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ORDINANCE #2026-16

Introduction: April 13, 2026

Adoption: May 11, 2026

AN ORDINANCE OF SOUTH ORANGE VILLAGE IN ESSEX COUNTY, NEW JERSEY AMENDING AND RESTATING VILLAGE CODE CHAPTER 185 TO AS IT REGARDS REGULATION OF COTTAGE FOOD HOME BUSINESSES

WHEREAS, Objective 3.3 of the Master Plan recommends expanding permitted uses to allow for a wider range of economic opportunity; and

WHEREAS, Objective 5.1 of the Master Plan encourages local sourcing of the food supply; and

WHEREAS, Cottage Food operations are regulated and permitted by the New Jersey Department of Health; and

WHEREAS, such operations have existed within South Orange Village under state permits but have since been determined to not be permitted under existing definitions and regulations of the Village Land Development Ordinance; and

WHEREAS, the Village seeks to clearly define and regulate Cottage Foods in a manner compatible with residential neighborhoods while supporting small-scale food entrepreneurship.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of South Orange Village, in the County of Essex and the State of New Jersey as follows:

SECTION 1.

Chapter 185, Section 3 is hereby amended and restated as follows: *[All definitions not expressly amended or supplemented herein shall remain unchanged.]*

185-3 (Definitions)

COTTAGE FOOD – Non-TCS (non-Time/Temperature Control for Safety) food produced by a Cottage Food Operator in the private kitchen of the operator's residence. Foods prepared by Cottage Food Operators shall be consistent with the Approved Food Products list maintained by the New Jersey Department of Health.

COTTAGE FOOD OPERATOR – A person or business operating from a residential dwelling in which the resident of that dwelling prepares and sells Cottage Foods to consumers consistent with N.J.A.C. 8:24-11.3. The operator shall hold a New Jersey cottage food



operator permit issued by the New Jersey Department of Health, Public Health and Food Protection Program. Sales of Cottage Foods are regulated and specified under Section 185-195.

SECTION 2.

Chapter 185, Attachment 2 is hereby amended and restated as follows: *[All rows contained in Schedule 1 not expressly amended or supplemented herein shall remain unchanged.]*

185 Attachment 2- District Use Regulations

South Orange Village

Schedule 1

District Use Regulations

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Residence A Single-Family: All Districts	1. Single-family detached dwelling. 2. Public schools and public buildings and uses owned or operated by the municipality or its agent or by the Board of Education.	1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use, including private garages, storage sheds, private swimming pools and similar utility or recreational buildings and structures. 4. Greenhouses not operated for profit, provided that there is no display of product other than	1. Residential cluster developments, Type A and Type B, but only at special locations. 2. Professional offices in residence. 3. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 4. Community residences for the developmentally disabled and community shelters



		in growth and further provided that there is no power plant and that any heating plant is at least 200 feet from any lot line. 5. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 6. Home-based businesses. 7. Residential Recreation Structures 8. Cottage Food operations.	for victims of domestic violence. 5. Lodges, fraternal organizations and associations. 6. Churches, synagogues and other religious and nonprofit schools for day students only.
Residence B: Two-Family	1. Any principal use permitted in Residence A Districts. 2. Two-family detached dwellings.	Any accessory use permitted in Residence A Districts.	1. Any conditional use permitted in Residence A Districts, with exception of residential cluster developments. 2. Churches, synagogues and other religious and nonprofit schools



			for day students only.
Residence PRD: Planned Residential Development	1. Any principal use permitted in the Residence B District. 2. Townhouses. 3. Multifamily apartments.	1. Any accessory use permitted in Residence A Districts, except green-houses. 2. Cottage Food operations, but not in apartments.	1. Professional offices in residence. 2. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 3. Churches, synagogues and other religious and nonprofit schools for day students only.
PRC A Planned Residential Cluster A	1. Single-family dwellings. 2. Townhouses. 3. Flats	1. Accessory buildings and structures normally incident and subordinate to the principal use, limited to property maintenance sheds, patios and decks. 2. Home-based businesses 3. Cottage Food operations, but not in Flats.	1. Essential services. 2. Churches, synagogues and other religious and nonprofit schools for day students only.
Residence TH Townhouse	1. Townhouses.	1. Private and personal recreation facilities.	1. Essential services. 2. Churches, synagogues and



	2. Public parks, playgrounds and conservation areas. 3. Common open space. 4. Retail Sales and Services 5. Banks and Financial Institutions 6. Restaurants 7. Retail Food Establishments, limited to any coffee shop, short-order cafe, luncheonette, grill; tearoom, sandwich shop, soda fountain, ice cream parlor, catering kitchen, retail bakery, or delicatessen. 8. Fitness Services, such as: A. Children's Gym B. Children's Play Space C. Gym D. Yoga or Studios E. Wellness Programs and Classes	2. Accessory buildings and structures. 3. Off-street parking and private garages. 4. Fences. 5. Signs. 6. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 7. Cottage Food operations, but not in Multi-Family Dwellings.	other religious and nonprofit schools for day students only. 3. Lodges, fraternal organizations and associations. 4. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 5. Professional offices in residence. 6. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome."
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	9. Community Center 10. Multi-family Dwellings in combination with a nonresidential use and above the first floor. 11. Offices including professional offices (but excluding medical-related offices) and executive offices, retail showrooms, real estate offices, creative studio, community development office, co-working space, and related uses as determined by the Board. 12. Educational or Instructional Uses, such as kitchen used primarily for cooking classes, paint and sip studio, wellness programs and classes, vocational schools or studios for the instruction of the arts, dancing, music, languages or photography.		
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	13. Child Care Center 14. Any combination of the above permitted uses except single-family, two-family, and townhouse uses.		
Planned Residential Development	1. Townhouses 2. Multi-family apartments 3. Essential Services 4. Family Day Care	1. Uses customary, incidental and accessory to the principal use such as off-street parking, structured parking and signs. 2. Cottage Food operations, but not in Multi-Family Dwellings.	Professional offices in residences as referenced in Section 185- Attachment 2 of the Village Land Development Ordinance.

SECTION 3.

Chapter 185, Section 186 is hereby amended and restated as follows:

185-186 Professional Office In Residence

A professional office in residence, as defined in § 185-3, is a permitted conditional use, provided that the Planning Board shall determine, by resolution, that the following standards have been met:

A. Such office shall be located on the first floor or ground floor of the main existing residential structure on the premises and shall not occupy more than 50% of the total area of the floor where located, excluding space used for a private garage. In no case shall it exceed 900 square feet, exclusive of parking spaces.

B. Adequate parking spaces shall be provided in accordance with requirements of Article XXXI so that no parking related to the office shall occur on the street. At least one space shall be provided for each 200 square feet or fraction thereof of office space.



C. No more than two office employees shall be present at any one time. Nonresident professionals shall not be permitted to use the office. Use of the office by groups of other persons shall not be permitted.

D. The residential character of the neighborhood and the premises shall not be subordinated to the office use.

E. Safe and efficient vehicular and pedestrian circulations, parking and loading in the vicinity of the office in residence shall not be impaired.

F. No more than 150 motor vehicle trip ends per week shall be generated, one arrival and one departure being considered two trip ends.

G. The hours of operation shall take place only between the hours of 8:00 a.m. and 9:00 p.m., Monday through Sunday.

H. Sign requirements as permitted in this chapter for professional office in a residential zone must be observed.

SECTION 4.

Chapter 185 is hereby amended and restated by the addition of Section 195, as follows:

185-195 Cottage Foods

A. Purpose. To permit properly licensed Cottage Food Operators to operate from their home, while ensuring proper protections for the health, safety, and welfare, as well as consistency with New Jersey Department of Health regulations.

B. Cottage Food Operator Application. Prior to any person commencing operations as a Cottage Food Operator or engaging in the production of any Cottage Food product, a person shall make application to the Village of South Orange Zoning Official and submit the following:

1. An approved Cottage Food Operator's license issued by the New Jersey Department of Health, Public Health and Food Protection Program pursuant to N.J.A.C. 8:24-11;

2. Evidence of authorization to operate on a particular property, including:

- a. If an applicant proposes to engage in Cottage Food operations from a property that is a condominium, townhouse, co-op, or other form of multi-family housing, and said property is subject to the provisions of the Condominium Act, N.J.S.A. 46:6B-8.1 et seq., and/or Planned Real Estate Development Full Disclosure Act, N.J.S.A. 45:22A-21 et seq., the applicant



shall provide either a) documentary evidence that the proposed Cottage Food operation is permitted by the Association's governing documents, or b) a letter from the Association or its agent approving the Cottage Food operation.

b. A written certification verifying that the applicant is the owner of the property from which Cottage Food operations are proposed, or a written certification from the property's owner approving the Cottage Food operation, and that the Cottage Food Operator is the resident of the dwelling from which Cottage Food operations are proposed.

3. Use Permit fees according to Section 143-13 shall apply.

C. Requirements. Cottage Food operations shall comply with the following regulations:

1. Cottage Food Operators shall only be residents of the dwelling unit used for Cottage Food operations. No non-resident employees shall be permitted.

2. Consistent with N.J.A.C. 8:24-11.3(a)(1)(i), the Cottage Food operation shall not include facilities (seating, standing areas, bar-counters, etc.) for on-site consumption of purchased food.

3. Cottage Food Operators shall not erect or install any signage at the residence where the cottage food products are produced advertising or otherwise relating to the operations of the Cottage Food Operator. 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, noise, vibration, glare, fumes, or odors.

4. Deliveries to consumers' homes as permitted by N.J.A.C. 8:24-11.3(a)(1)(ii) shall be conducted only by the operator or resident of the Operator's household, and shall not be conducted by a non-resident employee or by a delivery service including on-demand services, except as permitted by N.J.A.C. 8:24-11.2(b).

5. No displays or samples of the Cottage Food products produced at a residence shall be permitted anywhere in public view.

SECTION 5.

Chapter 96 is hereby amended and restated by the addition of the following:

96-39 Definitions



Definitions. As used in this article, the following terms shall have the meanings indicated: COTTAGE FOOD – Non-TCS (non-Time/Temperature Control for Safety) food produced by a Cottage Food Operator in the private kitchen of the operator's residence. Foods prepared by Cottage Food Operators shall be consistent with the Approved Food Products list maintained by the New Jersey Department of Health.

COTTAGE FOOD OPERATOR – A person or business operating from a residential dwelling in which the resident of that dwelling prepares and sells Cottage Foods to consumers consistent with N.J.A.C. 8:24-11.3. The operator shall hold a New Jersey cottage food operator permit issued by the New Jersey Department of Health, Public Health and Food Protection Program. Sales of Cottage Foods are regulated and specified under Section 185-195.

96-40 Cottage Foods

Cottage Food sales from the subject home shall take place only between the hours of 8:00 a.m. and 9:00 p.m., Monday through Sunday, provided such activity does not generate excessive traffic, parking demand, or disturbance to the neighborhood. Walk-in or unscheduled customer visits are prohibited.

96-41 Enforcement

This article shall be enforced by the Village's Zoning and Code Enforcement officers or their designees as may be required.

96-42 Violations and Penalties

Any violation of this article shall be subject to a fine of \$250, with each day of noncompliance being a separate offense. This is to be understood as being in addition to any penalties provided by N.J.A.C. 8:24-11.7.

SECTION 5.

REPEALER.

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6.

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 7.



This Ordinance shall take effect after referral to the Planning Board pursuant to N.J.S.A. 40:55D-64, notice and a hearing pursuant to N.J.S.A. 40:55D-62.1, and upon final passage and publication as required by law. The Village Clerk shall provide any and all notifications mandated by the Municipal Land Use Law, N.J.S.A. 40:49-2.1 and N.J.S.A. 40A:55-1 et seq.

SECTION 8.

On passage and publication, this Ordinance shall be codified.

Introduction and First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning			X			
Greenberg			X			
Haskins			X			
Jones			X			
Lewis-Chang		X	X			
Zollman	X		X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced and advanced on first reading by the Village Council at their regular meeting held on April 13, 2026.


Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Canning			X			
Greenberg			X			
Haskins			X			
Jones			X			
Lewis-Chang		X	X			
Zollman	X		X			



CERTIFICATION

I, Ojetti E. Davis, Village Clerk of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Village Council at their meeting held on May 11, 2026.

A blue ink signature of Ojetti E. Davis, written in a cursive style, positioned above a horizontal line.

Ojetti E. Davis
Village Clerk

Adopted:

A black ink signature of Sheena C. Collum, written in a cursive style, positioned above a horizontal line.

Sheena C. Collum, Mayor

Attest:

A blue ink signature of Ojetti E. Davis, written in a cursive style, positioned above a horizontal line.

Ojetti E. Davis, Village Clerk