

ORDINANCE NO. 23 -28-OA

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND
DEVELOPMENT" SO AS TO AMEND SECTION 35-127.17
(HOME OCCUPATION)**

July 17, 2023

SECTION 1. Chapter 35 of the Township Code of the Township of Berkeley, entitled "Land Development," is hereby amended and supplemented so as to amend §35-127.17, entitled "Home Occupation", which shall now read as follows:

§35-127.17 Home Occupation

A home occupation may be permitted as a conditional use in residential zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- a. There shall be no employees other than the bona fide residents of the dwelling.
- b. Customers, patients or clients shall be permitted on the premises.
- c. Permitted professions and occupations shall include, but not be limited to, architects, artists, authors or writers, members of the clergy, engineers, lawyers, musicians, physicians, website designers, dressmaking, millinery, light manufacturing, home cooking and preserving, and similar domestic crafts.
- d. The occupation shall be conducted entirely within the dwelling or accessory building.
- e. No sounds shall be audible outside the building.
- f. Not more than one home occupation shall be permitted per dwelling unit.
- g. Not more than 650 square feet of the dwelling or 50% of the first-floor area, whichever is less, shall be devoted to such accessory use. Basements, cellars or any other underground building areas shall be excluded from the total buildable area calculations.
- h. No use shall require external alterations to the dwelling unit.
- i. The outdoor storage of goods, materials or equipment shall be prohibited.
- j. No occupation shall alter the character of the residential area in which it is located.
- k. No equipment or process shall be used that creates vibration, glare, fumes, odors or electrical interference to neighboring property owners. The occupation shall not interfere with the quiet enjoyment of neighboring properties.
- l. There shall be no external display of a commercial use of the residential dwelling including, but not limited to, on-site parking of vehicles or equipment other than parking required for the residential dwelling which shall not interfere with residential parking on the street permitting the home occupation.
- m. Retail sales that require customers to pick up merchandise or other purchased items on the premises shall not be conducted on the property.

- n. Not more than one sign shall be permitted as set forth in Subsection 35-91.8.b.
- o. Deliveries of products related to the occupation shall be limited to courier or other services typically provided to residential neighborhoods. Deliveries by vehicles larger than single body trucks shall be expressly prohibited.
- p. Studios for karate or dance instruction, beauty salons, barber shops, or similar activities that generate disruptive noise or activity, or which create a parking problem in the neighborhood are specifically prohibited as home occupations.
- q. Home occupations involving contractors in construction or other trades and related businesses including but not limited to the following: plumbers, electricians, appliance repair, HVAC installation, carpet or commercial cleaning services, landscaping, courier service or any other similar or related trade or business may cause not more than one business-related vehicle to be parked in the private driveway of a single-family dwelling. Said vehicle shall not have a rated capacity exceeding 1 1/2 tons or 3,000 pounds and shall not have more than two axles. No materials or equipment shall be loaded or unloaded from a contractor's vehicle.
- r. The use of any dwelling by a resident who is employed full-time elsewhere and who brings home work from that employer, or who occasionally does additional work related to either his/her primary profession, shall not be considered a home occupation subject to the requirements of this section and is permitted as of right as an accessory use.
- s. Prior to the commencement of a permitted home occupation, a zoning permit shall be obtained from the Zoning Officer as set forth in Subsection 35-131.2 of this chapter.

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 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 4. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on July 17, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 21st day of August, 2023, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

KAREN STALLINGS, RMC

Township Clerk, Township of Berkeley