

ORDINANCE 2007-39

AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), SECTION 54 (HOME OCCUPATIONS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO ALLOW HOME OCCUPATIONS TO BE LOCATED IN PERMITTED ACCESSORY STRUCTURES

BE IT ORDAINED, by the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. Chapter 188, Section 54 (Home Occupations) of the Code of the Township of Hillsborough shall be amended as follows:

188-54. Home occupations.

- A. A residence **or permitted accessory structure** may contain the office of a practitioner licensed or certified by the State of New Jersey for the practice of any of the following: chiropody, podiatry, dentistry, medicine, chiropractic, psychology psychiatry and osteopathy; subject, however, to all of the following terms and conditions:
- (1) Said practitioner shall be the owner or lessee of such residential property containing a single family residence **and permitted accessory structure, as appropriate.**
 - (2) Said practitioner shall reside **in the residential dwelling on the subject property.**
 - (3) Said practitioner shall not **employ** more than two (2) persons acting as assistants. **The employees** need not be residents therein.
 - (4) **Such office shall not occupy an amount of space in excess of twenty five percent (25%) of the area of the residential dwelling whether it is located within the dwelling or in the permitted accessory structure.** In computing the area of such **residential dwelling or permitted accessory structure**, the area of any utility area, heating and cooling rooms and all portions of floor areas which have a ceiling height above them of less than five (5) feet shall be excluded from the computation. **The area of any attached garage shall be excluded when computing the area of a residential dwelling.**
 - (5) No patient shall remain overnight.

- (6) Each such office shall be provided with no less than five (5) off-street parking spaces in addition to those spaces required for residential purposes.
- (7) Each such office, as regulated in this subsection, shall only be permitted after site plan review and approval.
- (8) **A sign is permitted pursuant to Section 188-83 G(9).**

B. In addition to the offices of professional persons as permitted in Subsection A above, the following professions may be conducted as home occupations in a residence **or in a permitted accessory structure** within the limitations imposed by this subsection: accountants, sales agents, teachers, craftsmen, engineers, planners, lawyers, architects and licensed beauticians. Any of the said uses shall be permitted only if all of the following requirements are complied with:

- (1) **Said professional shall be the owner or lessee of such residential property containing a single family residence and a permitted accessory structure, as appropriate.**
- (2) **Said professional shall reside in the residential dwelling on the subject property.**
- (3) There shall be no physical evidence of said use from the exterior of the residential dwelling **or accessory structure in which the home occupation is conducted.**
- (4) **A sign is permitted pursuant to Section 188-83 G(9).**
- (5) There shall be no keeping of stock-in-trade or vehicular distribution from the premises of goods or material of any kind.
- (6) The remodeling of any residential dwelling **or accessory structure** in any way to create the impression of business activity from the exterior of the residential dwelling **or accessory structure** is prohibited.
- (7) Home occupations shall employ only those persons residing on the subject property.
- (8) **Such office shall not occupy an amount of space in excess of twenty five percent (25%) of the area of the residential dwelling whether it is located within the dwelling or in the permitted accessory structure. In computing the area of such residential dwelling or permitted accessory structure, the area of any utility area, heating and cooling rooms and all portions of floor areas which have a ceiling height above them of less than five (5) feet shall be excluded from the computation. The area of any attached garage shall also be excluded when computing the area of a residential dwelling.**

C. In addition to the offices of professional services and occupations as permitted in Subsections A and B above, the following occupation is deemed a home occupation and may be conducted in a residential dwelling **or in a permitted accessory structure** in accordance with N.J.S.A. 40:55D-66.4 and N.J.S.A. 40:55:D-66.5: family day-care home.

2. Severability. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.
3. This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: 9/25/07
Published: 10/4/07
Public Hearing: 11/12/07
Adopted: 11/12/07
Published: 11/21/07

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis Township Clerk

Anthony Ferrera, Mayor