

TOWN OF WARREN, CT
PLANNING & ZONING COMMISSION

Memorandum regarding Home Business Regulations

Updated March 6, 2024; prepared for April 2, 2024 P&Z meeting

First issued to the P&Z Commission on August 1, 2023; updated and previously presented September 5, 2023, November 8, 2023, December 5th, 2023, February 6, 2024 and March 5, 2024.

BACKGROUND:

Zoning complaints in the Town of Warren commonly center around “home business” activity or alleged “commercial activity” taking place on properties zoned residential. Most of the town is zoned residential with a small Center Zone that has been designated for commercial activity.

The complaints shed light on the fact that the current regulations lack clarity which impinges upon clear enforcement action. Few home businesses comply with the current zoning regulations. The Planning & Zoning (P&Z) Commission has drafted a revision to the regulations governing home businesses.

In preparing the followign revision, the P&Z Commission has reviewed how comparable surrounding towns (Kent, Cornwall, Washington & Litchfield) regulate home businesses. Most towns classify various home businesses based on their intensity (*eg home office, minor home business, major home business*) and permit home business uses based on anticipated adverse impacts (such as increased traffic, noise, external storage) that they may impose on adjacent properties.

Many home businesses exist throughout Town without having ever successfully been granted a Special Exception, which means many home businesses are currently non-compliant.

WHAT THE REGULATIONS CURRENTLY SAY:

“Home occupations” and “home businesses” are allowable uses in the Town of Warren. **Home Occupations** are currently permitted “by right” – no zoning permit required; while **Home Businesses** currently require a Special Exception in all zones.

Home Occupations (Section 13.0) are akin to the a “home office” where no exterior activity nor outside employees and/or customers/clients are allowed.

Home Businesses (Section 23.0) are limited in the following manner:

- Up to 2 (two) non-resident employees
- No more than 33% of the dwelling unit and/or 1,000 sf
- No adverse impacts such as noise, fumes, odors, vibrations and/or glares to be detectable off of the property
- No more than five (5) commercial vehicles
- Home business associated parking shall be 25’ away from the property line
- No outdoor storage areas shall be visible from adjacent properties and/or the public right-of-way
- Customers and clients are permitted on the property.

Despite relatively clear provisions associated with each category of home business activity- the term home occupation and the term home business are not defined in the current version of the regulations.

As discussed by the Commission, it is quite difficult to discern what activity is customary and incidental to residential activity and what would qualify as non-compliant “commercial activity.” For example, if a resident

has a hobby of repairing classic cars and receives no financial gain from doing so; can one claim they are running a home business for engaging in this activity on their property? If another resident is processing wood to be used in their woodstove and to give away to neighbors for use in the winter; can one claim this is commercial activity? Examples such as these are commonplace in the field. The best tools for enforcement are very clear regulations with specific parameters as well as a clear permitting process to ensure compliance.

SUMMARY OF SUGGESTED CHANGES:

1. Rather than require that all “home businesses” obtain a Special Exception, a tiered approach to permitting home business uses should be considered.

Rationale:

Some activity associated with “home business use” should be authorized by right (no zoning permit), some should be allowed by zoning permit, and others associated with the most intense activity should be subject to the Special Exception process requiring timely neighborhood notification of the application, a public hearing, and a Commission decision.

2. To modernize the terminology, the term “Home Occupation” may be updated to read “Home Office.”

Rationale:

This use should continue to be permitted “as of right” (without a zoning permit) with the current conditions of **Section 13.0**.

3. The term “Home Business” should be clearly defined and the zoning regulations should possibly include several terms that differentiate by activity and by intensity of use and/or associated adverse impacts, such as minor home business and major home business.

Rationale:

Terms to differentiate businesses by activity, intensity of use, and/or anticipated potential adverse impacts can help with regulation enforcement.

4. The Commission should consider adding a category that addresses “shop & storage and/or Contractor use.”

Rationale:

Contracting and building tradesmen (such as, but not limited to, plumbers, landscapers, excavators, electricians, builders, painters, carpenters, masons, millworkers, and other similar occupations) commonly use the residentially zoned property for the storage of tools, materials, vehicles, and other items associated with such trade/occupation. This is the most observed home business type in Warren as well as the most common source of complaints.

5. The P&Z may wish to consider periodic renewals for home business uses. (see Washington).

Rationale:

Periodic renewals will help to facilitate monitoring and enforcement of the home business regulations, particularly after property transfers and changes of ownership.

PROPOSED TEXT AMENDMENTS AND REVISIONS:

Modified text segments have been underlined

Section 3.0 - Shall be updated to include the following definitions:

Cottage Food Operation (CFO) – the production of food products in a private residential dwelling’s home kitchen for sale directly to the consumer. Retail sales associated with a CFO shall not take place at the private residential dwelling in accordance with state licensing requirements (Public Act 18-141) and local requirements.

Cottage Industry Operation - (*referred to in some towns as a “traditional home enterprise”*)- a business in a residential area conducted primarily by residents of the property that involves manufacturing artistic, handicraft, and other homemade items.

Home Business – a general term that refers to all activity on a residential property associated with professional, occupational, and/or business activity that is an accessory use to the primary residential use of the property and the business is registered to an occupant of the property. This term encompasses all the following more specific terms: Cottage Food Operation, Cottage Industry, Home Office, Minor Home Business, Major Home Businesses, Shop & Storage.

Home Office (*formerly home occupation*) – A permitted activity that includes a resident of the property conducting work that is incidental to the residential use of the property. No outside clients, customers, and/or exterior storage are to be associated with home office use.

Minor Home Business – Business activity conducted at a private residential property is classified as a minor home business if one or more of the following occurs:

- a. Outside visitors/clients/customers to visit the property by appointment only.
- b. Up to a maximum of two (2) non-resident/off-site employees work at the minor home business.
- c. Up to a maximum of three (3) non-resident vehicles are parked on-site regularly. This includes all employee and customer/client parking. Parking areas required for employees and/or clients shall be indicated on the site plan associated with the permit.
- d. No more than one-thousand square feet (1,000 sf) of exterior activity/storage associated with the home business activity is visible from the public-right-of way.
- e. All outside storage areas shall be at least 25 feet from all property lines.

Major Home Business – Business activity conducted at a private residential property that exceeds the specific limitations of a minor home business and where one or more of the following activities occurs in association with the business activity:

- a. Outside visitors and/or customers visit the property during approved hours of operation without an appointment.
- b. More than three (3) non-residential employees and/or customers/clients regularly park their vehicles on-site.
- c. More than one-thousand square feet (1,000 sf) of exterior activity/storage associated with the home business activity is visible from the public right-of-way.

Shop & Storage for Tradespeople & Contractors – a use commonly conducted by contracting and building tradesmen (*such as, but not limited to, plumbers, landscapers, excavators, electricians, builders, painters, carpenters,*

masons, millworkers, and other similar occupations) that involves the storage of tools, materials, vehicles, and other items associated with their trade/occupation on a residentially zoned property. This use allows reasonable ancillary activity which involves equipment maintenance, storage of equipment/materials, and/or the production/construction/assembly of materials on-site but shall not have a significant adverse effect on adjacent property or on public health or safety.

Section 5.0 – The use table will be updated to include all of the above-mentioned definitions, which will fall into the following permitting categories:

Cottage Industry/Food Operations (where no retail sales are conducted on-site) - N
Home Office (formerly home occupation) – N
Shop & Storage, Tradesmen, & Contractors– P
Minor Home Business – P
Major Home Business – E

Where P – Permitted use by zoning permit; E – Use permitted by special exception; and N – Use permitted as of right; no zoning permit required.

Section 13 – “Home Occupation” will be updated to read “Home Business Uses”

13.1 The following provisions shall apply to all home business uses that are permitted by right (without a zoning permit) such as cottage food operations, cottage industry operations, and home offices:

13.1.1 A home business shall be incidental to the use of the dwelling unit for residential purposes.

13.1.2 Only residents of the dwelling are permitted to work on-site in the home occupation.

13.1.3 The home business use may be conducted either in the dwelling or in a separate structure.

13.1.4 No outside storage or display of materials or products is allowed.

13.1.5 No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials that may pose a significant adverse effect on adjacent property or on public health or safety shall be allowed.

13.1.6 No equipment or processes shall be used in a home occupation that creates objectionable noise, vibration, glare, fumes, or odors above and beyond what is customary in a residential zone.

13.1.7 The residential appearance of the dwelling unit shall be maintained. No evidence of the home office or the cottage operation shall be visible from the exterior of the dwelling unit other than authorized signage.

13.1.8 Signage for authorized home businesses may be displayed provided a zoning permit is obtained. No signage for a home business shall exceed four (4) square feet in sign area. All signage shall be displayed in accordance with 20.1 Requirements for Signs in All Zones.

13.1.9 No customers or clients are permitted to visit the premises in association with the home business.

13.1.10 The retail sale of products associated with a cottage operation must occur off-site.

13.1.11 All home businesses may be subject to additional approvals such as state licensing and renewals, local health district review, and/or other applicable regulations such as a building/fire code. The Land-Use Office may request proper documentation of other approvals.

Section 23.0 “Home Business” will be changed to “Minor Home Business and Shop & Storage for Tradesmen & Contractors”

23.1 **Minor home businesses** shall be permitted by zoning permit provided the following criteria have been met (a-h, inclusive):

a. Outside visitors/clients/customers are permitted by appointment only

b. Up to a maximum of two (2) non-resident/off-site employees work at the minor home business.

- c. Up to a maximum of three (3) non-resident vehicles are parked on-site regularly. This includes all employee and customer/client parking. Parking areas required for employees and/or clients shall be indicated on the site plan associated with the permit.
- d. No more than one-thousand square feet (1,000 sf) of exterior storage associated with the home business activity shall be visible from the public right-of way.
- e. All outside storage areas shall be at least 25 feet from all property lines.
- f. Signage for authorized home businesses may be displayed provided a zoning permit is obtained for the signages. No signage for a home business shall exceed four (4) square feet in sign area. All signage shall be displayed in accordance with **20.1 Requirements for Signs in All Zones.**
- g. Home businesses may be subject to additional approvals such as state licensing and renewals, local health district review, and/or other applicable regulations such as a building/fire code. The Land-Use Office may request the proper documentation of other approvals.
- h. Safe access on and off the site is maintained.

23.2 Shop & storage for tradespeople & contractors allows reasonable ancillary activity which involves equipment maintenance, storage of equipment/materials, and/or the production/construction/assembly of materials on-site but shall not have a significant adverse effect on adjacent property or on public health or safety.

- a. In addition to compliance with the criteria listed in Section 23.1, items a-h (inclusive) shop & storage for tradespeople & contractors allows up to a maximum of five (5) commercial vehicles on-site.

23.3 All home businesses that do not conform to the limitations of cottage industry/food operations, home office, minor home businesses and/or shop & storage, tradesmen & contractors as specified in Section 23.1 and 23.2 shall be considered **Major Home Businesses** and shall be subject to a Special Exception (see **Section 31**).

23.4 The application for a **Special Exception for a Major Home Business** shall be on a form provided by the Land-Use Office, and shall include the following information:

- a. A narrative summarizing the nature of the home business
- b. A list of all potentially hazardous materials used or stored on the premises associated with the proposed home business as well as the proposed methods for disposing of said waste or materials.
- b. Proposed hours of operation
- c. Proposed number of employees and number of vehicles associated with the home business that will be regularly parked on the premises.
- d. A site plan that indicates where the major home business will be conducted, the on-site parking area, and other elements of the home business such as proper screening from adjacent properties, signage, and/or exterior elements such as lighting. The Commission may ask for specific details such as the distance of business activity from the property lines as well as the floor plan of the structure associated with the proposed major home business.
- d. Anticipated traffic (ie number of daily trips to the site that may be conducted by non-residents) and other adverse impacts (eg, noise, frequent deliveries) based on the proposed major home business use
- e. The Land-Use Office may request the proper documentation of other approvals required to lawfully operate the major home business, such as but not limited to state licensing and renewals, local health district review, and/or other documentation certifying adherence to applicable

regulations such as building/fire code.

23.5 Special Exceptions for Major Home Businesses may be issued and may be conditioned by a renewal requirement involving the filing of an additional application and fee with the Zoning Enforcement Officer (ZEO).

- a. At the time a Major Home Business is approved, the Commission will determine an appropriate period in which an application for renewal may be required, based on the information provided for the approval.
- b. If a renewal is required, the approximate date of renewal will be determined at the time the initial approval is granted.
- c. An on-site inspection of the Major Home Business may be required as a condition of renewal.

Approval Criteria

see **Section 31.5 General Criteria** (*pg 88*) for Special Exceptions