

Ordinance #:	03-2561
Introduction Date:	5/6/03
Hearing Date:	5/20/03
Passage Date:	5/20/03

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE TO ESTABLISH THE 1998 DEVELOPMENT REGULATIONS ORDINANCE," passed October 20, 1998 and as amended and supplemented. (*Lot grading and drainage controls*)

WHEREAS, the Planning Board adopted a Master Plan in November 2000; and

WHEREAS, the Master Plan "recommended that building permit regulations include a grading plan requirement for all new construction and/or renovation".

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

Section 1. That the above entitled ordinance shall be amended and supplemented by a new **Section 5-9A GRADING AND SOIL EROSION CONTROLS**, as follows:

5.9A GRADING AND SOIL EROSION CONTROLS

5.9A-1. 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.

a. 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.

b. No land area shall be disturbed by any person or entity such that:

- (1) The rate of storm water runoff occurring at the area is increased over what occurs prior to the disturbance.
- (2) The drainage of adjacent areas is adversely affected.
- (3) Soil erosion during and after development is increased over what naturally occurs.
- (4) Soil absorption and ground water recharge capacity of the area is decreased below what occurs there under existing conditions.
- (5) The natural drainage pattern of the area is altered in a significantly adverse manner.
- (6) The grade and/or elevation of the site is altered contrary to Section 5.10-4.

c. The following standards and requirements shall be read in conjunction with the overall standards and requirements found in Section 5.6, DRAINAGE, and Section 5.15A REGULATIONS FOR DEVELOPMENT WITHIN STEEP SLOPE AREAS.

5.9A-2. Grading permit required.

a. 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.

b. Exemptions from requirement.

(1) Any development which has received site plan or subdivision approval from the Planning Board or Board of Adjustment, provided, however, that individual lots for one or two-family dwellings included within any approved subdivision shall not be exempt.

(2) Land disturbance of less than 600 square feet, and land disturbance for the purpose of constructing an addition less than 600 square feet to an existing single-family dwelling, 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. The City Engineer may waive the requirement for a permit and/or a grading plan based on the specific land disturbance and site conditions.

d. All properties exempt from a grading permit, or for which the City Engineer grants a waiver, are subject to Section 5.9A-1.

5.9A-3. Grading plan preparation and contents

a. The lot grading and soil erosion control plan shall be prepared by a land surveyor or professional engineer or landscape architect licensed by the State of New Jersey.

b. The plan must detail how all requirements of Section 5.9A-1b will be met. If the site currently has a drainage problem as the result of previous development, the plan must also propose a method to address these existing conditions.

c. Two copies of the plan shall be submitted to the City Engineer together with two copies 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 after review.

d. The lot grading and soil erosion and sediment control plan shall contain the following information:

(1) Date

(2) North arrow; scale; block and lot number of the subject property (or properties); name and address of record owner; name, address, license number and seal of the person preparing the plan.

(3) Complete lot boundary line information based on a current survey prepared by a New Jersey licensed land surveyor.

- (4) Building setback lines, lines of existing streets, easements affecting the property and any areas dedicated to public use.
- (5) Location of existing and proposed buildings and structures, if any, including walls, fences, culverts and bridges. Spot elevations as to all such structures shall be provided. Structures to be removed shall be indicated by dashed lines.
- (6) 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.
- (7) Spot elevations for slopes of 0% to 5%, and existing contours at one -foot intervals where slopes are greater than 5% and less than 10%, and five-foot intervals where slopes are 10% or greater. Existing contours shall be shown by dashed lines.
- (8) Proposed contours with similar intervals. Proposed contours shall be shown by solid lines. All changes in grade proposed on site or adjacent to the building must be delineated on the grading plan.
- (9) Location of existing rock outcroppings, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant natural features.
- (10) Driveways, roads, curbs, sidewalks and other paved areas, along with the proposed use of land, buildings and other structures.
- (11) Existing and proposed utility locations.
- (12) Landscaping plans showing existing vegetation to remain and all areas to be seeded or planted. Size and type of proposed trees and shrubs shall be indicated. All trees eight inches DBH (diameter at 4.5 feet from ground) or greater shall be shown.
- (13) 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.
- (14) Such other information as may be required by the City Engineer in order to determine that the requirements of this section have been met.
- (15) Narrative describing the existing conditions and any proposed improvements as a result of the change in grade.

5.9A-4. Time for Action.

The City Engineer shall review and approve, conditionally approve or deny the lot grading permit application within 30 days of the date on which a complete application is submitted. Otherwise, the application for a grading permit shall be deemed to be approved.

5.9A-5. Grading permit fee.

Each applicant for a grading permit under this section shall submit a review fee payable to the City of Summit in the amount of \$100.

5.9A-6. Construction requirements.

a. 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.

b. The applicant shall notify the City Engineer prior to commencing construction, and at such other times as may be required in the grading permit approval.

c. 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.

d. 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.

5.9A-6. Enforcement Officer.

The requirements of this ordinance shall be enforced by the City Engineer who shall inspect or require inspection of the work.

a. The City Engineer may order correction or modification of any conditions found that were not as stated in any 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.

b. 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.

c. The City Engineer may seek such other penalties as provided in Article 10.

Section 2. That **Subsection 5.24 Exemptions of Section 5.24 SOIL EROSION AND SEDIMENT CONTROL** of the above entitled ordinance, shall be deleted:

~~5.24-2 Exemptions~~

~~_____ The following activities are specifically exempt from the Soil Erosion and Sediment Control provisions:~~

~~_____ a. Land disturbance associated with the construction of a single family house unless such house is a part of a proposed subdivision, site plan, zoning variance, or construction permit application involving two or more such single family houses.~~

~~_____ b. Land disturbance of 5,000 square feet or less of the surface area of land for the accommodation of construction for which the standard Building Code of the State of New Jersey would require a construction permit.~~

~~_____ c. Use of land for gardening primarily for home consumption.~~

~~_____ d. Percolation tests and/or soil borings.~~

Section 3. That **Section 5.10 HEIGHT** of the above entitled ordinance, shall be amended to add a new subsection as follows:

5.10-4 For any new building or for any addition over 600 square feet in area, the grade plane existing at the adoption of Section 5.9A GRADING AND SOIL EROSION CONTROLS 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.

Section 4. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision invalidated, and the remainder of this ordinance shall be valid and enforceable.

Section 5. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. This Ordinance shall be effective upon final passage and publication according to law.

Dated: May 20, 2003

I, David L. Hughes, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, May 20, 2003.

Approved:

Mayor

City Clerk