



## Recommendation for Action

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**File #:** 23-3007, **Agenda Item #:** 52.

10/19/2023

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### **Posting Language**

Conduct a public hearing and consider an ordinance amending City Code Title 25 related to definitions and regulations applicable to and triggered by daycare, child care, and adult care services.

### **Lead Department**

Planning Department.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

On January 26, 2023, City Council approved Resolution No. 20230126-055, which initiated amendments to the Land Development Code (LDC) to increase opportunities for child care 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 approved on the consent agenda on a vote of 10-0. Vice-Chair Hempel and Commissioners Howard and Mushtaler absent.

### **Additional Backup Information:**

On October 4, 2018, the Austin City Council passed Resolution No. 20181004-036, directing the City Manager to evaluate fee and zoning regulations pertaining to child care centers with the goal of supporting affordable and high-quality child care in the city. The resolution acknowledges that removing certain barriers imposed by the city is crucial for facilitating the establishment, expansion, and operation of child care facilities. It specifically identifies LDC regulations and City fees associated with opening, expanding, and operating child care centers as significant obstacles faced by providers in Austin.

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, instructing the City Manager to develop necessary amendments to the LDC to increase opportunities for child care services throughout the city. Additionally, the resolution calls for the creation of a grant program to assist qualifying child care operations in covering City fees associated with opening or expanding a child care facility.

The Resolution initiated 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 child care deserts.
  - c. Implementing other appropriate changes to the conditional use permitting process.
6. Restrict child care 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.

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.

If approved, this ordinance will replace daycare services use with adult and child care services uses. This ordinance also amends the permitted, conditional, and prohibited use chart, makes child care services use as an accessory use in certain instances, and exempts adult and child care services from compatibility standards.