

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC  
ORDINANCE 2022-08**

**AN ORDINANCE AMENDING CHAPTER 167 – ZONING, OF THE BOROUGH OF  
LONGPORT, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

**NOW THEREFORE BE IT ORDAINED** by the Commissioners of the Borough of Longport, County of Atlantic and State of New Jersey as follows:

**SECTION 1.** Amend Section 167-20B(1) to add the underlines and delete the strikethrough:

B(1) ~~An in-ground private residential swimming pool area must be surrounded by a fence of six feet in height.~~ All fencing for private swimming pools, hot tubs or spas shall conform with Section 167-26A. Fences or any portion thereof in excess of six feet are specifically prohibited. ~~See Section 167-26 for additional standards.~~ All measurements shall be made on the outside of the fence from the average existing grade of the ~~adjoining~~ property, or of the adjoining property if located on the property line.

**SECTION 2.** Amend Section 167-20B(5) to add the underlines and delete the strikethrough:

B(5) All fencing within the front yard setback, which shall include the front property line and both side lot lines, as required by the district regulations, shall not be higher than four feet to top of fencing. Posts not greater than six inches by six inches, and spaced not less than six feet apart, may be permitted to extend not more than 12 inches above the permitted height. All fencing between posts must be of a material that is at least 50% open. Walls in lieu of fencing shall not be permitted along any property line within the front yard setback. Walls in the front yard setback as may be permitted as in § 167-7 as a planter; but in no case shall any wall/planter, which meets the setback requirements of § 167-7, exceed three feet in height. Yard areas abutting alleys shall be considered a front yard for the purpose of fencing, and shall conform to the provisions of this subsection.

**SECTION 3.** Amend Section 167-26. Swimming pools, hot tubs and spas. to add the underlines and delete the strikethrough:

167-26. Swimming pools, hot tubs and spas.

In addition to complying with other applicable regulations contained in this chapter and all other applicable Longport ordinances, swimming pools, hot tubs, and spas, with the exception of movable wading pools having less than 150 square feet of water area and being 24 inches or less in water depth, may be established only in accordance with the following standards and requirements and only as an accessory use to an existing and established residential, multifamily, hotel, or motel use on the same property.

- A. Fencing.** ~~All in-ground and aboveground swimming pools, hot tubs, and spas shall have a minimum four-foot high fence such that they are fully enclosed. The height of the fence shall be measured from the existing ground elevation. All gates shall be lockable and self-closing. Fencing shall be of a type that is non-scalable and with no footholds. The fencing shall be placed at least three feet from the water's edge. No certificate of occupancy shall be issued by the Construction Code Official until all fencing is erected and complete.~~
1. All swimming pools, hot tubs, and spas shall have a minimum four-foot-high fence such that they are fully enclosed. The height of the fence shall be measured from the average existing ground elevation or of the adjoining property if located on the property line.
  2. All gates shall be lockable and self-closing. Fencing shall be of a type that is non-scalable and with no footholds. The fencing shall be placed at least three feet from the water's edge.
  3. No certificate of occupancy shall be issued by the Construction Code Official until all fencing is erected and complete.
  4. The maximum height of any fence shall not exceed six-feet. All plantings material long a property line shall not exceed the height of six (6) feet by more than six-inches at maturity.
  5. No portion of any fence shall be located within a sight triangle unless conforming to Section 167-20.
  6. All fencing shall conform to the additional standards in Section 167-20 and more specifically Section 167-20B(5) if located in a front yard or along an alley.
- B. Lighting.** All pool/hot tub/spa lighting shall be contained within the structure and below the waterline. Area lighting shall be in conformance with § 167-23. No floodlights are permitted.
- C. Floodplain.** All pool equipment shall be placed on a foundation with a finished elevation not less than the BFE +1 for the lot as designated on the DFIRM. With the exception of pools and spas placed within rear yard patios and decks along the Atlantic Ocean and Risley's Channel (between the principal structure and bulkhead/seawall), no pool coping shall be higher than two feet above the top of the curb elevation on the street abutting said lot. For pools placed within the setbacks abutting alleys or Beach Terrace, no pool coping shall be higher than two feet above the existing asphalt or concrete pavement or existing curb, whichever is the higher.
- D. Setbacks.** ~~All swimming pools, hot tubs, or spas, whether aboveground or not, shall be set back at least five feet from any side or rear property line and at least three feet from any structure. Setbacks shall be measured from either the face of the structure or property line to the vertical edge of the water. For lots fronting the ocean or Risley Channel, there shall~~

be a minimum setback from the interior line of the bulkhead or seawall of at least three feet. All pools, hot tubs, or spas shall be set back at least 10 feet from any front yard property line.

1. All swimming pools shall be set back at least five feet from any side or rear property line and at least three feet from the ground floor of any structure as measured horizontally.
  2. Hot tubs or spas shall be setback at least four feet from any side or rear property line. No setback is required from the principal structure.
  3. Setbacks shall be measured from either the face of the structure or property line to the vertical edge of the water.
  4. For lots fronting the ocean or Risley Channel, there shall be a minimum setback from the interior line of the bulkhead or seawall of at least three feet.
  5. All pools, hot tubs, or spas shall be set back at least 10 feet from any front yard property line. Pools, hot tubs, or spas are permitted in front of a principal structure as long as they meet the 10-foot front yard setback.
  6. All pool equipment shall meet the setback requirements for pools. No pool equipment shall be located between the pool and the front property line. All pool equipment shall be screened with fencing or lattice in accordance with the requirements for fencing in the ordinance.
- E.** All pools shall have an exterior walkway. A continuous exterior walkway shall have a minimum width of three (3) feet from the waterline to a maximum width of four (4) feet. ~~The exterior of any continuous pool walkway shall meet the setback requirement for patios as established in the respective zoning regulations.~~ Any walkway wider than four (4) feet shall be considered a patio and meet the setback requirements for patios in the respective zoning district. Noncontinuous pool walkways consisting of solid step stones not greater than 24" x 24" and spaced not less than 18 inches apart shall not be required to meet the setback requirements.
- F.** The coping around a pool shall maintain a setback of at least 3.5 feet from any driveway or designated parking area.
- G.** Aboveground swimming pools are prohibited. An aboveground swimming pool is defined as a pool of any shape constructed entirely above the final property grade. Aboveground pools are capable of being easily disassembled and reassembled to their original configuration.
- H.** An as-built survey shall be required after construction for all new swimming pools to confirm that all setbacks and ordinance requirements are compliant.

**SECTION 4.** Amend Section 15-37 to add the underlines and delete the strikethrough:

**SWIMMING POOL, PRIVATE ABOVEGROUND**

A pool being above the ground and/or not coming within the definition of "swimming pool, private in-ground." An aboveground pool consists of any shape constructed entirely above the final property grade. Aboveground pools are capable of being easily disassembled and reassembled to their original configuration—~~Said pool defined as "aboveground" shall maintain setbacks in accordance with the setback requirements for accessory structures.~~

**SWIMMING POOL, PRIVATE IN-GROUND**

A noncommercial privately owned pool constituting an accessory structure to a residential unit or units and located on the same lot therewith, and being an in-ground permanent pool having a depth of not less than two feet and for which a six-foot-high fence will be permitted. A wading pool with a depth of less than 18 inches or a portable swimming device, located above ground level, with an area less than 150 square feet and a water depth less than two feet, temporary in character and constructed of material other than concrete masonry, shall not be deemed a swimming pool.

**SECTION 5.** All other ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalidate, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

1 <sup>ST</sup> READING / INTRODUCTION: 6/1/2022 PUBLICATION: 6/4/2022						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X	X			
Leeds	X		X			
Lawler			X			
X-indicates vote NV-not voting AB. – Absent						

2 <sup>ND</sup> READING/PUBLIC HEARING: 6/15/2022 PUBLICATION: 6/20/2022						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X	X			
Leeds						X
Lawler	X		X			
X-indicates vote NV-not voting AB. – Absent						

This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk’s Office.

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Monica Kyle, Municipal Clerk

**SIGNATURE PAGE FOR ORDINANCE O2022-08**

1st Reading/Introduction: June 1, 2022  
Publication: June 4, 2022  
2<sup>nd</sup> Reading/Public Hearing: June 15, 2022  
Publication: June 20, 2022

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Monica Kyle, RMC, Municipal Clerk

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MAYOR NICHOLAS M. RUSSO

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COMMISSIONER JAMES P. LEEDS, Sr.

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COMMISSIONER DANIEL J. LAWLER