

ORDINANCE CONCERNING GROUP CHILD CARE HOMES

WHEREAS, access to childcare has been increasingly limited over the years, especially since the onset of the COVID-19 pandemic; and

WHEREAS, to address the lack of childcare, the General Assembly adopted Public Act 23-142, *An Act Concerning Certain Protections for Group and Family Child Care Homes* (the “Act”), which makes changes in laws related to family and group child care homes, including changes affecting how municipalities’ zoning regulations may treat them; and

WHEREAS, effective October 1, 2023, the Act provides that municipal zoning regulations shall not prohibit the operation in a residential zone of any group child care home located in a residence or require any special zoning permit for such operation; and

WHEREAS, the Town’s current zoning ordinances are in conflict with the Act in that (1) group child care homes, currently defined as group day-care homes, require a special use permit to operate, and (2) the minimum parking requirements for group child care homes are different than the minimum parking requirements for residences; and

WHEREAS, the zoning ordinances must be revised to eliminate the requirement for a special use permit and to redefine a group child care home.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

SECTION ONE. *Section 177-6 of the Code of Ordinances entitled Schedule of Permitted Main Uses is hereby amended in accordance with the attached amended zoning table.*

SECTION TWO. *Section 177-16.1A of the Code of Ordinances entitled Day-care facilities is hereby amended as follows:*

A. [Group day-care homes and] C[c]hild day-care centers shall be subject to the requirements of § 177-42A and the following additional provisions:

(1) Fenced play areas shall not be closer than 10 feet to the property line of adjacent residentially developed property.

[(2)] [Where the play area of the group day-care center is in a yard abutting residentially developed property, the play area shall be screened from said residentially developed area with a minimum of Type C screening.]

[(3)] For each application for a special use permit for a [group day-care home and] child day-care center, a written report of the Town's Manager of Traffic and Transportation as to the traffic circulation on the site and such other relevant information shall be provided the Town Plan and Zoning Commission prior to its hearing pursuant to § 177-42.

([4])3) [Group day-care homes and] C[c]hild day-care centers which are operating as of the effective date of this section shall not be required to comply with the provisions of this Subsection A, should renewal of a special use permit be required to continue the existing use, provided that, upon expansion of the use and/or significant renovations to the facility, an amended special use permit application shall not be approved without compliance with the provisions of this subsection.

SECTION THREE. *Section 177-32(I)(1) of the Code of Ordinances entitled Schedule of off-street parking requirements is hereby amended as follows:*

(1) Schedule.

Use	Number of Spaces Required
One-family dwellings	2 per dwelling unit, unless a lesser number of spaces is required pursuant to C.G.S. § 8-2(d)(9), as amended from time to time
Two-family dwellings	1 1/2 per dwelling unit, unless a lesser number of spaces is required pursuant to C.G.S. § 8-2(d)(9), as amended from time to time
Dwellings for 3 or more families, including apartment houses	1 1/2 per dwelling unit, unless a lesser number of spaces is required pursuant to C.G.S. § 8-2(d)(9), as amended from time to time
Rooming houses; boardinghouses	1 per guest sleeping room
Hotels; motels	1 per guest sleeping room, plus office and restaurant requirement, where applicable
Meeting and conference rooms other than dining room	1 per 3 persons of design capacity
Retail and personal service stores and banks	1 per 150 square feet of gross floor area, excluding utility areas and basement storage
Restaurants	1 per 3 seats
Offices	1 per 250 square feet of gross floor area, excluding utility areas and basement storage; except medical and dental offices or clinics, 1 per doctor and 1 per employee and 2 per examining room

Use	Number of Spaces Required
Hospitals	1 per bed
Convalescent and nursing homes	1 per 3 beds
Theaters; auditoriums	1 per 3 seats
Places of worship	1 per 6 seats in the largest place of assembly
Child day-care centers [and] [group day-care homes]	Employee and parent parking requirements to be set by the Town Plan and Zoning Commission, pursuant to § 177-42A, upon recommendation of the Town's Manager of Traffic and Transportation pursuant to § 177-16.1
Industrial uses, including wholesale and storage	1 per 2 employees employed or intended to be employed when the capacity of the building is in full use
Bowling alleys	8 per alley

(LEDWITH)
December 12, 2023

ADOPTED BY THE WEST HARTFORD TOWN COUNCIL AT ITS MEETING ON JANUARY 23, 2024

ZONING

177 Attachment 1

Town of West Hartford
Schedule of Permitted Main Uses

[Amended Ord. 1169; 4-26-1971; 3-11-1975; 9-28-1976; 11-15-1977; 2-27-1979; 5-25-1982; 4-30-1985; 4-21-1987; 6-9-1987; 11-14-1989; 6-27-2000; 8-14-2001; 8-2-2005; 3-27-2007; 5-25-2010; 7-23-2013; 5-13-2014; 6-24-2014; 10-28-2014; 9-8-2015; 3-28-2017; 11-14-2017; 3-10-2020; 11-24-2020; 9-28-2021; 5-24-2022; 6-14-2022]

Permitted Main Uses	One-Family Residence Districts							Multifamily Residence Districts									Business Districts							Industrial Districts					
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	R1	BN	BND ²	BS	BC and CBDH	BG and TOD	IP	IE	IR	IG	
1. One-family house, 1 per lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P								
2. Places of worship	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
3. Public, parochial, or private school or college	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
4. Nursery school, child day-care center, group day-care home ¹⁰	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	
5. Library, museum	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
6. Religious institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
7. Charitable institutions for the care of the aged, homeless and handicapped, convalescent homes operated by a charitable institution (except group-care facilities)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A								
8. Public park, reservation golf course, golf course restaurant or recreation facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A			A	A	
9. Private, nonprofit membership club	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		A		A	A	A			A	A	
10. Water supply and sewage disposal system and facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	B	B	B	B	B	
11. Utility transmission lines and substations. (See also §§ 177-7 and 177-17.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	
12. Hospital, nursing and convalescent home, intermediate-care facility, rest home with nursing supervision and home for the aged (except group-care facilities)								A	A	A	A	A	A	A	A	A		A	A	A									
13. Governmental and municipal use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	B			B	B	
14. Farm use, provided that storage of manure and other dust- or odor-producing substance is so located and confined that odor and dust will not reach beyond the limits of the property	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P													
15. Nurseries and greenhouses, including sales area- goods pertinent thereto ⁴	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		B		B	B			B			B	B	
16. Multifamily dwellings, except that a lot with 3 or fewer dwelling units shall not require site plan approval								B	B		B	B	B	B	B	B		B		B	B	B	B	B			B	B	
16A. Multifamily dwellings restricted to 2 dwelling units per lot shall not require site plan approval.								P	P	P	P	P	P	P	P			P		P	P		P						
17. Parking of motor vehicles on the ground or within or on a structure																B		B		B	B	B	B	B	B	B	B	B	
18. Office building for professional use													B					B	B		B	B	B	B	B	B	B	B	
19. Office building for general business and professional use																		B	B		B	B	B	B	B	B	B	B	
20. Research laboratories																		B	B		B	B	B	B	B	B	B	B	
21. Bank, including drive-in facilities ⁶																		B		B	B	B	B	B	B	B	B	B	
22. Retail business dealing with the consumer on the premises, except retail firearms stores																				B	B	B	B	B	B	B	B	B	
23. Establishment performing personal services																				B	B	B	B	B	B	B	B	B	
24. Restaurants with or without alcoholic drink and other establishments serving food and nonalcoholic drink																				B	B	B	B	B	B	B	B	B	
25. Hotel, motel																						B	B	B				B	B
26. Funeral home																				B	B	B	B	B				B	B
27. Cemetery	A	A	A	A	A	A	A	A	A	A	A	A	A	A														A	
28. Crematorium	A	A	A	A	A	A	A																					A	
29. Outdoor recreation area operated for profit																												A	
30. Theater ⁵																						A	A	A				A	A
31. Telephone exchange, electric substation and other public utility use																		B			B	B	B	B				B	B
32. Radio and television studio																						B	B	B				B	B
33. Radio and television broadcasting	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	B	B	B	B	B	
34. Motor vehicle sales, service and repair and gasoline service stations, excluding car wash facilities ⁷																								B				B	B

WEST HARTFORD CODE

Permitted Main Uses	One-Family Residence Districts							Multifamily Residence Districts							Business Districts							Industrial Districts							
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	R1	BN	BND ²	BS	BC and CBDH	BG and TOD	IP	IE	IR	IG	
35. Wholesale business and storage warehouse use ⁸																								B	B	B	B	B	
36. Printing																								B			B	B	
37. Any industrial or manufacturing use, including fabrication, converting, processing, altering, assembly or other handling of products, provided that such use does not emit dust, odor, gas, fumes, noise, glare or vibration beyond the boundaries of the district in which it is located																								B	B	B	B	B	
38. Outdoor storage of material and equipment other than junkyards, provided that such use does not emit dust, odor, gas, fumes, noise, glare or vibration beyond the boundaries of the district in which it is located																									B	B	B	B	
39. Contractor's yard																												B	B
40. Junkyard																												A	A
41. Railroad terminal and yard																									B	B	B	B	
42. Veterinary facility	A	A	A	A	A	A		A	A	A	A	A	A	A	A		A	A	A	A	A	A	B	B	B	B	B	B	
43. Kennel ⁷																		A	A	A	A	A	A	B			B	B	
44. Group-care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A							
45. Monuments or statutes on public land	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
46. Retail firearms stores																												B	B
47. Vehicle-intensive business																										A	A	A	A
48. Passenger automobile rental agency ⁷																								B	B	B	B	B	
49. One-family house, 1 per lot on rear lot	A	A	A	A	A	A	A																						
50. Certain professional offices, defined pursuant to § 177-16.3 (first floor only)															A														
51. Adult-oriented establishments ⁷																								A			A	A	
52. Car wash facilities ⁷																								A	B	B	B	B	
53. Adult day-care center																								A					
54. Adult group day-care facility																				A	A	A	A	A					
55. Cannabis production, manufacturer, packagers, or cultivator facility																									B	B	B	B	
56. Cannabis retail, hybrid retail or dispensary facility																				B	B	B	B	B					
57. Alternative energy systems permitted as main uses pursuant to § 177-37.3																									B	B	B	B	
58. Manufacturing of alcoholic liquor, including retail sales where permitted by Connecticut law ⁴																									B	B	B	B	
59. Food truck park as specified in § 177-37.4																												A	
60. Indoor recreation or amusement facility, excluding nightclubs, dance halls or dance clubs ⁵																							A	A				A	
61. Drive-through facilities as specified in § 177-16.12 ⁶																								A			B	B	

KEY:

- A = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42A.
- B = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42B.
- C = Permitted use subject to approval of Town Council pursuant to § 177-42B and subject to § 177-42B.
- P = Permitted use subject to issuance of a building and/or zoning permit.
- Not marked = Not a permitted use in the particular zoning district.

NOTES:

- ¹ For detailed use regulations in the BOL District, see § 177-7.
- ² Certain BND uses are subject to additional requirements of § 177-16.4 of this chapter.
- ³ See § 177-3D(6).
- ⁴ For detailed use regulations, see § 177-36D.
- ⁵ This use is not permitted in the BC District.
- ⁶ Certain TOD uses are subject to additional requirements of § 177-43 of this chapter.
- ⁷ This use is not permitted in the TOD District.
- ⁸ Storage warehouses are not permitted in the TOD District.
- ⁹ This use is not permitted in the BG District.

10. This use is permitted subject to issuance of a building and/or zoning permit.