

Ordinance #2017-8

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING HOME OCCUPATIONS IN PRINCETON'S RESIDENTIAL DISTRICTS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968" AND "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35, consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed, and recommends revisions to, sections 10B-241, 10B-255 and 10B-320 of Chapter 10B of the "Code of the Township of Princeton, New Jersey, 1968," and sections 17A-201 and 17B-228 of Chapter 17A of the "Code of the Borough of Princeton, New Jersey, 1974," pertaining to home occupations in residential zoning districts; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Section 10B-241 of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code"), shall be amended by revising the definitions of "accessory use" and "home occupation" as follows (additions are underlined; deletions are [bracketed]):

Sec. 10B-241. Definitions.

Words used in this article and not defined in this section or elsewhere in this article, shall have the meanings given in Webster's Unabridged Dictionary, second edition, but for the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accessory use. The use of a structure or lot, or portions thereof, which use is customarily incidental and subordinate to the main use of the structure or lot[, but not including a home occupation as defined herein].

Home occupation. An occupation customarily carried on in a dwelling unit by an occupant of the[member of the family in] residence, which occupation is clearly an accessory use incidental to the residential use[, including such occupations as instruction in music, dancing, arts and crafts, and which occupation gives no external evidence of nonresidential use, and which occupation does not generate traffic nor have related parking requirements in excess of three car spaces, which spaces, if required, are provided off-street on the same lot as the occupation. The area occupied by a home occupation shall not exceed forty percent of the net floor area of the dwelling unit.] A "home occupation" shall not include any occupation that gives external evidence of nonresidential use, nor shall it include a barbershop, beauty parlor, commercial caterer, commercial rental office, medical doctor or dentist, or studio where dancing, music or other personal instruction is offered to more than one pupil at one time or where concerts or recitals are held.

Section 2. Section 10B-255 of the Township Code, entitled "Permitted uses" and which sets forth the uses permitted in districts R-A through R-H, is hereby amended to add "home occupation" to the list of permitted accessory uses (deletions are [bracketed] and additions are underlined):

Sec. 10B-255. Permitted uses.

The following uses are permitted in districts R-A through R-H, in addition to those permitted by section 10B-253, provided, that there is no nuisance factor:

- (a) Single-family houses.
- (b) It shall be considered a single-family use to provide supportive personal and health services within a dwelling unit to persons residing in the dwelling unit.
- (c) Accessory uses on the same lot with, and customarily incidental to, the foregoing permitted use.

- (1) As used herein, a permitted accessory use shall include a home occupation; provided, as follows:
- a. Only one such occupation shall be carried on per dwelling unit.
 - b. Such occupation shall be carried on within the principal building, and the floor area used for that purpose shall not exceed the equivalent of forty percent of the area of the ground floor or four hundred square feet, whichever is less.
 - c. There shall be at least one additional parking space available per home occupation, in addition to the required parking for the district.
 - d. Such occupation shall be carried on by a resident, with no regularly employed assistants or associates, except for residents living on the premises.
 - e. Articles sold or offered for sale shall be limited to those produced in the dwelling unit.
 - f. There shall be no exterior display, no exterior storage of materials, no exterior sign, and no other exterior indication of the home occupation or change in residential character of the principal building.
 - g. There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness, electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes; or other objectionable substance, condition or element.

- (d) Recreational vehicles and trailers belonging to an occupant of premises may be stored outdoors on such premises in districts R-A through R-H; provided, that they shall be located or screened in such a manner that they cannot be seen from the public right-of-way abutting the lot on which the items are stored or from the adjoining property along or below a sight line of six feet above ground level. Screening may be accomplished by the placement of buildings or fences or by plantings affording a solid, year-round screen.

Section 3. Section 10B-320 of the Township Code, entitled “Table of conditional uses allowed by approval of planning board,” is hereby amended by DELETING subsection (k), “home occupations,” from to the list of conditional uses, and DELETING reference to same from the “Conditional Uses Table” in section 10B-320.

Section 4. Section 17A-201 of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”), entitled “Definitions,” shall be amended by DELETING the definition of “Home occupation” and replacing same with a NEW definition for “Home occupation” as follows:

Sec. 17A-201. Definitions.

Home occupation. An occupation customarily carried on in a dwelling unit by an occupant of the residence, which occupation is clearly an accessory use incidental to the residential use. A “home occupation” shall not include any occupation that gives external evidence of nonresidential use, nor shall it include a barbershop, beauty parlor, commercial caterer, commercial rental office, medical doctor or dentist, or studio where dancing, music or other personal instruction is offered to more than one pupil at one time or where concerts or recitals are held.

Section 5. Subsection (c)(2) of section 17A-228 of the Borough Code, regarding accessory uses permitted as of right, shall be amended as follows (additions are underlined; deletions are [bracketed]):

Sec. 17A-228. Uses permitted as of right.

(c) Accessory uses.

(2) Home occupations; provided that:

a. Only one such occupation shall be carried on per dwelling unit.

b. Such occupation shall be carried on within the principal building, and the floor area used for that purpose shall not exceed the equivalent of forty percent of the area of the ground floor or four hundred square feet, whichever is less.

c. There shall be at least one additional parking space available per home occupation, in addition to the required parking for the district.

[c]d. Such occupation shall be carried on by a resident, within no regularly employed assistants or associates, except for [members of his/her family,] residents living on the premises.

[d]e. Articles sold or offered for sale shall be limited to those produced in the dwelling unit.

[e]f. There shall be no exterior display, no exterior storage of materials, no exterior sign, [except as permitted by the applicable district regulations,] and no other exterior indication of the home occupation or change in residential character of the principal building.

[f]g. There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness, electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes; or other objectionable substance, condition or element.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

Section 8. The provisions of this Ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It updates the standards governing home occupations in residential districts and applies the same standards uniformly throughout the entire municipality.

The foregoing ordinance was adopted at a meeting of the Mayor and Council of Princeton held on February 27, 2017.



Kathleen K. Brzezynski, Municipal Clerk