

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING” AS IT PERTAINS TO POOL FEATURES

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

Section 1. Section 13-17.5 of the Code of the Borough of Harvey Cedars entitled “Swimming Pools.”, paragraph c. entitled “Locations” is hereby repealed in its entirety and readopted as follows:

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 primary structure and an accessory structure. Accessory pool features such as benches, firepits, pool waterfall features, and alike shall only be permitted within a side yard setback of a pool as long as such features are no more than twenty-four (24) inches in overall height and not exceeding a width of twenty-four (24) inches. Pool features’ side yard setback shall be a minimum of eight (8) feet.

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. Where a pool placement is permitted into a required front yard, the setback shall be the same as it would be for a side yard.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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.

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 **April 1, 2022**. 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 **April 18, 2022** 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.

Daina Dale, Municipal Clerk