

# Memorandum:

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**To:** Pomfret Planning and Zoning Commission

**Date:** February 22, 2008

**From:** James D. Rabbitt, AICP, Town Planner

**Re:** DRAFT - Home occupations retail sales.

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I  
Per your request, I have attached the proposed text amendments regarding home occupations.

Jamie.

Proposed Text Amendment

**Delete the following Sections (permitted use)**

4.1.8 Home Occupations

5.1.8 Home Occupations

**Insert the Following new language (special permit):**

Rural Residential District:

4,2,16 Home Occupations  
a. Class I

Pomfret Street District:

5.2.16 Home Occupations  
a. Class I

**Delete existing Home Occupation Definition:**

The definition is contained within the revised section.

**Delete Existing Section 12.16 and insert the following language:**

**12.16 Home Occupations (Class I).** The use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling (such as a home office or a home occupation) involving no more than two (2) non-resident employees or involving regular visitors and/or trips to and from the business. *(This definition includes, but is not limited to, the office, studio or workshop of an architect, artist, contractor, computer or Internet-based business, dentist, dressmaker, economist, engineer, insurance agent, lawyer, logger, musician, photographer with no chemical development on site, physician, psychologist, real estate broker, serviceman or a dwelling used for preserving or cooking for compensation. Such uses as restaurants, tearooms, funeral homes, barbershops, beauty parlors, dancing schools, and animal hospital are not considered incidental and accessory to a residential use and shall not be deemed a home-occupation).*

Since home occupations are, by definition, activities conducted by the occupants of a dwelling, any permit issued for a home occupation shall be personal to the recipient and may not be transferred with the property upon change in ownership. A new occupant may establish a similar home occupation or a different home occupation upon approval by the Commission pursuant to these Regulations. The Commission shall approve home occupation permits only under the following conditions:

12.16.1 The activity shall be clearly secondary to the use of the premises for dwelling purposes. When conducted within a dwelling, it shall occupy no more than twenty-five percent of the floor area of the dwelling, exclusive of any garage, attic or basement. The home occupation shall be deemed to be a component of the overall residential use and shall not be deemed to be a separate non-residential use. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use(s). No significant alteration of or addition to a dwelling may be made to accommodate a home occupation without a special permit.

a. The activity may be located in an accessory building. The square footage of the home occupation in an accessory building shall occupy no more than twenty-five (25) percent of the floor area of the dwelling, exclusive of any garage, attic or basement and the total for such area shall not exceed 400 square feet. Except, the Commission may by a  $\frac{3}{4}$  vote of the Commission's entire membership, allow additional square feet, beyond the 25% as detailed above, when additional square footage is designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood.

12.16.2 The activity shall not change the residential character of the property or neighborhood in any substantial manner, except as may be expressly allowed by the Commission. There shall be no mechanical or structural fabrication or assembly of any products or items (other than art works or cabinetry), except that which is incidental to the provision of a permitted service or as detailed in Section 12.16.8 below.

12.16.3 The activity shall not result in noise levels, frequencies, or qualities, or in odors, vibrations, illumination, pollution, television or radio interference, or other nuisance conditions that are perceptibly different at the property line from those that may reasonably be expected from residential uses, except as may be expressly allowed by the Commission.

12.16.4 The activity shall not unreasonably alter the existing residential character of the neighborhood. Parking area(s) shall be subject to the review and approval of the Planning and Zoning Commission, in accordance with the procedures set forth in **Section 13 (Special Permits) and Section 14** (Site Plans) as being of adequate size for the particular use, suitably screened throughout the year with evergreen planting, walls or fences, or combinations thereof, properly designed to avoid any sanitation or drainage problems, and with entrance and exit drives designed so as to minimize traffic hazards. There shall be no material change of traffic characteristics of the neighborhood. The home occupation shall not generate more than an average of one (1) truck delivery per week day.

12.16.5 The activity shall not create an unreasonable health or safety hazard.

- a. Hazardous and/or toxic Materials may not be stored on site. For the purposes of this Section, Toxic or Hazardous Material are any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Pomfret. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acid and alkalis and all substances defined as Toxic or Hazardous under State Statute, and also include such products as solvents and thinners in quantities greater than normal household use.
- b. No solid waste shall be generated, placed, used, stored or sold on the property in conjunction with the home occupation.
- c. There shall be no storage of bulk fuel on the property. Bulk fuel shall be defined as the storage of fuel in excess of 25 gallons.

12.16.6 The proposed activity shall be conducted by a resident with no more than two non-resident employees. If the resident is not the owner, a letter identifying and approving the proposed home occupation shall be submitted by the owner as part of the permit application.

12.16.7 There shall be no outside display or storage of materials associated with the home occupation.

12.16.8 There shall be no retail sales. Except, retail sales of goods produced/manufactured on site by the proprietor and or their employee's from raw materials as part of the home occupation may be sold on the site. Retail display shall be limited to 50 square feet with in the building that houses the home occupation. Items shall not be purchased off site for resale.

- a. An additional two (2) parking spaces shall be provided for retail sales. Parking spaces shall be screened from the street and abutting property lines by fences, structures, vegetation, and/or earthen berms.
- b. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a  $\frac{3}{4}$  vote of the entire commission.

12.16.9. No more than a total of three of the following, in any combination, may be stored on a parcel of land in connection with a Class I home occupation (*Cars, light trucks (pick-up trucks), vans or mini-vans, sport utility vehicles, station wagons, and the like that are of a type commonly used for personal transportation and which are ordinarily driven by the occupants of a residential property are allowed in the residential zones when otherwise lawfully parked*

- vehicle(s) (i.e., truck and/or van) the maximum Gross Vehicle Weight (GVW) shall not exceed 18,000 pounds;
- trailer, open or enclosed;
- equipment (i.e., bobcat, mini excavator, loader backhoe, etc) stored on or in such trailer. *For the purposed of this section, equipment means any freestanding piece of equipment with a gross vehicle weight of less than fifteen thousand (15,000) pounds (as defined by the manufacturer) that is used for the purpose of a home occupation and that is typically transported to a job site by a vehicle. The term shall include equipment that is motorized or nonmotorized, stationary, or self-propelled. Hand held tools and/or tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as equipment for the purposes of this section, and,*
- passenger vehicle(s) with seating for 15 or less persons but with not more than two axles is allowed to be parked or stored overnight on each residentially developed lot or parcel.
  - a. the operator of the commercial vehicle(s), trailer(s) and/or equipment must reside on the premises;
  - b. the vehicle(s) and trailer(s) must have a current Connecticut DMV registration and registration must be within the Town Of Pomfret. All other equipment must be registered with the Tax assessor in the Town of Pomfret.
  - c. No engines vehicle and/or equipment shall be idled for more than ten (10) minutes at any time of day.
  - d. The use creates no more than 5 deliveries and/or customer trips per day.