



## PLANNING DEPARTMENT

Childcare Ordinance Update | Summary of Changes

### INTRODUCTION:

In alignment with the City's needs and economic development goals; to ensure smart, equitable, and diversified childcare solutions, the City Planning Department is exploring options to allow our childcare providers a wider diversity of choices by removing barriers in the entitlement process. To this end, staff have previously identified that the number of zoning districts where childcare was permitted and conditionally approved has decreased following the City's adoption of the Unified Development Code ("UDC") in June of 2023. This reduction as well as the urgent concerns raised by the City's Economic Development department, about the critical need for increasing childcare opportunities in the City, have led Staff to pursue making changes to the Childcare sections of the UDC as a standalone Code amendment.

### Change Table 7.3.2-A to allow all "Adult or Child Day Care Centers, Small/Large" as Permitted or Conditional

- This change would increase the number of zone districts that allow or conditionally allow childcare, closely mirroring that allowed under previous Chapter 7 prior to the ReTool project and the adoption of the UDC in 2023.
- By allowing all "Adult or Child Day Care Centers" to be permitted by right or conditionally approved, childcare providers can reduce the application costs, time required, and application complexity needed to permit new childcare centers.
- For those districts that require a Conditional Use Application for approval, Staff and the community would have the opportunity to assess the compatibility with the surrounding area and potential off-site impacts that may be generated by the new childcare center before approval is granted.

### Reduction in "Use-Specific Standards" for Adult or Child Day Care Centers

- The UDC's Use-Specific Standards that restrict the potential locations of childcare will be removed or modified.
- Other Use-Specific Standards would be no longer applicable due to the changes proposed to Table 7.3.2-A.

### Creating "Adult or Child Day Care Center, Accessory" to allow childcare as an accessory use in commercial zones

- Staff recognize there is a need to allow daycare as an accessory use in non-residential spaces such as religious institutions or within office settings. This change reduces the barriers for existing uses to add childcare to uses onsite.
- "Adult or Child Day Care Center, Accessory" uses will only be permitted when co-located with the following uses:
  - o Religious Institution; School (elementary or secondary; higher education); Club, Lodge, or Service Organization; Semipublic Community Recreation; Multi-family, residential; Tiny House Community; Office, Medical Office, or Vocational Skills Education; Hospital; Light Industry; Warehousing and Wholesale; or Special Industry
- In these instances, Staff will evaluate applicable Code requirements to ensure that the site has sufficient assets, such as parking, outdoor space for playgrounds, and other components necessary for childcare center operations and that assist in preventing off-site impacts.

### What the Ordinance will not change

There are no proposed changes to "In-Home Adult or Child Day Care Centers, Accessory" permitted locations or permitting process.



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### Childcare Definitions.

The definitions below are from the Unified Development Code (UDC) and offered to assist in identification of the types of childcare facilities that are being regulated by the State and/or the City of Colorado Springs.

#### 7.6.301: DEFINITIONS:

**ADULT OR CHILD DAY CARE CENTER:** A state-licensed facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and that is not located in a dwelling unit occupied by any of the operators of the facility, and in which no children or elderly adults are offered overnight accommodation. This use includes but is not limited to facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, day camps, adult care centers, or elder care centers, and shall include those facilities that give a maximum of ten (10) hour care for dependent and neglected children. The use does not include a kindergarten maintained in connection with an Elementary School of at least six (6) grades.

*ADULT OR CHILD DAY CARE CENTER, LARGE: A facility that provides care for sixteen (16) or more children under the age of sixteen (16) years, or not more than sixteen (16) elderly adults, who are not related to the owner, operator, or manager of the facility.*

*ADULT OR CHILD DAY CARE CENTER, SMALL: A facility that provides care of between six (6) to fifteen (15) children under the age of sixteen (16) years, or five (5) to fifteen (15) elderly adults, who are not related to the owner, operator, or manager of the facility.*

**ADULT OR CHILD DAY CARE CENTER, ACCESSORY:** A state-licensed facility that is maintained, for the whole or a part of the day, for the care of children under the age of sixteen (16) years or for elderly adults. This is an accessory use that is subordinate to a principal use per Section 7.3.304.B and may not be located within a residential unit. The day care center shall be considered a large or small day care center based upon the definitions for Adult or Child Day Care Center, Small or Large, as applicable.

**HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY:** A state-licensed facility that is maintained, for the whole or a part of the day, for the care of children under the age of sixteen (16) years or for elderly adults. This is an accessory use located within a residential unit. The day care center shall be considered a large or small day care center based upon the definitions for Home Adult or Child Day Care Center, Small or Large, as applicable.

*HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY, SMALL: A facility for the care of not more than six (6) full time and two (2) part time children or adults*

*HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY, LARGE: A facility for the care of more than six (6) and less than twelve (12) full time and part time children and adults.*

*Note: Accessory Home Adult or Child Day Care Centers are not being modified by the proposed Childcare Ordinance as these are regulated by the State of Colorado and not the City.*