



**CITY OF HENDERSONVILLE  
AGENDA ITEM SUMMARY  
PLANNING DIVISION**

**SUBMITTER:** Matthew Manley      **MEETING DATE:** April 4, 2024  
**AGENDA SECTION:** Public Hearing      **DEPARTMENT:** Community Development  
**TITLE OF ITEM:** Zoning Text Amendment: Updates to Childcare Home and Child Care Center (P23-99-ZTA) – Matthew Manley, Strategic Projects Manager

**SUGGESTED MOTION(S):**

<b><u>For Approval:</u></b>	<b><u>For Denial:</u></b>
<p>I move City Council <b><u>adopt</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2, Child care home and Section 12-2-2 Child care center, based on the following:</p> <p><b>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The petition aligns with the Comprehensive Plan’s Strategy LU-3.5. 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 childcare services within the City.</p> <p><b>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"><li>1. The proposed text amendment aligns with the state licensing requirements for child home care and childcare centers.</li><li>2. The proposed text amendment allows existing and future childcare facilities to increase their child home care capacity and thereby increasing the child care opportunities within the City.</li></ol> <p style="text-align: center;"><b>[DISCUSS &amp; VOTE]</b></p>	<p>I move City Council <b><u>deny</u></b> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2-2 Child care home and Section 12-2-2 Child care center, based on the following:</p> <p><b>1. The petition is found to be <u>inconsistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</b></p> <p>The petition does not align with the Comprehensive Plan’s Strategy LU-3.5. 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 childcare services within the City.</p> <p><b>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</b></p> <ol style="list-style-type: none"><li>1. The proposed text amendment increases the impact of child home care in residential zoning districts.</li></ol> <p style="text-align: center;"><b>[DISCUSS &amp; VOTE]</b></p>

**SUMMARY:** 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.

At their meeting on March 14<sup>th</sup>, 2024, Planning Board supported the staff recommendations voting unanimously to recommend approval of the proposed zoning text amendment.

<b>PROJECT/PETITIONER NUMBER:</b>	P23-99-ZTA
<b>PETITIONER NAME:</b>	City of Hendersonville
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Staff Report</li><li>2. Draft Ordinance</li><li>3. Revised G.S. 110-86(3) and G.S. 110-91(7)b</li></ol>