

BOROUGH OF SOUTH TOMS RIVER

Ordinance NO. 2-14

AN ORDINANCE AMENDING THE BOROUGH OF SOUTH TOMS RIVER CODE, CHAPTER 26 THEREOF, ENTITLED "ESTABLISHMENT OF ZONES OR DISTRICTS", AND ADDING SUBSECTION 26.22 PROVIDING ZONING PROVISIONS FOR "HOME BUSINESSES".

WHEREAS, the current Code of the Borough of South Toms River, Chapter 26 thereof, entitled "Establishment of Zones or Districts," omits "Home Businesses"; and

WHEREAS, economic conditions and technological advances have made "Home Business" operations a desirable and viable business modality; and,

WHEREAS, the borough of South Toms River already permits "Home Occupations" as matter of policy; and,

WHEREAS, the borough of South Toms River desires to encourage and support "Home Business" operations while, at the same time, preserving the residential character of its neighborhoods;

NOW THEREFORE, the Board of Commissioners of the borough of South Toms River hereby ordains:

SECTION 1. The Code of the Borough of South Toms River, Chapter 26 thereof, entitled "Establishment of Zones or Districts," is hereby amended by adding the following definitions to Section 26.22:

HOME BUSINESS – Any lawful business that is professional in nature and permitted by the zoning ordinance, and is clearly customary, incidental, and accessory to the use of the premises as a single-family residential dwelling unit; and which does not alter the exterior of the property or affect the residential character of the neighborhood.

SECTION 2. The Code of the Borough of South Toms River, Chapter 26 thereof, entitled "Establishment of Zones or Districts," "General Regulations," is hereby amended by adding a new section, Section 26.22, entitled as "Home Businesses."

26.22. HOME BUSINESS REGULATIONS

- A. The use is limited solely to office use;
- B. The use is not operated by a number of employees such as to unreasonably cause a disturbance impacting the ability of neighbors to peacefully enjoy their property;
- C. No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes in numbers such as to unreasonably cause a disturbance impacting the ability of neighbors to peacefully enjoy their property;
- D. The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;

- E. Interior storage of materials shall only consist of office supplies;
- F. There shall be no change to the exterior of building or structures because of the use and no outside appearance of a business use, including, but not limited to, parking, storage, signs, or lights;
- G. The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with telephone, radio or television reception, detectable by neighboring residents;
- H. The use does not require any increased or enhanced electrical or water supply;
- I. The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
- J. The capacity and quality of effluent is typical of normal residential use and creates no potential or actual detriment to the sanitary sewer system or its components;
- K. Delivery trucks shall be permitted or provide delivery services to a home office only on weekdays between the hours of 9:00 a.m and 5:00 p.m.
- L. Taxicab and limousine services may be permitted as a home office use, provided that only one taxicab or one limousine may be parked at the residence in a separate, off-street improved parking space.

SECTION 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts of the provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by law. ENACTED into an Ordinance this 18th day of February, 2014.

BOROUGH OF SOUTH TOMS RIVER

GOVERNING BODY

BY: _____

Joseph M. Champagne, Mayor

ATTEST: _____

Joseph A. Kostecki, Borough Administrator/Clerk