley Place	10 feet
South of Parmley Place <sup>s</sup>	5 feet
Front Yard Setback Min. (Euclid Avenue)	Average 32 feet; however, in no case less than 25 feet
Rear Yard Min. (Adjacent to Block 2607, Lot 7)	40 feet
Tract Coverage Max. <sup>t</sup>	15 feet
Building Height Max. <sup>hwy</sup>	10 feet
Apartments, offices, and mixed-use buildings	80%
Townhouses	
48 feet	
40 feet	
Maximum Stories <sup>h,u</sup>	
Apartments, offices, and mixed-use buildings	4
Townhouses	3
Floor Area Ratio Max. (excluding parking structures) <sup>h</sup>	113.5%
	October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15

<sup>r</sup> Excluding the Parmley Place right-of-way.

<sup>s</sup> Calculation of average and minimum front yard setback on Summit Avenue south of Parmley Place shall not include the setback of the existing building at the corner of Summit Avenue and DeForest Avenue.

<sup>t</sup> Does not include public right-of-way.

<sup>u</sup> The existing building is exempt from setback and height standards.

<sup>v</sup> Parking levels shall not be counted toward overall height limitation.

## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – GW-II ZONE

(Subsection 35-9.4)

REQUIREMENTS	T1-A	T1-B	T2	T3
Tract Area Min. Sq. Ft.	4.5 ac.	4.5 ac.	.25 ac	.25 ac
Max. Density <sup>h</sup>	100 ft. along Broad St.	20 du's acre (up to 29 with bonuses as identified elsewhere)	100 ft. along Broad St.	100 ft. along Broad St.
Tract Width Min.	NA	NA	NA	NA
Tract Depth Min. (sufficient for bulk reqmnts.)	15 ft.	15 ft.	5 ft.	5 ft.
Front Yard Setback Min. (from public street)				
Side Yard Setback Min. (sufficient for circulation, btw property lines or drives & btw bldgs.)		10 ft. from a property line/20 ft. Between Buildings		
Rear Yard Min. (opposite Broad St.)	10 ft.	10 ft.	10 ft.	10 ft.
Impervious Coverage Max. <sup>h</sup>	60%	60%	80%	80%
Building Coverage Max.	40%	40%	40%	40%
Open Space Min. (may include landscape rooftops)	50%	50%	40% of Bld. Coverage whichever is greater*	40% of Bld. Coverage whichever is greater*
Pervious/Porous Min. (at-grade, landscaping)	35%	35%		
Private Open Space	Min. of 100 sq. ft. allocated per unit for either individual unit use or to be use collectively for a designed, pocket park. However, in no case shall a surface pocket park be less than 1,500 sq. ft.	NA	Buffer Requirements	NA
<b>MAX. STORIES &amp; HEIGHT<sup>h</sup></b>				
Townhouse/Brownstone (3 residential)	4 sty/40 ft.	4 sty/40 ft.	4 sty/40 ft.	4 sty/40 ft.
Multi-Family Buildings	4 sty/45 ft.	NA	NA	NA
Multi-Family Buildings**	NA	5 sty/53 ft. <sup>**</sup>	NA	NA
Office	4 sty/55 ft.	NA	4 sty/45 ft.	4 sty/55 ft.
Multifamily or Mixed-Use Building	NA	NA	4 sty/45 ft.	4 sty/45 ft.
NA: Not Applicable				October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

\* For T2 & T3 the open space shall be equal to the building coverage on site. This may include individual open space (decks/patios) and/or rooftop plantings or a green roof. The rooftop space shall be landscaped with permanent vegetation.

\*\* Up to 5 stories are permitted in locations on T1-B as identified in test of subsection 35-13.22D.

## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – MULTIFAMILY/TRANSIT ORIENTED DEVELOPMENT (MF/TOD) ZONE

(Subsection 35-9.4)

REQUIREMENTS	MF/TOD
Lot Area Min.	Residential cluster: 40,000 sf.
Density Max. (DU/AC) <sup>h</sup>	12 DU/A base up to 17 DU/A per bonuses
Density bonus Max. (DU/AC)	See subsection 35-13.8
Lot Width Min.	225 ft.
Front Yard Min./Max.	15 ft./25 ft.
Rear Yard Min.	0
Side Yard Each Min.	10 ft.
Side Yard Total Min.	20 ft.
Lot Coverage Max. % <sup>h</sup>	70%
Bldg. Coverage Max. %	30%
Bldg. Height Max. <sup>h</sup>	35
Maximum Stories <sup>h</sup>	2
Floor Area Ratio Max. <sup>h,w</sup>	65%

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>w</sup> Within buildings in the MF/TOD Zone, floor area encompassing elevator towers, including exterior walls thereof, and all corridors that connect an elevator and a dwelling unit, shall not be included in the calculation of floor area ratio (FAR) provided that the elevator tower and corridor are located in an interior courtyard area.

## APPENDIX C.

### SCHEDULE OF SPACE REGULATIONS – OVERLAY ZONES

(Subsection 35-9.4)

REQUIREMENTS	OL-1	OL-2	OL-3	OL-4	OL-5	OL-6	OL-7
Lot Area Min. (ac)	4.5	0.5	NA	NA	1	0.5	0.75
Density Max. (du/ac) <sup>h</sup>	20	12	12	12	12	12	13.25
Lot Width Min. (ft)	100	75	100	NA	150	75	NA
Front Yard Min. (ft)	15	10	15	NA	25	10	12
Rear Yard Min. (ft)	10	10	20	NA	25	10	12
Side Yards Min. (ft)	10/20	10	10	NA	25	10	12 <sup>x</sup>
Lot Coverage Max. (%) <sup>h</sup>	60%	90%	90%	NA	90%	90%	60%
Bldg. Coverage Max. (%)	40%	30%	30%	NA	30%	30%	30%
Bldg Height Max. (ft) <sup>h</sup>	45	42	42	42	42	42	35
Max. Bldg Ht (Stories) <sup>h</sup>	4	3	3	3	3	3	2
Min. Buffer to Adj. DU (ft)	NA	15	15	NA	NA	10	10

NA: Not Applicable

October 6, 2020

<sup>h</sup> Green building development bonus incentives are available for qualifying development excluding single and two-family dwellings for bonus increases in density, lot coverage, building height and floor area ratio (FAR) in accordance with 35-9.15.

<sup>x</sup> The setback along the former railroad right-of-way shall be permitted to be a minimum of seven (7) feet.

## APPENDIX D: **SIGN MATRIX** (Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(1) RESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Single Family/ Two-Family Residences</i>							
Nameplate	1 sq. ft.	—	1	10 ft. from curbline	No	No	
Home Occupations							No signage shall be permitted for a home occupation.
<i>Multi-Family Residences</i>							
Nameplate (per unit)	1 sq. ft.	—	1	On building	No	No	
Freestanding Identification Sign	1 sq. ft. per unit or 24 sq. ft. aggregate, whichever is less	4	1 for each street frontage	10 ft. from curbline	Yes	External illumination only	
Directional	2 sq. ft.	2	—	10 ft. from curbline	Yes	No	
Home Occupations							No signage shall be permitted for a home occupation.
Regulatory	3 sq. ft.	8	—	10 ft. from curbline	Yes	No	
<i>Institutional Uses</i>							
Building	8 sq. ft.	Not higher than first floor of 17 feet, whichever is less	1	10 ft. from curbline	Yes	No	Lettering shall not exceed 6" in height.
Freestanding	12 sq. ft.	4	1 for each street frontage	10 ft. from curbline	Yes	External illumination only	Lettering shall not exceed 6" in height.
Directional	2 sq. ft.	2	—	25 feet from curbline	Yes	No	

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(1) RESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>TEMPORARY SIGNS</b>							
<i>Real Estate</i>	4 sq. ft.	5	1	10 feet from curbline	No	No	Real estate signs are limited to those offering properties for sale or rental only and must be located on the property.
<i>Institutional</i>	4 sq. ft.	3	1 for each street frontage	25 feet from curbline	No	No	Such sign may be displayed for a period of not more than 15 days before the advertised event and no more than 3 days after the event.
<i>Architects, engineers, builders, painters and similar contractors and tradesman</i>							Not permitted in any residential zone.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that chapter.

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<i>Signs as permitted in residential zones</i>							See residential standards.
<b>PERMANENT SIGNS</b>							
<i>Building Signs</i>							
Directory sign	6 sq. ft.	7	1 per building	25 feet from curbline	Yes	No	The size of the letters shall not exceed 6 inches.
CRBD, NB and Overlay Zone District zones	One sq. ft. for each linear foot of tenant frontage	Not more than the height of the first floor or 17 feet, whichever is less	—	—	Yes	Yes	Buildings signs also include hanging, window, and canopy signs for purposes of total calculation of sign area. Building signs are only permitted on building facades that front a public right-of-way, a public parking lot or an alleyway for which public access is permitted. Permanent signs visible on or through window are included. No single letter, symbol, or device shall exceed a 30 inch square. Each sign shall be at least 3 feet from side lot boundaries and at least 6 feet from other signs.
B, B-1, GW-I & GW-II zones	1.5 sq. ft. for each linear foot of building width	Not more than the height of the first floor or 17 feet, whichever is less	—	—	Yes	Yes	No single letter, symbol, or device shall exceed a 30 inch square. Each sign shall be at least 3 feet from side lot boundaries and at least 6 feet from other signs.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: SIGN MATRIX (Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Building Signs</i>							
LI, PROD, RO, PI, H, PL zones	1.5 sq. ft. for each linear foot of building width or 60 sq. ft., whichever is less	Not more than the height of the first floor or 17 feet, whichever is less	1 per building	—	Yes	External illumination only	No single letter, symbol, or device shall exceed a 30-inch square. Each sign shall be at least 3 feet from side lot boundaries and at least 6 feet from other signs.
ORC	12 sq. ft.	Not more than the height of the first floor or 17 feet, whichever is less	1	—	Yes	External illumination only	No single letter, symbol, or device shall exceed a 30 inch square. Each sign shall be at least 3 feet from side lot boundaries and at least 6 feet from other signs.
<i>Hanging Vertical</i>	6 sq. ft. Also see building signs*	The signs shall be located at least 9 feet above the sidewalk and shall not extend vertically above the window sill of the second story.	1 per tenant	—	Yes	External illumination only	Hanging signs shall only be allowed in the CRBD zone. Hanging signs shall not project more than 3 1/2 feet from the building and must be at a 90 degree angle to the building facade.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Awning/Canopy</i>							
CRBD, B and NB Zones	See building signs*		1	—	Yes	Yes, external illumination only	A canopy sign may be placed on the vertical edge of the canopy, marquee or awning provided that no part of said sign extends more than 1 inch beyond the front edge of the canopy marquee or awning. Signage on the canopy shall be calculated as part of the sign area. The bottom of the awning, canopy or marquee shall be at least 8 ft. above the sidewalk or as required by UCC code.
LI, PROD, RO, PI, H, B-1, PL, ORC, GW-I & GW-II Zones							No canopy signs shall be permitted.
<i>Window</i>							
B, CRBD & NB zones	20% of total glazed area of a storefront or of any individual window also see building signs*	Not more than the height of the first floor, or 17 feet, whichever is less	1 sign per tenant with street frontage		Yes	Yes	No more than one self illuminated window sign shall be placed in any window.
B-1, LI, ORC, PROD, PI, PL, RO, GW-I & GW-II zones							Window signs shall not be permitted.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX** (Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Freestanding</i>							
CRBD							Freestanding signs shall not be permitted.
B, B-1, NB, GW-I, GW-II, ORC and Overlay Zone District zones	6 sq. ft. per business or 30 sq. ft., whichever is less. ORC maximum is 12 square feet	4	1	25 feet from curbline	Yes	External illumination only	The size of the letters shall not exceed 8 inches. The sign shall not be closer than 20 feet to any side boundary line. ORC maximum is 12 square feet.
LI, RO, PL zones	30 sq. ft.	6	1 per building	25 feet from curbline	Yes	External illumination only	The size of the letters shall not exceed 12 inches. The sign shall not be closer than 20 feet to any side boundary line.
Directional (all nonresidential zones)	2 sq. ft.	2		25 feet from curbline	Yes	No	The size of the letters shall not exceed 8 inches. The sign shall not be closer than 20 feet to any side boundary line.
<i>Directory Signs</i>							
CRBD	6 sq. ft.	7	1	N/A	Yes	No	The size of the letters shall not exceed 6 inches. The sign must be located on the building.
All other zones	6 sq. ft.	7	1	25 feet from curbline	Yes	No	The size of the letters shall not exceed 6 inches. The sign may be either free-standing or on the building.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>TEMPORARY SIGNS</b>							
<i>All nonresidential zones, except for public garages and motor vehicle service stations</i>	1 sq. ft. for each linear foot of tenant frontage or 15 percent of the 1st story glass area, whichever is less	Not more than the height of the first floor or 17 feet, whichever is less		On building	Yes	No	A temporary sign shall be permitted for a period of not more than 30 days within a 120-day period. Temporary sign restrictions can be waived for one period per year up to a maximum of 30 days to advertise a special event. The maximum 30-day period cannot be divided or prorated into multiple periods. A no charge application must be filed with the Zoning Officer for a waiver to advertise a special event. In addition, each year the Common Council will review and approve the suspension of temporary sign restrictions for the holiday shopping period of November 1st to December 31st. Community service advertisements shall be exempt. Such sign shall have the date that the sign is installed in the lower left corner, written legibly. No such sign shall be permitted that would, in the opinion of the Zoning Officer, interfere significantly with vehicular or pedestrian traffic. All such signs shall be of professional quality. A temporary sign which does not comply with the time limitations shall become a permanent sign and shall be calculated as part of the permitted sign area.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX** (Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>TEMPORARY SIGNS</b>							
CRBD	2 ft width, 3 ft height	Top of sign max. 42" above grade	1	Displayed against building (parallel or perpendicular) with a max. projection 2 ft from building façade.	Yes (permit required annually by the Ambiance Committee, having a minimum of 3 members of Summit Downtown, Inc.)	No	All such signs must not block any entrances to buildings and must be placed to permit an unobstructed minimum 4 ft sidewalk clear width. All such signs may only be displayed during hours of operation, and must be mounted or otherwise secured for wind stability. Such signs shall only be used to advertise sales, specials, products offered, menus, store events, but shall not be used as an additional sign for the name of the business. No balloons, banners, light boxes, electrification or fluttering bunting shall be permitted. An electronic photograph of all approved signs in place depicting the entire storefront shall be submitted to the Zoning Officer within fifteen (15) days of installation.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX** (Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(2) NONRESIDENTIAL ZONE SPECIFICATIONS</b>							
<b>SPECIAL CATEGORY SIGNS</b>							
<i>Real Estate</i>	4 square feet	4 feet, if freestanding or not more than the height of the first floor or 17 feet, whichever is less	1	25 feet from curbline on the building	No	No	Such sign must be on the property that is for sale or rent.
<i>Institutional Event</i>	6 sq. ft.	4 feet, if freestanding or not more than the height of the first floor or 17 feet, whichever is less	1	25 feet from curbline or on the building	No	No	Such sign may be displayed for a period of not more than 15 days before the advertised event and no more than 3 days after the event. No banner signs are permitted.
<i>Architects, engineers, contractors, builders, painters and similar contractors and tradesmen</i>	12 sq. ft.	6 sq. ft.	1	25 feet from curbline	No	No	To be placed only during construction period. These signs are not permitted in any residential zone.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(3) MOVIE THEATER ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Building</i>	50 square feet per building facade	—	2	—	Yes	Yes	<ul style="list-style-type: none"> <li>1. The signs shall include the name of the theater and incorporate changeable, stationary letters of not more than eight-inch height that display events currently showing or to be shown, with no single letter or symbol larger than thirty inches.</li> <li>2. The signs shall be a style similar to a movie marquee, displayed in a wall-mounted, back-lit configuration projecting not more than twelve inches from the wall, with no letters or symbols permitted on either side of the signs.</li> <li>3. The signs may incorporate a perimeter of bare, incandescent, marquee type bulbs, not to exceed ten watts per bulb, in a single color other than red or green that does not in any way flash, blink or vary in intensity.</li> </ul>

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.

**APPENDIX D:**  
**SIGN MATRIX**  
(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs)	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(3) MOVIE THEATER ZONE SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Building</i>							<p>4. Temporary signs in the form of posters displaying coming or current attractions may be installed on exterior walls of the structure, as follows:</p> <p>a. A maximum of five posters in individual, wall-mounted display cases no larger than thirty-six inches by fifty-six inches, with not more than two of these five posters installed at or near the main entrance.</p> <p>b. The display cases may be internally illuminated only with bulbs that are not visible, shall project not more than six inches from the face of the building; and shall be located between the grade plane and the bottom of the permanent sign on the same wall.</p> <p>5. The area of permitted and temporary theater signs shall not reduce the available area for the signs of other tenants or occupants of the same building, except that the area for any other sign shall be based on one square foot of area for each lineal foot of frontage actually occupied by the other tenant or occupant.</p>

## APPENDIX D: **SIGN MATRIX**

(Subsection 35-14.1S)

Type	Max. Size (sq. ft.) (includes all signs) *	Max. Height (feet)	Max. No.	Min. Setback	Permit Required	Illumination Permitted	Notes
<b>(4) PUBLIC GARAGES AND MOTOR VEHICLE SERVICE STATION SPECIFICATIONS</b>							
<b>PERMANENT SIGNS</b>							
<i>Freestanding</i>	45 sq. ft.	15	2	10 ft. from property line	Yes	Yes	No part of the sign shall be less than 8 ft. above grade and shall be within the property line
<i>Building (over individual entrance doors or bays)</i>	6 sq. ft.		1 per bay or entrance door	—	Yes	No	Such sign shall not exceed 12 inches in height.
<i>Canopy</i>	20% of the area of the facade	—	1 per facade	—	Yes	No	Such sign is permitted if the motor vehicle service station is a condition-ally permitted use in the zone in which it is located.

\*Note that the total calculation of sign area shall include building, hanging, window and canopy signs as regulated by that Chapter.



## APPENDIX E-12

### MINOR SUBDIVISION APPROVAL



#### Submission Checklist City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 13 copies of application form	_____	_____
2. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____
3. 14 copies and one mylar of plat	_____	_____
4. 1 original and 13 copies of property owners list and area map	_____	_____
5. 1 original and 1 copy of completed checklist	_____	_____
6. 1 original and 1 copy of proposed public notice	_____	_____
7. 1 original and 1 copy of the proposed advertisement	_____	_____
8. 2 copies of the completed County planning board application	_____	_____
9. 2 copies of protective covenants, deed restrictions and easements	_____	_____
10. 1 original and 1 copy of drainage calculations	_____	_____
11. 1 original and 1 copy of certification of paid property taxes	_____	_____
12. Application fee and escrow deposit	_____	_____
13. Soil Conservation District certification	_____	_____
14. Letters from utility companies approving proposed utility service and stating who will construct the utility facility	_____	_____
15. Scale 1" = 40' or larger	_____	_____
16. Certified boundary survey by NJ-licensed land surveyor	_____	_____
17. Design and improvements by NJ-licensed professional engineer	_____	_____
18. Sheet sizes 30" x 42"; 24" x 36"; or 17" x 22"	_____	_____
19. Signature blocks for the approving authority, City engineer, and other endorsements required by law	_____	_____
20. Tract boundary lines; municipal boundary lines if within 200 feet	_____	_____
21. Street names	_____	_____

	<b>Applicant</b>	<b>City</b>
22. Lot lines and other site lines and chord bearings, with the distances of all curbs	_____	_____
23. Minimum building setback lines	_____	_____
24. Area of each lot to nearest 1.0 square foot	_____	_____
25. Dimensions (both linear and angular) of exterior tract boundaries based on and calculated from surveyed traversing which has an apparent error of field course of 1:10,000 or better, corrected by accepted balancing methods to final errorless closure	_____	_____
26. Block and lot numbers and proposed street numbers in conformance with City standards and certified by the City Tax Assessor	_____	_____
26. Evidence of all other required governmental approvals	_____	_____

*Applicant—Please do not write below this line*

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On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.

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Administrative Officer



## APPENDIX E-11 MAJOR SUBDIVISION – PRELIMINARY APPROVAL



### Submission Checklist City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 13 copies of the Subdivision application form	_____	_____
2. 1 original and 13 copies of Planning Board application form	_____	_____
3. 14 copies of the plat	_____	_____
4. 1 original and 13 copies of property owners list and area map showing the Zoning District lines and the uses of each property, and any adjoining property in common ownership with the land on which the subdivision is proposed	_____	_____
5. 16 copies of a current survey, showing all improvements, and the lot area, lot lines and exterior boundaries of the tract to nearest 0.01 foot, certified by NJ licensed land surveyor	_____	_____
6. 16 copies of a list identifying any and all required licenses, permits, certificates, or other forms of Federal, State, County or local approval	_____	_____
7. 1 original and 1 copy of completed checklist	_____	_____
8. 1 original and 1 copy of the proposed public notice	_____	_____
9. 1 original and 1 copy of the proposed advertisement	_____	_____
10. 1 original and 1 copy of certification of paid property taxes	_____	_____
11. 2 copies of the completed County planning board application	_____	_____
12. 2 copies of protective covenants, deed restrictions and easements	_____	_____
13. 2 copies of the drainage calculations	_____	_____
14. Application fee and escrow deposit	_____	_____
15. Soil Conservation District certification	_____	_____
16. Letters from utility companies approving proposed utility service and stating who will construct the utility facility	_____	_____
17. Scale 1" = 40' or larger	_____	_____
18. Certified boundary survey by NJ-licensed land surveyor	_____	_____
19. Design and improvements by NJ-licensed professional engineer	_____	_____
20. Sheet sizes 30" x 42"; 24" x 36"; 17" x 22"	_____	_____

	Applicant	City
21. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____
22. Key map with north arrow showing entire subdivision in relation to surrounding areas, including names of principal roads, and at a scale of not less than 1 inch equals 2,000 feet	_____	_____
23. Title block with name of subdivision; any development names previously associated with the application; the name of municipality; tax map sheet number; block and lot numbers; date of preparation and all revision dates; meridian; north arrow; graphic scale	_____	_____
24. Names, addresses, phone numbers, and signatures of owner(s), developer; person preparing the plat(s) including seal; and space for the application number	_____	_____
25. Tract acreage to 0.001 acre; number of lots	_____	_____
26. Lot lines to nearest 1 foot; lot areas to nearest 1.0 square foot Names of all property owners within 200 feet of the extreme limits of the development as disclosed in most recent municipal tax records, and showing adjoining property in common ownership with the land on which the subdivision is proposed.	_____	_____
27. Existing and proposed contours at 2 foot intervals. All elevations related to bench mark on the plan and based on USGS datum	_____	_____
28. Location of existing natural features such as soil types (based on US Soil Conservation Service data); wooded areas; rock outcroppings; views within the development; location of individual trees with caliper of 6 inches or more at 5 feet above ground level	_____	_____
29. Steep slopes, and the percentage of steep slopes to be disturbed (see Part 3)	_____	_____
30. Existing and proposed streams, lakes, ponds, and marsh areas accompanied by the following: a. NJ-DEP approval for any changes or modifications to any running streams proposed for alteration, improvement or relocation b. Cross-sections and profiles of watercourses at appropriate scale showing extent of flood fringe area, top of bank, normal water level; and bottom elevations at the following: (1) All watercourses within or adjacent to the development, and at any point where watercourse crosses a boundary of the development (cross-sections and profiles);	_____	_____

		Applicant	City
	(2) At 50 foot intervals for a distance of 300 feet upstream and downstream of any existing or proposed culvert or bridge within the development (cross-sections);		
	(3) At maximum 100 foot intervals, but at no less than two locations along each watercourse (cross-sections)		
	c. Method of stabilizing slopes and measures to control erosion and siltation; typical ditch sections and profiles		
	d. Total upstream acreage in the drainage basin of any watercourse, including small scale watershed maps for flowing streams, developed from USGS sheets		
	e. Total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in the development that drains to that structure		
	f. Location and extent of all existing and proposed drainage and conservation easements; flood hazard areas; floodway lines		
	g. Location, extent and water level elevation of all existing or proposed lakes or ponds within or not farther than 200 ft. from site		
31.	Plans and computations for storm drainage, including:		
	a. Existing and proposed storm sewer lines within or on lands or roads adjacent to the development and for all required off-site and off-tract drainage improvements, showing size, profile and slope; direction of flow; location of basins, inlets, manholes, culverts and headwalls		
	b. Location and extent of any proposed dry wells; ground water recharge basins; detention basins; flood control devices; sedimentation basins or other water conservation devices		
	c. Full information on disposal of on-site surface drainage, including plans, cross-sections and profiles of streets, storm drains and drainage structures		
32.	Names, locations, and paved and right-of-way widths of all existing and proposed streets, driveways, and bike routes, both in the subdivision and within 200 feet of the subdivision, and any connections between existing and proposed streets, sidewalks, and bike routes		
33.	Street classifications of on-site and off-site streets within 200 feet		
34.	Plans, cross-sections, center-line profiles, tentative grades and details of proposed and existing streets in the tract and within 200 feet, based on USGS datum		
35.	Sight triangles, radii of curblines, crosswalks and street signs		

	<b>Applicant</b>	<b>City</b>
36. Separate curb and sidewalk profiles at street intersections	_____	_____
37. Purpose of existing and proposed easements, streets, and other rights-of-way, including text of deed restrictions	_____	_____
38. Location and description of monuments, existing and proposed	_____	_____
39. Proposed lot lines; existing lot lines to remain or be removed	_____	_____
40. Zoning District and lines; municipal boundary lines when within 200 feet; lots reserved for public use	_____	_____
41. Proposed Blocks and Lots numbered in accord with City standards and certified by the City Tax Assessor	_____	_____
42. Location of existing structures and their uses in the tract and within 200 feet, showing existing and proposed front, rear and side yard setbacks; structures of historic significance	_____	_____
43. All structures to be retained and those to be removed	_____	_____
44. Plans and profiles and proposed layouts of sanitary sewers; storm sewers, erosion control; storm water controls; excavations showing location, size, slope, pumping stations, other details	_____	_____
45. Performance guarantee estimate with itemization of all on-site and off-site improvements	_____	_____

*Applicant—Please do not write below this line*

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On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.

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Administrative Officer



## APPENDIX E-10 MAJOR SUBDIVISION – FINAL APPROVAL



### Submission Checklist City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 13 copies of application form	_____	_____
2. 14 copies of plat	_____	_____
3. 1 original and 13 copies of property owners list and area map	_____	_____
4. 1 original and 1 copy of completed checklist	_____	_____
5. 1 original and 1 copy of the proposed public notice	_____	_____
6. 1 original and 1 copy of the proposed advertisement	_____	_____
7. 2 copies of the completed County Planning Board application	_____	_____
8. 2 copies of protective covenants, deed restrictions and easements	_____	_____
9. 1 original and 1 copy of drainage calculations	_____	_____
10. 1 original and 1 copy of certification of paid property taxes	_____	_____
11. Application fee and escrow deposit	_____	_____
12. Soil Conservation District certification	_____	_____
13. Letters from utility companies approving proposed utility service and stating who will construct the utility facility	_____	_____
14. Scale 1" = 40' or larger	_____	_____
15. Based on certified boundary survey by NJ-licensed land surveyor	_____	_____
16. Design and improvements by NJ-licensed professional engineer	_____	_____

	<b>Applicant</b>	<b>City</b>
17. Sheet sizes 30" x 42"; 24" x 36"; or 17" x 22"	_____	_____
18. Signature blocks for the approving authority, City Engineer, and other endorsements required by law	_____	_____
19. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____
20. Tract boundary lines; municipal boundary lines if within 200 feet	_____	_____
21. Street names	_____	_____
22. Lot lines and other site lines and chord bearings, with the distances of all curves	_____	_____
23. Minimum building setback lines	_____	_____
24. Area of each lot to nearest 1.0 square feet	_____	_____
25. Dimensions (both linear and angular) of exterior tract boundaries based on and calculated from surveyed traversing which has an apparent error or field course of 1:10,000 or better, corrected by accepted balancing methods to final errorless closure	_____	_____
26. Block and lot numbers and street numbers in conformance with City standards and as assigned by the Tax Assessor	_____	_____
27. Evidence of all other required governmental approvals	_____	_____
28. Two copies of the preliminary plat revised to show all conditions and changes required by the approving authority	_____	_____

*Applicant—Please do not write below this line*

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On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.

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Administrative Officer



## APPENDIX E-9 MAJOR SITE PLAN - FINAL APPROVAL



### Submission Checklist City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 15 copies of application form	_____	_____
2. 16 copies of plat	_____	_____
3. 1 original and 15 copies of property owners list and area map showing the Zoning District lines and the uses of each property	_____	_____
4. 16 copies of a current survey, showing all improvements, and the lot area, lot lines and exterior boundaries of the tract to nearest 0.01 foot, certified by NJ licensed land surveyor	_____	_____
5. 1 original and 1 copy of completed checklist	_____	_____
6. 1 original and 1 copy of proposed public notice	_____	_____
7. 1 original and 1 copy of the proposed advertisement	_____	_____
8. 1 original and 1 copy of the certification of paid property taxes	_____	_____
9. 2 copies of the completed County planning board application	_____	_____
10. 2 copies of protective covenants, deed restrictions and easements	_____	_____
11. 2 copies of drainage calculations	_____	_____
12. 16 copies of a list identifying any and all required licenses, permits, certificates, or other forms of Federal, State, County or local approval	_____	_____
13. Application fee and escrow deposit	_____	_____
14. Soil Conservation and District certification	_____	_____
15. Performance guarantee (previously approved by City Engineer)	_____	_____
16. Engineering inspection fees (previously approved by City Engineer)	_____	_____
17. Letters from utility companies approving proposed utility service and stating who will construct the utility facility	_____	_____

	Applicants	City
18. Maps showing portions of utilities and other improvements already installed (on and off-tract) in exact location and elevation	_____	_____
19. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____
20. A certification block or separate certification from the design engineer stating that the engineer has inspected the drainage, erosion, storm water control and excavation work performed in compliance with the preliminary plans, and any remaining work shown on the final plans, and found the City and nearby property interests are protected	_____	_____
21. Signature blocks for the approving authority, City Engineer, and other endorsements required by law	_____	_____
22. Scale 1" = 40' or larger	_____	_____
23. Certified by New Jersey licensed architect or engineer	_____	_____
24. Tract acreage and lot areas to 1.0 square foot	_____	_____
25. Street sizes 30" x 42"; 24" x 36"; 17" x 22"	_____	_____
26. Existing lot lines to be eliminated	_____	_____
27. Existing and proposed contours at 2 foot intervals throughout and within 100 ft. of any building or paved area under review	_____	_____
28. Steep slopes and the percentage of steep slopes to be disturbed (See Part 3)	_____	_____
29. Location of existing structures, buildings and uses, including all dimensions, coverages, parking spaces, setbacks, and yards	_____	_____
30. Location of proposed structures, buildings and uses, including all dimensions, coverages, parking spaces, setbacks, and yards	_____	_____
31. Easements, streets, driveways, sight triangles	_____	_____
30. Key map with north arrow showing entire subdivision in relation to surrounding areas, including names of principal roads, and at a scale of not less than 1 inch equals 2,000 feet	_____	_____
32. Zoning District identification and boundary lines (if any)	_____	_____
33. Variances needed from zoning setbacks or standards	_____	_____
34. Title of the plan; tax sheet number; block and lot; adjoining lots; date (including all revision dates); graphic scale; north arrow	_____	_____
35. Name, address, phone number and signature of owner and of the firm and person preparing the plat with license number and seal	_____	_____

<input type="checkbox"/>	<b>Building and Use Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1.	Size, height, location, arrangement and use of all buildings	_____	_____
2.	Sign locations	_____	_____
3.	Architect's scaled elevations of front, side and rear of buildings	_____	_____
4.	Architect's scaled elevations of signs	_____	_____
5.	Indication of existing buildings to remain or be removed	_____	_____
6.	Written description of proposed uses and operations	_____	_____
7.	Number of employees or members	_____	_____
8.	Number of shifts and maximum employees on each shift	_____	_____
9.	Expected truck and tractor-trailer traffic	_____	_____
10.	Emission of noise, glare, vibration, heat, odor, water	_____	_____
11.	Safety hazards	_____	_____
12.	Anticipated expansion plans incorporated in design	_____	_____
13.	Floor plans for apartment/townhouses with type and number of units	_____	_____
<input type="checkbox"/>	<b>Circulation Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1.	Access streets and street names	_____	_____
2.	Acceleration/deceleration lanes	_____	_____
3.	Curbs, aisles, and lanes	_____	_____
4.	Access points to public streets	_____	_____
5.	Sight triangles; traffic channels; easements; fire lanes	_____	_____
6.	Driveways, number and locations of parking spaces	_____	_____
7.	Number and locations of loading spaces	_____	_____
8.	Pedestrian walks, bikeways and related facilities	_____	_____
9.	Lights, lighting standards, signs and driveways within the tract and within 100 feet of the tract	_____	_____
10.	Sidewalks along all expected paths of pedestrian travel	_____	_____
11.	Cross sections of new streets, aisles, lanes, sidewalks, driveways, and bikeways	_____	_____
<input type="checkbox"/>	<b>Natural Resources Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1.	Existing and proposed wooded areas, buffer areas and/or sodded areas	_____	_____
2.	Ground cover, retaining walls, fencing, signs	_____	_____
3.	Recreation areas, shrubbery, trees and other features	_____	_____
4.	Location and type of constructed improvements	_____	_____
5.	Location, number, species, caliper and plans and trees	_____	_____
<input type="checkbox"/>	<b>Utilities Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1.	Existing and proposed storm drainage and run-off	_____	_____
2.	Open space; common property	_____	_____
3.	Fire, gas, electric, telephone, sewer and water line service proposed or existing, locations and connections	_____	_____
4.	Solid waste collection and disposal methods	_____	_____

	<b>Applicant</b>	<b>City</b>
5. Proposed grades, sizes, capacities and materials	_____	_____
6. Existing and proposed easements acquired or required on-tract or off-tract	_____	_____
7. Copies of legal documents supporting the easements	_____	_____
8. Lighting, including type of fixture; direction; angle; height; and isolux drawings of each source	_____	_____

**Required Changes from Preliminary Approval**

All preliminary site plan requirements and all changes required as a condition of approval of the preliminary site plan are included

\_\_\_\_\_

Administrative Officer

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.



## APPENDIX E-8

### MAJOR SITE PLAN - PRELIMINARY APPROVAL



#### Submission Checklist City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 15 copies of application form	_____	_____
2. 16 copies of plat	_____	_____
3. 1 original and 15 copies of property owners list and area map showing the Zoning District lines and the uses of each property, and any adjoining property in common ownership with the land on which the subdivision is proposed	_____	_____
4. 16 copies of a current survey, showing all improvements, and the lot area, lot lines and exterior boundaries of the tract to nearest 0.01 foot, certified by NJ licensed land surveyor	_____	_____
5. 1 original and 1 copy of completed checklist	_____	_____
6. 1 original and 1 copy of proposed public notice	_____	_____
7. 1 original and 1 copy of the proposed advertisement	_____	_____
8. 2 copies of the completed County planning board application	_____	_____
9. 2 copies of protective covenants, deed restrictions and easements	_____	_____
10. 2 copies of drainage calculations	_____	_____
11. 16 copies of a list identifying any and all required licenses, permits, certificates, or other forms of Federal, State, County or local approval	_____	_____
12. 1 original and 1 copy of certification of paid property taxes	_____	_____
13. Application fee and escrow deposit	_____	_____
14. Soil Conservation District certification	_____	_____
15. Scale 1" = 40' or larger	_____	_____
16. Tract acreage and lot areas to 1.0 square foot	_____	_____
17. Sheet sizes 30" x 42"; 24" x 36"; 17" x 22"	_____	_____
18. Existing lot lines to be eliminated	_____	_____

		<b>Applicant</b>	<b>City</b>
19.	Existing and proposed contours at 2 foot intervals throughout and within 100 ft. of any building or paved area under review	_____	_____
20.	Steep slopes, and the percentage of steep slopes to be disturbed (see Article 9)	_____	_____
21.	Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____
		<b>Applicant</b>	<b>City</b>
22.	Location of existing and proposed structures, buildings and uses, including all dimensions, coverages, parking, setbacks, yards	_____	_____
23.	Easements, streets, driveways, sight triangles	_____	_____
24.	Key map showing general location within the City	_____	_____
25.	Zoning District identification and boundary lines (if any)	_____	_____
26.	Zoning setbacks, coverage standards, and variances, if any	_____	_____
27.	Title of the plan; tax sheet number; block and lot; adjoining lots; graphic scale; north arrow; date (including all revision dates)	_____	_____
28.	Name, address, phone number and signature of owner and of the firm and person preparing the plat with license number and seal	_____	_____
<input type="checkbox"/>	<b>Building and Use Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1.	Size, height, location, arrangement and use of all existing and proposed buildings	_____	_____
2.	Sign locations	_____	_____
3.	Architect's scaled elevation of front, side and rear of buildings	_____	_____
4.	Architect's scaled elevations of signs	_____	_____
5.	Indication of existing buildings to remain or be removed	_____	_____
6.	Written description of proposed uses and operations	_____	_____
7.	Number of employees or members	_____	_____
8.	Number of shifts and maximum employees on each shift	_____	_____
9.	Expected truck and tractor-trailer traffic	_____	_____
10.	Emission of noise, glare, vibration, heat, odor, water	_____	_____
11.	Safety hazards	_____	_____
12.	Anticipated expansion plans incorporated in design	_____	_____
13.	Floor plans for apartment/townhouses with type and number of units	_____	_____

<input type="checkbox"/> <b>Circulation Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Access streets and street names	_____	_____
2. Acceleration/deceleration lanes	_____	_____
3. Curbs, aisles, and lanes	_____	_____
4. Access points to public streets	_____	_____
5. Sight triangles; traffic channels; easements; fire lanes	_____	_____
6. Driveways, number and locations of parking spaces	_____	_____
7. Number and locations of loading spaces	_____	_____
8. Pedestrian walks, bikeways and related facilities	_____	_____
9. Lights, lighting standards, signs and driveways within the tract and within 100 feet of the tract	_____	_____
10. Sidewalks along all expected paths of pedestrian travel	_____	_____
11. Cross sections of new streets, aisles, lanes, sidewalks, driveways, and bikeways	_____	_____
<input type="checkbox"/> <b>Natural Resources Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Existing and proposed wooded areas, buffer areas and/or sodded areas	_____	_____
2. Ground cover, retaining walls, fencing, signs	_____	_____
3. Recreation areas, shrubbery, trees and other features	_____	_____
4. Location and type of constructed improvements	_____	_____
5. Location, number, species, caliper of plants and trees	_____	_____
<input type="checkbox"/> <b>Utilities Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Existing and proposed storm drainage and run-off	_____	_____
2. Open space; common property	_____	_____
3. Fire, gas, electric, telephone, sewer and water line service proposed or existing locations and connections	_____	_____
4. Solid waste collection and disposal methods	_____	_____
5. Proposed grades, sizes, capacities and materials	_____	_____
6. Existing and proposed easements acquired or required on-tract or off-tract	_____	_____
7. Copies of legal documents supporting the easements	_____	_____
8. Lighting, including type of fixture; direction; angle; height; and isolux drawings for each source	_____	_____

*Applicant—please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.

\_\_\_\_\_ **Administrative Officer**



## APPENDIX E-7

### MINOR SITE PLAN - FINAL APPROVAL

#### Submission Checklist

City of Summit, Union County, NJ

Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. 1 original and 15 copies of Minor Site Plan application form	_____	_____
2. 1 original and 15 copies of the Planning Board application form	_____	_____
3. 16 copies of the plat	_____	_____
4. 1 original and 15 copies of property owners list and area map	_____	_____
5. 16 copies of a current survey, showing all improvements, and the lot area, lot lines and exterior boundaries of the tract to the nearest 0.01 foot, certified by NJ licensed land surveyor	_____	_____
6. 16 copies of a list identifying any and all required licenses, permits, certificates, or other forms of Federal, State, County or local approval	_____	_____
7. 1 original and 1 copy of a completed checklist	_____	_____
8. 1 original and 1 copy of the proposed public notice	_____	_____
9. 1 original and 1 copy of the proposed advertisement	_____	_____
10. 1 original and 1 copy of certification of paid property taxes	_____	_____
11. 2 copies of the completed County Planning Board application	_____	_____
12. 2 copies of protective covenants, deed restrictions and easements	_____	_____
13. 2 copies of the drainage calculations	_____	_____
14. Application fee and escrow deposit	_____	_____
15. Soil Conservation District certification	_____	_____
16. Letters from utility companies approving proposed utility service and stating who will construct the utility facility	_____	_____
17. A certification block or separate certification from the design engineer stating that the drainage, erosion and storm water control and other similar work shown on the plans protects both the City and nearby property interests	_____	_____
18. Signature blocks for the approving authority, City Engineer, and other endorsements required by law	_____	_____
19. Scale 1" = 40' or larger	_____	_____

		<b>Applicant</b>	<b>City</b>
20.	Certified by New Jersey licensed architect or engineer	_____	_____
21.	Tract acreage and lot areas to 1.0 square feet	_____	_____
22.	Sheet sizes 30" x 42"; 24" x 36"; 17" x 22"	_____	_____
23.	Existing lot lines to be eliminated	_____	_____
24.	Existing and proposed contours at 2 foot intervals throughout and within 100 ft. of any building or paved area under review	_____	_____
25.	Location of existing and proposed structures, buildings and uses, including dimensions, coverages, parking spaces, setbacks and yards	_____	_____
25a.	Steep slopes and the percentage of steep slopes to be disturbed (see Part 3)	_____	_____
26.	Easements, streets, driveways, sight triangles	_____	_____
27.	Key map showing general location of the parcel within the City	_____	_____
28.	Zoning District identification and boundary lines (if any)	_____	_____
29.	Variances needed from zoning setbacks or standards	_____	_____
30.	Title of plan; tax sheet number; block and lot; adjoining lots; date (including all revision dates); graphic scale; north arrow	_____	_____
31.	Name, address, phone number and signature of owner and of the firm and person preparing the plat	_____	_____
32.	Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

<input type="checkbox"/> <b>Building and Use Plan Sheet(s)</b>		<b>Applicant</b>	<b>City</b>
1.	Size, height, location, arrangement and use of all buildings	_____	_____
2.	Sign locations	_____	_____
3.	Architect's scaled elevations of front, side and rear of buildings	_____	_____
4.	Architect's scaled elevations of signs	_____	_____
5.	Indication of existing buildings to remain or be removed	_____	_____
6.	Written description of proposed uses and operations	_____	_____
7.	Number of employees or members	_____	_____
8.	Number of shifts and maximum employees on each shift	_____	_____
9.	Expected truck and maximum employees on each shift	_____	_____
10.	Emission of noise, glare, vibration, heat, odor, water	_____	_____
11.	Safety hazards	_____	_____
12.	Anticipated expansion plans incorporated in design	_____	_____
13.	Floor plans for apartment/townhouses with type and number of units	_____	_____

<input type="checkbox"/> <b>Circulation Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Size, height, location, arrangement and use of all buildings	_____	_____
2. Acceleration/deceleration lanes	_____	_____
3. Curbs, aisles, and lanes	_____	_____
4. Access points to public streets	_____	_____
5. Sight triangles; traffic channels; easements; fire lanes	_____	_____
6. Driveways, number and locations of parking spaces	_____	_____
7. Number and locations of loading spaces	_____	_____
8. Pedestrian walks, bikeways and related facilities	_____	_____
9. Lights; lighting standards, signs and driveways within the tract and within 100 feet of the tract	_____	_____
10. Sidewalks along all expected paths of pedestrian travel	_____	_____
11. Cross sections of new streets, aisles, lanes, sidewalks, driveways, and bikeways	_____	_____
<input type="checkbox"/> <b>Natural Resources Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Existing and proposed wooded areas, buffer areas and/or sodded areas	_____	_____
2. Ground cover, retaining walls, fencing; signs	_____	_____
3. Recreation areas, shrubbery, trees and other features	_____	_____
4. Location and type of constructed improvements	_____	_____
5. Location, number, species, caliper of plants and trees	_____	_____
<input type="checkbox"/> <b>Utilities Plan Sheet(s)</b>	<b>Applicant</b>	<b>City</b>
1. Existing and proposed wooded areas, buffer areas and/or sodded areas	_____	_____
2. Open space; common property	_____	_____
3. Fire, gas, electric, telephone, sewer and water line service	_____	_____
4. Solid waste collection and disposal methods	_____	_____
5. Proposed grades, sizes, capacities and materials	_____	_____
6. Existing and proposed easements acquired or required on-tract or off-tract	_____	_____
7. Copies of legal documents supporting the easements	_____	_____
8. Lighting, including type of fixture; direction; angle; height; and isolux drawings for each source	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete.

\_\_\_\_\_ **Administrative Office**



## APPENDIX E-6 CONDITIONAL USE APPLICATION

Submission Checklist for Planning Board

City of Summit, Union County, NJ  
(Subsection 35-3.14)



Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Conditional use \_\_\_\_\_ D.R.O. Section \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	Applicant	City
1. Original and 15 copies of Conditional Use application form	_____	_____
2. Original and 15 copies of the Planning Board application form	_____	_____
3. Original and 15 copies of narrative description of project. The description must include the number of employees or users of the property; the zoning requirements for the conditional use; and how the proposed conditional use meets these requirements.	_____	_____
4. Original and 1 copy of this completed checklist	_____	_____
5. Application fee and escrow deposit	_____	_____
6. Original and 15 additional application packages and checklists for the applicable documents listed below:		
a. Minor Site Plan	_____	_____
b. Major Site Plan—Preliminary	_____	_____
c. Major Site Plan—Final	_____	_____
d. Major Subdivision—Preliminary	_____	_____
e. Major Subdivision—Final	_____	_____
7. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete.

\_\_\_\_\_ Administrative Office



**APPENDIX E-5**  
**INFORMAL TECHNICAL REVIEW COMMITTEE**  
**MEETINGS CHECKLIST**

City of Summit, Union County, NJ



Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. Original and 7 copies of application form	_____	_____
2. Original and 7 copies of narrative description of project	_____	_____
3. 7 copies of informal plat	_____	_____
4. Original and 1 copy of this completed checklist	_____	_____
5. Application fee and escrow deposit	_____	_____
6. Scale 1" = 100' or larger	_____	_____
7. Tract acreage and lot areas	_____	_____
8. Existing and proposed street and lot layout	_____	_____
9. Existing and proposed lot lines and setback lines	_____	_____
10. Existing lot lines to be eliminated	_____	_____
11. Contours based on U.S.G.S. data	_____	_____
12. Approximate location of existing streams, brooks, drainage rights-of-way and the direction of flow; location of steep slopes (see Part 3); wetlands and swamps	_____	_____
13. Approximate location of and distances between existing and proposed structures, buildings and uses, parking, loading, on-site circulation, driveways, wooded areas, approximate on-site or on-tract stormwater detention facilities; water and sewer service	_____	_____
14. Tax sheet, block, lot, adjoining lots, date, graphic scale, north arrow	_____	_____
15. Zoning District(s)	_____	_____
16. Key map with north arrow showing entire development and its relationship to surrounding areas	_____	_____
17. Name, address, phone number and signature of owner, the developer, and the person preparing the plat	_____	_____
18. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete.

Administrative Office



**APPENDIX E-4**  
**CONCEPT PLAN FOR SUBDIVISIONS CHECKLIST**  
City of Summit, Union County, NJ



Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. Original and 13 copies of application form	_____	_____
2. Original and 13 copies of narrative description of project	_____	_____
3. 14 copies of informal plat	_____	_____
4. Original and 1 copy of this completed checklist	_____	_____
5. Application fee and escrow deposit	_____	_____
6. Scale 1" = 100' or larger	_____	_____
7. Tract acreage and lot areas	_____	_____
8. Existing and proposed street and lot layout	_____	_____
9. Existing and proposed lot lines and setback lines	_____	_____
10. Existing lot lines to be eliminated	_____	_____
11. Contours based on U.S.G.S. data	_____	_____
12. Approximate location of existing streams, brooks, drainage rights-of-way and the direction of flow; location of steep slopes (see Part 3); wetlands and swamps	_____	_____
13. Approximate location of and distances between existing and proposed structures, buildings and uses, parking, loading, on-site circulation, driveways, wooded areas, approximate on-site or on-tract stormwater detention facilities; water and sewer service	_____	_____
14. Tax sheet, block, lot, adjoining lots, date, graphic scale, north arrow	_____	_____
15. Zoning District(s)	_____	_____
16. Key map with north arrow showing entire development and its relationship to surrounding areas	_____	_____
17. Name, address, phone number and signature of owner, the developer, and the person preparing the plat	_____	_____
18. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete.

Administrative Office



## APPENDIX E-3 CONCEPT PLAN FOR SITE PLANS CHECKLIST

City of Summit, Union County, NJ



Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

**NOTE:** Applicants may request a waiver from providing any individual checklist requirement subject to review and approval by the approving authority.

	<b>Applicant</b>	<b>City</b>
1. Original and 13 copies of application form	_____	_____
2. Original and 13 copies of narrative description of project	_____	_____
3. 14 copies of informal plat	_____	_____
4. Original and 1 copy of this completed checklist	_____	_____
5. Application fee and escrow deposit	_____	_____
6. Scale 1" = 100' or larger	_____	_____
7. Tract acreage and lot areas	_____	_____
8. Existing and proposed street and lot layout	_____	_____
9. Existing and proposed lot lines and setback lines	_____	_____
10. Existing lot lines to be eliminated	_____	_____
11. Contours based on U.S.G.S. data	_____	_____
12. Approximate location of existing streams, brooks, drainage rights-of-way and the direction of flow; location of steep slopes (see Part 3); wetlands and swamps	_____	_____
13. Approximate location of and distances between existing and proposed structures, buildings and uses, parking, loading, on-site circulation, driveways, wooded areas, approximate on-site or on-tract stormwater detention facilities; water and sewer service	_____	_____
14. Tax sheet, block, lot, adjoining lots, date, graphic scale, north arrow	_____	_____
15. Zoning District(s)	_____	_____
16. Key map with north arrow showing entire development and its relationship to surrounding areas	_____	_____
17. Name, address, phone number and signature of owner, the developer, and the person preparing the plat	_____	_____
18. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete.

Administrative Office



**APPENDIX E-2**  
**ZONING BOARD APPLICATION CHECKLIST**  
City of Summit, Union County, NJ



Name of applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Approval requested:  Appeal zoning officer decision  Interpret Ordinance or Map  
 Bulk variance  Use variance

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Zoning Board of Adjustment* for instructions.

	Applicant	City
1. Original and 12 copies of application form	_____	_____
2. Original and 12 copies of narrative description of project	_____	_____
3. Original and 12 copies of plat/property survey, showing the existing and proposed building setbacks	_____	_____
4. Original and 12 copies of proposed structure, including interiors	_____	_____
5. Grading plan	_____	_____
6. Thirteen copies of the zoning officer's decision (If applicable)	_____	_____
7. Thirteen copies of the area map of properties within 200 feet, showing each of the following items:		
a. <u>street numbers</u>	c. <u>north arrow</u>	
b. <u>date and graphic scale</u>	d. <u>Zone district</u>	
e. <u>uses of each property within 200 ft.</u>	_____	_____
8. Original and 12 copies of the certified list of owners of property within 200 feet.	_____	_____
9. Original copy of evidence of paid property taxes	_____	_____
10. Original copy of the proposed notice to owners within 200'	_____	_____
11. Original copy of the proposed advertisement	_____	_____
12. Subdivision submittal (If applicable)	_____	_____
13. Site plan submittal (If applicable)	_____	_____
14. Original copy of this completed checklist	_____	_____
15. Application fee and escrow deposit	_____	_____
16. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff.	_____	_____

*Applicant - Please do not write below this line*

On \_\_\_\_\_, this submittal was deemed complete \_\_\_\_\_ incomplete \_\_\_\_\_.

## Administrative Office



**APPENDIX E-1**  
**PLANNING BOARD APPLICATION CHECKLIST**  
City of Summit, Union County, NJ



Name of applicant \_\_\_\_\_ Date \_\_\_\_\_

Address of property \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Approval requested:  Appeal zoning officer decision  Interpret Ordinance or Map  
 Bulk variance  Use variance

**NOTE:** This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.

**NOTE:** You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Planning Board* for instructions.

*Applicant - Please do not write below this line*

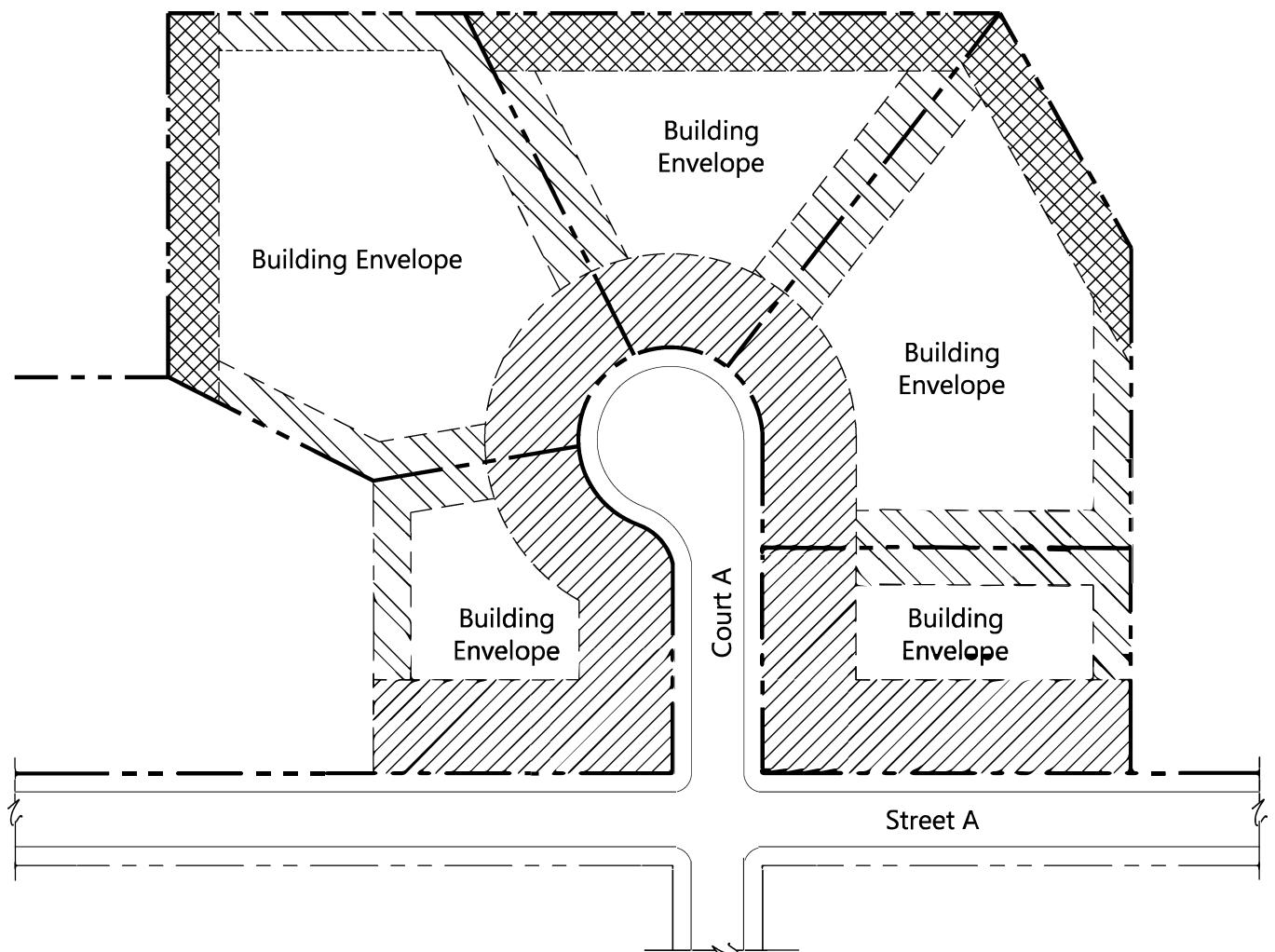
On \_\_\_\_\_, this submittal was deemed complete        incomplete       .

## Administrative Office

# Appendix F

## Diagram A

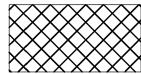
### Yard Definitions and Building Envelopes



Front Yard



Side Yard

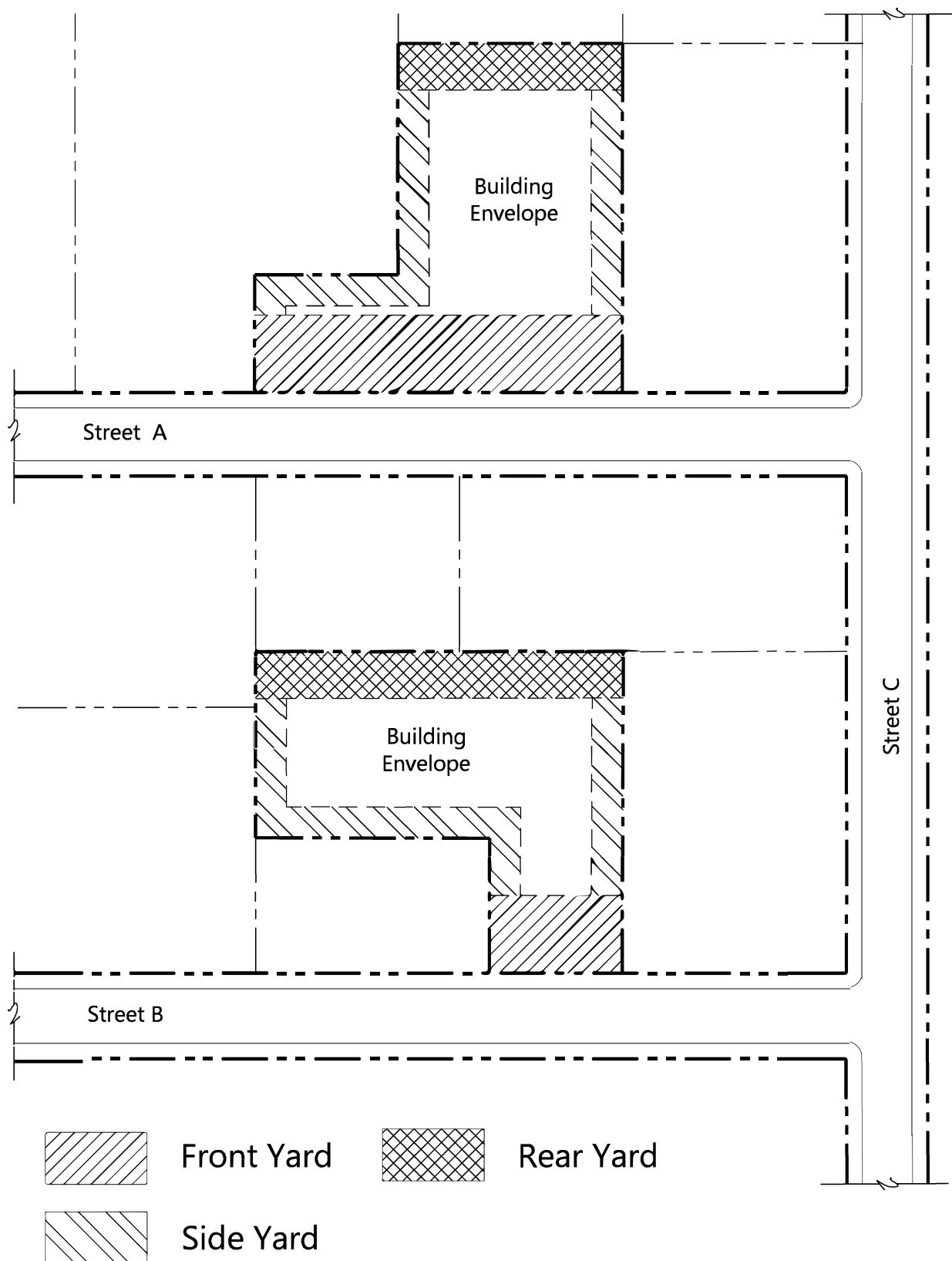


Rear Yard

# Appendix F

## Diagram B

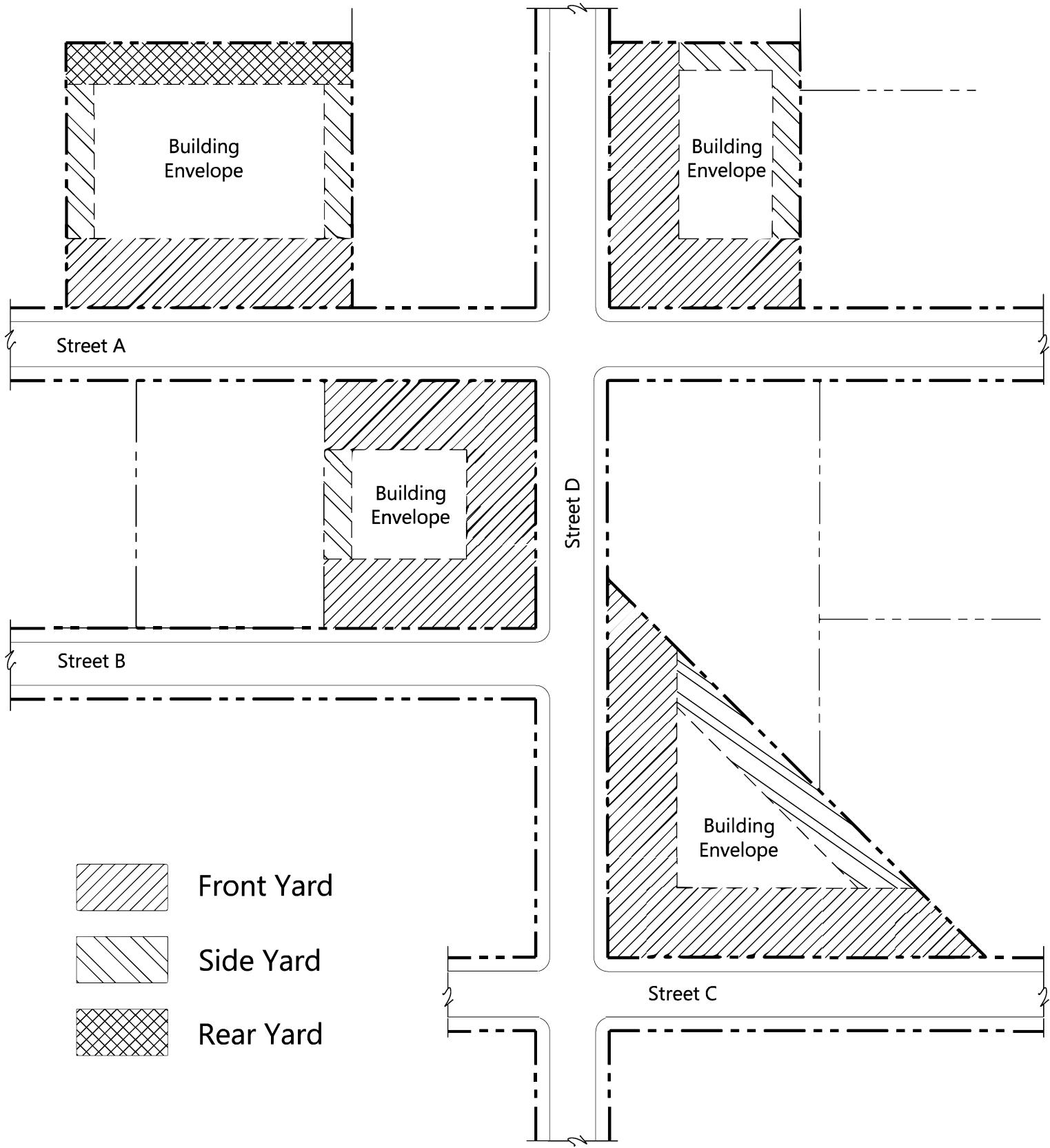
### Yard Definitions and Building Envelopes



## Appendix F

### Diagram C

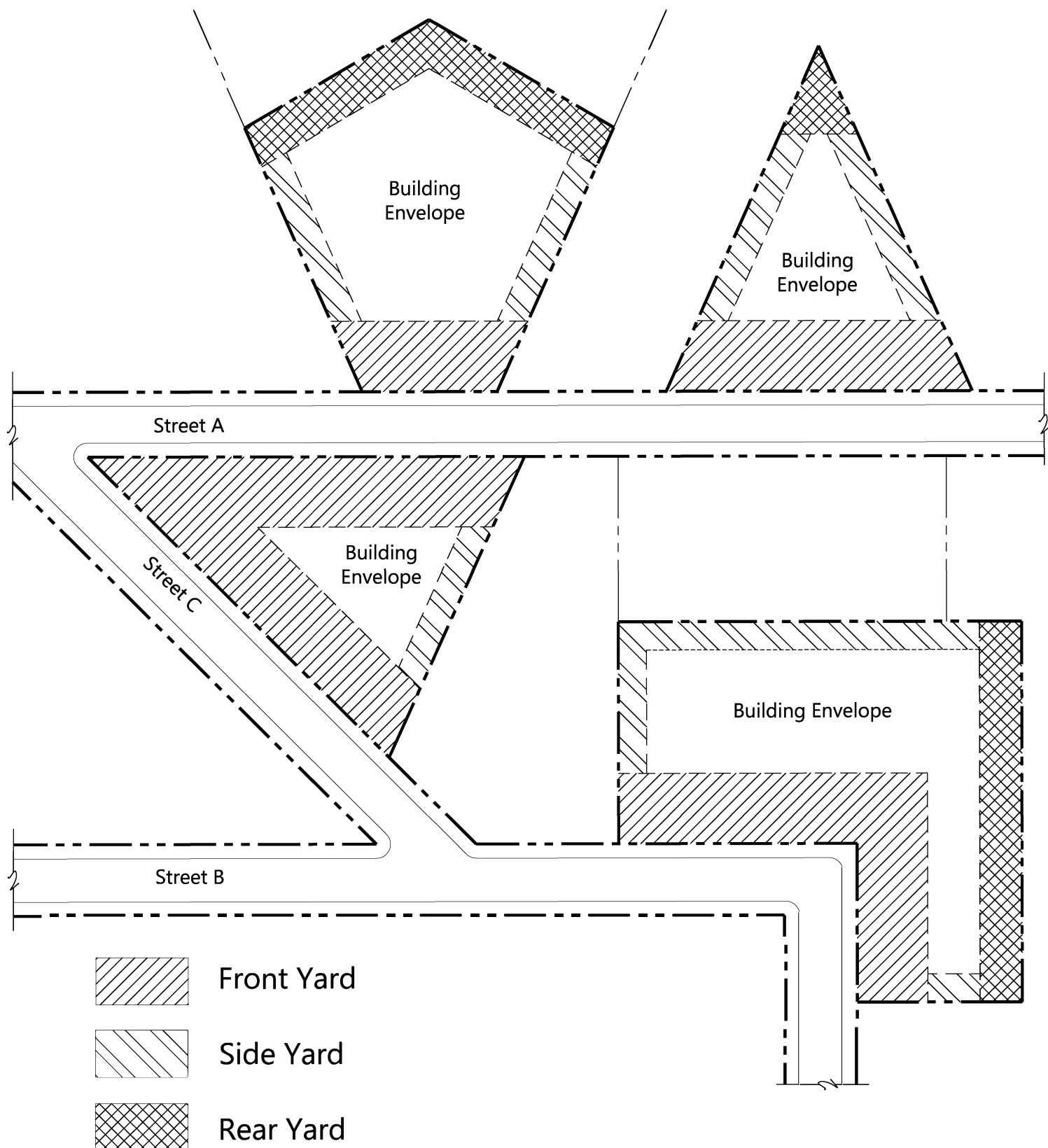
### Yard Definitions and Building Envelopes



# Appendix F

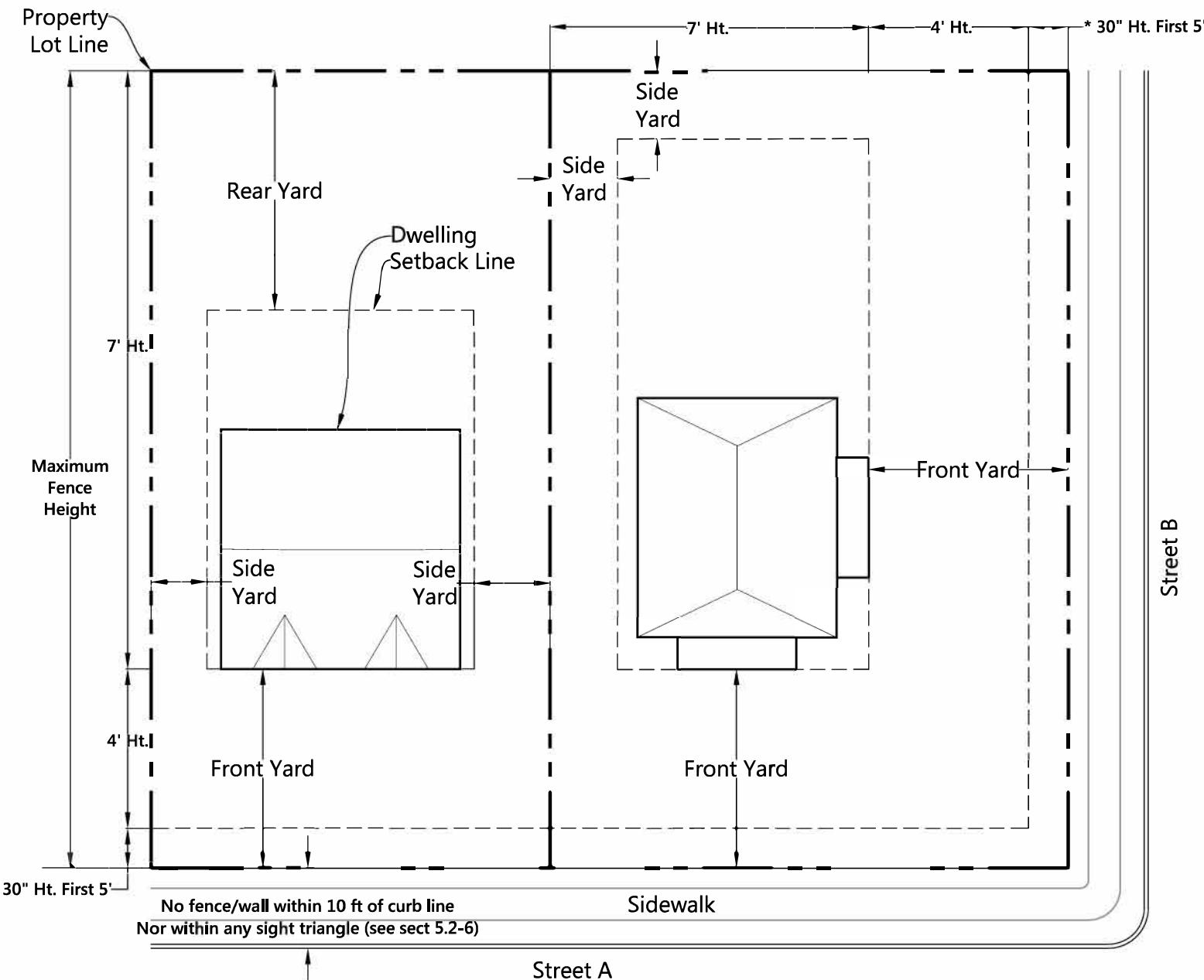
## Diagram D

### Yard Definitions and Building Envelopes



## Appendix G

### Fence Guidelines - Interior and Corner Lots



\*30 inch max. height for solid or semi-solid fence for open type fence.  
The top shall be not more than 4 ft. above grade.



REVISIONS
1
2
3
4
5
6

400

200

100

PAGE: n/a

FLD. BK.: n/a

5

6

3115

CHKD: JKA

SCALE: 1" = 100'

0/05

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4

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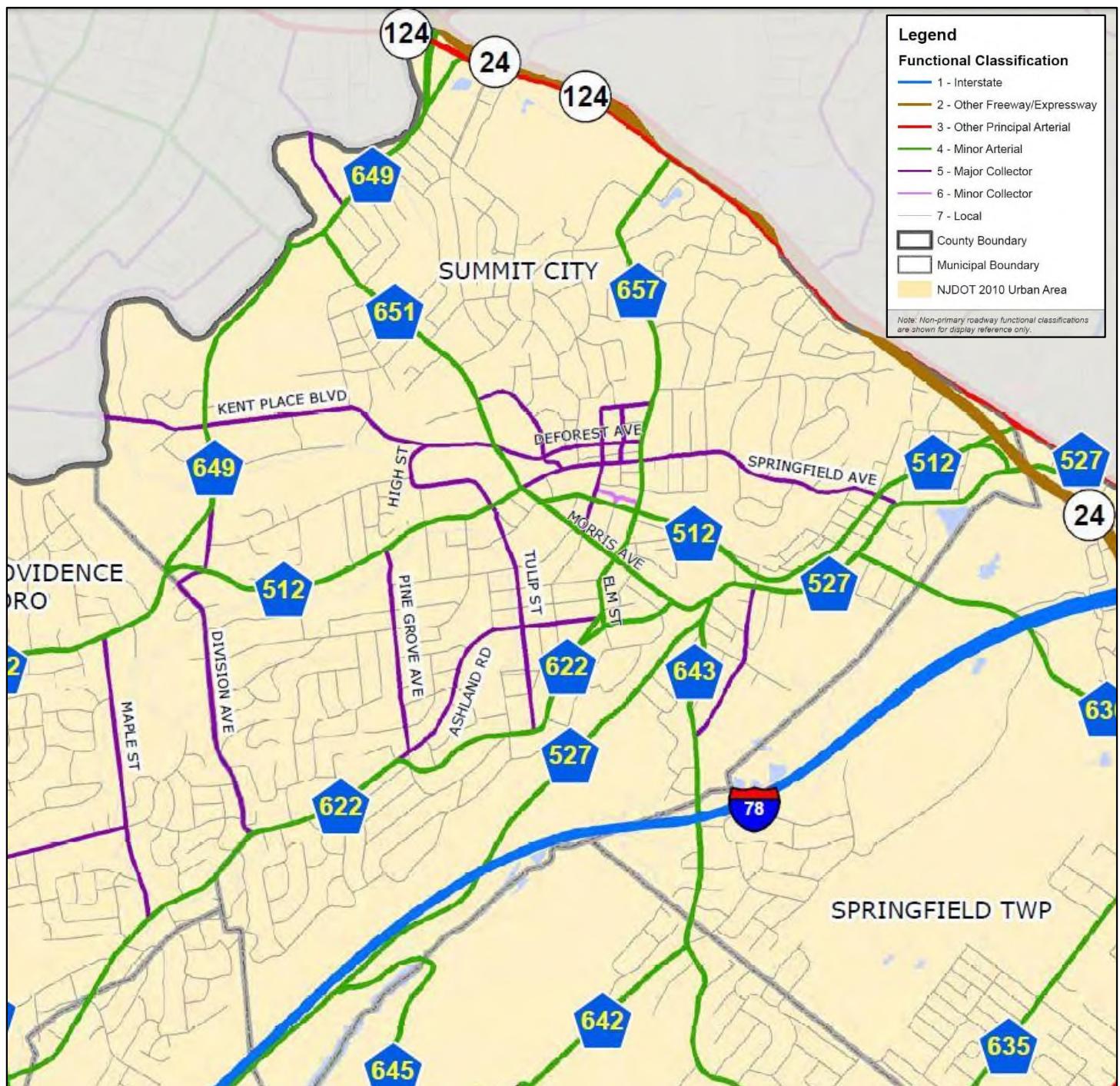
103-83

W	WATER VALVE
G	GAS VALVE
U	UNKNOWN VALVE
M	CATCH BASIN
E	METAL COVER
D	ELECTRIC BOX
D	DOUBLE DOOR
G	GARAGE DOOR
P	PARKING METER
S	SPOT ELEVATION
C	CLEAN OUT
T	TREE
B	BENCH MARK
S	SIGN
P	POLE
A	ANCHOR POLE
B	BOLLARD
S	STORM DRAIN
C	SANITARY
G	COMBINED SEWER
C	CABLE TV TONE OUT
G	GAS TONE OUT
W	WATER TONE OUT
E	ELECTRIC TONE OUT
T	TELEPHONE TONE OUT
S	STEAM TONE OUT
U	UNKNOWN TONE OUT
X	UNKNOWN UTILITY TONE OUT
N	FENCE (TYPE AS NOTED)
W	OVERHEAD WIRE
U	GUIDE RAIL (TYPE AS NOTED)
TTTTT	TREE LINE
•	PROPERTY/RIGHT-OF-WAY LINE
X	REFERENCED UTILITY LINE (TYPE AS NOTED)-PLOTTED FROM EXISTING MAPPING
A	EXCEPTION FROM NOTE 2
⑩	PARKING STALL COUNT



# APPENDIX I – NJDOT ROAD CLASSIFICATION MAP

## CITY OF SUMMIT, UNION COUNTY



Source: NJDOT 2010 Functional Classification Map, Union County, revised February 28, 2017.