



Recommendation for Action

File #: 23-2942, **Agenda Item #:** 77.

9/21/2023

Posting Language

Set a public hearing to consider an ordinance amending City Code Title 25 related to definitions and regulations applicable to childcare and adult care services. (Suggested Date: October 19, 2023, at Austin City Hall, 301 W. Second Street, Austin, Texas 78701).

Lead Department

Planning Department.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

Initiated by City Council on January 26, 2023, through Resolution No. 20230126-055, which directed the City Manager to develop necessary amendments to the Land Development Code (LDC) to increase opportunities for childcare services throughout the city.

For More Information:

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Council Committee, Boards and Commission Action:

August 12, 2023 - Early Childhood Council Briefing

August 16, 2023 - Codes and Ordinances Joint Committee (Recommended as amended)

September 12, 2023 - Planning Commission Briefing

September 26, 2023 - Planning Commission Public Hearing

Additional Backup Information:

Case Number: C20-2023-001

On October 4, 2018, the Austin City Council passed Resolution No. 20181004-036, asking the City Manager to evaluate fee and zoning regulations pertaining to childcare centers with the goal of supporting affordable and high-quality childcare in the city. in.

In response to Resolution No. 20181004-036, in 2019 the Planning and Zoning Department, Development Services Department, and Austin Public Health provided a report outlining recommendations for implementing changes to the LDC and introducing fee waiver programs as identified by the City Council.

In January of 2023, City Council passed Resolution No. 20230126-055, asking the City Manager to develop necessary amendments to the LDC to increase opportunities for childcare services throughout the city.

The Resolution directed staff to develop LDC amendments that achieve the following objectives:

1. Introduce a zoning use classification and definition for Childcare Services.
2. Eliminate requirements for non-accessible parking in childcare services.
3. Allow childcare services as an accessory use in principal residential areas.
4. Modify the maximum number of enrollees allowed in childcare services.
5. Increase opportunities for childcare services throughout the city by:
 - a. Adjusting zoning districts where childcare services are permitted or conditional uses.
 - b. Designating childcare services as permitted uses in areas with childcare deserts.
 - c. Implementing other appropriate changes to the conditional use permitting process.
6. Restrict childcare operations in zoning districts that are incompatible with their use.

On August 16, 2023, Codes and Ordinances Joint Committee recommended approval of staff's recommendations to Planning Commission with the following 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 City Code Section 25-2-839.<https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_CUSDERE_ART4ADRECEUS_DIV3CIUS_S25-2-4
4. Add Childcare and Adult Care Services as a permissible 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.

The proposed amendments are intended to achieve the objectives outlined in the resolution and will incorporate the recommendations from the Codes and Ordinances Joint Committee.