



P&Z #:

TOWN OF TOLLAND APPLICATION TO AMEND REGULATIONS

Please attach the full text of the proposed changes, edits, amendments, and new text that you are proposing.

Which document are you proposing to amend?

Zoning Regulations

Wetlands Regulations

Subdivision Regulations

Plan of Conservation & Development

List all sections of the regulations that you propose to amend or add text to:

Section 2-2: Terms Defined

Section 16-8: Home Occupations

Section 16-9: Livestock and Small Stock

Describe the purpose for these proposed changes:

The 2019 POCD effort calls for an update to the Home Occupation Regulations to make them more responsive to modern home occupations. New small stock regulations minimize the need for a special permit on appropriate-sized lots for those with small quantities of small livestock.

Describe how this request is consistent with the Tolland Plan of Conservation and Development:

Objective D.6: Update Home Occupation Regulations

Objective C.24: Update the Zoning Regulations to be more farm-friendly

Applicant Information

Applicant Name: Town of Tolland

Mailing Address: 21 Tolland Green, Tolland CT 06084

Phone Number: (860) 871-3601 Email Address: dcorcoran@tolland.org

(Over)

All of the above statements and the statements contained in any documents and plans submitted herewith are true to the best of my knowledge:

Applicant Signature: _____ **Date:** _____

Please note:

1. If also proposing to amend the Zoning Map, a separate Map Amendment Form and fee must be submitted.
2. The fee must be submitted to be considered a complete application.

OFFICE USE ONLY

Fee Amount:	_____	Approved:	_____
Form of Payment:	_____	Approval Date:	_____
Date Submitted: (stamp)		Effective Date:	_____

REPLACE THE APPROPRIATE DEFINITIONS IN SECTION 2-2 WITH THE FOLLOWING:

SMALL STOCK –limited to sheep, goats, alpacas, and similar sized animals excluding butcher hogs, which require less land for keeping than large animals.

VEHICLE, COMMERCIAL – A motor vehicle over 26,000 pounds in gross vehicle weight.

REPLACE SECTION 16-8 WITH THE FOLLOWING:

SECTION 16-8. HOME OCCUPATION

A. Purpose

These regulations are intended to:

1. Ensure the home occupation is clearly secondary to the use of the building as a residence.
2. Ensure the size, architecture, intensity, and characteristics of the home occupation is compatible with the neighborhood.
3. Maintain and preserve the residential character of the dwelling and the residential character of the neighborhood.
4. Guarantee to 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.
5. Allow for appropriate business uses on residential premises in order to expand economic opportunities for Tolland residents.

B. Permits Required

1. Home Office – A Home Office is allowed in all zones without a Zoning Permit.
2. Minor Home Occupation – A Minor Home Occupation is permitted in all zones and requires a Zoning Permit.
3. Major Home Occupation – A Major Home Occupation is allowed in all zones and requires a Special Permit.

C. General Regulations for All Home Offices and Home Occupations

1. Business shall be conducted by the inhabitants of the principal dwelling.
2. The dwelling shall retain the character of a residence.
3. The use shall be clearly incidental and secondary to the residential use of the parcel.
4. Access shall not create a traffic hazard on town or state roads.
5. All parking requirements shall be met on-site.
6. The use shall not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises.

7. No storage of hazardous materials, other than normal household materials is allowed.
8. To protect water resources in environmentally sensitive areas, no maintenance or washing of vehicles associated with the business shall be performed onsite, unless a best practices plan is approved by the Commission.
9. No vehicle or equipment may be idled for more than three (3) minutes except for maintenance purposes.
10. No gas storage shall be permitted on the site in excess of what is customarily used by a residence.
11. The business owner shall be responsible for waste and recycling disposal in excess of typical residential volumes.
12. Multiple Home Occupations:
 - a. Up to two (2) Minor Home Occupations on a parcel is permitted.
 - b. One (1) Major Home Occupation and one (1) Minor Home Occupation on a parcel is permitted.
 - c. No more than one (1) Major Home Occupation is permitted on a parcel.
 - d. When there is more than one (1) Home Occupation on a parcel the standards are cumulative. For example, if two (2) Minor Home Occupations were located on a parcel, only one (1) commercial vehicle and one (1) trailer is permitted on the parcel.
 - e. There are no limitations on the number of Home Offices allowed on a parcel.

D. Regulations for a Home Office

1. A Home Office is permitted in single-family, two-family and multi-family dwelling units.
2. There is no minimum lot requirement for a Home Office.
3. No employees other than the inhabitants of the dwelling unit shall work at or conduct business on the premises.
4. No customers may visit the premises.
5. No external evidence of the business shall be visible.
6. No business signs shall be erected.
7. No vehicular traffic beyond what is customary for a dwelling unit is permitted.
8. No more than one (1) business or (1) commercial vehicle and one (1) hauling trailer shall be parked on the site.
9. There shall be no outdoor storage of equipment.

E. Regulations for a Minor Home Occupation

1. A Minor Home Occupation is permitted in single-family, two-family and multi-family dwelling units.
2. For two-family and multi-family dwellings, the applicant shall submit written permission from the property owner (if the applicant is not the property owner) and from the

condominium association (if applicable) authorizing the allowance of the Home Occupation.

3. Number of Employees: There shall be no more than one and one half (1.5) non-resident full-time equivalent employees on the premises.
4. On-site Customers: No more than eight (8) customers or clients per day shall be allowed to visit the premises. There may be rare exceedances of this limitation, for example if the business has a two-week busy period in a year.
5. There is no minimum lot requirement for a Minor Home Occupation.
6. Size Restrictions:
 - a. The Home Occupation shall not occupy more than 25% of the total floor area of finished living space. The use of unfinished living space does not count towards the limitation (e.g., unfinished basement).
 - b. Fully enclosed attached garage space used to store vehicles shall not count toward the size limitations provided the garage existed prior to [effective date of these regulations]. The use of finished living space above a garage would count toward the limitation.
 - c. There is no size limitation for a Home Occupation in a permitted accessory structure.
7. Equipment shall be screened from view from the street and abutting properties.
8. No more than one (1) business or (1) commercial vehicle and one (1) hauling trailer shall be parked on the site.

F. Regulations for a Major Home Occupation

1. The minimum lot size is four (4) acres.
2. Major Home Occupations are not permitted in multi-family developments.
3. Number of Employees: There shall be no more than three (3) non-resident full time equivalent employees on the premises.
4. On-site Customers: The total number of on-site customers or clients shall be set by the Commission. The Commission shall take into consideration:
 - a. The ability to provide an adequate number of on-site parking spaces,
 - b. the ability to screen on-site parking spaces from the street and from adjacent residential properties,
 - c. the ability of the street to handle the anticipated traffic,
 - d. the number of trips per day and frequency of trips, and
 - e. the Special Permit Criteria below and in Section 20-8.
5. Size restrictions:
 - a. The Home Occupation shall not occupy more than 30% of the total floor area of finished living space. The use of unfinished living space does not count towards the limitation (e.g., unfinished basement).

- b. Fully enclosed attached garage space used to store vehicles shall not count toward the size limitations provided the garage existed prior to [effective date of these regulations]. The use of finished living space above a garage would count toward the limitation.
 - c. There is no size limitation for a Home Occupation in a permitted accessory structure.
6. Equipment and Commercial Vehicles:
- a. No more than six (6) business vehicles, one (1) commercial vehicle, and one (1) hauling trailer may be stored on site.
 - b. All business vehicles and equipment shall be stored in an enclosed structure or screened from the street and abutting residential property to the satisfaction of the Commission.
7. Special Permit Criteria for a Major Home Occupation: In addition to the standards contained in Section 20-8, the Commission shall determine that the following standards are met:
- a. Traffic, noise, and visual impacts are not incompatible with the surrounding neighborhood or are mitigated due to size of parcel, remoteness of parcel, screening, or other measures.
 - b. The use as a home occupation is clearly secondary to the residential use of the parcel.

G. Submittal Requirements

1. The following shall be submitted with an application for a Minor or Major Home Occupation, unless the ZEO or Commission, respectively, determines that such information is not necessary due to a special nature of an application:
 - a. Completed application form and fee.
 - b. A detailed statement describing all aspects of the proposed activity and describing compliance with the requirements of this Section.
 - c. An accurately drawn plot plan depicting property lines, structure locations, access drive(s), existing and proposed parking spaces, screening as required, and any other pertinent features.
 - d. An accurately drawn floor plan depicting the area to be utilized by the home occupation.
 - e. Architectural elevations for any proposed additions or new structures.
 - f. Sign design and location, if any.
2. In addition, for a Major Home Occupation all materials required in accordance with Article 20, Special Permits and Site Plans, shall be submitted unless the Commission determines such information is not necessary in order to act on the application.

REPLACE SECTION 16-9 WITH THE FOLLOWING:

Section 16-9. Livestock and Small Stock

A. General Requirements Based on Property Size

The private keeping of livestock and small stock, for domestic purposes only, shall meet the following criteria:

1. Two (2) or more acres: may keep small stock and livestock.
2. Less than two (2) acres and more than one and one quarter (1.25) acre. May keep up to four (4) total units of small stock. Additional small stock may be allowed, subject to Special Permit approval. In its review, the Commission shall consider the proposed number of small stock, site layout and neighborhood character in determining that all provisions of this Section shall be observed.
3. Less than two (2) acres: The keeping of chickens or other domestic fowl no larger than a chicken is permitted provided the following regulations are met:
 - a. Roosters or guinea fowl are not permitted.
 - b. Limitations on number:
 - 1) There shall be no more than 12 hens / fowl on parcels of less than one acre.
 - 2) There shall be no more than 24 hens / fowl on parcels that are one (1) acre to 1.99 acres.
 - c. The hens / fowl shall be confined to a fenced enclosure. The fenced enclosure shall be a minimum of 40 feet from the front property line and 10 feet from the side and rear property lines.
 - d. The coop shall be a minimum of 75 feet from the front property line and 25 feet from the side and rear property lines.
4. A zoning permit is not required for the keeping of hens / fowl. A zoning permit is required for a coop if the coop is greater than 100 square feet in size
5. Student or youth projects involving the temporary keeping of small stock and livestock are exempt from these regulations.

B. Additional Requirements

1. All livestock shall be kept in such a manner that there shall not be undue detrimental impact through noise, smell, vermin or runoff to neighboring properties or watercourses.

2. Manure and clearings shall be confined to an area visually screened from adjacent properties.
3. An appropriate building conforming to safe building standards shall be provided for the keeping of any livestock.
4. All livestock shall be suitably contained on the premises.
5. Any structure used for the keeping of livestock and manure storage area shall be located a minimum distance of 75 feet from any front, side or rear property line.
6. Fenced-in areas intended to keep livestock confined to a small area, such as holding pens and dry lots, shall be located a minimum distance of 75 feet from any front, side or rear property line.
7. There is no minimum yard setback for a fenced-in area that provides livestock the ability to graze or exercise and is able to maintain a vegetative cover. If such an area is unable to maintain a vegetative cover, it shall be located a minimum distance of 75 feet from the front, side or rear property lines.