



### 3.5 RESIDENTIAL ACCESSORY BUILDINGS AND USES

#### §3.5.3.2

##### 2. Home Based Service Business by Permit

Home based service businesses provide personal and other services to clients. Home based service businesses may be permitted as long as these activities remain customary and incidental accessory uses. The Zoning Commission may authorize the Zoning Enforcement Officer to issue a five-year permit to an owner for such Home Business use. At permit expiration, the owner may apply for a new five-year permit. If the owner leaves the property, the permit will end.

The Commission may set permit conditions such as limiting of days and/or hours of operation or limiting the number of customers per week. Each application is considered on an individual basis and each property will be considered unique and due consideration given to prevent negative impact on the character of the neighborhood.

In considering whether to authorize such a permit, the Zoning Commission shall consider the following factors:

- a. Only residents of the dwelling may have their workplace at the residence.
- b. The nature of the service rendered. All services must be legal, and they must be of low enough intensity that they are customary and incidental accessory uses to the property as a residence.
- c. The business may not negatively affect the character of the neighborhood.
- d. No exterior evidence of the business can be seen from public right of way or abutting properties.
- e. Any material, merchandise, equipment or machinery relative to the use, and stored outdoors, must not be visible from adjacent properties or from the public right-of-way
- f. Activities that create noise greater than 75 decibels, measured at the property line, or that result in noxious odors, are prohibited.
- g. No outside lighting, beyond normal residential safety lights, is permitted.
- h. No visitors may park on the street, sufficient off-street parking to support home business and residence.
- i. Retail showrooms and display areas are prohibited.
- j. There shall be no effect on neighborhood traffic.
- k. In the main residence, no more than 25% of the floor space may be devoted to accessory use.
- l. Shipping alcohol in gift baskets by postal service, FEDEX, UPS or similar shipping service may be considered Home Based Service Business and must comply with standards set forth in CGS Sec. 30-37p and obtain Gift Basket Retailer Liquor Permit from Department of Consumer Protection Liquor Control Division.

## SECTION 4 – BUSINESS DISTRICTS

### 4.6 BUSINESS USE STANDARDS

#### ~~B. ALCOHOLIC USES~~

~~Permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case~~

- ~~1. The sale of alcoholic beverages may be permitted by the Zoning Commission by Special Exception. Such Special Exception shall pertain to a specific location and a specific class of permit, as defined by the State Liquor Control Act.~~
- ~~2. In considering the proposed liquor outlet, the Commission shall be guided by the following:~~
  - ~~a. The need for the proposed use in the proposed location.~~
  - ~~b. The existing and future character of the neighborhood in which the use is proposed.~~

- e. ~~Traffic which is likely to be generated by the proposed use.~~
- d. ~~Safeguards necessary to protect adjacent property and the neighborhood in general.~~
- 3. ~~A retail use or outlet selling alcoholic liquor having a lawfully existing location may be relocated within one thousand (1,000) feet of its existing location without the need for another Special Exception providing that the new location is also within a zone which permits the sale of alcoholic liquors and providing that the new location does not exceed the limits imposed by Subsection 4 below. No use selling or dispensing alcoholic liquor located in a Residential Zone shall be moved to a new location in a Residential Zone.~~
- 4. ~~Any change in the class of permit issued by the State of Connecticut, or an enlargement of the use which exceeds ten (10) percent of the gross floor area originally approved under this section or existing prior to July 1964, shall be considered a new use, and application for approval under this section is required.~~
- 5. ~~All applications submitted under this section shall be accompanied by a site plan prepared in accordance with. All applications must state, specifically, what class of permit will be applied for from the Department of Liquor Control.~~
- 6. ~~Temporary liquor permits, associated with temporary events, may be granted by the Zoning Commission as a site plan approval, provided events are limited to no more than 15 times per calendar year for any organization and that all other applicable zoning, building, fire and State codes are satisfied. Once a site has been approved, temporary liquor permits may be granted administratively by the Zoning Enforcement Officer. Should the property change ownership, a new temporary liquor permit must be sought. Additionally, if, in the opinion of the Zoning Enforcement Officer, there is a concern with any information provided as part of the application process, or if complaints were received from the previous year's event, the Zoning Enforcement Officer may refer the application to the Zoning Commission for site plan approval.~~

~~Any organization who would like to request events in excess of 15 times per calendar year will be required to apply for a Special Exception. (Adopted November 19, 2018)~~

## SECTION 8 – SPECIAL REGULATIONS

### 8.6 ALCOHOLIC USES

Permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case

1. The sale of alcoholic beverages may be permitted by the Zoning Commission by Special Exception. Such Special Exception shall pertain to a specific location and a specific class of permit, as defined by the State Liquor Control Act.
2. In considering the proposed liquor outlet, the Commission shall be guided by the following:
  - a. The need for the proposed use in the proposed location.
  - b. The existing and future character of the neighborhood in which the use is proposed.
  - c. Traffic which is likely to be generated by the proposed use.
  - d. Safeguards necessary to protect adjacent property and the neighborhood in general.

3. A retail use or outlet selling alcoholic liquor having a lawfully existing location may be relocated within one thousand (1,000) feet of its existing location without the need for another Special Exception providing that the new location is also within a zone which permits the sale of alcoholic liquors and providing that the new location does not exceed the limits imposed by Subsection 4 below. No use selling or dispensing alcoholic liquor located in a Residential Zone shall be moved to a new location in a Residential Zone.

4. Any change in the class of permit issued by the State of Connecticut, or an enlargement of the use which exceeds ten (10) percent of the gross floor area originally approved under this section or existing prior to July 1964, shall be considered a new use, and application for approval under this section is required.

5. All applications submitted under this section shall be accompanied by a site plan prepared in accordance with Section 11 Site Plan Requirements. All applications must state, specifically, what class of permit will be applied for from the Department of Consumer Protection Liquor Control Division.

6. Temporary liquor permits, associated with temporary events, may be granted by the Zoning Commission as a site plan approval, provided events are limited to no more than 15 times per calendar year for any organization and that all other applicable zoning, building, fire and State codes are satisfied. Once a site has been approved, temporary liquor permits may be granted administratively by the Zoning Enforcement Officer. Should the property change ownership, a new temporary liquor permit must be sought. Additionally, if, in the opinion of the Zoning Enforcement Officer, there is a concern with any information provided as part of the application process, or if complaints were received from the previous year's event, the Zoning Enforcement Officer may refer the application to the Zoning Commission for site plan approval. Any organization who would like to request events in excess of 15 times per calendar year will be required to apply for a Special Exception. (Adopted November 19, 2018)

7. Shipping alcohol in gift baskets by postal service, FEDEX, UPS or similar shipping service may be considered Home Based Service Business and must comply with standards set forth in CGS Sec. 30-37p and obtain Gift Basket Retailer Liquor Permit from Department of Consumer Protection Liquor Control Division.

Attached is a the State Statute on Gift Basket Liquor Permits

Sec. 30-37p. Gift basket retailer permit. (a) A gift basket retailer permit shall allow the retail sale of wine or beer. Such wine or beer shall be included in a gift basket sold at retail by the permit holder. Such wine or beer shall not be consumed on the premises. The holder of a gift basket retailer permit shall be located in this state and such wine or beer shall only be purchased by such permit holder from the holder of a package store permit issued pursuant to section 30-20, the holder of a manufacturer permit for a farm winery issued pursuant to subsection (c) of section 30-16, the holder of a manufacturer permit for wine, cider and mead issued pursuant to subsection (d) of section 30-16, or the holder of a manufacturer permit for beer issued pursuant to subsection (b) of section 30-16.

(b) The holder of a gift basket retailer permit may sell gift baskets which may include (1) a maximum of four bottles of wine per basket or a maximum of seventy-two ounces of beer per basket, (2) food items, (3) nonalcoholic beverages, (4) concentrates used in the preparation of mixed alcoholic beverages, (5) wine-making kits and beer-making kits and products related to such kits, (6) ice in any form, (7) articles of clothing imprinted with advertising related to the alcoholic liquor industry or the permittee's gift basket business, (8) flowers, plants and garden-related items, (9) drinking glasses, bottle opening devices and literature related to wine or beer, or (10) gift certificates. The sale of such gift baskets shall only take place during the times permitted for the sale of alcoholic liquor in places operating under package store permits pursuant to section 30-91. The holder of a gift basket retailer permit shall not sell such gift baskets on premises operating under any other permit issued pursuant to this title. Nothing in this section shall prohibit the holder of a package store permit issued pursuant to section 30-20 from selling any item permitted for sale by such permittee pursuant to said section.

(c) The annual fee for a gift basket retailer permit shall be two hundred dollars.

(P.A. 11-250, S. 1; P.A. 19-24, S. 6.)

History: P.A. 19-24 amended Subsec. (a) by adding references to beer, adding provision re holder of manufacturer permit for wine, cider and mead, and adding provision re holder of manufacturer permit for beer, amended Subsec. (b) by adding provision re maximum of 72 ounces of beer in Subdiv. (1), adding reference to beer-making kits in Subdiv. (5), adding reference to beer in Subdiv. (9), and made technical and conforming changes, effective July 1, 2020.

