

City of Revere
City Council

City Council Order No. 24-022

Date: April 8, 2024

Offered by Revere City Council

A ZONING ORDINANCE FURTHER AMENDING TITLE 17 RELATIVE TO FAMILY HOME-BASED CHILD CARE REGULATIONS

Be it ordained by the City of Revere as follows:

SECTION 1. Title 17, Chapter 17.08, Section 17.08.150 Cellar of the Revised Ordinances of the City of Revere is hereby amended by deleting this section in its entirety.

SECTION 2. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting a new definition as follows:

17.08.146 - Cellar

“Cellar” means a story, partly or entirely underground, having more than one-half of its clear height below the average level of the finished outside grade of the lot.

SECTION 3. Title 17, Chapter 17.08, Section 17.08.195 Day Nursery of the Revised Ordinances of the City of Revere is hereby amended by deleting this section in its entirety.

SECTION 4. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new definition:

17.08.150 - Child care center.

"Child care center" means any facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care (EEC) under M.G.L c. 15D, § 1A, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age, or under 16 years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents.

Child care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of that system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization in which children are cared for during short periods of time while persons responsible for the children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

SECTION 5. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new definition:

17.08.151- Child care center, Large Group and School Age Child Care

“Large Group and School Age Child Care” means any program that receives on a regular basis the number of children allowed by EEC who are unrelated to their caregivers and are younger than 14 years old, or 16 years, if such children have special needs, during all or part of the day for non-residential care and education outside their own homes. Such programs shall include, but not be limited to, those commonly known as child care centers, day care centers, preschools, nursery schools, child development programs, school age child care programs and before and after school programs, regardless of their location. Such programs shall not include any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; any part of a program operated by an organized educational system for the children enrolled in that particular system, unless the services of such system are primarily limited to a school age child care program; Sunday schools or classes for religious instruction conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

SECTION 6. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new definition:

17.08.152 - Child care center, Small Group and School Age Child Care

“Small Group and School Age Child Care” means any program that receives on a regular basis the maximum number of children allowed by EEC or fewer who are unrelated to their caregivers and are younger than 14 years old, or 16 years, if such children have special needs, during all or part of the day for non-residential care and education outside their own homes, when such services are not provided in a private residence. Such programs shall include, but not be limited to, those commonly known as child care centers, preschools, nursery schools, child development programs, school age child care programs and before and after school programs. Such programs shall not include any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

SECTION 7. Title 17, Chapter 17.08, Section 17.08.275 Family child care home of the Revised Ordinances of the City of Revere is hereby amended deleting the definition in its entirety and inserting the following new definition.

17.08.275 - Family child care home.

"Family child care home" means any private residence which is licensed by EEC and which, on a regular basis, receives for temporary custody and care during part or all of the day, children under 7 years of age, or children under 16 years of age if those children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations adopted by the board. The total number of children under 16 in a family child care home shall not exceed the number of children allowed by EEC, including participating children living in the residence. Family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

SECTION 8. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new definition:

17.08.276 - Family child care home, Large

"Large family child care home" means any private residence which is licensed by EEC and which, on a regular basis, receives for temporary custody and care during part, or all of the day, children under 7 years of age, or children under 16 years of age if such children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations promulgated by the board, but the number of children under the age of 16 in a large family child care home shall not exceed the total number of children allowed by EEC for a large family child care home, including participating children living in the residence. A large family child care home shall employ the minimum number of approved assistants required by EEC when the total number of children participating in child care meets the EEC requirement for employment of assistant(s). Large family child care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

SECTION 9. Title 17, Chapter 17.08 Definitions of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new definition:

17.08.277 - Family child care system.

"Family child care system" means a person who, through contractual arrangement, provides to family child care homes, which have been approved as members of that system, central administrative functions including, but not limited to: training of operators of family child care homes; technical assistance and consultation to operators of family child care homes; inspection, supervision, monitoring and evaluation of family child care homes; referral of children to available family child care homes; and referral of children to available health and social services. Family child care system shall not mean a placement agency or a child care center.

SECTION 10. Title 17, Chapter 17.16, Section 17.16.040B Institutional Generally Table of Uses of the Revised Ordinances of the City of Revere is hereby amended by deleting day nursery, family day care home, and family day care home and inserting the following new uses within Section 17.16.040A Residential Generally Table of Uses:

ZONING DISTRICT																		
USE	RA	RA1	RB	RB1	RC	RC1	RC2	RC3	PDD1	PDD2	NB	GB	GB1	CB	HB	TED	LI	IP
A. RESIDENTIAL USES:																		
Child care center	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*	yes*
Family child care home	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no
Large family child care home	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no

SECTION 11. Title 17, Chapter 17.16, Section 17.16.080 of the revised ordinances of the City of Revere is hereby amended by removing this section in its entirety and inserting the following new section:

17.16.80 - Child Care Center.

A child care center may be allowed in the RA, RA1, RB, RB1, RC, RC1, RC2, RC3, NB, GB, GBI, HB, TED,

CB, LI, IP, PDD1 and PDD2 districts in conformance with the following criteria:

- A. A child care center shall comply in all respects with the standards for licensure and approval in accordance with Regulation 102 CMF 7.00 of the Office for Children.
- B. A child care center located in a residential district shall have outdoor play areas which are fenced on all sides and include screening where such areas abut a residential use. Minimum screening for outdoor play areas which abut a residential use shall include an appropriate landscaping screen and/or stockade fencing.
- C. A child care center located in commercial or industrial districts which have outdoor play areas, shall provide fencing and screening on all sides. Screening areas shall include a five foot landscaped buffer zone where such play areas abut a commercial or industrial district or use.
- D. If the child care center is located within a residential district, there shall be no parking allowed within the front yard. If the day nursery is located in a residential structure and/or district, the facility must provide one off-street parking space per two hundred gross square feet of nursery space in addition to the residential requirements.
- E. If the child care center is located in a commercial structure and/or district, the facility will be required to provide one off-street parking space per two hundred gross square feet of nursery space in addition to the commercial parking requirements.
- F. Swimming pools are prohibited on the premises of a child care center.

SECTION 12. Title 17, Chapter 17.16, Section 17.16.085 Family day care home of the Revised Ordinances of the City of Revere is hereby amended deleting this section in its entirety and inserting in place thereof the following new use regulation:

17.16.85 - Family child care home.

A family child care home may be allowed in the RA, RA1, RB, RB1, RC, RC1, RC2, RC3, NB, GB, GB1, CB, PDD1 and PDD2 districts in conformance with the following minimum criteria:

- A. Separation between family child care homes. Within a residential district, no other large family child care home shall be located and operating within the same building of an existing large family child-care home or child care center.
- B. Swimming pools are prohibited on the premises of a family child care home.

SECTION 13. Title 17, Chapter 17.26, Section 17.26.040(T) Allowed Uses in the Suffolk Downs Overlay District of the Revised Ordinances of the City of Revere is hereby amended by deleting this subsection and inserting in place thereof the following new subsection.

T. Religious facility; public or private lodge or club; child care center or elderly care center; family child care home; nursing or convalescent home; public, private or nonprofit school; community or adult education center; and other similar uses and facilities.

SECTION 14. Title 17, Chapter 17.28, Article 1. Generally, Section 17.28.020 Table of Parking Requirements of the Revised Ordinances of the City of Revere is hereby amended by deleting day nursery, Institutional and utility uses and inserting within residential uses the following:

Use	Minimum Parking Spaces ^(A)	Minimum Loading Bay	Minimum Loading Space

Residential uses:			
child care center	1 per 200 GSF of child care center area	0	0

SECTION 15. Title 17, Chapter 17.28, Article 1. Generally, Section 17.28.020 Table of Parking Requirements of the Revised Ordinances of the City of Revere deleting footnote (A) in its entirety and inserting in place thereof the following new footnote (A):

(A) In the CB district, commercial parking requirements established by this table shall not apply. In the CB district, parking requirements shall be one space for every one thousand two hundred square feet of commercial space. This requirement shall apply to new construction only. Parking requirements associated with developments in the RC, RC1, RC2, NB, CB, GB, HB, IP, LI and TED districts shall be in accordance with the provisions set forth in this title. However, parking lots separate from the lot accommodating the principal use in the RC, RC1, GB, NB, CB, HB, IP and TED districts, but in common ownership, shall be allowed, provided that the lots are within one hundred feet of the building's principal entrance which fronts on a public right-of-way. Parking lots separate from the lot accommodating the principal use in the RC2 district, shall be allowed, provided that the lots are within three hundred feet of the building's principal entrance which fronts on a public right-of-way. The determination of the distance from the principal entrance of the building to the potential parking lot shall be the responsibility of the building inspector, who shall apply the distance criteria in a straight-line method. An agreement shall be recorded dedicating the parcel to parking use for the reasonable life of the building.

SECTION 16. Title 17, Chapter 17.44, Section 17.44.020 Permitted occupations of the Revised Ordinances of the City of Revere is hereby amended by deleting this section in its entirety and inserting the following new section:

17.44.20 - Permitted occupations.

Home occupations shall be limited to the following and similar uses:

- A. Artists, sculptors and photographers;
- B. Authors and composers;
- C. Dressmakers, seamstresses and tailors;
- D. Family child care home or babysitting for not more the total number of children allowed by EEC at a time;
- E. Large family child care home or babysitting for not more than the total number of children allowed for large family child care homes by EEC at a time;
- F. Telephone soliciting and mailing services;
- G. Home crafts such as model making, rug weaving, jewelry making and woodworking;
- H. Office facility of a salesperson, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises, other than by telephone;
- I. Office facility of an architect, broker, dentist, physician, engineer, insurance agent, land surveyor, lawyer, musician or real estate agent;
- J. School of special education or tutored whose class size does not exceed four pupils at any given time.

March 25, 2024 Ordered to a first reading.
 April 8, 2024 Ordered to a second reading, as amended.
 April 8, 2024 Ordered on a second reading, as amended.
 April 8, 2024 Ordered on a third and final reading, as amended.

In City Council April 8, 2024. ORDERED on a Roll Call: Councillors Giannino, Guarino-Sawaya, Haas, Kelley, McKenna, Novoselsky, Silvestri, Zambuto, and Council President Cogliandro voting "YES". Councillor Jaramillo recorded as "RECUSED". Councillor Argenzio was absent. Attest: Ashley E. Melnik, City Clerk

Approved by:

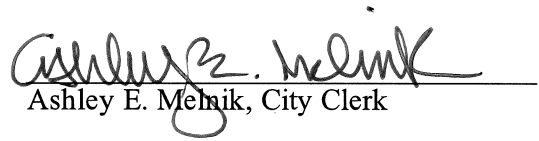


Mayor Patrick M. Keefe

4-11-2024

Date

Attest:



Ashley E. Melnik, City Clerk