

TOWNSHIP OF WALL

ORDINANCE NO. 9-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 140 OF "THE LAND USE AND DEVELOPMENT REGULATIONS" PERTAINING TO SWIMMING POOLS

WHEREAS, the Township of Wall regulates land use and development within the Township of Wall, by and through Chapter 140 of the Code of the Township of Wall; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

Section 1. Chapter 140, Land Use and Development Regulations is hereby amended as follows (*new language is bold, underlined, and italicized* and ~~deleted language is stricken through~~):

Chapter 140-17. Definitions.

SWIMMING POOL, PRIVATE: A swimming pool *that has the ability to contain water more than 24 inches in depth* located on and accessory to a single-family lot with a residence on it, and said pool is utilized with no admission charges and not for the purpose of profit.

Chapter 140-204. Pools on Single-Family Residential Properties.

*Private swimming* pools on single-family residential properties shall be subject to the following regulations:

- A. *For property setback purposes, the setback shall be measured from the permanent walkway or patio adjacent to the pool to the lot line.*
- B. On residential properties on 20,000 square feet or less, a pool shall be set back in rear and side yard areas a minimum distance of ~~five~~ *7.5* feet inclusive of pumps, filters, and other mechanical attachments.
- C. On residential properties larger than 20,000 square feet, a pool shall be set back in rear and side yard areas a minimum distance of 10 feet inclusive of pumps, filters and other mechanical attachments.
- D. One poolside cabana shall be permitted on a residential lot on which there exists a swimming pool pursuant to this chapter. Cabanas shall be no higher 16 feet and one story, shall be setback a minimum of 10 feet from the pool walls, and shall comply with the following additional requirements:

Lot Size (square feet)	Maximum Cabana Size (square feet)	Side and Rear Yard Setback (feet)
Up to 19,999	100	5
20,000 to 59,999	180	10
60,000 or more	220	25

- E. All private swimming pools shall be enclosed by fencing or a barrier pursuant to the 2006-~~current~~ International Residential Code adopted by the UCC and all revisions thereto.
- F. No pool shall be constructed within 10 feet of any building foundation, except that this section shall not apply to an aboveground, self-contained hot tub or spa equal to or less than 75 square feet in area and 42 inches in depth.
- G. A temporary fence shall be installed and maintained when pool excavation has commenced. A permanent fence as required by this chapter shall be installed within 30 days of the completion of the first building inspection of the pool.
- H. All above ground pool pumps, filters, and other mechanical attachments shall be thoroughly screened to minimize visibility from public streets and adjacent properties by a continuous evergreen buffer or solid fence in compliance with the buffer requirements of this chapter.

Chapter 140-194. Lot Coverage for Impervious Surfaces.

The maximum lot coverage for all impervious surfaces in each zone shall be as specified on the attached Schedule of Zone Requirements. Coverage of any lot by surfaces which have been compacted or covered by any structure or any manufactured coverage system that impedes infiltration of water shall be limited such that the ratio of impervious surfaces compared with the area of the lot shall not exceed the limits established for the zone. The area subject to such limitations shall include all parking and loading areas, driveways and roadways whether covered by an impervious or pervious material. Fifty (50) percent of the surface of the pool as measured along the perimeter of the water's edge shall be considered impervious for the purposes of calculating lot coverage for impervious surfaces.

Chapter 140-195. Yards.

- A. The minimum yard depths in each zone shall be as specified on the attached Schedule of Zone Requirements.
- B. Every part of a required yard shall be open and unobstructed from the ground upward except as follows:
  1. Ordinary projections of principal or accessory buildings allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, may project not more than 24 inches into required yard areas.
  2. An open and unscreened entrance porch leading to the basement, cellar or first floor not more than 10 feet in width may project not more than six feet, not including steps, into a required front yard area, provided the floor of the porch is within three feet of the adjoining ground level.
  3. On residential properties of 20,000 square feet or less, an open and unroofed patio or deck not more than three two feet above ground level may extend into a required side or rear yard to within 40 7.5 feet of a side or rear property line. On residential properties larger than 20,000 square feet, an open and unroofed

patio or deck not more than two feet above ground level may extend into a required side or rear yard to within 10 feet of a side or rear property line. This restriction shall not apply to walks or driveways ground level, or fabricated ground cover, which may be constructed in any yard.

4. Structures limited to utility or lighting poles and fixtures, traffic control and directional signs and supporting structures, and pedestrian shelters and benches may be located within required yard areas.
  5. Driveways and *independent* walkways *not associated with a pool* may be located within required yard areas.
  6. Parking and driveway facilities may be located in any yard except where specifically prohibited but shall not be closer than five feet from any property line.
  7. A Bilco® door or stairwell accessing a basement not more than three feet above finished grade level may extend not more than eight feet into a side or rear yard, provided a minimum ten-foot setback from side and rear property lines is maintained.
- C. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which the property is located. For residential through lots, the area of the lot generally considered and designated the rear yard for accessory use and appurtenant accessory structures shall be considered the rear yard for zoning and land use purposes, except that the front yard setback for the applicable zone shall be maintained for all structures, including fences, along the associated right-of-way. No driveway access shall be permitted and no driveway shall be constructed within this yard area.

**Section 2.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**Section 3.** This Ordinance may be renumbered for codification purposes.

**Section 4.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**Section 5.** This Ordinance shall take effect upon final passage and publication as provided by law.

**Introduced:** June 26, 2019

**Adopted:** July 24, 2019

**Attest:**   
Roberta Lang, RMC  
Township Clerk

**Approve:**   
Kevin P. Orender  
Mayor

**NOTICE AND SUMMARY OF ORDINANCE NO. 9-2019**

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The purpose of this Ordinance is to amend Wall Township's land use requirements concerning swimming pools.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on June 26, 2019, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on July 24, 2019 at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or on our website [www.wallnj.com](http://www.wallnj.com) under Legal Notices.

ROBERTA LANG  
MUNICIPAL CLERK