



# Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

TO: Simsbury Planning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: November 14, 2023

SUBJECT: **ZC 23-36 Zoning Text Amendment to Permit Mobile Food Vendors**

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Section 8-3a of the Connecticut General Statutes states that any municipality which has a separate Zoning Commission and Planning Commission, proposed zoning regulations shall be referred to the Planning Commission for a report and determination of conformance with the Plan of Conservation and Development.

The Planning Commission previously reviewed a similar text amendment which would have permitted mobile food vendors at locations with existing food and/or beverage uses on site.

That amendment was withdrawn by the Zoning Commission and substituted with an amendment, removing the limitation, now allowing the mobile food vendors to be permitted in non-residential zoning districts so long as the site includes a primary commercial use.

The draft amendment is attached.

GKM

## DRAFT Text Amendment Framework

### Mobile Food Vendors

October 2, 2023

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Summary: To permit Mobile Vendors as Temporary Accessory Uses in All Commercial and Industrial Zoning Districts of the Town Zoning Regulations via Administrative Staff Approval (Minor Site Plan Amendment).

**Add the following new definitions alphabetically to Section 17.4, Definitions:**

**MOBILE FOOD VENDOR** – Any vehicle, unit, trailer used to store, prepare display or serve food and/or beverages and other merchandise or service intended primarily for immediate use, consumption on site or in close proximity, sited on private property.

#### 8.7 Mobile Food Vendors

##### A. PURPOSE

1. The purpose of this section is to recognize mobile food vendors as a permitted accessory use and establish appropriate standards in order to protect the public health, safety and welfare.

##### B. GENERAL REQUIRMENTS FOR MOBILE FOOD VENDORS

1. Mobile food vendor uses shall be permitted within the following Zones: B-1, B-2, B-3, PO, I-1, I-2, and PAD Zoning Districts.
2. Mobile food vendors shall be located on a site, lot or parcel that contains a minimum of one active, permitted, primary use. No activity on a vacant parcel shall be permitted.
3. Written permission must be obtained from the property owner.
4. Such vehicle and/or trailer shall be registered with the Department of Motor Vehicles.
5. The unit shall not be located where the mobile food vendor will interfere with vehicular or pedestrian traffic.
6. The unit shall not be located where the mobile food vendor will obstruct sight lines at driveway or street intersections.
7. The unit shall obtain all permits required by the Health District and Fire Marshal
8. A mobile food vendor shall not be permitted if the site location of the unit reduces parking spaces on site below the minimum required for the existing permitted use(s).
9. The operator shall provide a trash receptacle for public use. All trash shall be removed from the site daily.

10. No signage is permitted (words and decorations painted or permanently affixed to a mobile unit shall not be considered signage).
11. If the mobile unit is not immediately mobile and is intended as permanent/semi-permanent, but meets the definition of a mobile food vendor, it shall be considered a structure and may be permitted by a minor site plan amendment application.
12. No alcoholic beverages shall be sold or served.

Alternate#2 12. No alcoholic beverages shall be sold or served unless the owner's primary use has a valid Connecticut State liquor permit needed to serve alcohol from the food truck.

Alternate#3 12. No Mobile Food Vendor shall sell or serve alcohol without a special exception approved under Section 8.6 of the Zoning Regulations.

#### C. APPROVAL PROCESS

1. An administrative zoning permit application shall be submitted to, and approved by, the Planning Department.
2. One mobile food vending unit is permitted. **Multiple mobile food vendors on any site requires a site plan submission and approval by the Zoning Commission.**
3. The Application submission shall include:
  - a) Written permission from the property owner
  - b) A picture and description of the Food Truck and/or Mobile Vending unit, including make, model, license plate and registration.
  - c) A site plan of the proposed unit location.
  - d) A narrative explanation detailing location, hours of operation, and availability.
  - e) State liquor permits, as applicable.

#### D. EXCEPTIONS

1. Community events for which a public gathering permit has been obtained.
2. Events held in accordance with §8.5 Agri-tourism in which the permits have been obtained.
3. Private events in any Zoning District, not open to the general public and/or private events with a single payer.
4. Mobile Food Vendors on Town of Simsbury Property, with permission of the Town.
5. Mobile Food Vendors permitted as a part of private Special Outdoor events in the I-1 Zone, pursuant to Section 5.7 of the Zoning Regulations

#### 4.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

| <b>Business Permitted Uses</b>   | <b>B-1</b> | <b>B-2</b> | <b>B-3</b> | <b>PO</b> |
|--|------------|------------|------------|-----------|
| One Mobile Food Vendor-More than one per site requires Commission Approved Site Plan | ZP         | ZP         | ZP         | ZP        |

#### 5.5 PERMITTED AND SPECIAL PERMIT USES

SP- Site Plan, SE- Special Exception, NO- Not allowed

| <b>Industrial Permitted Uses</b>   | <b>I-1</b> | <b>I-2</b> |
|--|------------|------------|
| One Mobile Food Vendor-More than one per site requires Commission Approved Site Plan | ZP         | ZP         |



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SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

TO: Simsbury Planning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: November 14, 2023

SUBJECT: **ZC 23-39 Zoning Text Amendment to include definitions for Family Care Homes and Family Group Homes.**

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Section 8-3a of the Connecticut General Statutes states that any municipality which has a separate Zoning Commission and Planning Commission, proposed zoning regulations shall be referred to the Planning Commission for a report and determination of conformance with the Plan of Conservation and Development.

The draft amendment with memorandum summarizing the issue is attached.

GKM



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

## MEMORANDUM

TO: Zoning Commission

FROM: George K. McGregor, AICP, Director  
Brittany MacGilpin, Assistant Town Planner

DATE: October 16, 2023

SUBJECT: New Family and Group Childcare Homes

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**Public Act 23-142, effective October 1, 2023**, requires changes in laws related to family and group child care homes, including changes affecting how municipalities' zoning regulations may treat them. It also requires municipalities to annually certify, starting on December 1, 2023, that their zoning regulations comply with certain requirements related to these child care homes. The directive letter from the State Office of Policy and Management is attached.

No zoning regulation shall treat any family child care home or group care home located in a residence and licensed by the State, in a manner different from single-family or multi-family dwellings. Our zoning regulations cannot prohibit the operation of these uses, as defined below, in any residential zone or require any special permitting process.

For this reason, a minor change to the definition of family is recommended.

### **Definitions of "Family Child Care Home" and "Group Child Care Home"**

To be considered a Family Child Care Home or Group Child Care Home, organizations must meet specific statutory definitions. State Statutes for the Department of Public Health, Chapter 368a, Section 19a-77 defines a "family child care home" as the following (excerpt):

*A "family child care home" which consists of a private family home providing care (A) for (i) not more than (6) six children, including the provider's own children not in school full time, without the presence or assistance of an assistant or substitute staff member approved by the Commissioner of Early Childhood, pursuant to section 19a-87b, present and assisting the provider, or (ii) not more than nine children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member.*

And defines a “group child care home” as the following:

*A “group child care home” which offers or provides a program of supplementary care (A) to not less than (7) seven or more than (12) twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family child care home except that it operates in a facility other than a private family home.*

These organizations are required to be registered and licensed with the State of Connecticut Commissioner of Early Childhood and inspected by that office. Requirements for registration and licensing can be found in State Statute Section 19a-87b.

### **Staff Review**

In response to Public Act 23-142, planning staff reviewed the zoning regulations and suggests a text amendment to more clearly comply with the state legislation. **The Town Attorney has reviewed the proposed text amendment and concurs with staffs recommended changes.**

The text amendment would add to the definition of Family, Section 17.4, Definitions. The proposed draft text amendment reads as follows (see underlined additions):

**Family:** A person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (a) Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Three unrelated people;
- (c) Two unrelated people and any children related to either of them.
- (d) “functional family”- a group of up to 5 unrelated persons, who are living as a single-family unit, sharing a single household budget, preparing food and eating together, working together to maintain the home, and legally sharing in the ownership or possession of the home.
- (e) Any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h)).
- (f) family child care home or group child care home located in a residential zone as outlined in Section 8-3j of the general statutes and Section 8-2 (d) of the general statutes. These organizations may be corporate or for-profit entities.

Designating a family and group child care home operation as a Family under the zoning definition ensures that the family care homes are treated in a manner identical to other residential uses, in compliance with this new State law.

Staff recommends placing this text amendment on the November 20, 2023 meeting agenda for public hearing and action.



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

*Intergovernmental Policy and Planning Division*

September 12, 2023

To: Chief Executive Officers

From: Martin L. Heft, Undersecretary

RE: **Compliance with PA 23-142 by December 1, 2023**

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[Public Act 23-142](#) made changes to laws on zoning for licensed family and group child care homes located in residences, requiring that:

- No zoning regulation shall 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.
- Zoning regulations shall not prohibit the operation in a residential zone of any family child care home or group child care home located in a residence or require any special zoning permit or special zoning exception for such operation.

Pursuant to Subsection (b) of Section 1 of PA 23-142, each municipality shall submit to the Secretary of the Office of Policy and Management, not later than December 1, 2023, and annually thereafter, a sworn statement from the chief executive officer of the municipality, stating either that the municipality's zoning regulations are in compliance with the above requirements, or the specific time frame within which the municipality will bring its zoning ordinances into compliance.

A sample of an appropriate sworn statement is attached for your guidance.

Statements should be saved in PDF format and sent electronically only to Justine Phillips-Gallucci of my staff ([justine.phillips-gallucci@ct.gov](mailto:justine.phillips-gallucci@ct.gov)) by December 1, 2023.