

**ORDINANCE NO. 20231019-052**

**AN ORDINANCE AMENDING TITLE 25 (*LAND DEVELOPMENT*) OF THE CITY CODE RELATING TO LAND USES AND RELATED REGULATIONS APPLICABLE TO AND TRIGGERED BY DAY CARE SERVICES, CHILD CARE SERVICES, AND ADULT CARE SERVICES; AND CREATING AN OFFENSE AND PENALTY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Subsection (B) of City Code Section 25-2-6 (*Civic Uses Described*) is amended to delete the definitions of “Day Care Services (Commercial)”, “Day Care Services (General)”, and “Day Care Services (Limited)”; to add new definitions for “Adult Care Services (General)”, “Adult Care Services (Limited)”, “Child Care Services (General)”, and “Child Care Services (Limited)” to read as follows; and to renumber the remaining uses accordingly:

- (2) ADULT CARE SERVICES (GENERAL) use is the use of a site for the provision of care for less than 24 hours per day for more than 6 persons who are 18 years of age or older.
- (3) ADULT CARE SERVICES (LIMITED) use is the use of a site for the provision of care for less than 24 hours per day for 6 or fewer persons who are 18 years of age or older.
- (6) CHILD CARE SERVICES (GENERAL) use of a site for the provision of care for less than 24 hours per day for more than 12 persons who are less than 18 years of age or are eligible to utilize child care under federal or state laws. This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.
- (7) CHILD CARE SERVICES (LIMITED) use of a site for the provision of care for less than 24 hours for 12 or fewer persons who are less than 18 years of age or are eligible to utilize child care under federal or state laws. This use includes nursery schools, preschools, day care centers for children, and similar uses, and excludes public and private primary or secondary educational facilities.

**PART 2.** City Code Section 25-2-6 (*Civic Uses Described*) is amended add a new Subsection (C) to read:

- (C) This subsection applies to a provision of this code or other ordinance, resolution, or rule that was in effect before October 30, 2023.
  - (1) Daycare services (commercial) use or daycare services (general) use has the same meaning as adult care services (general) use or child care services (general) use as defined in Subsection (B).
  - (2) Daycare services (limited) use has the same meaning as adult care services (limited) use or child care services (limited) use as defined in Subsection (B).

**PART 3.** The table in City Code Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) is amended to delete “Daycare Services (Commercial)”, “Daycare Services (General)”, and “Daycare Services (Limited)” from the table; and to add “Adult Care Services (General)”, “Adult Care Services (Limited)”, “Child Care Services (General)”, and “Child Care Services (Limited)” to the table as follows:

Adult Care Services (General), Adult Care Services (Limited), Child Care Services (General), and Child Care Services (Limited) are permitted uses in the following base districts:

Lake Austin (LA)

Rural Residence (RR)

Single-Family Residence Large Lot (SF-1)

Single-Family Residence Standard Lot (SF-2)

Family Residence (SF-3)

Single-Family Residence Small Lot (SF-4A)

Single-Family Residence Condominium Site (SF-4B)

Urban Family Residence (SF-5)

Townhouse and Condominium Residence (SF-6)

Multi-Family Residence Limited Density (MF-1)

Multi-Family Residence Low Density (MF-2)

Multi-Family Residence Medium Density (MF-3)

Multi-Family Residence Moderate-High Density (MF-4)

Multi-Family Residence High Density (MF-5)

Multi-Family Residence Highest Density (MF-6)

Mobile Home Residence (MH)

Neighborhood Office (NO)

Limited Office (LO)

General Office (GO)

Neighborhood Commercial (LR)

Community Commercial (GR)

Lake Commercial (L)

Central Business District (CBD)

Downtown Mixed Use (DMU)

Warehouse Limited Office (W/LO)

General Commercial (CS)

Commercial Liquor Sales (CS-1)

Commercial Highway (CH)

Adult Care Services (General) and Adult Care Services (Limited) are permitted uses in the following base districts:

Industrial Park (IP)

Limited Industrial Park (LI)

Major Industry (MI)

Adult Care Services (General) and Child Care Services (General) are permitted uses in the following base district:

Commercial Recreational (CR)

Child Care Services (Limited) is a permitted use in the following base districts:

Industrial Park (IP)

Limited Industrial Services (LI)

Child Care Services (General) is a conditional use in the following base districts:

Industrial Park (IP)

Limited Industrial Services (LI)

Major Industry (MI)

Agricultural (AG)

Development Reserve (DR)

Child Care Services (Limited) is a conditional use in the following base districts:

Commercial Recreational (CR)

Major Industry (MI)

Agricultural (AG)

Development Reserve (DR)



**PART 4.** City Code Section 25-2-586 (*Downtown Density Bonus Program*) is amended to amend the definition of “Day Care Services” to read as follows:

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

**PART 5.** City Code Section 25-2-893 (*Accessory Uses for a Principal Residential Use*) is amended to amend Subsection (C) to read as follows:

(C) The following are permitted as accessory uses:

- (1) recreational activities and recreational facilities for use by residents;
- (2) religious study meetings;
- (3) playhouses, patios, cabanas, porches, gazebos, and household storage buildings;
- (4) radio and television receiving antenna and dish-type satellite receivers;
- (5) solar collectors;
- (6) home occupations that comply with Section 25-2-900 (*Home Occupations*);
- (7) on-site sales as authorized by Section 25-2-902~~[1]~~ (*Residential Tours*) or Section 25-2-903~~[2]~~ (*Garage Sales*);
- (8) the keeping of dogs, cats, and similar small animals as household pets; [and]
- (9) a single accessory apartment that complies with the requirements of Section 25-2-901 (*Accessory Apartments*); and
- (10) a child care services (limited) use.

**PART 6.** City Code Section 25-2-894 (*Accessory Uses for a Principal Commercial Use*) is amended to add a new Subsection (E) to read as follows:

- (E) A child care service (limited) use is permitted as an accessory use if the child care services (limited) use is operated primarily for the convenience of employees, clients, or customers of the principal use.

**PART 7.** City Code Section 25-2-897 (*Accessory Uses for a Principal Civic Use*) is amended to read as follows:

**§ 25-2-897 ACCESSORY USES FOR A PRINCIPAL CIVIC USE.**

For a principal civic use, the following are accessory uses:

- (1) a dwelling unit that is occupied only by a family that has at least one member employed on-site for security, maintenance, management, supervision, or personal service;
- (2) refreshment stands and convenience food or beverage sales that serve a public assembly use;
- (3) cafeterias, dining halls, and similar food services that are primarily for the convenience of employees, residents, clients, patients, or visitors;
- (4) gift shops, news stands, and similar commercial activities primarily for the convenience of employees, residents, clients, patients, or visitors;
- (5) parking facilities, except a facility located in an SF-6 or more restrictive zoning district may not exceed the minimum parking requirements; ~~and~~
- (6) a child care services (limited) use; and
- (7) a columbarium that:
  - (a) is affiliated with a religious assembly use;
  - (b) occupies not more than 10 percent of the site area or 10,000 square feet, whichever is less;
  - (c) is oriented to the interior to the site; and
  - (d) is not visible from public rights-of-way.

**PART 8.** Subsection (B) of City Code Section 25-2-1051 (*Applicability*) is amended to read as follows:

(B) In Subsection (A), a civic use is a:

- (1) college and university facilities use;
- (2) community recreation (private) use;
- (3) community recreation (public) use;
- ~~[(4) day care services (commercial) use;]~~
- (4[5]) park and recreation services (special) use;
- (5[6]) private primary educational facilities use;
- (6[7]) a private secondary educational facilities use;
- (7[8]) a public primary educational facilities use;
- (8[9]) a public secondary educational facilities use; or
- (9[10]) a religious assembly use.

**PART 9.** City Code Section 25-2-1052 (*Exceptions*) is amended to add a new Subsection (F) to read as follows:

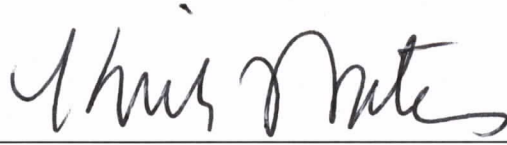
- (F) This article does not apply to an adult care services (general) use, an adult care services (limited) use, a child care services (general) use, or a child care services (limited) use.

**PART 10.** This ordinance takes effect on October 30, 2023.

**PASSED AND APPROVED**

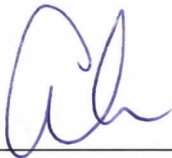
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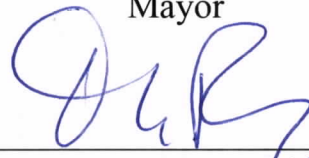
Kirk Watson  
Mayor

**APPROVED:**



Anne L. Morgan  
City Attorney

**ATTEST:**



Myrna Rios  
City Clerk