



PLANNING
DEPARTMENT

C20-2023-001: Childcare Services

Planning Commission Briefing

September 12, 2023

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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 Planning and Zoning 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).



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



Codes and Ordinances Joint Committee Amendments

1. Permit Adult Care Services in all zoning districts where Childcare Services is proposed to be a permitted use
2. Require a Conditional Use Permit for Childcare Services in industrial zoning districts
3. Determine incompatible commercial land uses and add a distance requirement that mirrors [§ 25-2-839](#)
4. Add Childcare and Adult Care Services as a permittable ground floor use in vertical mixed-use development
5. Eliminate off-street parking requirements for Adult Care Services
6. Remove “daytime” from the land use definitions and replace with “less than 24 hours”
7. Add to the Childcare Services land use definition that it is for children 13 and below
8. Ensure the use does not “trigger” compatibility



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 care for less than 24 hours for:

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

Less than 18 years of age or authorized under State or Federal exemptions. 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, IP, MI, LI
 - **General:** DR, AG, IP, MI, LI
 - **Limited:** CR, DR, AG, MI
- Modify “Day Care Services” use and definition to "Adult Care Services" to allow for the provision of care for persons 18 years of age or older

ZONING DISTRICTS

DR: Development Reserve

AG: Agricultural

CR: Commercial Recreation

IP: Industrial Park

MI: Major Industry

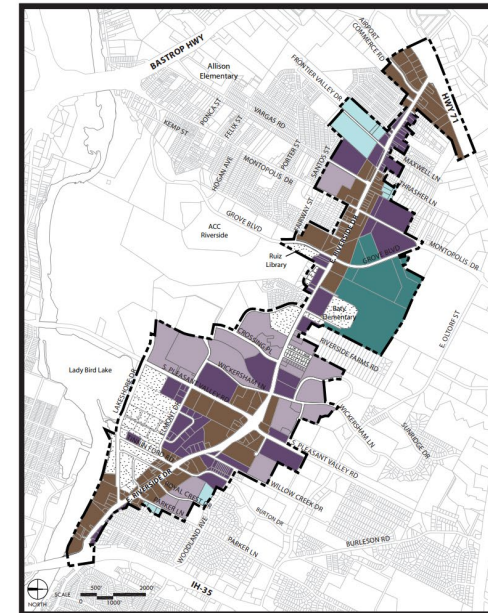
LI: Limited Industrial Services



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 accessory use to a Principal Residential Use and to a Principal Commercial or Office Use under certain conditions

Regulating Plan for the EAST RIVERSIDE CORRIDOR ZONING DISTRICT

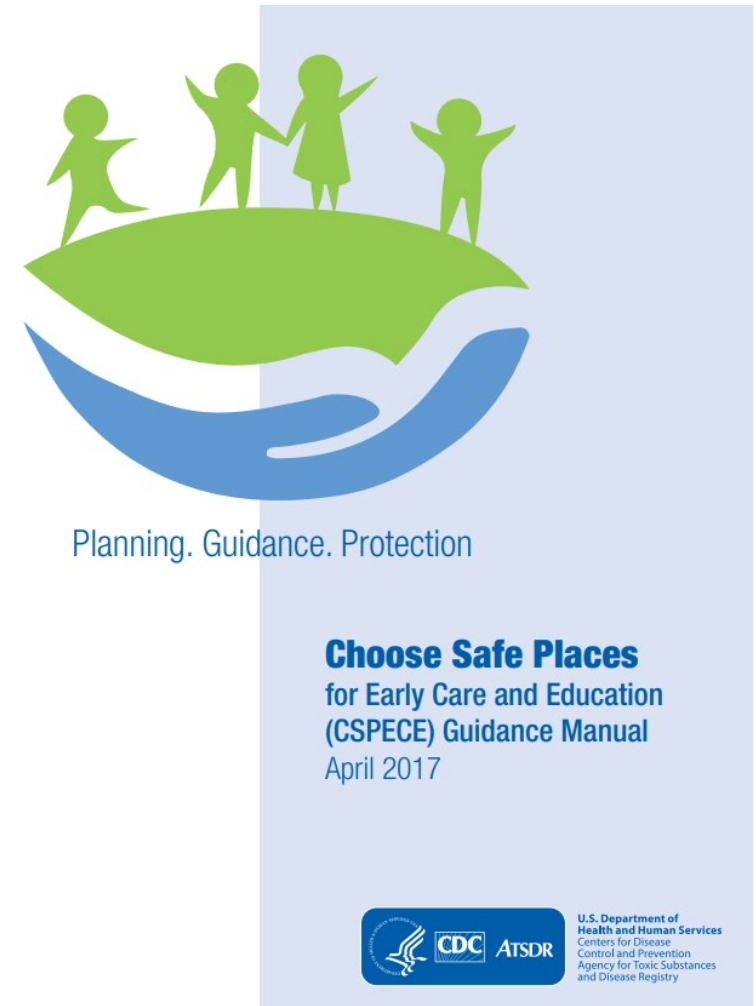


DATE ADOPTED: May 9, 2013
DATE EFFECTIVE: May 20, 2013



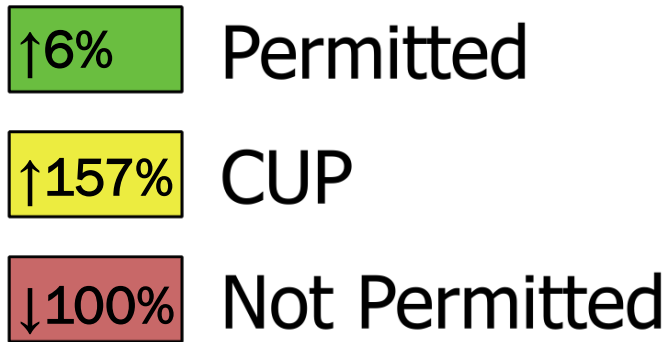
Proposed Changes – Minimum Distance Requirements

- Staff does not recommend additional minimum distance requirements for commercial uses
- Minimum standards to protect the health, safety, and well-being of children in care are maintained by the Texas Health and Human Services Commission



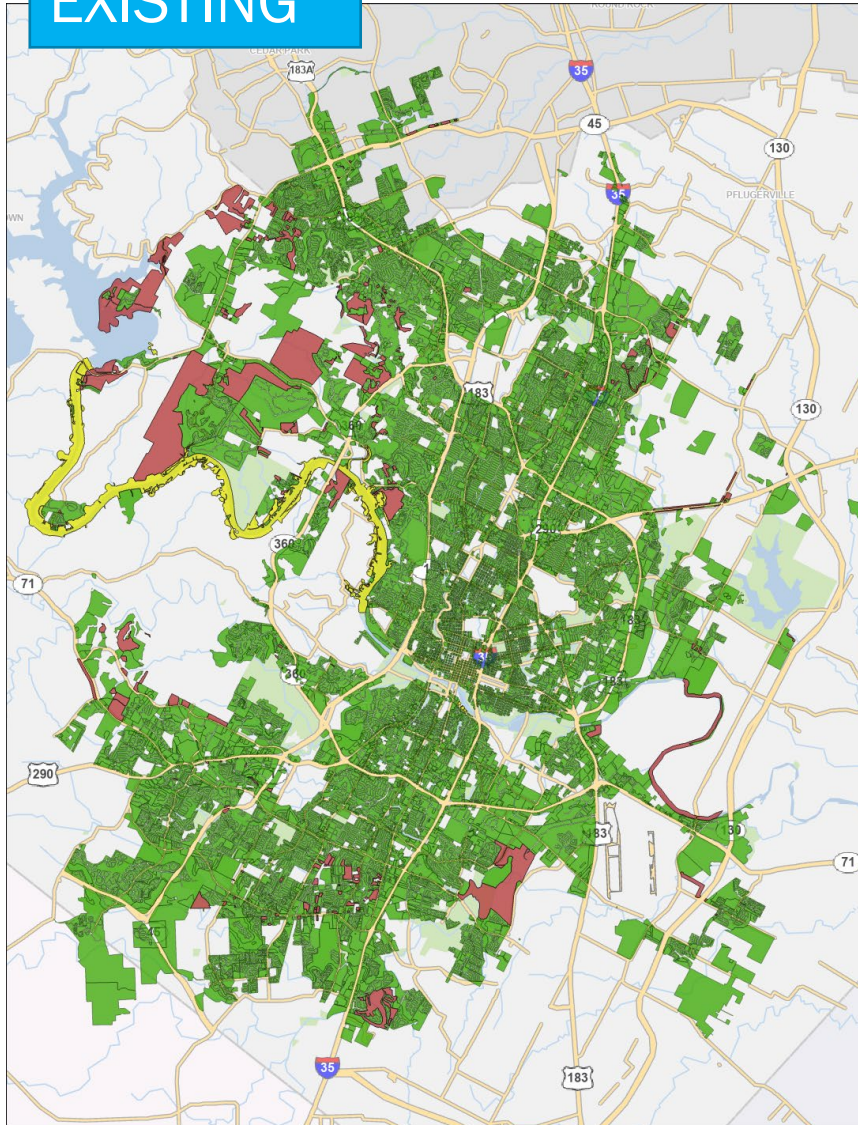


Accessibility— Childcare Services Limited 12 children or less

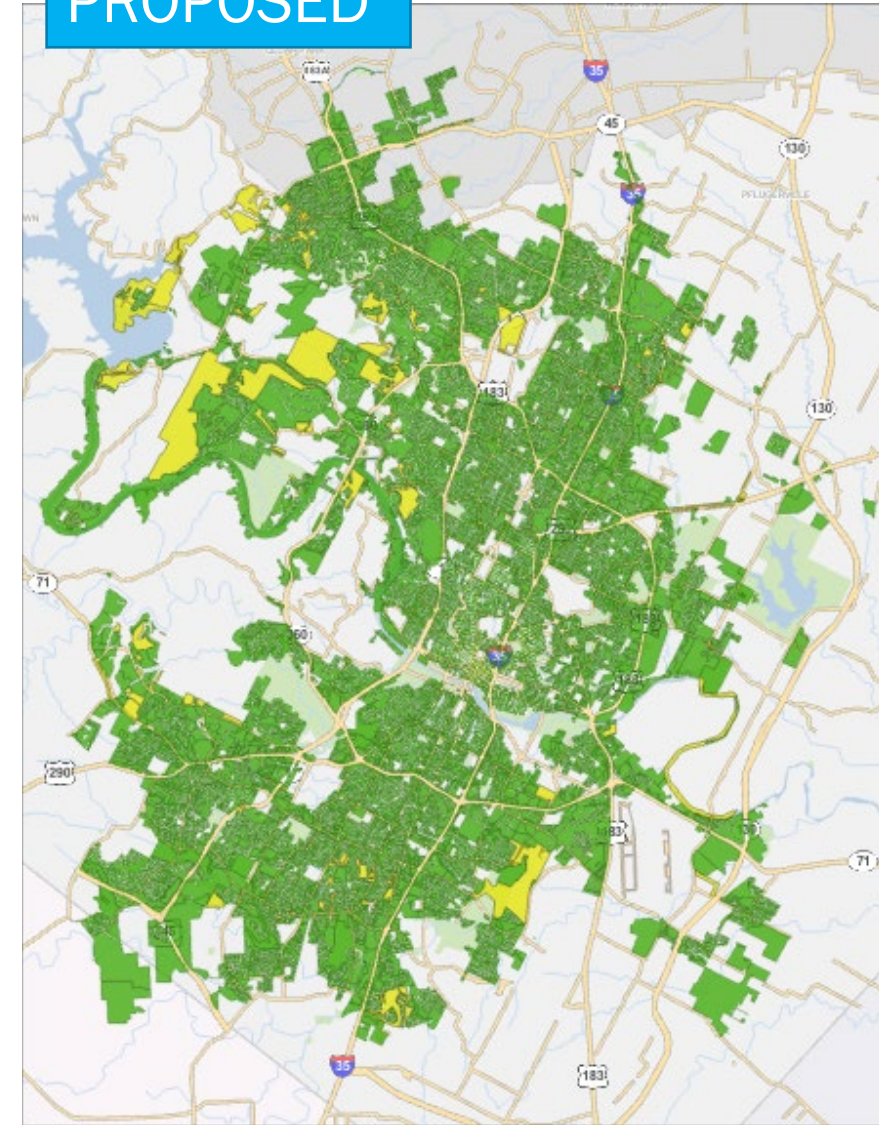


↑= Change in acreage

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
children

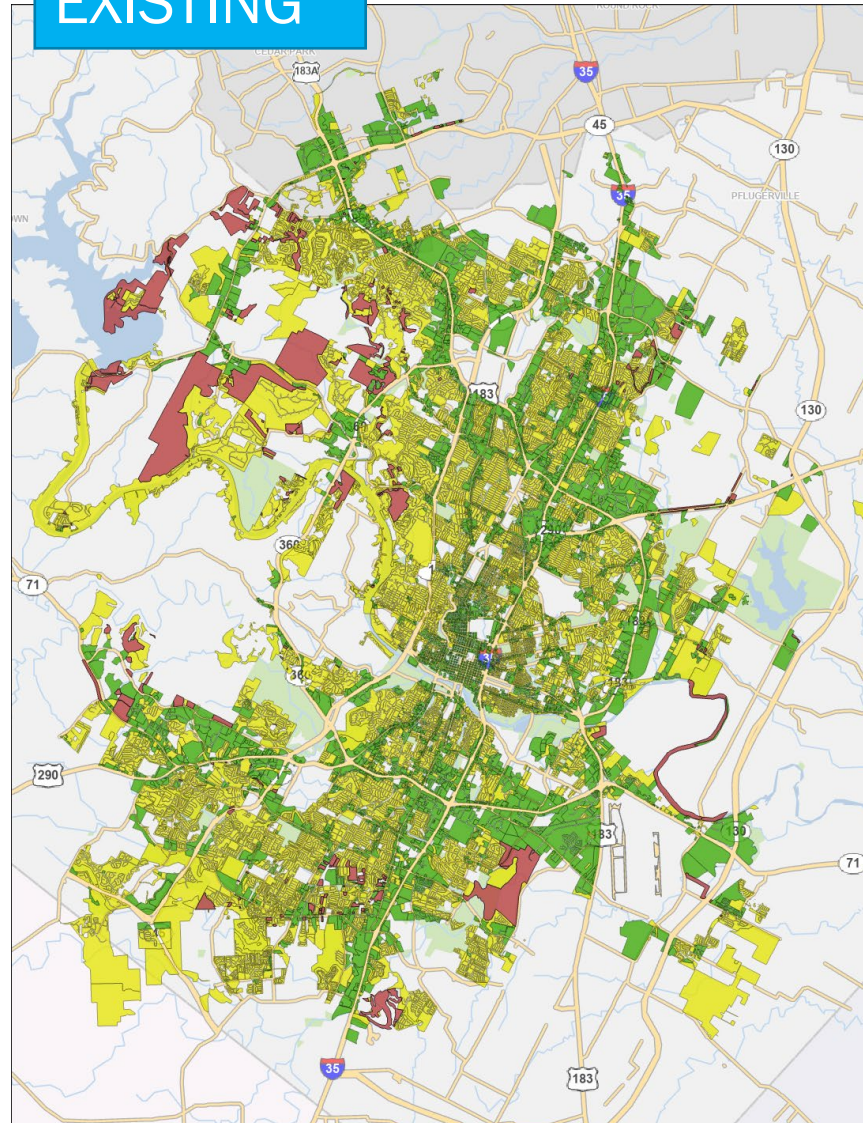
↑154% Permitted

↓69% CUP

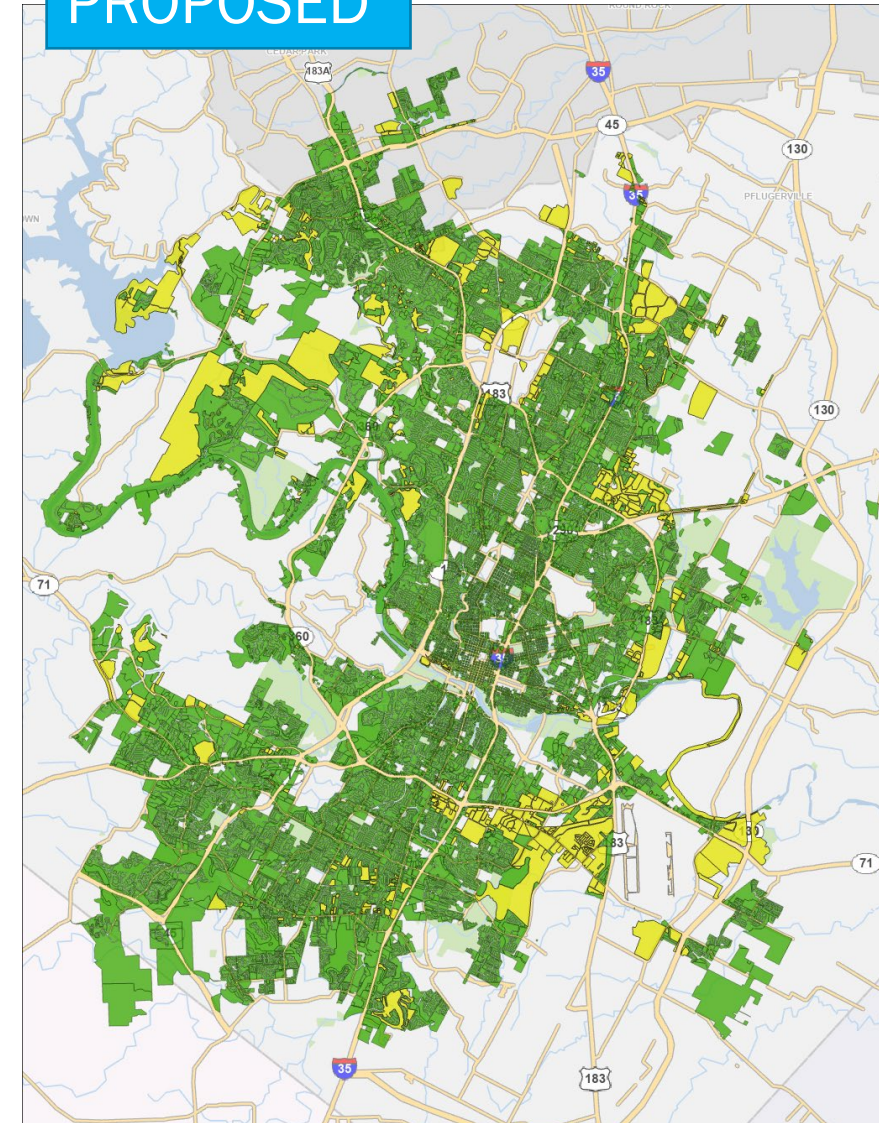
↓100% Not Permitted

↑= Change in acreage

EXISTING



PROPOSED



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



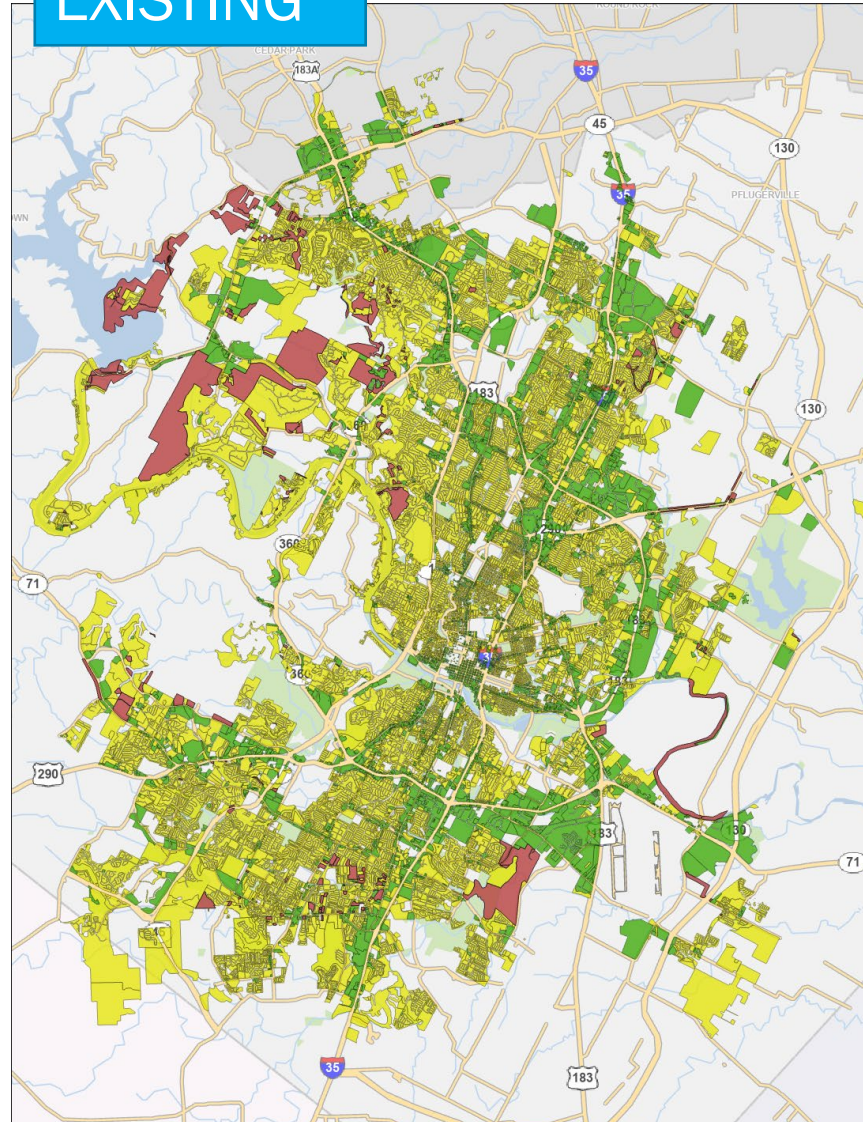
Accessibility— Childcare Services Commercial

More than 24
children

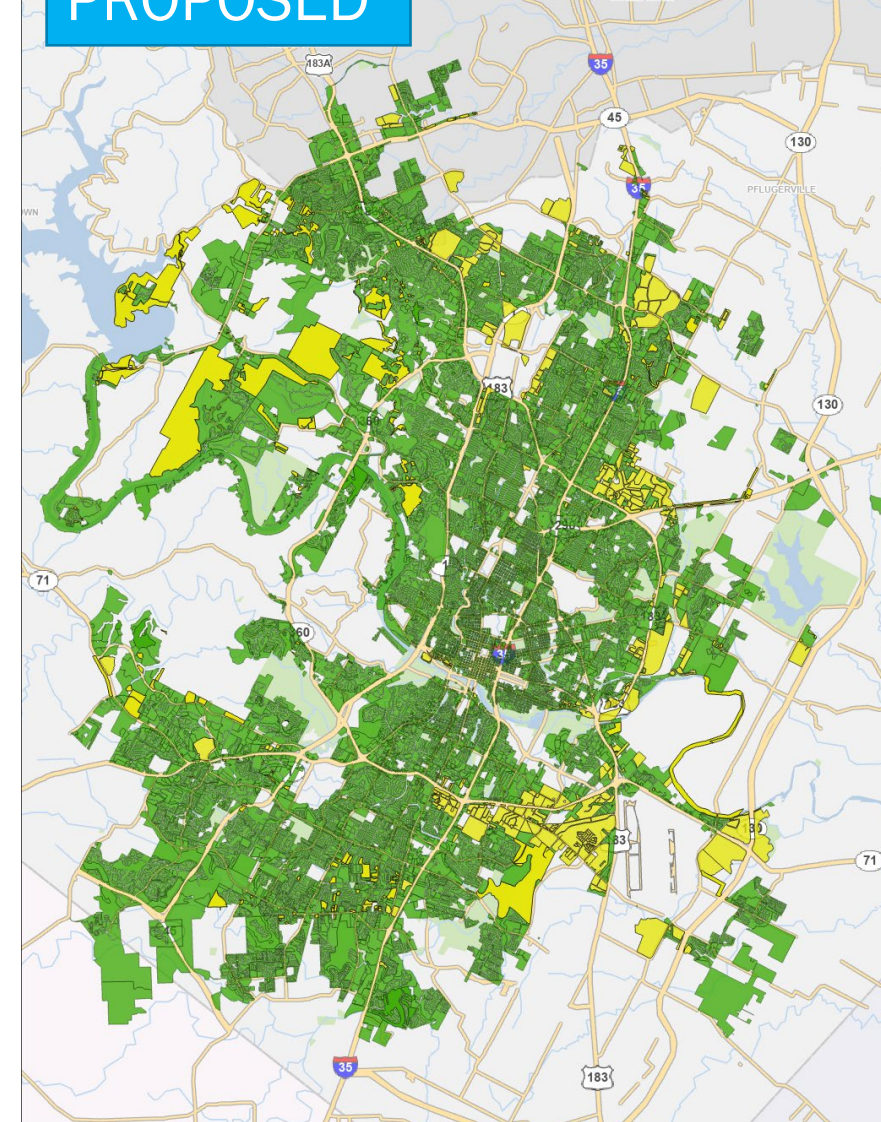
- ↑255% Permitted
- ↓64% CUP
- ↓100% Not Permitted

↑= Change in acreage

EXISTING



PROPOSED



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



Proposed Changes - Parking

- Changes to parking requirements will be included in C20-2023-012 Eliminate Minimum Parking Requirements
 - Accessible spaces will be required on-site, off-site, or on-street
- Date for Council Consideration: November 2nd



Staff Recommendation

- Staff recommends the modifications to land use definitions, zoning districts, accessory uses, and development standards described above
- The proposed changes will help to remove barriers for the siting and expansion of childcare facilities



Anticipated Timeline

- Early Childhood Council – August 12th, 2023
- Codes and Ordinances Joint Committee – August 16th, 2023
 - Recommended as amended
- Planning Commission Briefing – September 12th, 2023
- Planning Commission – September 26th, 2023
- City Council – October 19th, 2023



Contact Us

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Thank You