

ORDINANCE NO. 2018-04

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING”
AS IT PERTAINS TO LOCATION AND SETBACK OF POOLS**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13-7.3 entitled “Coverages” paragraph D. is hereby amended as follows:

- d. The ratio of the sum of the building footprint area and the areas of a swimming pool taken with adjacent at-grade walkways (timber or other material) and patios within three (3) feet of the pool to the upland lot area shall not exceed forty-three (43%) percent.

Section 2. **At the public hearing, Section 13-17.5, paragraph c. was corrected, changes noted below.**

Section 13-17.5 entitled “Swimming Pools.” paragraphs a. and c. are hereby amended as follows:

- a. *Plan Requirements.* Plans shall accurately show dimensions in construction of pools and appurtenances and properly establish distances to property lines, buildings, walks, required pool coping and fences; details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed plans of structures, vertical elevations, and sections through the pool showing depth shall be included. Plans for a pool ten (10) feet wide or smaller are required to show a three (3) foot wide coping along three sides of the pool. Plans for pools with a width of greater than ten (10) feet are required to show a three (3) foot wide coping along all sides of the pool. The required coping will be used in the maximum calculation for pool coverage.
- c. *Locations.* Swimming pools no higher than twelve (12) inches from grade shall not be any closer than ten (10) feet from any side yard, and shall not be any closer than five (5) feet from the rear property line and shall not be any closer than ten (10) feet from the bulkhead line from Barnegat Bay, lagoons, coves, and other bodies of water. There shall be a minimum distance of eight (8) feet between a pool and a primary structure. Minimum distance of five (5) feet is required between a ~~pool~~ *primary structure* and an accessory structure.

Any accessory structure requires a minimum distance of three (3) feet to the pool. Refer to Section 13-7.7 Accessory Buildings for other requirements.

Swimming pools shall be prohibited between a primary structure and any street or easement provided that the section is used as the main access point to the property.

Section 2A. **At the public hearing the following amendment to the introduced ordinance was added for clarity.**

Section 13-17.5 entitled “Swimming Pools.” paragraphs e. is hereby supplemented as follows:

- e. Distance measurements for pools are taken from the pool’s water line.

Section 3. Section 13-17.8 entitled “Zoning Requirements and Lot Coverage.” is hereby amended as follows:

See Section 13-7.3d, permitted coverage with a swimming pool.

The total square footage of all structures above twelve (12) inches above grade on a given building lot may not exceed thirty-three (33%) percent of the total square footage of that building lot. The primary structure, all accessory buildings, the swimming pool, and required copings (walkways) around the pool shall not cover more than forty-three (43%) percent of the total square footage of the lot.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 6. This Ordinance shall take effect upon final adoption after publication in accordance with law.

EFFECTIVE DATE: April 9, 2018