

**ORDINANCE NO. 2017-17**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “ZONING” AS IT PERTAINS TO DEFINITIONS OF EASEMENTS**

**BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, as follows:**

Section 1. Section 13-3 entitled “Definitions” is hereby amended by supplementing the following definitions in alphabetical order:

*Easement, Pedestrian Access* shall mean access easements used for pedestrian traffic to gain access through a private property. No building or structure, whether principal or accessory shall be closer than eight (8) feet to the pedestrian access easement line.

*Easement, Private Access* shall mean an easement created for the purpose of providing vehicular or pedestrian access across one property to another.

*Easement, Utility* shall mean the right-of-way acquired by a utility or governmental agency or local utilities, included but not limited to water, sewer, stormwater and gas mains, telephone and electric poles, cables, pylons, and towers. Utility easements are not required to meet minimum setback requirements for zoning purposes.

*Easement, Vehicular* also known as Right-of-Way Easement shall mean an easement created for the purpose of vehicular ingress and egress. No portion of a vehicular easement can be included in required setbacks. Setbacks shall be measured from the easement line.

Section 2. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

Section 3. 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: July 7, 2017