

ORDINANCE NO. 2020 - 13

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING VARIOUS
SECTIONS OF CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED "LAND USE".**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

SECTION 1. Chapter 55 of the Township Code entitled "Land Use" and specifically Section 55-166 thereof entitled "Location and As-Built Plan Requirements", paragraph A is hereby amended and supplemented as follows:

- A. Two (2) sets of the proposed location plans and specifications for the structure or pool, including the areas surrounding the pool, including but not limited to any surrounding patio or deck. Such plans and specifications shall be under the seal of a Professional Engineer or Land Surveyor licensed by the State of New Jersey or, if not prepared by such Engineer or Land Surveyor, accompanied by the appropriate affidavit of the owner in those cases which such practice is permitted. Three (3) sets of architectural plans signed and sealed by an Architect licensed in the State of new Jersey or where permitted under the New Jersey Uniform Construction Code by the owner of the property.

The map prepared shall contain the following:

- (1) Unchanged
- (2) Unchanged
- (3) Unchanged
- (4) Unchanged
- (5) Unchanged
- (6) Unchanged
- (7) Unchanged
- (8) Unchanged
- (9) Unchanged
- (10) Unchanged
- (11) Unchanged
- (12) Unchanged
- (13) Unchanged
- (14) Unchanged
- (15) Unchanged

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B. Unchanged

C. Final As-Built Plan. Prior to the issuance of a Certificate of Occupancy, the Zoning Officer shall require four (4) copies of a certified As-Built Plan to be submitted, signed and sealed by a New Jersey Professional Land Surveyor. No fax submissions will be accepted in lieu of the required plan. For all site plans and major subdivisions, the plans submitted for a request for Certificate of Occupancy shall be reviewed by the Township Engineer, who will, in addition to said review, cause an on-site inspection and submit a written report to the Zoning Officer and/or Construction Code Official as to the status of all improvements required and as-built conditions that conform satisfactorily to the approved plans and a recommendation regarding whether or not a Certificate of Occupancy may be issued.

The plan shall be accompanied by a certification from a New Jersey Licensed Professional Land Surveyor certifying the plan has been prepared by him or herself and includes all the hereinafter-listed items.

Said Certification shall further set forth that the proposed grading and floor elevation that are proposed will not detrimentally impact any adjoining owner. If applicable, that said plan conforms to approved site grading plan or, if not, that the changes are not significant to the approval and will in no way further impact adjoining properties and, further, that the plan provides for the proper on-site runoff and the grading is adequate to prevent ponding, severe erosion, and positive drainage away from the building construction. This plan shall be reviewed and approved by the Township Engineer prior to issuance of Certificate of Occupancy.

The map prepared shall contain the following:

- (1) Unchanged
- (2) Unchanged
- (3) Unchanged
- (4) Unchanged
- (5) Unchanged
- (6) Unchanged
- (7) Unchanged
- (8) Unchanged
- (9) Unchanged
- (10) Unchanged
- (11) Unchanged
- (12) Unchanged
- (13) Unchanged
- (14) Unchanged
- (15) Unchanged

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- (16) Unchanged
- (17) Unchanged
- (18) Unchanged
- (19) Unchanged
- (20) Unchanged
- (21) Unchanged

D. Unchanged

E. Exceptions

- (1) Unchanged
- (2) Unchanged

For the above exceptions, the following certification shall be required from the property owner, “Any adverse draining impacts on adjacent properties shall be the sole responsibility of the property owner.”

F. Unchanged

SECTION 2. Chapter 55 of the Township Code entitled “Land Use”, specifically section 55-183 entitled “Swimming Pools” is hereby amended and supplemented as follows:

- A. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. The pool shall meet the yard requirements for accessory buildings in the district in which it is located, except that if the pool is located in the front yard, the pool and, including the areas surrounding the pool, including but not limited to any surrounding patio or deck, shall be set back twice the distance from the street line than is required for the principal building.
- B. Pools shall otherwise be installed, operated, and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment fencing; noise; and lighting. A pool permit shall be obtained from the Building Official.

SECTION 3. Chapter 55 of the Township Code entitled “Land Use”, specifically Attachment 2 entitled “Schedule of Area, Yard and Building Requirements East of Parkway”, is amended and supplemented to include a ninth footnote immediately following “Side Yard” reading follows:

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9. For all zones, both above-ground and in-ground pools shall have a side yard setback of 10 feet, including the proposed areas surrounding the pool, including but not limited to any surrounding patio or deck.

SECTION 4. Chapter 55 of the Township Code entitled “Land Use”, specifically Attachment 3 entitled “Schedule of Area, Yard and Building Requirements West of Parkway”, is amended and supplemented to include a fifth footnote immediately following “Side Yard” reading follows:

5. For all zones, both above-ground and in-ground pools shall have a side yard setback of 10 feet, including the proposed areas surrounding the pool, including but not limited to any surrounding patio or deck.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 hereof.

SECTION 7. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 1st day of September, 2020, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 5th day of November, 2020, at 6:30 PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC, Clerk
Township of Barnegat

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