

**ORDINANCE NO. 2021- 1**

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN AND STATE OF NEW JERSEY  
AMENDING SECTIONS OF CHAPTER 55 OF THE  
TOWNSHIP CODE ENTITLED "LAND USE" AND  
SPECIFICALLY THE SIDE AND REAR YARD SETBACK  
REQUIREMENTS.**

**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 Attachment 2 entitled "Schedule of Area, Yard and Building Requirements East of Parkway", is amended and supplemented to revise the ninth footnote thereof, and specifically the ninth footnote shall apply to "Side Yards" and "Rear Yards" of "Accessory Buildings" and said footnote shall read as follows:

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

**SECTION 2.** 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 revise the fifth footnote thereof, and specifically the fifth footnote shall apply to "Side Yards" and "Rear Yards" and said footnote shall read as follows:

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

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08753

**SECTION 4.** 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 5.** 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 2<sup>nd</sup> day of February, 2021, at 10:00 a.m. and will be considered for second and final passage at a meeting of the Township Committee to be held on the 6<sup>th</sup> day Of April, 2021, at 6:00\_P.M. 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.

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**MICHELE RIVERS, RMC**, Clerk  
Township of Barnegat

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