

**ORDINANCE NO. 2016-12**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “ZONING” AS IT PERTAINS TO HOME OCCUPATIONS, HEIGHT LIMITS AND FENCE PERMITTING**

**BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, as follows:**

Section 1. Section 13-7.2 entitled “Height Limits” paragraph (d) is hereby supplemented as follows:

In the case of cul-de-sac lots, the frontage shall be measured at the front setback line.

Section 2. Section 13-7.13 entitled “Flood Zone” is hereby amended by changing three hundred (300) to one hundred (100).

Section 3. Section 13-9.2 entitled “Accessory Uses and Buildings Permitted” is hereby rescinded in its entirety and supplemented as follows:

**13-9.2 Accessory Uses and Buildings Permitted.**

Model homes, if permitted at the discretion of the Planning Board, shall be occupied by no more than the owner and one (1) person employed in such office.

Section 4. Section 13-9.3 entitled “Area and Yard Requirements” is hereby renumbered as Section 13-9.4 entitled “Area and Yard Requirements”.

Section 5. New Section 13-9.3 entitled “Home Occupations” is hereby supplemented as follows:

**13-9.3 Home Occupations.**

*Home Occupation* shall mean a business, profession, occupation or trade conducted for gain or support entirely within a residential building which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such buildings. A home occupation shall further be defined as an accessory use.

- a. Home occupations shall be conducted only by members of a family residing in a dwelling unit plus not more than one (1) person not a resident of the dwelling unit, and conducted entirely within the dwelling or accessory building.
- b. All vehicles used in connection with home occupations shall be of a size, and be located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood.
- c. Private garages may be used provided that no more than two (2) commercial vehicles, not exceeding two (2) tons each, shall be parked or stored inside.
- d. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 400 square feet shall be used for the purpose of a home occupation.
- e. Two (2) off-street parking spaces are required in addition to the two (2) required for residential parking.
- f. One (1) unlighted sign of a maximum of four (4) square feet is permitted. A sign permit is required.
- g. The home occupation shall not generate the business or care of more than two (2) clients at any one time and shall be by appointment only.
- h. No home occupation shall:

1. Store material outdoors so as to disrupt the quiet nature and visual quality of the neighborhood.
2. Cause a nuisance to the neighborhood for reason of noise, odor, congestion, traffic, vibration, electrical or other interference and other causes.
3. Cause vehicular traffic that will create a nuisance to the neighborhood or be detrimental to the residential character of the neighborhood.
4. Offer for sale or sell articles except such as may be produced by members of the immediate family residing in the dwelling and others as herein provided.
5. Include the breeding, raising, care, boarding or maintenance of animals.

Section 6. Section 13-15.2 entitled "Fence Permit" paragraph (a) is hereby amended by changing sixty (60) inches to seventy (70) inches.

Section 7. Section 13-15.2 entitled "Fence Permit" paragraph (c) is hereby amended to read as follows:

A fence permit is required for new or replacement fences from the zoning office.

Section 8. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

Section 9. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 10. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

MOTION TO ADOPT: Commissioner Garofalo

SECOND: Commissioner Gerkens

ROLL CALL:

AYES: Oldham, Garofalo, Gerkens

NAYS: none

ADOPTED ON: September 20, 2016

EFFECTIVE DATE: October 10, 2016

  
Jonathan Oldham, Mayor

  
Judith Gerkens, Commissioner

  
Michael Garofalo, Commissioner