



TOWN OF ASHFORD

Planning & Zoning Commission

5 Town Hall Road, Ashford CT

Tel.: (860)487-4415

MEMORANDUM

TO: Municipal Town Clerk, Northeast CT Council of Governments, Capitol Region Council of Governments

FROM: Michael D'Amato, AICP, CZEO, Zoning Enforcement Officer

DATE: October 2, 2023, **Revised 10-24-23**

SUBJECT: **Amendments to Regulation Section 300-17 pursuant to PA 23-142- Family and Group Child Care Homes**

Summary of Legislation

[Public Act 23-142](#) (effective Oct 1, 2023) requires that all Municipalities certify to the State that their zoning regulations do not treat any family child care home or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a, in a manner different from single or multifamily dwellings. This means they need to be allowed "by right" without the requirement that a Commission-level permit be obtained. A public hearing cannot be held.

CT General Statutes, Section 19a-77 defines the following:

[Family child care home](#)

[Group child care home](#)

The regulation excerpts below are the various sections of the regulations which currently refer to childcare in some way. Proposed edits to bring the regulations into compliance with the Public Act have also been provided, **which are shown in RED.**

A public hearing will be held at the December 11, 2023 meeting.

Amendment for Consideration

§ 300-17 Residential - Agricultural Zone (RA).

A. Purpose.

- (1) The purpose of the Residential - Agricultural Zone is to allow residential and complementary nonresidential development consistent with the rural character of the Town that is reflected in its forests, farm fields, historic buildings, and unique landscapes.
- (2) The further purpose of the Residential - Agricultural Zone is to promote the economic viability and operational sustainability of agricultural business in the Town of Ashford as outlined in the Ashford Plan of Conservation and Development. Specifically, these regulations are intended to:
 - (a) Address food and fiber needs;
 - (b) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;

- (c) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
- (d) Sustain the economic viability of farm operations; and
- (e) Maintain an agricultural-friendly community.

B. **Permitted uses.** The following uses are permitted in the Residential - Agricultural Zone in accordance with the requirements found in Article V:

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Agriculture, exclusive of farmers' markets and farm stores.
- (4) Farm stands 200 square feet or less in compliance with § 300-17J.
- (5) Community residence.
- (6) Accessory structures and uses customarily incidental to and associated with the above permitted uses.
 - (a) In-law apartments.
 - (b) Boarding, rooming or lodging quarters.
 - (c) Amateur radio towers and antennas, provided the height of tower shall not exceed 199 feet.
 - (d) Outdoor wood-burning furnace in accordance with Connecticut law.
 - (e) Home occupations in compliance with § 300-17I.
 - (f) Agricultural waste storage associated with a farm operation.

(g) Family child care home or group child care home as defined by CGS §19a-77 which is licensed and complies with the standards set forth by the CT Office of Early Childhood.

Commented [MD1]: This language is proposed to be included as a new accessory use in the RA Zone. By including this as an allowable accessory use it still requires the primary use of the property to be a dwelling unit.

C. **Special permit uses.** A special permit may be issued for the following uses in the Residential - Agricultural Zone pursuant to § 300-23 of these regulations: [Amended 5-10-2021]

- (1) Group and child day-care centers as a primary use which provide care for 12 or more persons.
- (2) Farmers' markets.
- (3) Farm stores.
- (4) Farm stands over 200 square feet, in accordance with § 300-17J.
- (5) Single-family homes on interior lots in accordance with § 300-17F.
- (6) Earth removal and filling in accordance with Article VI.

Commented [MD2]: This language is intended to clarify that if you would like to operate a daycare as a primary use OR, care for more than 12 persons, you would still be required to obtain a Special Permit

- (7) Cemeteries.
- (8) Interior lots.
- (9) Places of worship, education (including boarding of students), and philanthropy, excluding hospitals and correctional institutions.
- (10) Golf clubs or sporting clubs.
- (11) Bed-and-breakfast establishments providing lodging to transient guests under management and operation of the occupants of the dwelling. A bed-and-breakfast inn may include the provision of meals for overnight guests only.
- (12) Boarding, rooming or lodging quarters (limited to no more than two persons for compensation).
- (13) Wireless telecommunication sites.
- (14) Avocational and commercial dog kennels and veterinary hospitals.
- (15) Eateries on a farm.
- (16) Farm wineries, distilleries and breweries.
- (17) Accessory structures and uses customarily incidental to and associated with the above special permit uses.
 - (a) Rural businesses, in accordance with § **300-17I** of these regulations.
 - (b) Agricultural waste storage not associated a farm operation.
 - (c) Short-term rentals, in accordance with § 310-17D.
- (18) Campgrounds (specifically provided the campground was originally established prior to January 12, 1987), in accordance with § 310-17K. **[Added 7-12-2021]**