SECTION 27 HOME OCCUPATION EAST HADDAM

Draft July 15 ***Proposed Additions in italics and bold***

27.0. Intent and Purpose. The Town of East Haddam recognizes the need for some of its citizens to use their place of residence for limited non-residential activities. It is the intent and purpose of this Section 27 to permit limited non-residential activity within the Town's residential districts through the home occupation approval process set forth in this Section 27, while at the same time protecting the integrity of the underlying residential district***. The intent is to ensure the home occupation is clearly secondary to the use of the building for dwelling purposes and to ensure the size, architecture, and compatibility with other residential uses.***

27.1. Permitted Home Occupations. Home occupations shall be limited to the following:

a. Offices for practitioners of recognized professions, the practice of which requires a license or certification from the State of Connecticut, such as medicine, law, dentistry, engineering, architecture, accounting, land surveying, interior design and the like, and commercial activities which require a license or certification from the State of Connecticut such as real estate, insurance, and the like.

b. Building and other trade occupations such as carpentry, plumbing, electric, masonry, painting, and the like.

c. Commercial salesrooms and shops such as antiques, gun shops, art galleries, tack shops and the like.

d. Home industries whose products as produced through handcrafting, personal skill, and artistry such as catering, furniture repair and the like.

e. Instructional classes and lessons customarily associated with home occupations such as music, arts and crafts and the like.

27.2. <u>Application</u>.

27.3.1. The application shall be submitted on a form provided by the Town with signature of the property owner and the applicant, who shall be a resident of the dwelling in which the home occupation is proposed to be conducted.

27.3.2. The application shall be accompanied by the applicable fee for the home occupation approval and, ***if required by determination of the Commission***, by the applicable fee for the Special Exception Review.

27.3.3. The application shall be accompanied by:

a. a detailed description of the proposed home occupation, including any required machinery, equipment, materials, etc.

b. a floor plan of the dwelling or accessory building in which the proposed home occupation will be conducted indicating the area to be occupied by the proposed home occupation.

c. A detailed site plan showing the residential dwelling, any accessory structure(s), designated parking, and potential outside storage.

d. a description of the frequency and type of commercial vehicles and customer vehicles which will be associated with the home occupation.

e. such other information as may be reasonably required by the Planning and Zoning Commission to assist in the review of the application.

f. return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office.

g. Deed restrictions, restrictive covenants, and association by-laws. When it comes to home occupations, the East Haddam Zoning Regulations do not supersede or override deed restrictions, restrictive covenants, and association by-laws.

27.3. <u>Approval Procedure.</u> The home occupation shall require the approval of the Planning and Zoning Commission as a Special Exception in accordance with Section 14B of these Regulations; provided, ***however, applications which meets the following criteria of a Minor Impact Home Occupation and otherwise comply with the requirements of this Section 27 may be approved by the Zoning Enforcement Officer upon the issuance of a Certificate of Zoning Compliance in accordance with Section 2.3 of these Regulations.***

27.4.1 – Minor Impact Home Occupations – Standards
A Minor Impact Home Occupation has minimal on-site interaction with the public or neighborhood. The business is located within the principal residential dwelling or an accessory building. A Minor Impact Home Occupation shall meet the following requirements:

a. No business activity other than the use of a home office, workshop, business phone and mailing address is conducted on the premises.

b. The home occupation is conducted solely by residents of the dwelling.

c. There will be no increase in traffic beyond that normally and customarily expected from a single-family residence***. An additional eight (8) customer vehicle visits per day may be permitted with a Minor Impact Home Occupation. Persons who offer professional or personal services on site shall conduct business on an appointment only basis in order to manage parking requirements and minimize traffic conflicts. The roadway is not to be used for parking.***

d. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. The dwelling has existing parking sufficient to meet the requirements of Section 11 of these Regulations***. Not more than one (1) commercial vehicle shall be parked on the site at a given time. Any business-related equipment excluding the one commercial vehicle on the premises shall be stored in an enclosed structure.***

e. A home occupation sign shall not exceed three (3) square feet and shall not be illuminated.

f. The home occupation shall be contained wholly within the dwelling or a permitted accessory building. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 25% of the total living area of the dwelling or 750 square feet, whichever is less.

g. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.

h. Return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter for completeness.

27.4.2 – Moderate Impact Home Occupations – Special Exception Review Required - ***A Moderate Impact Home Occupation may have some on-site interaction with the public or the neighborhood. The business is located within the principal residential dwelling or an accessory building and may have some outside storage of materials or equipment. A Moderate Impact Home Occupation shall meet the following requirements:***

a. The home occupation is conducted by residents of the dwelling and no more than two (2) non-resident employees.

b. The home occupation shall not generate traffic which is substantially greater in volume than the traffic which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met by off the street parking which does not encroach upon a required front yard and otherwise conforms to the applicable requirements of Section 11 of these Regulations. ***Moderate Impact Home Occupation are to be***

generally directed to State Highways and Minor Collector Roads as defined by the Connecticut Department of Transportation. The Commission, in reviewing the application will consider the existing traffic volumes in considering the appropriateness of the application. The Commission may require buffering or screening or designate the location of parking spaces or storage area associated with the home occupation. In no event shall a home occupation be approved if the traffic generated therewith or the parking required therefore shall adversely affect the residential character of the surrounding neighborhood as to property value or health, safety or welfare.

c. There shall be no external evidence of the operation of the home occupation so as to change the residential character of the dwelling or adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. The storage of goods, materials or products connected with a home occupation are prohibited outside of the dwelling or a permitted accessory building ***unless*** specifically approved by the Planning and Zoning Commission. ***The Commission may consider the use of screening when needed to shield outside storage.***

d. A home occupation sign shall not exceed three (3) square feet and shall not be illuminated.

e. The home occupation shall be contained wholly within the dwelling or a permitted accessory building ***unless specifically approved otherwise by the Commission.*** The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not ***exceed 40%*** of the total living area of the dwelling or ***1000 square feet,*** whichever is less ***unless specifically approved otherwise by the Commission.***

Additional considerations:

1. ***The size and architectural style of new accessory structures shall enhance the residential nature of surroundings.***
2. ***If specifically approved, any permitted outside storage of materials or equipment shall be screened from the street and neighboring properties.***

3. ***Not more than two vehicles which cannot exceed 20,000 lbs. gross vehicle weight and four pieces of equipment / trailers shall be stored on site if appropriately screened.***
4. ***No permitted outside storage or parking shall be permitted in the setback area.***

f. The home occupation shall not create offensive odors, noise, vibrations, light, electrical interference or other objectionable conditions which might adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare. There shall be no discharges of a hazardous or toxic substance to the air, surface water, groundwater or ground.

g. Return receipts from letters sent via certified mail, return receipt requested, notifying abutting property owners of the application and the nature of the proposed home occupation. A notification form will be provided by the Land Use Office. Such notices shall be sent after the Land Use Office reviews the application and notification letter.

27.5. <u>Filing and Transfer.</u> Any home occupation for which a Special Exception or Certificate of Zoning Compliance has been issued pursuant to this Section 27 shall not commence operation until a copy thereof, with all conditions, time of expiration, plans, and materials describing the nature and scope of the home occupation, have been filed in the Land Records of the Town of East Haddam.

Any purchaser of such property shall be bound by the home occupation as previously approved, regardless of whether any particular restriction or description shall be on file in the Land Records, it being the duty of the purchaser to research the files of the Commission and the Zoning Enforcement Officer relative to the home occupation being purchased.

It is also required by the purchaser to refile with the Land Use Office the intent to continue said approved home occupation prior to commencing such activity.

27.6. <u>Expansion or Alteration.</u> Any expansion or alteration of an approved home occupation shall require a new application for the approval of the expanded or altered home occupation in accordance with the requirements of this Section 27; provided, however, that the Planning and

Zoning Commission may waive the requirement for a new application if it can be shown that the proposed expansion or alteration is in keeping with the original application and will not adversely affect the residential character of the surrounding neighborhood as to property value or health, safety and welfare.

Any expansion or alteration approved under this subsection shall not become effective until such approval is filed in the Land Records of the Town of East Haddam in accordance with Section 27.5.