

ZONING TEXT AMENDMENT: UPDATES TO CHILD CARE HOMES AND CHILD CARE CENTERS

(P23-99-ZTA) CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2  
AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW..... 3  
PROPOSED STANDARDS..... 4  
AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) ..... 5  
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REASONABLENESS STATEMENT ..... 6



## PROJECT SUMMARY



- Project Name & Case #:
  - Updates to Child Care Homes & Child Care Centers
  - P23-99-ZTA
- Applicant:
  - City of Hendersonville
- Zoning Ordinance Articles Amended:
  - 12-2-2: Child Care Center
  - 12-2-2: Child Care Home
- Summary Basics:
  - Staff is proposing to amend the definition for “Child Care Home” to align with the state statute definition and capacity requirements for Child Care Homes.
  - Staff is also proposing to amend the definition for “Child Care Center” to better align with the state statute definition and capacity requirements for child care facilities.

### *Summary of Amendment Petition:*

*As part of the budget bill, NC General Statute 110-8 and NC General Statute 110-91 revised the definition and capacity for “family child care homes”. This revision increased the maximum capacity of children a family child care home operator is permitted to serve. The new standards exceed what is currently permitted under the City’s Zoning Ordinance.*

*Both family child care homes and child care centers are required to be licensed by the Division of Child Development and Early Education within the NC Department of Health and Human Services. Part of the process to obtain a license requires that the child care facility (home or center) comply with all local ordinances. This proposed zoning text amendment would align with these licensing requirements and allow child care home operators the ability to increase the maximum capacity of children thereby increasing child care options within the city.*

*Staff is also proposing to amend the definition for ‘Child Care Center’ to align with the state statute definition and capacity requirements. After reviewing the revisions made to family child care homes, staff also reviewed the existing state statutes for child care centers and determined that the current zoning ordinance definition should also be updated to reflect the state definition and capacity requirements for child care centers.*

*For these reasons, staff is proposing to amend the current definition for “child care homes” to meet the revised standards of NCGS 110-86(3)b. and NCGS 110-91(7); and to amend the current definition for “child care center” to align with the state statute definition and state capacity requirements for child care facilities.*

The City’s Zoning Ordinance Section 12-2-2 defines “Child Care Home” as the following:

- Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual’s home for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

The revision to G.S. 110-86(3)(b) increased the maximum number of children a child care home operator could have from 9 children to 10 children. The amended statute reads as follows:

*“A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than 10 children receive child care, provided the arrangement is in accordance with G.S. 110-91(7)b.”*

The revised NCGS 110-91(7)b that governs child care home capacity reads as rewritten:

*“A family child care home is allowed to provide care for one of the following groups of children, including the operator’s own preschool-age children and excluding the operator’s own school-age children up to 13 years of age:*

- 1. A maximum of eight children, with no more than five children who are birth to 5 years of age, plus three school-age children.*
- 2. A maximum of three children from birth to 24 months of age plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.*
- 3. A maximum of 10 children if all children are older than 24 months of age.”*

In order to meet the increase demands for child care options within the City, staff is proposing to amend the current definition for child care home to meet the current statutory language for family child care homes. This would increase the maximum allotted number of children from 6 to 10, provided the arrangement is in accordance with G.S. 110-9(7)b.

Lastly, the current City’s Zoning Ordinance definition for “Child Care Center” is as follows:

- Child care center: An individual, agency or organization providing supervision or care on a regular basis to more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children, of the supervising adult.

The definition for child care facility under G.S. 110-86(3)a states the following:

*“A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.”*

The staff-child ratio and capacity for child care facilities under G.S. 110-91(7) is comprehensive and is attached to the staff report as a separate document. However, staff is proposing to amend the current definition for child care center to align with the state statute definition for child care facility and capacity requirements in G.S. 110-91(7) by referencing the general statute in the definition itself.

PROPOSED STANDARDS

The proposed 'Child Care Home' and 'Child Care Center' language changes read as follows:

**Legend:**      Additions to the Ordinance                      ~~Deletions from the Ordinance~~

**12-2-2 Child Care Home.**

Child Care Home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home where at any one time, more than two children, but less than 10 children, receive child care, provided the arrangement is in accordance with the requirements under G.S. 110-91(7)(b). ~~for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

**12-2-2 Child Care Center.**

Child Care Center: An individual, agency or organization, located within a commercial facility, providing supervision or care on a regular basis to three or more preschool-age children or nine or more school-age children receiving child care per G.S. 110-91(7)a. ~~more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.~~

<b>COMPREHENSIVE PLAN CONSISTENCY</b>	
<b>Land Use &amp; Development</b>	<i>Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses. Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan</i>
<b>Population &amp; Housing</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Natural &amp; Environmental Resources</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Cultural &amp; Historic Resources</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Community Facilities</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Water Resources</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>
<b>Transportation &amp; Circulation</b>	<b><i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i></b>

**GENERAL AMENDMENT STANDARDS**

<b>Compatibility</b>	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -</b>
	<i>The proposed text amendment is compatible with existing child care homes and child care centers in the City. Currently Child Care Homes are permitted in all Residential and Mixed-Use Zoning Districts. Child Care Centers are permitted in all Non-residential and Mixed-Use Zoning Districts.</i>
<b>Changed Conditions</b>	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	<i>There has been an increased demand for child care options within the City and the proposed text amendment would help address those demands for both residents and the workforce.</i>
<b>Public Interest</b>	<b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b>
	<i>The proposed text amendment aligns with the public interest in that it addresses an increased need for child care within the City. It also aligns local regulations with state regulations. Both child care centers and child care home are required to comply with all state, federal, and local ordinances that pertain to child health, safety and welfare.</i>
<b>Public Facilities</b>	<b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b>
	<i>The proposed text amendment has no known impacts on public facilities.</i>
<b>Effect on Natural Environment</b>	<b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b>
	<i>There are no known connections between this text amendment and the environment / natural resources. The current effect on the natural environment would not change with the passing of this text amendment.</i>

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning the need for more child care services within the City.*

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and

*DRAFT [Rationale for Approval]*

- *The proposed text amendment aligns with the state licensing requirements for child home care and child care centers.*
- *The proposed text amendment allows existing and future child care facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City.*

*DRAFT [Rational for Denial]*

- *The proposed text amendment increases the impact of child home care in residential zoning districts.*