

**TOWN OF SOUTH WINDSOR  
PLANNING & ZONING COMMISSION  
APPLICATION FORM**

Application Number: \_\_\_\_\_

Official Receipt Date: \_\_\_\_\_

Munis Application #: \_\_\_\_\_

APPLICANT: HEATH JOHNSTONE

PROJECT NAME: TEXT AMENDMENT

COMPLETE LOCATION OF PROPERTY: 1030 ELLINGTON ROAD, SOUTH WINDSOR, CT 06074

OWNER OF RECORD ON LAND RECORDS: HEATH JOHNSTONE & DAVID BASILE

OWNER ADDRESS: 1030 ELLINGTON ROAD, SOUTH WINDSOR, CT 06074

GIS PIN # 30301030      ZONE A20

NAME, ADDRESS, TELEPHONE & EMAIL ADDRESS OF PERSON TO WHOM INQUIRIES SHOULD BE DIRECTED:

ERIC S. PARKER, ESQ., ROMANO PARKER & ASSOCIATES, 41 NEW BRITAIN AVENUE, ROCKY HILL, CT 06067

Estimated presentation time: \_\_\_\_\_ THIS APPLICATION IS FOR: (Check all that apply):

- ☐ Zone Change to \_\_\_\_\_ (Public Hearing and Certificate of Mailing Required)
- ☐ Open Space Subdivision/Resubdivision (Public Hearing and Certificate of Mailing Required)
- ☐ Subdivision ☐ Minor ☐ Major
- ☐ Resubdivision (Public Hearing Required) ☐ Minor ☐ Major
- ☐ Conditional Subdivision
- ☐ Special Exception to Table \_\_\_\_\_ (Public Hearing and Certificate of Mailing Required)
- ☐ Site Plan of Development ☐ New ☐ Modification Building(s) Sq Ft \_\_\_\_\_
- ☐ General Plan of Development
- ☐ Earth Filling (Sec. 7.6) and/or Earth Removal (Sec. 7.16) (Public Hearing and Certificate of Mailing Required)
- ☒ Regulation Amendment ☒ Zoning ☐ Subdivision - Attach proposed amendment (Public Hearing Required)
- ☐ Temporary and Conditional Permit (Public Hearing Required) for \_\_\_\_\_
- ☐ Temporary and Conditional Permit Renewal for \_\_\_\_\_
- ☐ Detached In Law Apartment or ☐ Accessory Apartment (Public Hearing and Certificate of Mailing Required)
- ☐ Major Home Occupation (Certificate of Mailing Required) for \_\_\_\_\_
- ☐ Other (explain in detail)

**PLEASE NOTE: An Application Pending Sign is required to be posted on the property for all applications ten (10) days prior to being heard by the Commission.**

Heath Johnstone

Signature of Applicant

Heath Johnstone

Print Name of Applicant

David Basile

Signature of Property Owner

David Basile

Print Name of Property Owner

Revised 1/15/2020

## **Section 7.11 Home Occupations**

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### **7.11.1 Purpose**

The conduct of business in residential units may be beneficial under certain conditions. It is the intent of this section to:

- I. Ensure the home occupation is clearly secondary to the use of the building for dwelling purposes.
2. Ensure the compatibility of home occupations with other permitted uses in the residential districts.
3. Maintain and preserve the residential character of the dwelling and the residential character of the neighborhood.
4. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisances, fire hazards, offensive odors and pollutants, and other possible effects of commercial uses being conducted in residential areas.

### **7.11.2 Zones Permitted**

- A. Minor home occupations are permitted in all single-family residential zones by right; and in the Multi-Family and Designed Residence Zones at the discretion of their respective Homeowners' Association. A letter from the association will be required at the time of application.
- B. Major home occupations are allowed in single-family zones upon approval by the Commission. Upon approval, permits will be issued for up to a 5-year period and just be renewed at the expiration of the allowed period. Major home occupations are not permitted in multifamily zones or developments, or in Designed Residence zones.

### **7.11.3 Performance Criteria**

- A. Performance criteria for minor home occupations:
  1. No more than 25% of the dwelling unit floor area shall be used in connection with the home occupation. Floor area of a dwelling unit, in this case, shall include the floor of all heated and ventilated and thereby habitable rooms and areas within the dwelling unit including basements and habitable space.
  2. The home occupation shall be carried on wholly within the principal building. The activity inside cannot be visible from the outside (e.g., big windows, glass doors, etc.).
  3. No retail sales are allowed. No wholesale/mail-order sales are allowed that generate additional truck deliveries except for parcel services such as UPS or FedEx.
  4. Only 1 business-associated van/pick-up is allowed; outdoor storage/parking of the business vehicle is prohibited.
  5. All appropriate State and Federal licenses and permits shall be obtained by the owner/operator.
  6. Dwelling must retain the character of a single-family dwelling.
  7. No storage of hazardous materials, other than normal household material, allowed.
  8. No entrance or exit in the dwelling or on the premises shall be added solely for the conduct of the home occupation.
  9. The home occupation cannot cause interference with radio or television reception in the vicinity.
  10. Articles not made on the premises shall not be sold on the premises.

**B.** Performance criteria for major home occupations include all criteria for minor home occupations enumerated above as well as:

1. No more than **1** major home occupation shall be permitted within any single dwelling unit.
2. Major home occupations can request use of accessory buildings, provided that there is no appearance of commercial activity, and is subject to Commission approval.
3. No more than 1 employee not residing in the dwelling shall be employed in the performance of the occupation.
4. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in garages, attached or detached unless there is still adequate space for the storage of **1** vehicle. Also, there shall be no outdoor storage of material.
5. The home occupation cannot create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located. No truck deliveries are allowed in connection with the home occupation except for parcel services such as UPS and FedEx.
6. All parking needs must be met on-site. Any parking in excess of customary residential parking may be required to be screened from the street and from adjacent residential property by either:
  - a. Fencing of a type typically used in residential areas such as stockade fencing, not slatted chain-link fencing; or
  - b. Evergreen plantings of sufficient height and spacing to establish an adequate screen.
7. No external effects that are incompatible with the character of residential zones are allowed (for example, increased noise, excessive lighting, and offensive odors).
8. Provision shall be made for separate collection of business generated refuse and recyclables.
9. When connected to a public sewer, approval of the WPCA shall be obtained prior to initiating the home occupation.
10. Businesses that are prohibited include on-premises serving of food and/or beverages; overnight treatment of patients; overnight boarding of animals; landscaping contractor businesses; and similar uses.
11. Where the criteria in the above list are less restrictive than the criteria enumerated for minor home occupations, the less restrictive criteria shall apply to major home occupations.
12. At least 50% of articles offered for sale on the premises must be made on the premises.

#### **7.11.4 Procedure**

##### **A. Minor Home Occupation**

The following shall be submitted to the Zoning Enforcement Officer for a Zoning Permit:

1. A detailed statement describing all pertinent aspects for the proposed activity and acknowledging the requirements of this Section: (It should be noted that additional information is required by the Town's Tax Assessor's Office and may be required by the Town Clerk's Office.)
2. An accurately drawn plot plan depicting property lines, structure locations, access drive(s), existing and proposed parking spaces with screening, and any other pertinent features;
3. An accurately drawn floor plan depicting the area to be utilized by the home occupation;
4. Architectural elevations for any additions being proposed; and
5. Sign design, if any. See Section 6.5.7 Residential Sign Requirements.

## **B. Major Home Occupation**

- A.** Application for 5-year permit shall be made to the Commission and notification of abutters in accordance with Section 8.2.C. A public hearing may be required by the Planning and Zoning Commission. Renewals may be granted by the Commission. At the time of renewal, a sign must be posted per section 8.2.B and a public hearing may be required. The application for home occupation approval shall contain the same items and information required for a minor home occupation.

## **C. Permit Duration**

1. Each Certificate of Zoning Compliance for a minor home occupation shall be valid for the duration of the applicant's residence and shall automatically terminate when the applicant no longer resides in the dwelling unit. Commission approval for major home occupations shall be valid for up to 5 years as specified by the Commission, except that approval shall automatically terminate when the applicant no longer resides in the dwelling unit.
2. The Commission may revoke any minor or major home occupation permit for noncompliance with permit requirements and conditions.

Approved: 5/28/13

Effective: 6/3/13