

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 89 ENTITLED "LAND USE", ARTICLE II, ENTITLED "DEFINITIONS" AMENDING SECTION 89-4 AND ARTICLE VII ENTITLED "AREA, BULK AND USE REQUIREMENTS" AMENDING SECTION 89-44 ALLOWING HOME OCCUPATIONS AS AN ACCESSORY USE IN RESIDENTIAL ZONES

WHEREAS, the Mayor and Borough Council of the Borough of Eatontown, (the "Borough") have the ability to protect the health, safety, and general welfare of the Borough's residents.

WHEREAS, the current economic market has caused a re-evaluation of the Borough's regulations regarding home-based occupations.

WHEREAS, the Borough Council believes it is in the best interest of the Borough's residents to allow certain home-based occupations to operate within dwelling units as an accessory use provided they meet certain requirements.

NOW, THEREFORE, BE IT ORDAINED, by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY that Borough Code is hereby amended as follows:

SECTION 1 (89-4)

Section 89-4 of the Code of the Borough of Eatontown ("Borough Code") shall be amended by revising the definition of "home occupation" and removing the definition of "home business" which will be subsumed in the definition of "home occupation" as follows (additions are underlined; deletions are [bracketed]):

[HOME BUSINESS]

[A commercial enterprise which is operated totally electronically from the residence of the occupant solely by the occupant of that residence.]

HOME OCCUPATION

[A personal service occupation, such as dressmaking, millinery and home cooking, conducted by the occupant of a dwelling unit in that unit, or in an accessory building, in an area equivalent to no more than 35% of the area of the first floor of the residence and where no display of products is made visible from the street.]

Any use conducted for profit entirely within a dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof. A "home occupation" shall not include any occupation that gives external evidence of nonresidential use.

SECTION II (89-44)

Subsection (B)(14) of section 89-44 entitled "Individual Zone Regulations" of the Borough Code is hereby amended as follows to allow home occupations as permitted accessory uses in residential zones:

(14) Home [business] occupation.

(a) Home [businesses] occupations as defined in § 89-4 shall be permitted as an accessory use, not requiring additional permitting or approval, within all residential zones of the Borough of Eatontown provided the home occupation meets the following requirements:

1. The dwelling unit must have a certificate of occupancy and meet all state and local laws and regulations concerning health and safety.
2. The home occupation must be conducted in the primary dwelling unit and may not be conducted in a detached accessory building or any portion thereof, except a detached garage.
3. No employees of the home occupation, except for persons residing in the dwelling, shall be employed at the site.
4. No employees of the home occupation may be dispatched from the dwelling.
5. No off-site employees, customers, or business invitees or guests shall visit the dwelling unit or park at the premises for business purposes.
6. There shall be no change to the exterior of buildings or structures because of the home occupation and no outside appearance of a business use, including, but not limited to, parking, storage, signs, or lights is permitted.

7. The home occupation shall not generate air pollution, including noxious odors, or water pollution, electrical, or communications interference. No equipment shall be used for the home occupation which creates noise, vibration, glare, fumes, odors or electrical or communications interference to or with neighboring properties.
8. Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express and other similar-type delivery services providing regular service to residential uses in the zone district.

[(b) Prohibited acts. No occupant of a residence shall permit any employees, other than other occupants of the residence, to work or perform any duties at the residence. No occupant of a residence shall permit customers, salespersons or any other individuals from conducting, directly or indirectly, any business at the residence except electronically from another location. No occupant of a residence shall receive, send or distribute any goods or merchandise to or from the residence. No commercial signage or other forms of business identification shall be placed on the property of the residence.]


SECTION – 3 EFFECTIVE DATE

This ordinance shall take effect immediately after its final adoption,


DATE INTRODUCED: April 22, 2020
DATE ADOPTED: May 27, 2020

APPROVED:

ATTEST:



Anthony Talerico, Jr. Mayor
Date: 5-28-2020



Julie Martin, Municipal Clerk
Date: 5-28-2020