

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 485

STATE OF NEW JERSEY

DATED: OCTOBER 21, 2020

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 485.

This bill would permit a family home business to exist in a residential zone as a permitted accessory use, provided that the following conditions are met:

(1) the activity is compatible with the residential use of the property and surrounding residential uses;

(2) the activity employs no employees other than family members residing in the dwelling or unit unless otherwise provided by ordinance;

(3) the volume of invitees or guests who visit the residential dwelling or unit is not in excess of what is customary for residential use in the neighborhood;

(4) there is no outside appearance of a family home business including, but not limited to, parking, signs or lights;

(5) the volume of deliveries or truck and other vehicular traffic is not in excess of what is normally associated with residential use in the neighborhood;

(6) the activity uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, detectable by any neighbors;

(7) the activity does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood; and

(8) the activity does not involve any illegal activity.

The bill would not supersede provisions of the governing documents of a common interest ownership community that prohibit operation of a family home business in a dwelling unit within the common interest ownership community.

The bill would not require a municipality to amend an existing ordinance pertaining to family home businesses provided that the ordinance does not contradict the provisions of the bill.

The bill would allow a municipality, by ordinance, to establish standards for the customary volume of invitees or guests within residential districts, and standards for the volume of delivery or truck traffic that are acceptable within residential districts.

The bill would specifically allow a municipality to limit or prohibit family home businesses that the municipality deems to be incompatible with specific residential zones. The bill would not limit the power of a municipality to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.