



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Mark Wujtewicz, Planner

DATE: February 27, 2024

TITLE: Staff Report: Zoning Regulation Amendment – Application PL-24-2
Section 1 Definitions – Day-Care, Child and Dwellings

EXECUTIVE SUMMARY

This application has been submitted by the Planning and Zoning Commission pursuant to Section 28.2 of the Waterford Zoning Regulations to amend Section 1 Definitions of the Zoning Regulations relative to Child Day-Care and Dwellings.

The proposed modifications to the above mentioned definitions is to replace existing language that would be in conflict with newly enacted portions of State Statute 19(a)-77 with language that would make the definitions consistent with the CGS §19(a)-77.

This application was received by the Commission on January 9, 2024

The application was posted in the Office of the Waterford Town Clerk on February 14, 2024

The Public Hearing was advertised in The Day on February 13 and February 20, 2024

The date of Public Hearing was February 27, 2024

BACKGROUND

Pertinent Regulations

Connecticut General Statutes

CGS§ 8-3(a)

CGS§19(a)-77

Waterford Zoning Regulations

Section 1 – DEFINITIONS

- DAY-CARE, CHILD
 - Child Day-Care Center, Group Day-Care Home, Family Day-Care Home
- DWELLING
 - One Family Detached, One Family Attached, Duplex, Multiple Family

Section 28 – Amendments

DISCUSSION

The Connecticut General Statute 19(a)-77 was recently amended through Public Act 23-142 to require that a municipality not treat any family child care home or group child care home that is located in a residence and is licensed by the Office of Early Childhood in a manner that is different from a single family or multi family dwelling. In addition, the amended statute also requires that the Chief Executive of the municipality submit a letter to the Connecticut Office of Policy and Management on an annual basis stating that the municipality's Zoning Regulations are in conformance with the amended statute.

The regulation amendments as proposed provides for language that demonstrates conformance with CGS§ 19(a)-77.

Pursuant to Section 8-3a of the Connecticut General Statutes, before the Commission acts upon an application to amend the Zoning Regulations of the Town of Waterford, it must find whether or not the amendments being proposed are consistent with the goals, policies and objectives contained in the 2012 Waterford Plan of Preservation, Conservation and Development, herein after called the Plan.

The Goal in the Business/Economic Development section of the Plan directs Waterford to "Promote business and economic development to meet local needs and maintain a favorable tax base" (Pg.58) and to "Support Appropriate Home-Based Businesses" (Pg.63). The regulation amendments more clearly define the role of Day-Care facilities as a Home-Based Service in accordance with CGS §19(a)-77. The amendments as proposed are also consistent with Principle 6 of the State Growth Principles listed on Page 84 of the Plan in that it integrates planning across all levels of government by coordinating efforts with State Agencies.

RECOMMENDED ACTION

Based on the information provided, staff recommends the Planning and Zoning Commission find that:

Findings:

1. Application PL-24-2 meets the requirements of Section 28 of the Waterford Zoning Regulations.
2. Application PL-24-2 meets the requirements of Connecticut General Statutes Chapter 124 §8-3 governing changes of zoning regulations and districts.
3. The proposed Regulation Amendment is consistent with the 2012 Plan of Preservation Conservation and Development in meeting the stated goals of the Business/Economic Development Guide in that the modifications as proposed will promote business and economic development to meet local needs, maintain a favorable tax base and assist in encouraging future business activities by more clearly defining the role of Day-Care facilities as a Home-Based Service in accordance with CGS §19(a)-77.
4. The proposed Regulation Amendment is consistent with the 2012 Plan of Preservation Conservation and Development by being consistent with Principle 6 of the State Growth Principles listed on Page 84 of the Plan in that it integrates planning across all levels of government by coordinating efforts with State Agencies.

Proposed Motion:

That the Commission approve Application PL-24-2 to amend Zoning Regulations Section 1 – DEFINITIONS for Day-Care and Dwellings by adopting the findings 1 thru 4 of the Staff Report.

Effective Date: March 22, 2024

GUIDE

Business / Economic Development

GOAL

Promote business and economic development to meet local needs and maintain a favorable tax base.

Communities typically desire business / economic development for one or more of the following reasons:

- employment for residents,
- availability of goods and services, and/or
- provision of tax revenue (especially when it is greater than the demand for local services).

Waterford has been very fortunate to have been able to provide for these things within the community over the years as a result of the business and economic development. Still, Waterford is interested in additional economic development for all of these reasons.

A. Continue to Pursue Economic Development

Waterford's strategic location, excellent infrastructure system (roads and utilities), low property taxes, existing business base, and progressive regulations are significant assets in terms of retaining and attracting economic development. Waterford should continue to pursue economic development which is consistent with community goals and objectives.

Sunset Ribs (Mago Point)



Boston Post Road Businesses



Sonalyt Studios



Crystal Mall



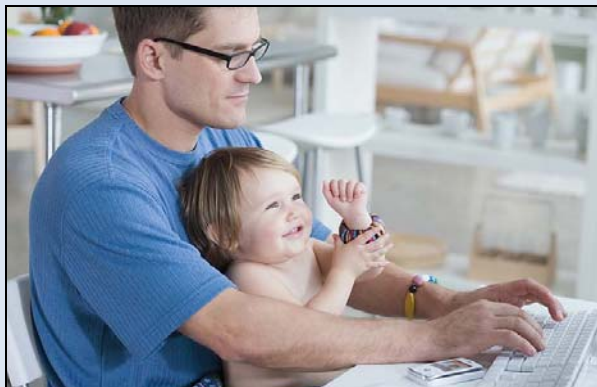
F. Support Appropriate Home-Based Businesses

Due to technological and other improvements, more and more people are working from home. Waterford should maintain regulations to allow and manage home-based businesses (professional uses, business services, personal services, and contractors). Waterford can be an “incubator” for such businesses so that, as they grow and prosper, they can move from residential neighborhoods to business areas.

Special efforts should continue to:

- managing the activities of home-based contractors,
- limiting the parking of commercial vehicles in residential areas, and
- mitigating negative effects of home-based businesses.

Home Office



Home-Based Professional



Home-Based Service



Home-Based Contractor



See the “Implementation Element” of the Waterford Plan of Preservation, Conservation and Development for information on tasks and actions currently programmed for implementation of these Business Development strategies.

Connecticut Conservation and Development Plan – State Growth Principles

In accordance with Section 8-23 of the Connecticut General Statutes, the Plan of Preservation, Conservation and Development has been evaluated for consistency with statewide growth management principles.

Principle 1 – Redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure.	FINDING – Consistent The Plan encourages and promotes the creation of mixed land uses. The Plan recommends supporting the overall community structure with physical infrastructure. Waterford does not have a designated “regional center”.
Principle 2 – Expand housing opportunities and design choices to accommodate a variety of household types and needs.	FINDING –Consistent The Plan recommends that Waterford seek to diversify its housing “portfolio” and address recognized housing needs – housing that is more affordable and housing for an aging population.
Principle 3 – Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.	FINDING – Consistent The Plan continues with the overall zoning framework of more intensive development along arterial roads and bus lines, In addition, the Plan supports the concept of development of a mixed use “node” near the Civic Triangle.
Principle 4 – Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.	FINDING – Consistent An entire segment of the Plan (“Preserve”) identifies strategies to conserve and restore the natural environment and another segment (Enhance) identifies strategies to conserve cultural and historical resources and undeveloped land.
Principle 5 – Protect environmental assets critical to public health and safety.	FINDING – Consistent The Plan contains recommendations to protect environmental assets critical to public health and safety. In particular, the Plan stresses the importance of protecting water quality.
Principle 6 – Integrate planning across all levels of government to address issues on a local, regional, and statewide basis.	FINDING – Consistent The Plan is part of the process of integrating planning with other levels of government and with other agencies. The Plan will be used to coordinate efforts with: • adjacent communities, • regional organizations, and • state agencies.