

## ORDINANCE AMENDMENT REVIEW SHEET

### **Amendment:** C20-2023-001 Childcare Services

**Description:** Amend Title 25 pertaining to childcare and day care services to modify land use definitions, create use-specific development regulations, ensure compatibility with adjacent uses, and adjust zoning district permitted uses to increase opportunities for childcare services around the city.

**Background:** Initiated by City Council [Resolution No. 20230126-055](#)

On October 4, 2018, the Austin City Council passed [Resolution No. 20181004-036](#), directing the City Manager to evaluate fee structures and zoning regulations pertaining to childcare centers with the goal of supporting affordable and high-quality childcare in the city. The resolution acknowledges that removing certain barriers imposed by the City is crucial for facilitating the establishment, expansion, and operation of childcare facilities. It specifically identifies Land Development Code (LDC) regulations and City fees associated with opening, expanding, and operating childcare centers as significant obstacles faced by providers in Austin. In response to [Resolution No. 20181004-036](#), the Planning and Zoning Department, Development Services Department, and Austin Public Health provided a [report](#) in 2019 outlining recommendations for implementing changes to the LDC.

In January of 2023, City Council passed [Resolution No. 20230126-055](#), instructing the City Manager to develop necessary amendments to the Land Development Code (LDC) to increase opportunities for childcare services throughout the city. Additionally, the resolution calls for the creation of a grant program to assist qualifying childcare operations in covering City fees associated with opening or expanding a childcare facility.

The Resolution directs staff to develop LDC amendments to 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.
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.

### **Summary of Proposed Code Amendment:**

The proposed code amendments aim to enhance and expand the provision of Childcare Services in the city. The amendments include the following key improvements to:

1. **Land Use Definitions:**  
Definitions for childcare services are proposed. The previous day care services definition is proposed to be modified to adult care services for persons 18 years of age or older.
2. **Enrollee Caps:**  
Limits on the number of enrollees for childcare services are proposed to be increased as follows:
  - a. Limited: Up to 12 persons
  - b. General: More than 12 but not more than 24 persons
  - c. Commercial: More than 24 persons
3. **Zoning District Modifications:**  
To broaden access to childcare, childcare services are proposed as a permitted use in zoning districts where it is currently a conditional use, and as a conditional use in districts where it is currently not permitted (Exhibits A-C).
4. **Restricting Incompatible Uses:**
  - a. Industrial zoning districts (Industrial Park, Major Industry, Limited Industrial Services), which may pose potential hazards or incompatibility, are proposed to be designated as conditional for childcare services (general and commercial).
  - b. Major Industry is proposed to be designated as conditional for childcare services (limited)
5. **Regulating Plans Alignment:**  
All applicable regulating plans are proposed to be updated to align with the changes in allowable uses for each zoning district.
6. **Accessory Use:**
  - a. Childcare services (limited) is proposed to be added as an accessory use to a principal residential use, allowing for the establishment of smaller childcare facilities within residential areas without the need for a change of use if the primary residential use is maintained.

- b. Childcare services (limited) is proposed to be added as an accessory use to a principal civic and commercial use if certain conditions are met.

7. Compatibility:

Compatibility requirements for structures within 540 feet of a childcare or day care use are proposed to be removed unless triggered by another use or zoning district.

By implementing these amendments, Staff aims to create more opportunities for childcare services, ensuring accessibility and safety while accommodating the diverse needs of the community. These improvements contribute to a more vibrant and family-friendly city, supporting the well-being and development of its residents.

**Proposed Amendment Text:**

See attached draft redline.

**Staff Recommendation:** Recommended

**Recommended Changes and Rationale:**

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

The [National Database of Childcare Prices](#) (NDCP) is the most comprehensive source of local childcare price data. Data indicates that childcare is a substantial budget item for a majority of families and prices are especially untenable for low-income families. Across the Austin metropolitan area, childcare prices as a share of median family income range from 7.6% to 16% depending on the type of care (Table 1). Increasing opportunities for the siting and expansion of new childcare facilities, especially home-based facilities that are often more affordable options, will help to alleviate the cost burden of childcare on families within the Austin area. The proposed changes to the zoning districts permitted uses and the proposal to allow childcare services (limited) as an accessory use in a primary residential use directly address this goal.

**Table 1: Childcare Price as Share of Median Family Income**

County	Infant center-based price as share of family income: 2018 (%)	Infant home-based price as share of family income: 2018 (%)	Toddler center-based price as share of family income: 2018 (%)	Toddler home-based price as share of family income: 2018 (%)	Preschool center-based price as share of family income: 2018 (%)	Preschool home-based price as share of family income: 2018 (%)	School-age center-based price as share of family income: 2018 (%)	School-age home-based price as share of family income: 2018 (%)
Bastrop	12.4	10.9	11.4	10.3	10.6	9.8	10.0	8.8
Caldwell	16.0	14.0	14.7	13.3	13.6	12.6	12.9	11.3
Hays	11.3	9.9	10.4	9.4	9.6	8.9	9.1	8.0
Travis	11.5	10.0	9.2	9.5	9.8	9.0	9.2	8.1
Williamson	9.7	8.5	8.9	8.1	8.3	7.6	7.8	6.9

[Children at Risk](#) defines a childcare desert as zip codes with at least 30 children, ages 0-5, where the demand for childcare (the number of children, ages 0-5, with working parents) is three times greater or more than the supply of childcare (licensed capacity of childcare providers in the area). Austin currently has 25 zip codes classified as childcare deserts (Exhibit D). Existing zoning categories where childcare services is permitted are insufficient to address community need. Permitting childcare services in all residential and commercial zoning districts will allow childcare facilities to locate adjacent to community and employment centers to meet demand. The proposed changes to zoning district permitted uses will increase the area where childcare services are permitted within childcare deserts by 260%, 127%, and 7% for commercial, general, and limited respectively (Table 2).

**Table 2: Childcare Services Acreage by Zoning Allowance**

	Land Use Definition	Permitted (Acres)	% Change	Permitted in Childcare Desert (Acres)	CUP (Acres)	% Change	CUP in Childcare Desert (Acres)	Not Permitted (Acres)	% Change	Not Permitted in Childcare Desert (Acres)
<b>Proposed</b>	Childcare Services (Commercial)	107,383	255%	60,339	29,475	-64%	14,173	0	-100%	
	Childcare Services (General)	105,899	154%	59,216	20,948	-69%	11,946	0	-100%	
	Childcare Services (Limited)	116,395	6%	67,379	10,453	157%	11,946	0	-100%	
<b>Existing</b>	Day Care Services (Commercial)	30,272	-	18,714	81,932	-	46,559	9,269	-	2,789
	Day Care Services (General)	41,624	-	26,106	68,628	-	38,618	10,011	-	3,351
	Day Care Services (Limited)	109,831	-	62,726	4,069	-	3,629	10,011	-	3,351

The American Planning Association (APA) supports legislation which provides for small in-home childcare as permitted land uses in all zoning districts. APA also encourages cities to amend local zoning regulations to remove barriers for siting and expansion of childcare facilities in all zoning districts that are appropriate and safe for children. Additionally, APA supports zoning regulations that provide for childcare in locations convenient to neighborhoods and public services. Proposed changes to zoning regulations accomplish all three of the recommendations by APA.

### **Not Recommended Changes and Rationale:**

Staff does not recommend creating minimum distance requirements for commercial land uses as was recommended by the Codes and Ordinances Joint Committee. While staff recognizes the need to ensure the safety of users of childcare services, minimum standards for licensed childcare facilities are maintained by the Texas Health and Human Services Commission. Minimum standards include provisions for fire safety, emergency preparedness, and hazard

detection. Provisions are primarily targeted toward indoor and outdoor facilities within the site containing the childcare service itself, as opposed to off-site or adjacent uses. Depending on the provision, inspections are required before license issuance and re-inspection is required annually or bi-annually.

Staff does not recommend the elimination of parking requirements for Childcare or Adult Care Service be included in this code amendment and instead that it be included in the response to code amendment case C20-2023-012 Eliminate Minimum Parking Requirements. Including the elimination of parking requirements in the comprehensive amendment to remove requirements for all uses will ensure that the requirements for accessible parking spaces, off-street loading, and bike parking for Childcare and Adult Care services will be consistent with the requirements for all other land uses.

**Board and Commission Actions:**

Early Childhood Council Briefing: August 12, 2023

Codes and Ordinances Joint Committee Review: August 16, 2023

Unanimously recommended as amended

Planning Commission Briefing: September 12, 2023

Planning Commission Public Hearing: September 26, 2023

**Council Action:**

To be considered on October 19, 2023

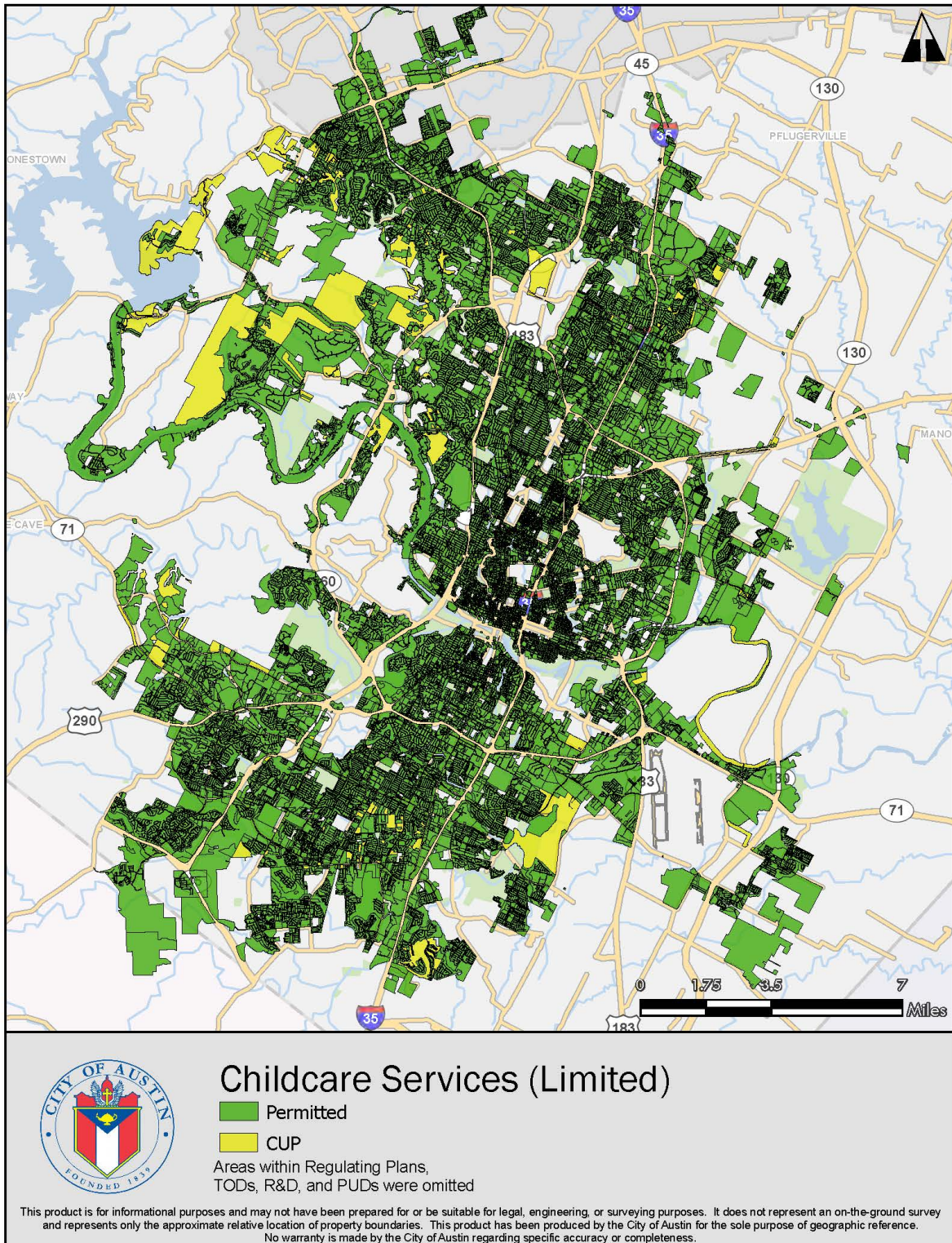
**Sponsor Department:** Planning Department

**City Staff:** Jordan Feldman, [Jordan.Feldman@austintexas.gov](mailto:Jordan.Feldman@austintexas.gov), (512) 974-7288 (Case Manager)

Paul Books, [Paul.Books@austintexas.gov](mailto:Paul.Books@austintexas.gov), (512) 974-3137 (Case Manager)

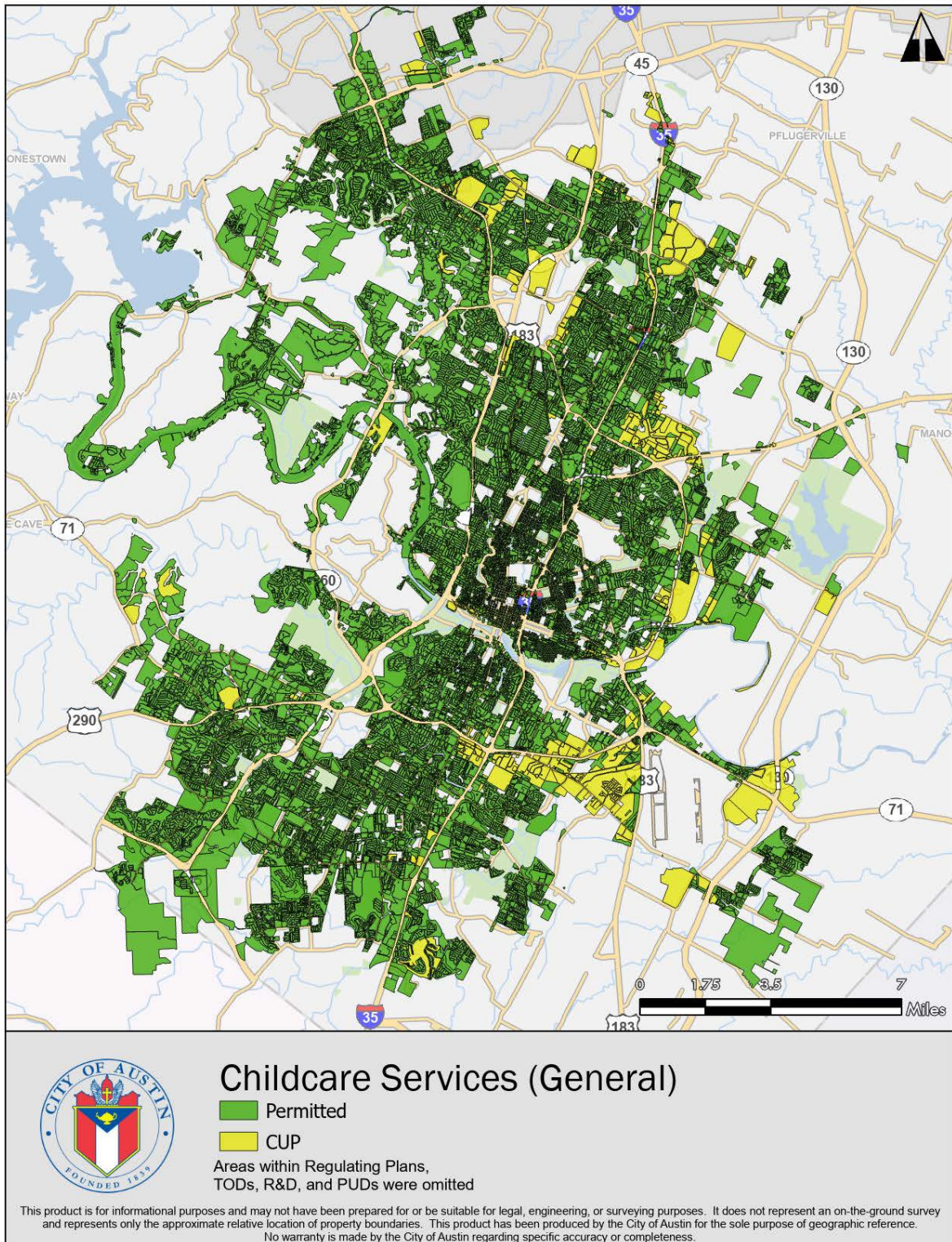


## Exhibit A



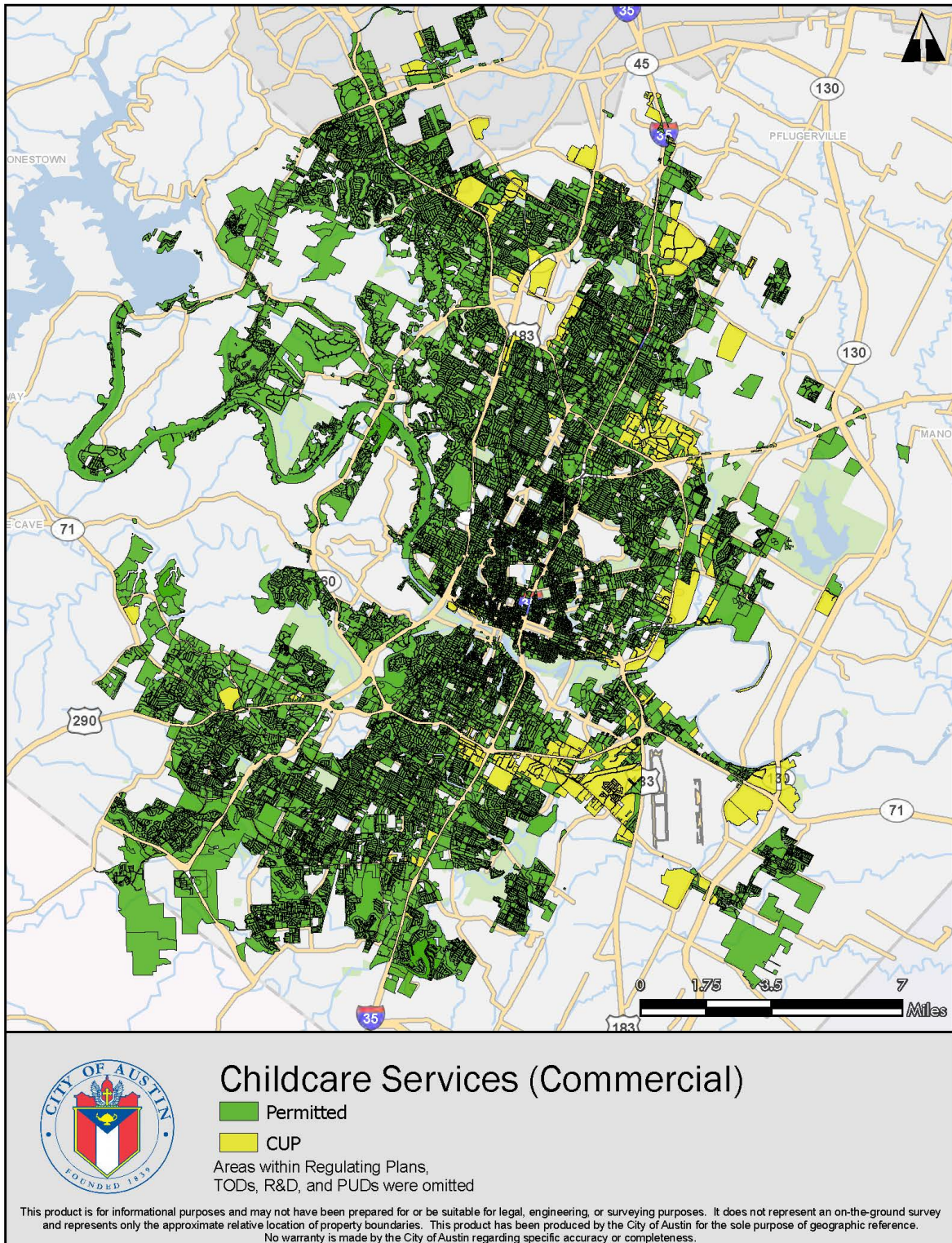


# Exhibit B



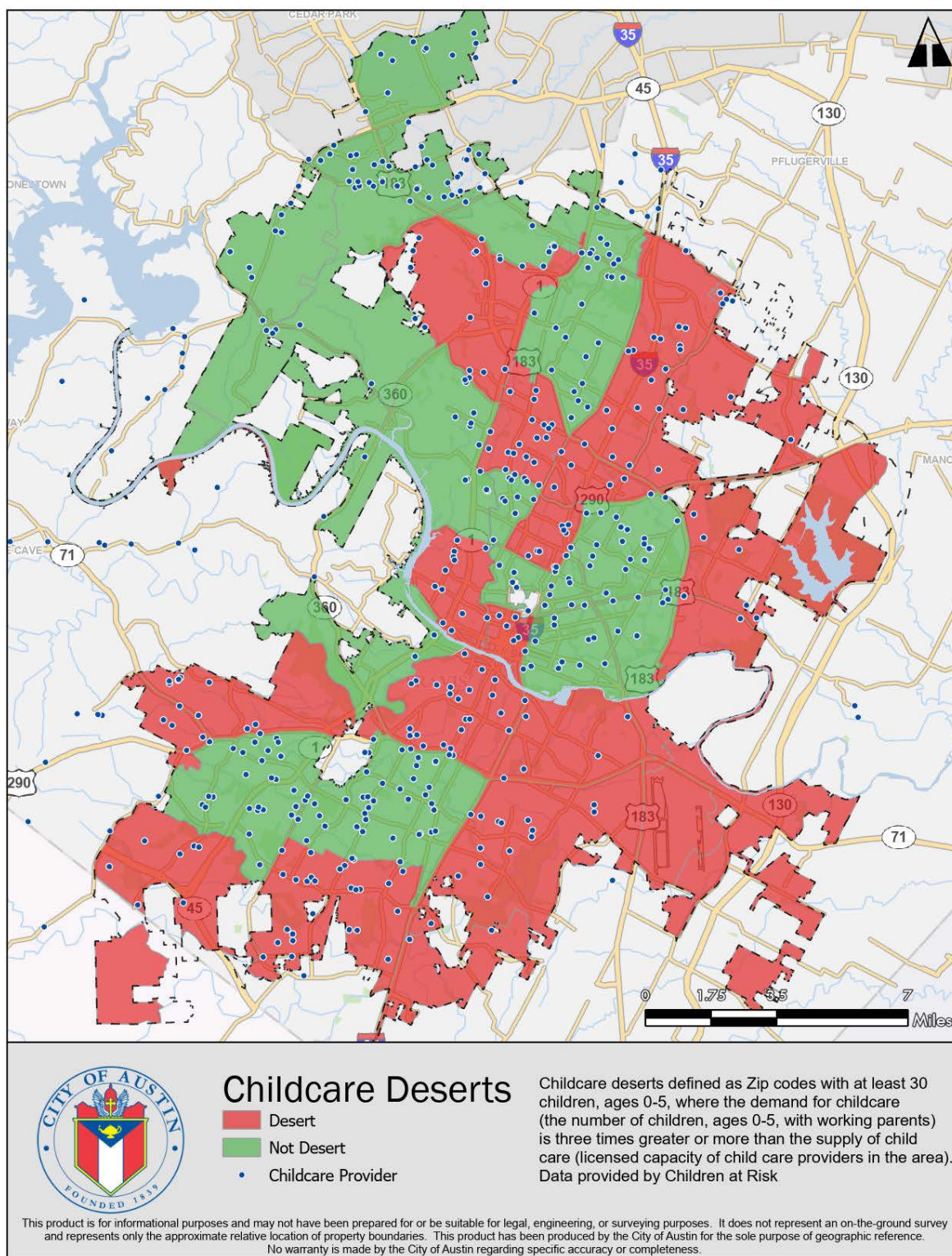


## Exhibit C





# Exhibit D



**§ 25-2-6 CIVIC USES DESCRIBED.**

(B) Civic use classifications are described as follows:

(2) ADULT CARE SERVICES (COMMERCIAL) use is the use of a site for the provision of care for less than 24 hours for more than 20 persons 18 years of age or older.

(3) ADULT CARE SERVICES (GENERAL) use is the use of a site for the provision of care for less than 24 hours for more than 6 but not more than 20 persons 18 years of age or older.

(4) ADULT CARE SERVICES (LIMITED) use is the use of a site for the provision of care for less than 24 hours for six person or less 18 years of age or older.

(196) DAY-CARE/CHILDCARE SERVICES (COMMERCIAL) use is the use of a site for the provision of daytime care for less than 24 hours for more than 20-24 persons children less than 18 years of age or authorized under State or Federal exemptions. This use includes nursery schools, preschools, day care centers for children ~~or adults~~, and similar uses, and excludes public and private primary or secondary educational facilities.

(2017) DAY-CARE/CHILDCARE SERVICES (GENERAL) use is the use of a site for the provision of daytime care for less than 24 hours for more than 6-12 but not more than 20-24 children less than 18 years of age or authorized under State or Federal exemptions persons. This use includes nursery schools, preschools, day care centers for children ~~or adults~~, and similar uses, and excludes public and private primary or secondary educational facilities.

(1821) DAY-CARE/CHILDCARE SERVICES (LIMITED) use is the use of a site for the provision of daytime care for less than 24 hours for six-12 children less than 18 years of age or authorized under State or Federal exemptions persons or less. This use includes nursery schools, preschools, day care centers for children ~~or adults~~, and similar uses, and excludes public and private primary or secondary educational facilities.

### § 25-2-84X ADULTCARE AND CHILDCARE (LIMITED, GENERAL, COMMERCIAL)

(A) Childcare Services (LIMITED) is permitted as an accessory use to the following uses:

(1) A Principal Residential Use

(2) A Principal Civic Use

(3) A Principal Commercial Use if:

(a) The use is operated primarily for the convenience of employees, clients, or customers of the principal use

(A)(B) A structure within 540 ft of a Childcare or Adult Care (Limited, General, Commercial) use is not subject to Article 10 Compatibility Standards unless the structure is subject to the standards by another applicable use or zoning district.



**§ 25-2-839 TELECOMMUNICATION TOWERS.**

- (E) A telecommunication tower described in Subsection (F) or (G) must comply with the requirements of this subsection.
- (1) The tower may not be located:
- (b) within 50 feet of a ~~day care services (commercial)~~ childcare services (commercial) or adult care services (commercial) use; or

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**§ 2.4. TIER TWO REQUIREMENTS.**

Community Amenities	Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, <del>day</del> <a href="#">adult</a> care facilities, <a href="#">childcare services</a> , non-profit organizations, or other uses that fulfill an identified community need.
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**§ 25-2-803 COMMERCIAL BLOOD PLASMA CENTER CONDITIONAL USE REQUIREMENTS.**

A commercial blood plasma center is a conditional use if the use is within:

- (2) 540 feet of a lot zoned or used for a residence, church, public or private school, public park or playground, [adult care services](#) or ~~day-care facility~~[childcare services](#).

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§ 25-3-29 NEIGHBORHOOD CENTER AREA AND MIXED RESIDENTIAL AREA USES.

	TABLE OF PERMITTED USES	
Civic Uses	MRA	NCA
<del>Day-Adult</del> Care Services (Commercial)	X	P
<del>Day-Adult</del> Care Services (General)	P	P
<del>Day-Adult</del> Care Services (Limited)	P	P
<u>Childcare Services (Commercial)</u>	<u>P</u>	<u>P</u>
<u>Childcare Services (General)</u>	<u>P</u>	<u>P</u>
<u>Childcare Services (Limited)</u>	<u>P</u>	<u>P</u>

**§ 25-2-691 WATERFRONT OVERLAY (WO) DISTRICT USES.**

(C) A pedestrian-oriented use is a use that serves the public by providing goods or services and includes:

(6) ~~day-adult~~ care services (limited, general, or commercial);

(12) childcare services (limited, general, or commercial);

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**§ 25-2-516 DEVELOPMENT NEAR A HAZARDOUS PIPELINE.**

- (4) USE REQUIRING EVACUATION ASSISTANCE includes the following uses:
- (a) congregate living;
  - (b) convalescent services;
  - (c) detention facilities;
  - (d) ~~day~~-Childcare services (commercial);
  - (e) hospital (general);
  - (f) hospital (limited);
  - (g) medical offices exceeding 5,000 square feet of gross floor area;
  - (h) private primary educational facilities;
  - (i) private secondary educational facilities;
  - (j) public primary educational facilities;
  - (k) public secondary educational facilities; ~~and~~
  - (l) retirement housing (large site);~~;~~ and
  - (m) Adult care services (commercial)



## § 4.3. VERTICAL MIXED USE BUILDINGS.

### 4.3.3. Standards.

2. **Ground-Floor Commercial Uses Allowed.** Any commercial uses allowed in the base zoning district may be allowed at the ground-floor level in VMU buildings. In addition, in office districts the following additional uses may be allowed, except as provided in- Section 4.3.5.:
  - a. Consumer convenience services;
  - b. Food sales;
  - c. General retail sales (convenience or general);
  - d. Restaurant (limited or general) without drive-in service;
  - e. [Adult care \(limited, general, commercial\);](#)
  - f. [Childcare \(limited, general, commercial\).](#)

**§ 25-2-801 ADULT-ORIENTED BUSINESSES.**

- (E) An adult-oriented business may not be located on a lot:
- (1) that is within 1,000 feet of a lot on which another adult-oriented business is located;
  - (2) that is within 1,000 feet of a lot on which a school, church, public park or playground, ~~licensed day care center~~adult care or childcare service (limited, general, or commercial), museum, or library is located; or
  - (3) where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use.

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## § 25-2-586 DOWNTOWN DENSITY BONUS PROGRAM.

(A) *Definitions.* In this section:

(4) DAY-CHILDCARE or ADULT CARE SERVICES is the provision of ~~one or more of the three day~~ care services defined in Section 25-2-6 (*Civic Uses Described*) of the City Code.

(E) *Community Benefits.* A person may achieve bonus area by providing community benefits outlined in this subsection. If the applicant chooses to achieve 100 percent of the desired bonus area by providing community benefits described in Subsections (E)(1)—(12), the director may approve the bonus area administratively.

(3) Day-Childcare or Adult Care Services Community Benefit.

- (a) A project may achieve bonus area by providing day-childcare or adult care services within the project. The amount of bonus area that may be achieved for each square foot of day-childcare or adult care services that are provided is established by ordinance.
- (b) Requirements:
  - (i) The applicant must execute a restrictive covenant that requires compliance with all relevant requirements of this section and that ensures continuation of operations and maintenance of the facility with the specified community benefit use for a period of at least 10 years, which is the life of the agreement.
  - (ii) City of Austin must approve of the operator and the lease terms, which shall be for no less than ten years.
  - (iii) The facility must comply with applicable state and local codes.
  - (iv) The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.
  - (v) The facility must be maintained and kept in a good state of repair throughout the life of the agreement.
  - (vi) If the day-childcare or adult care services use is non-operational for more than 180 consecutive days or for 180 days in any 365 day period, the owner must pay into the Affordable Housing Trust Fund the applicable development bonus fee for the bonus area initially granted for this community benefit. The payment will be a pro-rated amount based on the time left in the term of the agreement and based on the development bonus fee in effect when the owner pays.



**§ 4-9-4 MINIMUM DISTANCE FROM CERTAIN USES.**

- (A) A person may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a church, public school, private school, or public hospital except as provided by the Texas Alcoholic Beverage Code.
- (B) A permit or license holder under Chapters 25 (*Wine and Beer Retailer's Permit*), 28 (*Mixed Beverage Permit*), 32 (*Private Club Registration Permit*), 69 (*Retail Dealer's On-Premise License*), or 74 (*Brewpub License*) of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of ~~a day-care center or child-care facility~~ a childcare services or adult care services use except as provided by the Texas Alcoholic Beverage Code.
- (C) Distances under this section shall be calculated using the method prescribed by the Texas Alcoholic Beverage Code.
- (D) The method prescribed for calculating distance from a public school shall be applied to ~~a day-care center or child-care facility~~ childcare service or adult care service whether the ~~day-care center or child-care~~ facility is a principal or accessory use, except as otherwise provided by the Texas Alcoholic Beverage Code.

**§ 25-2-895 ACCESSORY USES FOR A COMMERCIAL RECREATION DISTRICT.**

- (A) The provisions of this section supersede the requirements of Section 25-2-894 (*Accessory Uses For A Principal Commercial Use*) to the extent of conflict.
- (B) The following are permitted as accessory uses in a commercial recreation zoning district:
- (1) food sales;
  - (2) general retail sales (convenience);
  - (3) personal improvement services;
  - (4) restaurant (limited) without drive-in service;
  - (5) ~~day-adult~~ care services [or childcare services](#) (general);
  - (6) ~~day-adult~~ care services [or childcare services](#) (limited); and
  - (7) safety services.
- (C) An accessory use described in Subsection (B) may occupy not more than 50 percent of the site area or of the gross floor area of the structures on the site.

***SUBCHAPTER F: RESIDENTIAL DESIGN AND COMPATIBILITY STANDARDS*****1.2.2. Used for a:**

- A. Bed and breakfast (group 1) residential use;
- B. Bed and breakfast (group 2) residential use;
- C. Cottage special use;
- D. Duplex residential use;
- E. Secondary apartment special use;
- F. Single-family attached residential use;
- G. Single-family residential use;
- H. Small lot single-family residential use;
- I. Two-family residential use;
- J. Urban home special use;
- K. Club or lodge;
- L. [Daycare-Childcare or Adult care](#) services ([commercial](#), general and limited);
- M. Family homes;
- N. Group homes (general and limited);
- O. Condo residential;
- P. Retirement housing (small and large site); or
- Q. Townhouse residential.

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ZONING USE SUMMARY TABLE (LAND DEVELOPMENT CODE)																																												
P = Permitted Use											C = Conditional Use Permit											-- = Not permitted																						
	LA	RR	SF-1	SF-2	SF-3	SF-4A	SF-4B	SF-5	SF-6	MF-1	MF-2	MF-3	MF-4	MF-5	MF-6	MH	NO	LO	GO	CR	LR	GR	L	CBD	DMU	W/L	O	CS	CS-1	CH	IP	MI	LI	R&D	DR	AV	AG	PUD	P	GR-MU	CS-MU	CS-V	GR-V	
Childcare Services (Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C		1 C		2 C		3	4 P	P	P	P	P
Childcare Services (General)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	C	C	C		1 C		2 C		3	4 P	P	P	P	P
Childcare Services (Limited)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	C	C	C		1 C		2 C		3	4 P	P	P	P	P
Adult-Care Services (Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1 C		2 C		3	4 P	P	P	P	P
Adult-Care Services (General)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P		1 C		2 C		3	4 P	P	P	P	P
Adult-Care Services (Limited)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	P	P	P	P		1 C		2 C		3	4 P	P	P	P	P

1-Refers to 25-2-602 (13-2-225); 2-Refers to 25-2-622 (13-2-226); 3-Refers to Subchapter B, Art. 2, Div 5; 4 Refers to 25-2-624 (13-2-227); 5-Refers to 25-2-803 (13-2-233); 6-Subject to 25-2-805 (13-2-224); 7-Subject to 25-2-839 (13-2-235 & 13-2-273); 8-Refers to 25-2-842; 9-Refers to 25-2-863; 10-Subject to 25-2-177 & 25-2-650; 11-Subject to 25-2-587 (D); 12-Subject to 25-2-816; 13-Permitted in MU and V combining districts, subject to 25-2, Subchapter E, Art. 4, Subsec. 4.2.1.C; 14-Refers to 25-6-501; 15-Refers to 25-2-817; 16-Refers to 25-2-811.

PC - Permitted in the district, but under some circumstances may be conditional; CP - Conditional in the district, but under some circumstances may be permitted



Article 2: Land Use and Building Density  
Section 2.3. Transit-Oriented Development Subdistricts  
Subsection 2.3.9. Land Use Summary Table

**Figure 2-2: LAMAR/JUSTIN TOD DISTRICT LAND USE TABLE**

P = Permitted Use      C = Conditional Use      -- = Prohibited						
	Med DR	High DR	L / W Flex (refer to Subsection 2.3.5)	TOD MU	Corridor MU	
<b>CIVIC USES (cont.)</b>						<b>ADDITIONAL REGULATIONS</b>
Community Events	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	
Community Recreation (Public)	P	P	P	P	P	
Congregate Living	P	P	P	P	P	
Convalescent Services	P	P	P	--	P	
Convention Center	--	--	--	--	--	
Counseling Services	--	--	P	P	P	
Cultural Services	--	--	--	P	P	
<del>Adult Care</del> Day Care Services (Commercial)	P	P	P	P	P	
<del>Adult Care</del> Day Care Services (General)	P	P	P	P	P	
<del>Adult Care</del> Day Care Services (Limited)	P	P	P	P	P	
Detention Facilities	--	--	--	--	--	
Employee Recreation	--	--	--	--	--	
Family Home	P	P	P	P	P	
Group Home, Class I (Limited)	P	P	P	P	P	
Group Home, Class I (General)	C	C	C	P	P	
Group Home, Class II	--	--	C	C	P	
Guidance Services	--	--	P	P	P	
Hospital Services (Limited)	--	--	--	P	P	
Hospital Services (General)	--	--	--	--	C	
Local Utility Services	C	C	C	C	P	
Maintenance and Service Facilities	--	--	--	--	--	

Childcare Services (Commercial)    P    P    P    P    P

City of Austin

Lamar Blvd./Justin Lane TOD Regulating Plan

Childcare Services (General)    P    P    P    P    P

Childcare Services (Limited)    P    P    P    P    P

Article 2: Land Use Standards  
Figure 2-1: NBG Zoning District Land Use Table

P = Permitted Use      C = Conditional Use      -- = Prohibited							
CIVIC USES	TOD	CMU	NMU	NR	WMU	CU	ADDITIONAL REGULATIONS
Administrative Services	P	P	P	--	P	P	Incidental maintenance of administrative services vehicles prohibited on site in TOD, CMU, NMU, and NR subdistricts.
Aviation Facilities	--	--	--	--	--	--	
Camp	--	--	--	--	--	--	
Cemetery	--	--	--	--	--	--	
Club or Lodge	--	C	--	--	C	C	
College and University Facilities	P	P	P	--	P	P	An existing use in place prior to Nov. 1, 2007 is not considered a non-conforming use.
Communication Service Facilities	P	P	P	P	P	P	
Community Events	--	--	--	--	--	--	
Community Recreation (Private)	P	P	P	P	P	C	
Community Recreation (Public)	P	P	P	P	P	C	
Congregate Living	P	P	P	P	P	--	
Convalescent Services	--	P	P	P	P	--	
Convention Center	--	--	--	--	--	--	
Counseling Services	P	P	P	C	P	--	
Cultural Services	P	P	P	C	P	--	
Adult Care Day Care Services (Commercial)	P	P	P	P	P	--	
Adult Care Day Care Services (General)	P	P	P	P	P	--	
Adult Care Day Care Services (Limited)	P	P	P	P	P	--	
Detention Facilities	--	--	--	--	--	--	
Employee Recreation	--	--	--	--	P	P	
Family Home	P	P	P	P	P	--	
Group Home, Class I (Limited)	P	P	P	P	P	C	
Group Home, Class I (General)	P	P	P	C	P	C	
Group Home, Class II	C	P	C	C	P	C	
Guidance Services	P	P	P	--	P	--	
Hospital Services (Limited)	P	P	P	C	P	--	

Childcare Services (Commercial)      P      P      P      P      P      C  
 City of Austin  
Childcare Services (General)      P      P      P      P      P      C  
 North Burnet/Gateway Zoning District Regulating Plan  
Childcare Service (Limited)      P      P      P      P      P      C

Article 2

<div> <div>P = Permitted</div> <div>C = Conditional</div> <div>-- = Prohibited</div> </div>						
	CMU	IMU	NMU	UR	NR	Additional Requirements
Civic Uses						
Administrative Uses	P	P	P	--	--	Incidental maintenance of administration service vehicles prohibited on-site in CMU and NMU.
Club or Lodge	C	C	--	--	--	May not be located within 1,320' of another club or lodge.
College or University Facilities	P	P	--	--	--	Existing use in place prior to 11/07/07 not considered a non-conforming use.
Communication Service Facilities	P	P	--	--	--	
Community Recreation (Private)	P	P	C	C	C	
Community Recreation (Public)	P	P	C	C	C	
Congregate Living	P	P	P	P	P	
Convalescent Services	C	C	C	C	--	
Counseling Services	P	P	C	--	--	
Cultural Services	P	P	P	C	C	
Childcare Day Care Services (Commercial)	P	P	P	P	C P	
Childcare Day Care Services (General)	P	P	P	P	C P	
Childcare Day Care Services (Limited)	P	P	P	P	P	
Employee Recreation	--	P	--	--	--	
Family Home	P	P	P	P	P	
Group Home, Class I (General)	P	P	P	P	C	
Group Home, Class I (Limited)	P	P	P			
Group Home, Class II	C	P	C	C	--	
Guidance Services	P	P	P	--	--	
Hospital Services (General)	C	C	C	--	--	
Hospital Services (Limited)	P	P	C	--	--	
Local Utility Service	C	P	C	C	C	

Adult Care Services (Commercial)

P P P P P

Adult Care Services (General)

P P P P P

Adult Care Services (Limited)

P P P P P



**HOUSING &  
PLANNING**

## Affordability Impact Statement

### Childcare Services

*Case number: C20-2023-001*

*Initiated by: Resolution No. 20230124-055*

*Date: September 12, 2023*

#### **Proposed Regulation**

The proposed ordinance directs 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. Adjust zoning districts where childcare services are permitted or conditional uses.
  - b. Designate childcare services as permitted uses in areas with childcare deserts.
  - c. Implement other appropriate changes to the conditional use permitting process.
6. Restrict childcare operations in zoning districts that are incompatible with their use.

<b>Land Use/Zoning Impacts on Housing Costs</b>	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral
<b>Impact on Development Cost</b>	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral
<b>Impact on Affordable Housing</b>	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Neutral
<b>City Policies Implemented</b> <i>(e.g. Imagine Austin, Housing Blueprint, SD23)</i>	<p>The proposal aligns with Strategic Direction 2023, Strategy 10 of Economic Opportunity and Affordability, which reads:</p> <p style="padding-left: 40px;">"Create equitable access to quality Early Childhood Education (ECE) by supporting families who do not qualify for existing free programs and cannot afford quality programs on their own, increasing availability of quality ECE programs, and encouraging living wages for ECE providers."</p> <p>The proposal also aligns with the Imagine Austin vision of Complete Communities, wherein various uses are interconnected and supportive of families with children.</p>
<b>Other Policy Considerations</b>	<p>None.</p>
<b>Manager's Signature</b> <u>Marla Torrado</u>	