

O-17-07  
02/15/17

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS**

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

**Section 1.** That the Revised General Ordinances of the City of Bayonne, Chapter 35, ZONING REGULATIONS, Subsection 4.25 Home Professional Occupations, is hereby amended and supplemented as follows (Additions **\*\*between asterisks and/or in bold\*\***, deletions ~~{within brackets and/or struck through}~~):

**35-4.25 Home Professional Occupations.**

a. A home professional occupation, as defined in Chapter 33, Planning and Development Regulations Section 33-2, may be permitted within a dwelling unit, subject to the following requirements:

1. For any premises not registered with the City of Bayonne as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\*** as having a home professional occupation the proprietor or professional of the home occupation shall reside in the dwelling unit.
2. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***, the proprietor or professional of the home occupation shall not have to reside in the dwelling unit and said home professional occupation may be sold or transferred free of the residence requirement set forth above subject to and limited by the information set forth on the registration form as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***.
3. The use shall be clearly incidental and secondary to the residential use shall not change the character of use as a dwelling.
4. For any premises not registered with the City of Bayonne as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\*** as having a home professional occupation, no more than fifty (50%) percent of the dwelling unit floor area shall be used for the home professional occupation.
5. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***, no more than the percentage of the dwelling unit floor area set forth on the registration shall ever be used for the home professional occupation.
6. For any premises not registered with the City of Bayonne as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\*** as having a home professional occupation, in two (2) family dwellings, home professional occupations may occupy one (1) of the dwelling units provided the proprietor resides in the other unit and the home occupation does

not occupy more than fifty (50%) percent of the total floor area of the structure, exclusive of attics and basements.

7. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***, in two family dwellings, home professional occupations may occupy one (1) of the dwelling units, the proprietor does not have to reside in the other and no more than the percentage of the dwelling unit floor area set forth on the registration shall ever be used for the home professional occupation.
8. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~ **\*\*June 1, 2017\*\*** as having a home professional occupation, a home professional occupation shall be located on a single floor, and not be located in a cellar or attic space.
9. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***, a home professional occupation shall be located on a single floor, but may have storage space in a cellar or attic space. In no event, however, shall the storage space ever exceed that which is set forth on the registration form as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***.
10. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***, said home professional occupation may be sold or transferred subject to and limited by the information set forth on the registration form as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***.
11. There shall be no change in the outside appearance of the building or premises giving evidence to the conduct of the home professional occupation, other than signage in accordance with Section 35-25.
12. There shall be no on-premises distribution, delivery, or storage of goods or equipment in connection with such home professional occupation, except that this shall not prohibit occasional delivery of goods and equipment incidental to, but not an integral part of, such home occupation.
13. For any premises not registered with the City of Bayonne as of ~~{January 1, 2016}~~ **\*\*June 1, 2017\*\*** as having a home professional occupation, there shall be no more than one (1) nonresident employed at the premises in connection with the home professional occupation.
14. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{January 1, 2016}~~ **\*\*June 1, 2017\*\***, there shall be no more nonresidents employed at the premises in connection with the home professional occupation than are set forth on the registration as of ~~{January 1, 2017}~~ **\*\*June 1, 2017\*\***.

~~{b}~~ **\*\*a\*\***. The proprietor or professional of the home occupation shall present evidence of ownership or the written consent of the owner of the premises prior to issuance of a permit to conduct a home professional occupation under this section.

{e}**\*\*b\*\***. Nothing in this section shall be construed to limit, prohibit or regulate the occasional part-time use of a residence for the purpose of studying or working on papers in connection with a business or for the purpose of making or receiving telephone calls or using a computer in connection with work.

{d}**\*\*c\*\***. The City Clerk shall have on file a list of all home professional occupation dwelling registrations filed with the City of Bayonne as of {~~January 1, 2017~~} **\*\*June 1, 2017\*\*** and this list shall be the exclusive and sole list of all such dwellings for the purpose of determining whether or not a home professional occupation may exist or be sold in accordance with the more liberal standards set forth above and all dwellings set forth on said list shall be limited to the information set forth within the registration on file as of {~~January 1, 2017~~} **\*\*June 1, 2017\*\***.

(Ord. No. O-95-12 § 33-4.25; O-16-38 § 33-4.25)