

Zoning Highlights of Office/Business Uses in the Residential Zones
Home Based Business (permitted, as defined, regulated*) vs
Professional Uses (Conditional use) vs**
General Office or Business Uses (prohibited)

Following are selected sections, highlighting the primary zoning requirements relating to the various forms of home offices in the residential zones, as noted above, which range from prohibited uses to conditional uses to permitted uses. In particular the conditional use provisions relative to “Professional Uses” and related site plan requirements have been assembled for your convenience when looking conceptually at a property or anticipated project, and **are by no means a replacement for the entire ordinance and review of same by you and/or your design and/or legal professionals.** In addition, this summary was current as of April 2003, but please refer to the most recent version of the Bernardsville Land Development Regulations Ordinance for the latest provisions.

General Office, Business, Retail Uses - In general, non-residential uses are **prohibited** in all residential zone districts, which are designed for single family dwellings.

***Home Based Business** - Are permitted, subject to conformance with the 12 subsections (a through l) of section 12-24 of the Bernardsville Land Development Regulations Ordinance (see page 2, attached). Very generally, a home based business, as defined in the ordinance, is one in which the homeowner works out of a small portion of their home (limited to office use), without employees or visits from clients. If you propose a conforming home-based business, a simple application to the zoning officer is required. Said application can be in the form of a letter (with attached plan or sketch) which addresses each of the 12 requirements. If in conformance, there is no need to proceed before the Zoning Board of Adjustment. If not in conformance, the use would not be permitted (the applicant could seek a use variance).

****Professional Uses** - Are a “Conditional Use” in the R-1-10, R-1, R-1A, R-2, R-3, R-4 & R-5 Residential Zones. A conditional use requires an application to the Planning Board (if all conditional use requirements of section 12-25.1c are complied with) or the Zoning Board of Adjustment to seek a use variance (if any of the conditional use requirements are not complied with). Such a use requires a formal application to the Board, including a fee, escrow deposit, floor plans and survey/site plan. In addition, to the provisions of 12-25.1c (see page 3, attached), certain site requirements must be reviewed, relative to parking. These include, but are not limited to: number of off-street parking spaces (2 for dwelling + 1 per every 150 SF of office space); setback to parking from house, property lines & street ROW (ranges from 10' to 25' depending on the Zone); parking space size (8 ½' x 18', 22' if parallel spaces); aisle width (ranges from 20' for 90 degree parking to 12' for parallel parking). See section 9-10 of the ordinance relative to these provisions (not attached).

12-24 HOME-BASED BUSINESS.

Home office use, meaning an office activity carried on for gain by a resident in a dwelling unit, shall be a permitted accessory use in residential zone districts, provided:

- a. The use is limited solely to office use;
- b. The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons;
- c. No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;
- d. The use shall be located on only one floor of the dwelling unit, shall not exceed twenty-five (25%) percent of the floor area of the floor on which it is located, and shall not be served by an entrance separate from the household;
- e. Interior storage of materials related to this use shall consist only of office supplies;
- f. There shall be no change to the exterior of buildings 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 or electronic 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 quantity 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 limited to U.S. Postal Service and other delivery services providing regular service to residential uses in the zone district;
- l. All vehicular traffic to and from the home office use shall be limited in volume, type, and frequency to that normally associated with other residential uses in the zone district.

(Ord. No. 2000-1209 § 1)

12-25 CONDITIONAL USES.

12-25.1 General Provisions.

A conditional use is a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the Borough Land Development Regulations. The Borough Planning Board, or the Board of Adjustment in cases where it has the power under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., to grant a conditional use, may grant conditional uses according to the specifications and standards set forth in this section and in accordance with the provisions of the Municipal Land Use Law at N.J.S.A. 40:55D-67. (Ord. No. 581 § 12-19.1; Ord. No. 2001-1257)

c. *Professional Uses in Residential District.*

1. The professional office or studio shall be a part of the dwelling in which the professional person resides.

2. Not more than two (2) persons not residents in the dwelling shall be employed in such office or studio, and not more than one-half (1/2) the floor area of one (1) story of the dwelling shall be devoted to such professional use.

3. Front Yard Setbacks. In order to minimize parking hazards, a one hundred (100) foot setback (from front property line to building front) is required if parking is permitted on the street on which the lot fronts and if the paved width of the street is less than twenty (20) feet and the total width, including suitable shoulders, is less than thirty-six (36) feet

4. All portions of any driveways on the subject property shall be at least ten (10) feet from the side and rear property lines.

5. All portions of any driveways, parking areas, and parking service aisles shall be at least twenty (20) feet from an existing, conforming dwelling on any adjacent lot, and at least twenty (20) feet from the nearest point of the building envelope on any adjacent vacant lot.