

**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. 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.
- b. *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 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 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.

## NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **March 2, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **March 20, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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Daina Dale, Municipal Clerk