



**HOUSING &  
PLANNING**

# C20-2023-001: Childcare Services Part 1

Codes and Ordinances Joint Committee

August 16<sup>th</sup>, 2023

Jordan Feldman, Principal Planner

Paul Books, Senior Planner



# Background

- On October 4, 2018, the Austin City Council passed Resolution No. 20181004-036, directing the City Manager to review fee and zoning regulations for childcare centers. The goal was to promote affordable and high-quality childcare in the city. As a result, the Housing and Planning Department, Development Services Department, and Austin Public Health provided a report with recommendations for changes to the Land Development Code (LDC).
- In January 2023, City Council passed Resolution No. 20230126-055. The resolution aims to increase childcare services throughout the city by amending the Land Development Code (LDC). It also calls for the creation of a grant program to help qualifying childcare operations cover City fees associated with opening or expanding a childcare facility.



# Resolution No. 20230124-055

1. Introduce zoning use classification and definition for Childcare Services
2. Remove non-accessible parking requirements for Childcare Services
3. Allow Childcare Services as an accessory use in residential
4. Increase maximum enrollees allowed in childcare services
5. Increase Childcare Services accessibility by:
  - a. Adjusting zoning districts to permit Childcare Services
  - b. Permit Childcare Services in areas within childcare deserts
  - c. Implementing other appropriate changes to the conditional use permitting process
6. Restrict Childcare Services in incompatible zoning districts
7. Cover fees for a Conditional Use Permit through a grant program



# Proposed Changes – Definition & Occupancy

## Existing Definitions: **Day Care Services**

Use is the use of a site for the provision of daytime care for:

- **Limited:** 6 persons or less
- **General:** more than 6 but not more than 20 persons
- **Commercial:** more than 20 persons

This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.



## Proposed Definitions: **Childcare Services**

Use is the use of a site for the provision of daytime care for:

- **Limited:** 12 persons or less
- **General:** more than 12 but not more than 24 persons
- **Commercial:** more than 24 persons

This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.



# Proposed Changes – Use Chart

- Permit Childcare Services in most zoning districts across Austin
- Require a Conditional Use Permit for Childcare Services in zoning districts:
  - **Commercial:** DR, AG
  - **General:** CR, DR, AG
  - **Limited:** CR, DR, AG
- Do Not Permit in industrial zoning districts
  - IP, MI, LI
- Create a new “Adult Care Services” use and definition that is modeled on the existing “Day Care Services”

## ZONING DISTRICTS

**DR:** Development Reserve

**AG:** Agricultural

**CR:** Commercial Recreation

**IP:** Industrial Park

**MI:** Major Industry

**LI:** Limited Industrial Services



# Proposed Changes – Regulating Plans and Accessory Uses

- Update all regulating plans to match changes and to create parallel use language
- Childcare Services (Limited) added as an accessory use to a Principal Residential Use

## Regulating Plan for the EAST RIVERSIDE CORRIDOR ZONING DISTRICT



DATE ADOPTED: May 9, 2013  
DATE EFFECTIVE: May 20, 2013





# Accessibility– Childcare Services Limited

12 persons or less

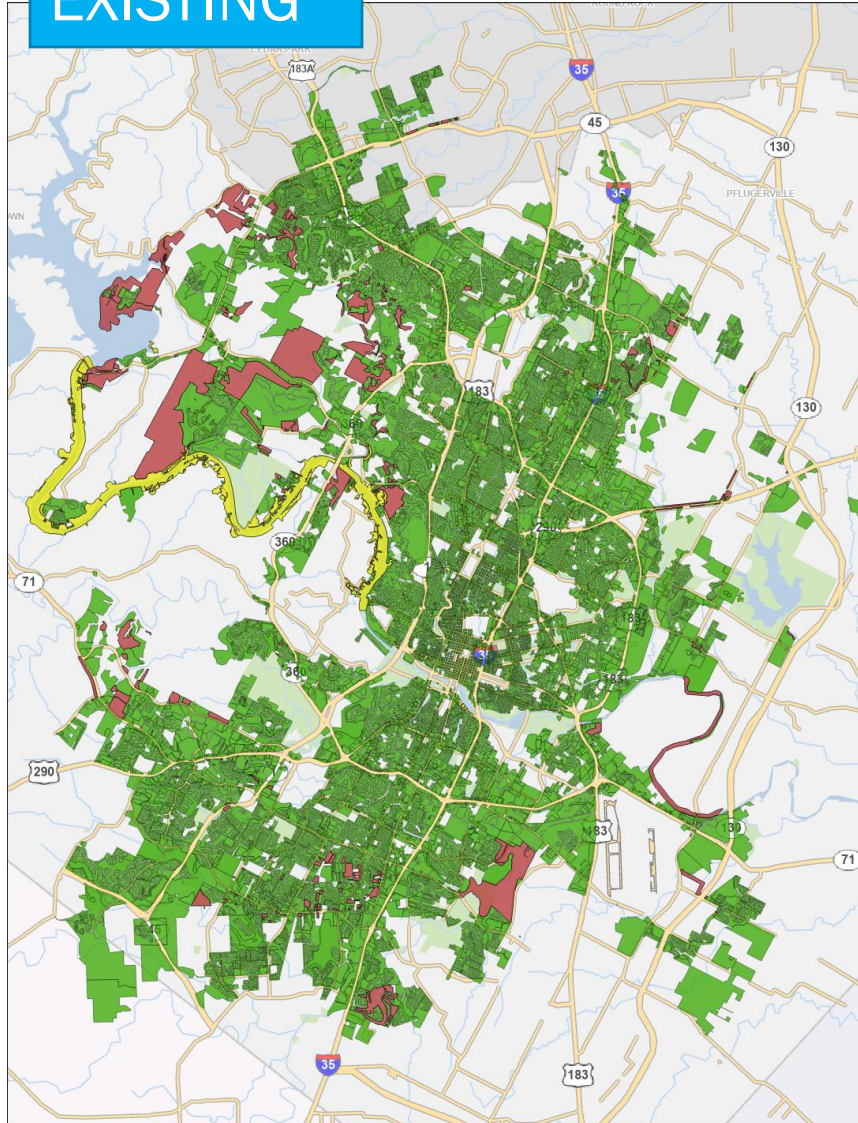
↓4% Permitted

↑146% CUP

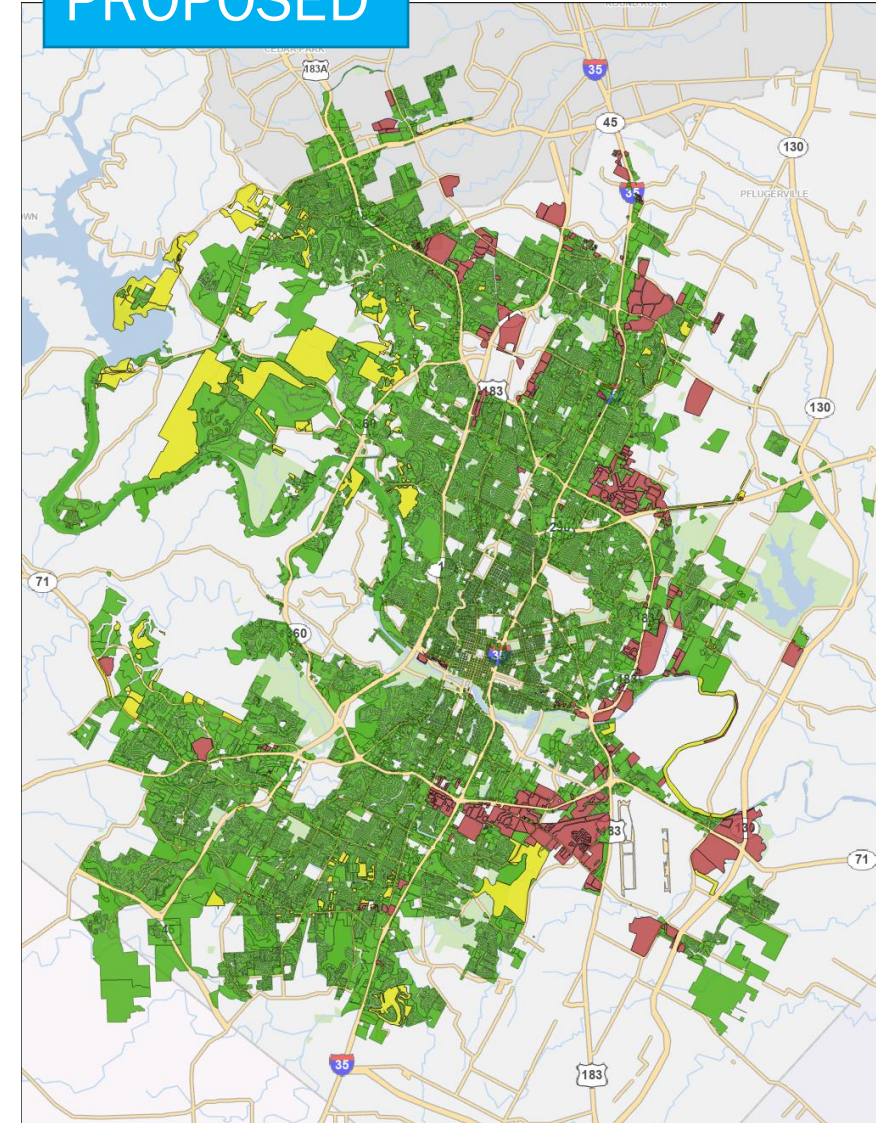
↑9% Not Permitted

↑= Change in acreage

EXISTING



PROPOSED



\*Maps do not include areas within Regulating Plans, TODs, R&D, or PUDs





# Accessibility– Childcare Services General

More than 12 but  
not more than 24  
persons

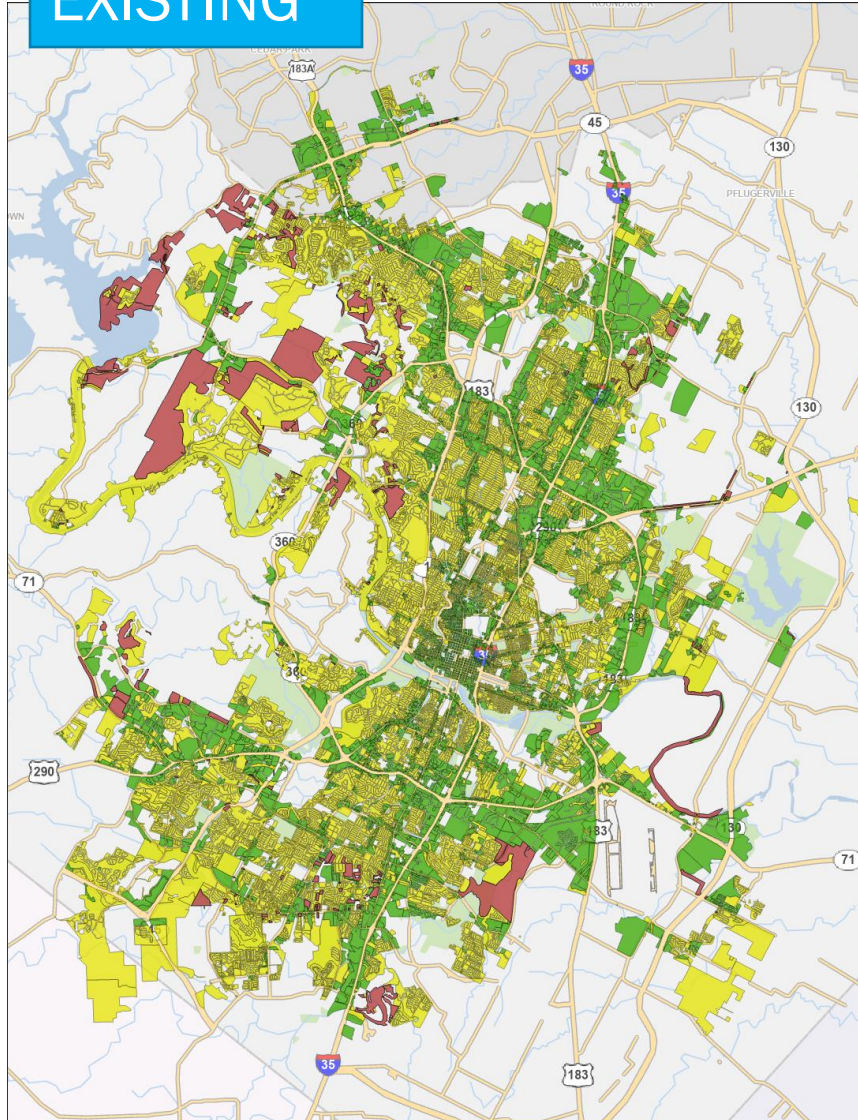
↑154% Permitted

↓85% CUP

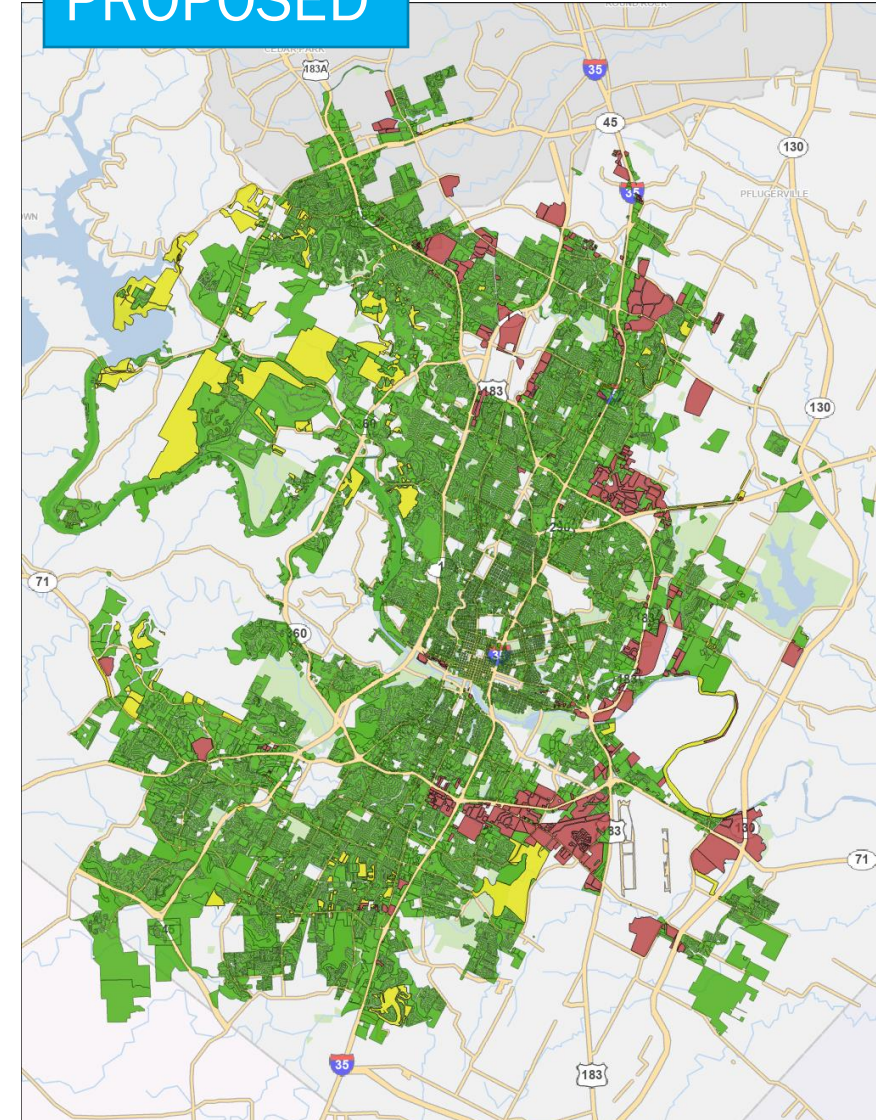
↑9% Not Permitted

↑= Change in acreage

EXISTING



PROPOSED



\*Maps do not include areas within Regulating Plans, TODs, R&D or PUDs





# Accessibility– Childcare Services Commercial

More than 24  
persons

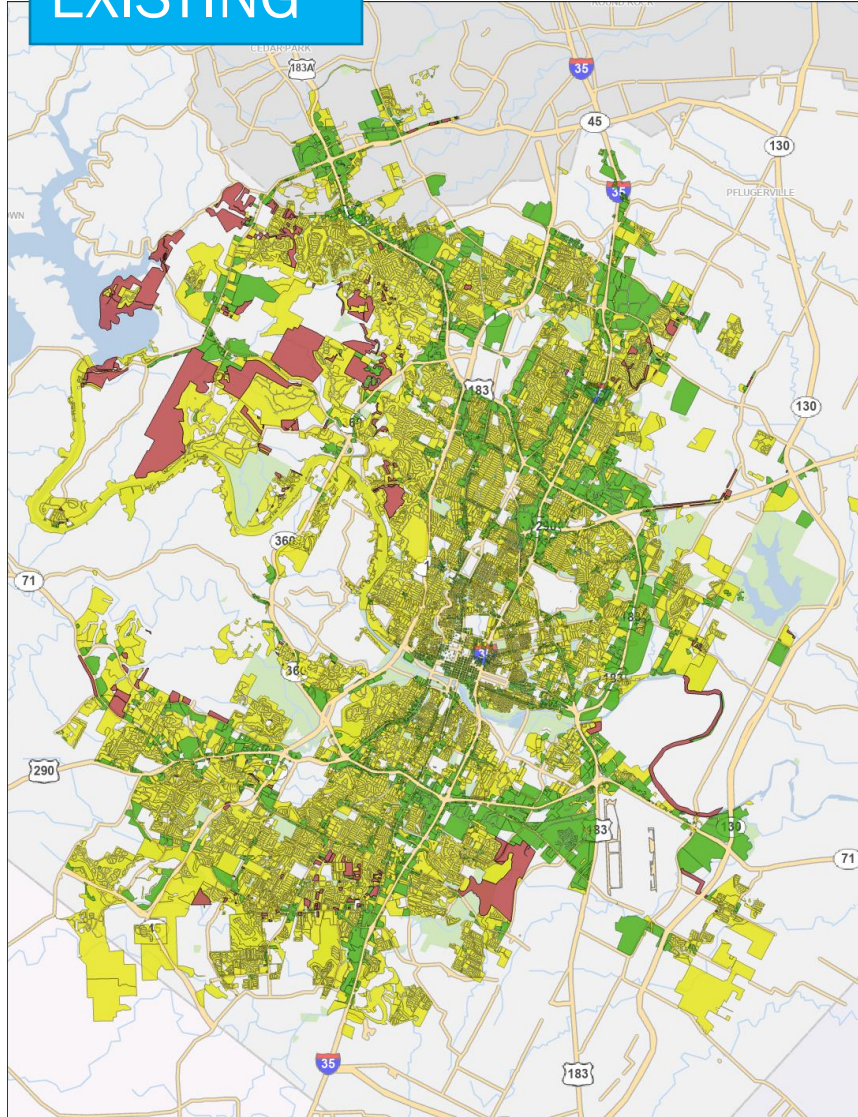
↑255% Permitted

↓77% CUP

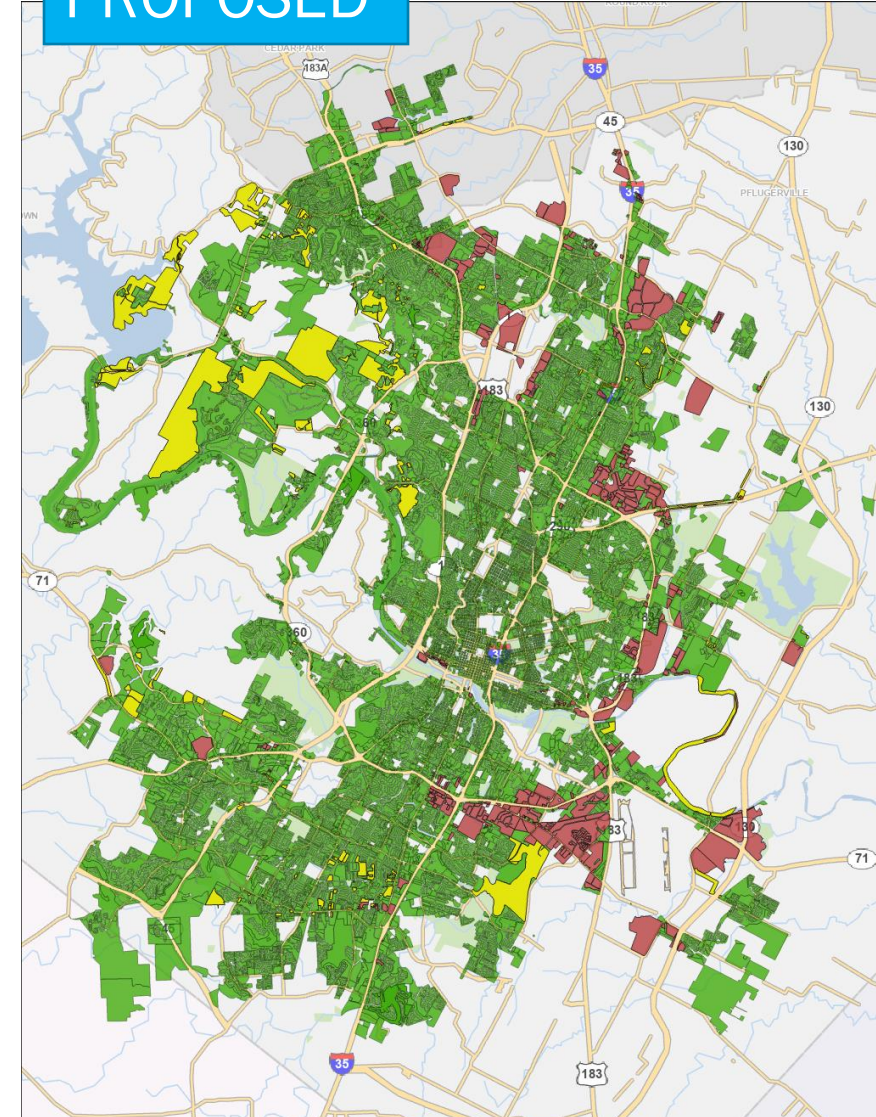
↑18% Not Permitted

↑= Change in acreage

EXISTING



PROPOSED



\*Maps do not include areas within Regulating Plans, TODs, R&D, or PUDS



# Proposed Changes - Parking

- Add subsection to 25-6-471 “Off-Street Parking Facility Required” requiring:
  - The minimum off-street accessible spaces are the greater of one accessible parking space or the number required by ADA or FHAA regulations
  - Accessible spaces to be on-site or off-site and located adjacent to the site and on an accessible route
  - Accessible parking detailed in Subsection (M)(1) must be provided off-street except insofar as on-street or off-street parking is allowed elsewhere in this title.
  - The Transportation Public Works director or designee to determine minimum **off-street loading** and **bicycle parking** requirements



# Staff Recommendation

- Recommends modifications to land use definitions, zoning districts permitted uses, and off-street parking requirements
- Recommendation on a grant program for Part 2:
  - Staff recommends that Council consider waiving fees for other parts of the development process because the proposed changes minimize the likelihood that a Conditional Use Permit will be needed





# Anticipated Timeline

- Early Childhood Council – August 12<sup>th</sup>, 2023
- Codes and Ordinances Joint Committee – August 16<sup>th</sup>, 2023
- Planning Commission – September 26<sup>th</sup>, 2023
- City Council – October 19<sup>th</sup>, 2023



# Contact Us

- Jordan Feldman, Principal Planner  
[Jordan.Feldman@austintexas.gov](mailto:Jordan.Feldman@austintexas.gov), (512) 974-7288
- Paul Books, Senior Planner  
[Paul.Books@austintexas.gov](mailto:Paul.Books@austintexas.gov), (512) 974-3173