



City of Dallas

Development Code Amendment
**ADULT DAY CARE,
CHILD-CARE FACILITIES,
DAY HOMES
DCA223-002**

**Public Listening Sessions
January 30 & 31, 2024**

comment
form ↘



Sarah May, Chief Planner and
Dr. Andreea Udrea, Assistant Director
Planning + Urban Design

Presentation Overview



- Code Amendment Authorization
- Background
- Current Regulations and Conditions
- CPC and Staff Recommendations
- Public comments
- Q&A (send Q's in chat to moderator)

comment
form ↘



Code Amendment Authorization



Consideration of amending Chapters 51 and 51A of the Dallas Development Code, with consideration to be given to amending Sections 51-4.204(4) and 51A-4.204(3), “**Child-Care Facility;**” 51-4.204(6) and 51A-4.204(1), “**Adult Day Care Facility;**” 51-4.217(b)(10) and 51A-4.217(b)(7.1) “**Day home;**” 51-4.407 and 51A-4.407, “Maximum lot coverage;” 51-4.408 and 51A-4.408 “Maximum building height;” 51A-13.306, “Uses;” and 51A-13.402, “Required Parking;” and related sections with consideration to be given to appropriate zoning districts and developing appropriate standards associated with adult day care facilities, child-care facilities, and day homes.



Background

What this amendment can and cannot do

Scope of amendments

Timeline of this amendment

Background: What “zoning” can (not) do



The Dallas Development Code can:

- Lists **land uses** (e.g. churches, retirement housing, airports, etc.) that are allowed **within zoning districts** (e.g. single family, retail, industrial, etc.)
- Defines **where structures** can be built (e.g. setbacks, height, lot coverage, etc.)
- Makes **other reasonable, proportional, and related requirements** to encourage each land use to be compatible with surrounding land uses (e.g. require screening fences, limit hours of operation, further limit/increase ancillary functions, etc.)

The Dallas Development Code can **NOT**:

- Regulate **operators** of the **same** land use **differently**
- *Other functions of government can regulate operators:*
 - Texas Health and Human Services (HHS) **licenses** these land uses and performs regular **inspections**
 - Each operator must obtain a Certificate of Occupancy from **Development Services** who reviews/inspects permits for compliance all zoning, life and safety regulations
 - **Code Compliance** responds to complaints to code violations
 - **DPD and DFD** respond to emergencies



Background: Scope of amendments



Included	Not included
Child-care facility	Public or private schools
Adult day care facility	Convalescent, nursing home, hospice care, and related institutions
Day home (accessory to a residence)	Handicapped group dwelling unit and other boarding homes
	Assisted living, Retirement housing
	Community Service Centers
	Other institutional or residential uses



Background: Timeline



- December 15, 2022 amendment was initiated by City Plan Commission (CPC)
- Zoning Ordinance Advisory Committee (ZOAC)
 - May 2, 2023
 - May 30, 2023
 - July 18, 2023
- City Plan Commission (CPC)
 - September 21, 2023
 - October 19, 2023
- Quality of Life, Arts and Culture Council Committee
 - December 5, 2023
- City Council
 - December 13, 2023
 - **February 14, 2024**





Day homes

Current Regulations and Conditions



Day Homes



- A day home is **incidental to** the primary use of the premises as a **residence** and **conducted** on the premises **by a resident** of the premises who is on the premises during hours of operation.
- **Currently allowed by right in all districts**, including residential districts.
- Current City code limits to 10 attendees, Texas HHS allows 12.



<https://www.neighborschools.com/providers/how-to-start-a-daycare-in-your-home/>

- **No parking** is required for day homes, currently.



Day Homes

Listed Family Home: **Not** regulated by Dallas because the max is 3 children, but must have license from Texas

18 in Dallas.

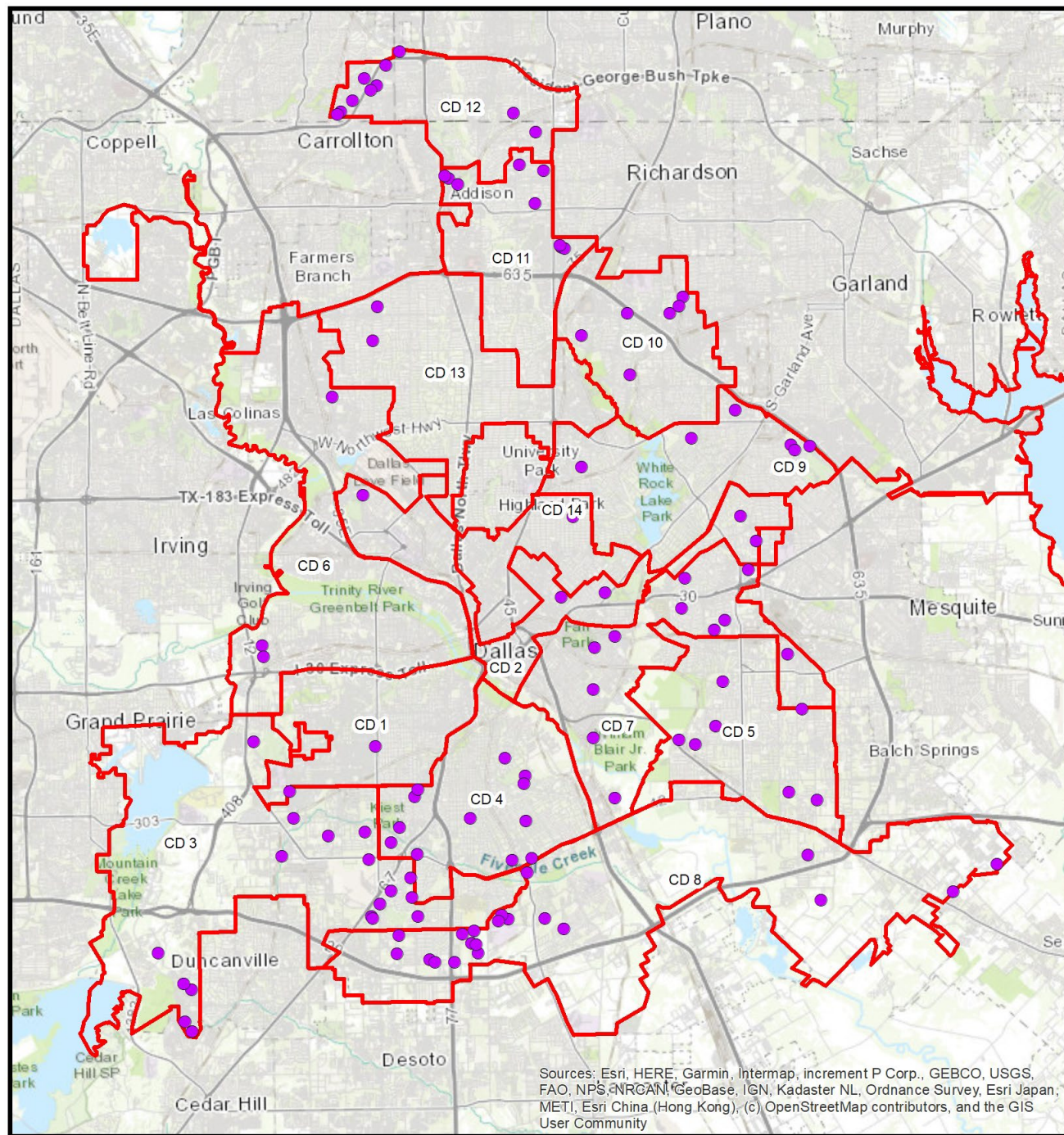
Below are “Day Homes” per the DDC (94):

Registered Childcare Home: max 6 children + 6 school-aged kids after school.

46 in Dallas.

Licensed Childcare Home: 7-12 children for 2-24 hours per day for 3+ days a week

48 in Dallas.





Child-care facilities

Current Regulations and Conditions



Child-care facility



A facility that provides care, training, education, custody, treatment, or supervision for **persons under 14 years of age** who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.
Not used as a residence.



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)



[This Photo](#) by Unknown Author is licensed under [CC BY-ND](#)



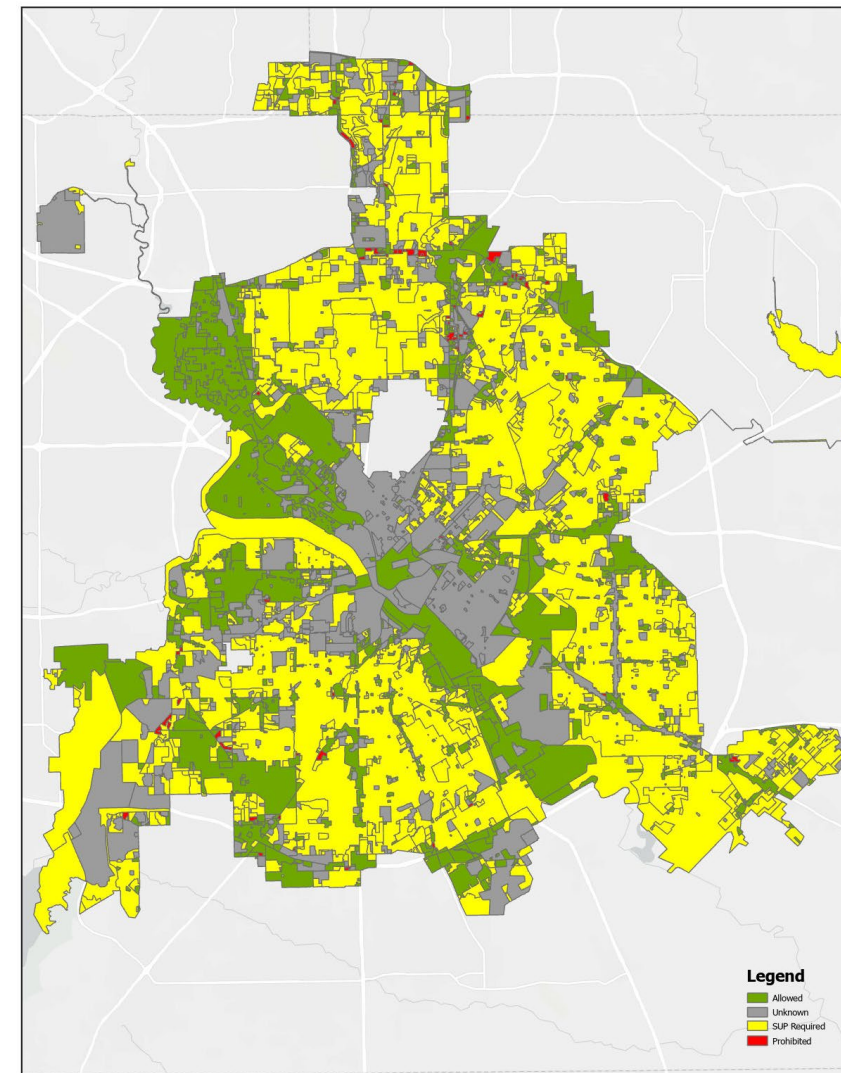
Child-care facilities AND Adult day cares



Currently allowed:

- By **right** in
 - retail,
 - Commercial Service, industrial,
 - central area, mixed use, multiple commercial, and urban corridor districts.
- By **SUP** in **all** residential districts
- As a **Limited** use in MF-3(A), MF-4(A), and office districts.

Existing Zoning Map

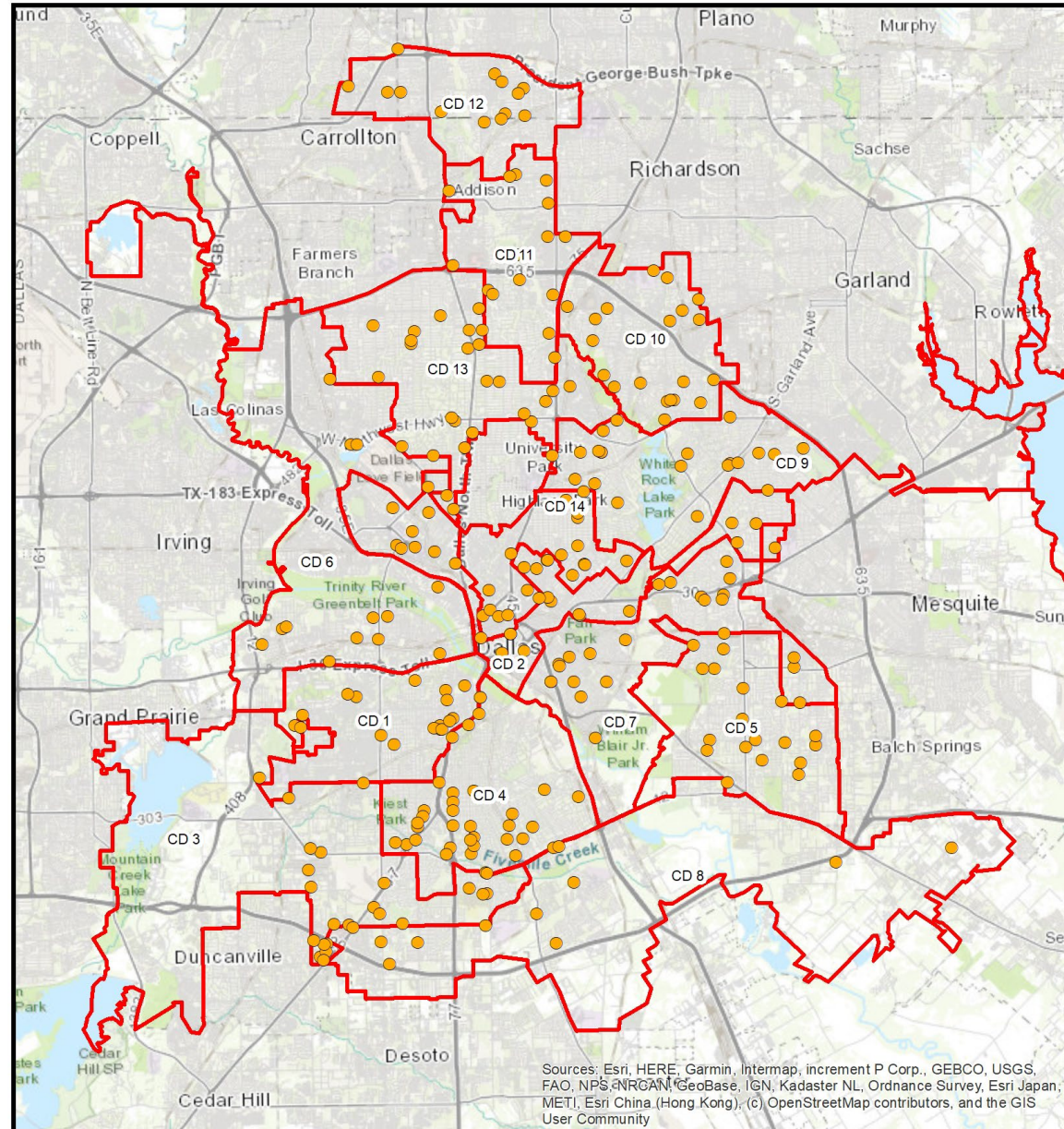


HHS's Childcare Program Centers



281 HHS Licensed Childcare Program Centers in Dallas

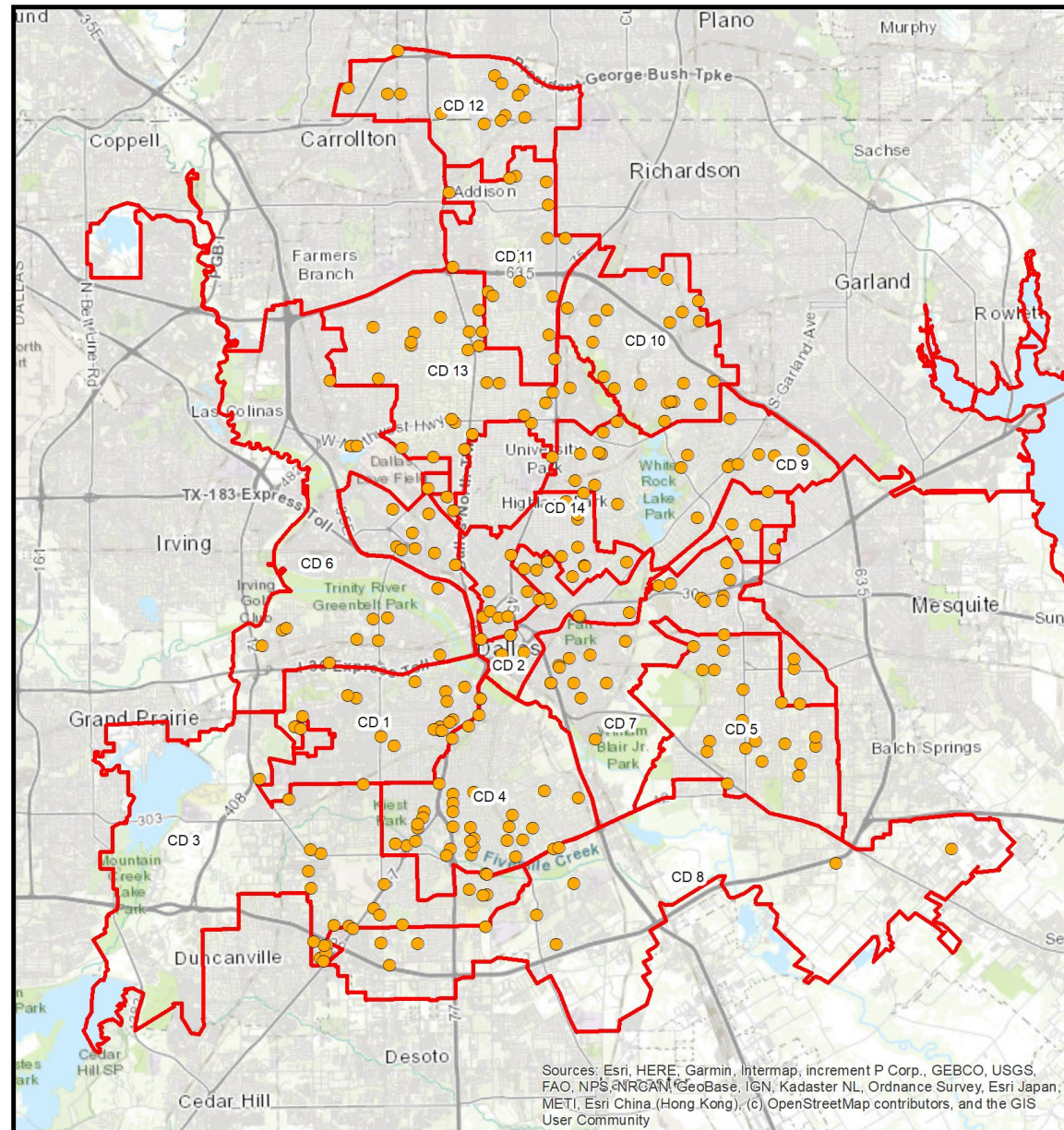
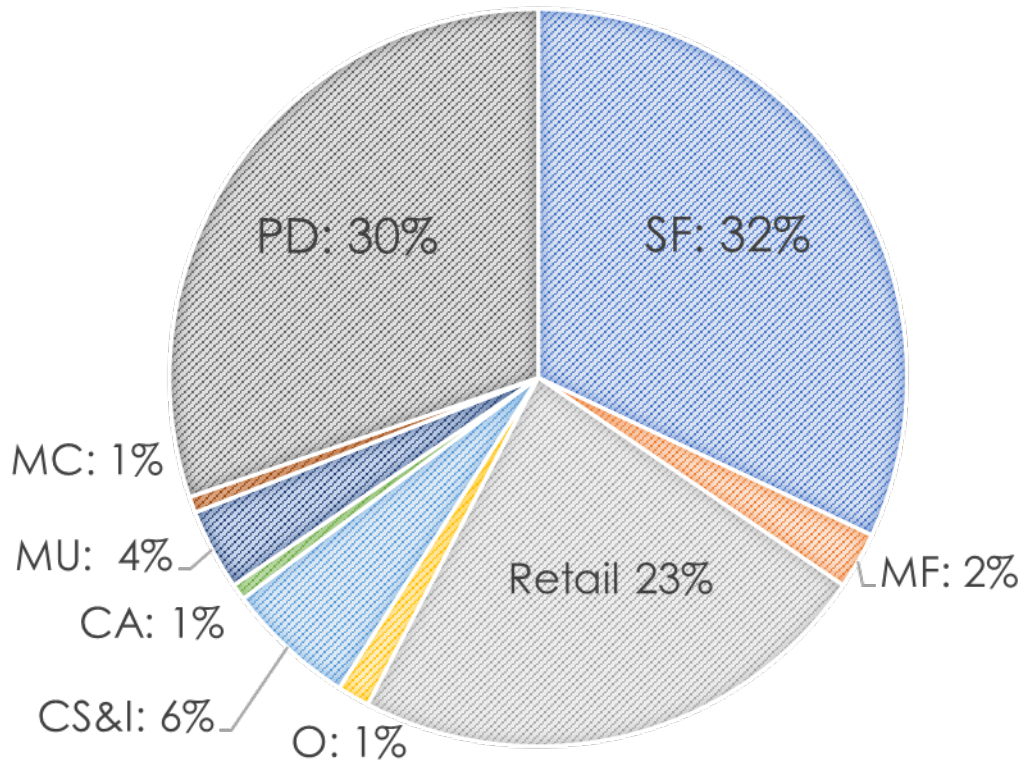
- Some are NOT considered “child-care facilities” when located in:
 - Public and private **schools** with preschool programs
 - **Religious** programs for kinder and under



HHS's Childcare Program Centers



EXISTING ZONING FOR 281 HHS LICENSED CENTERS








Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



SUP / all HHS Childcare Program Centers

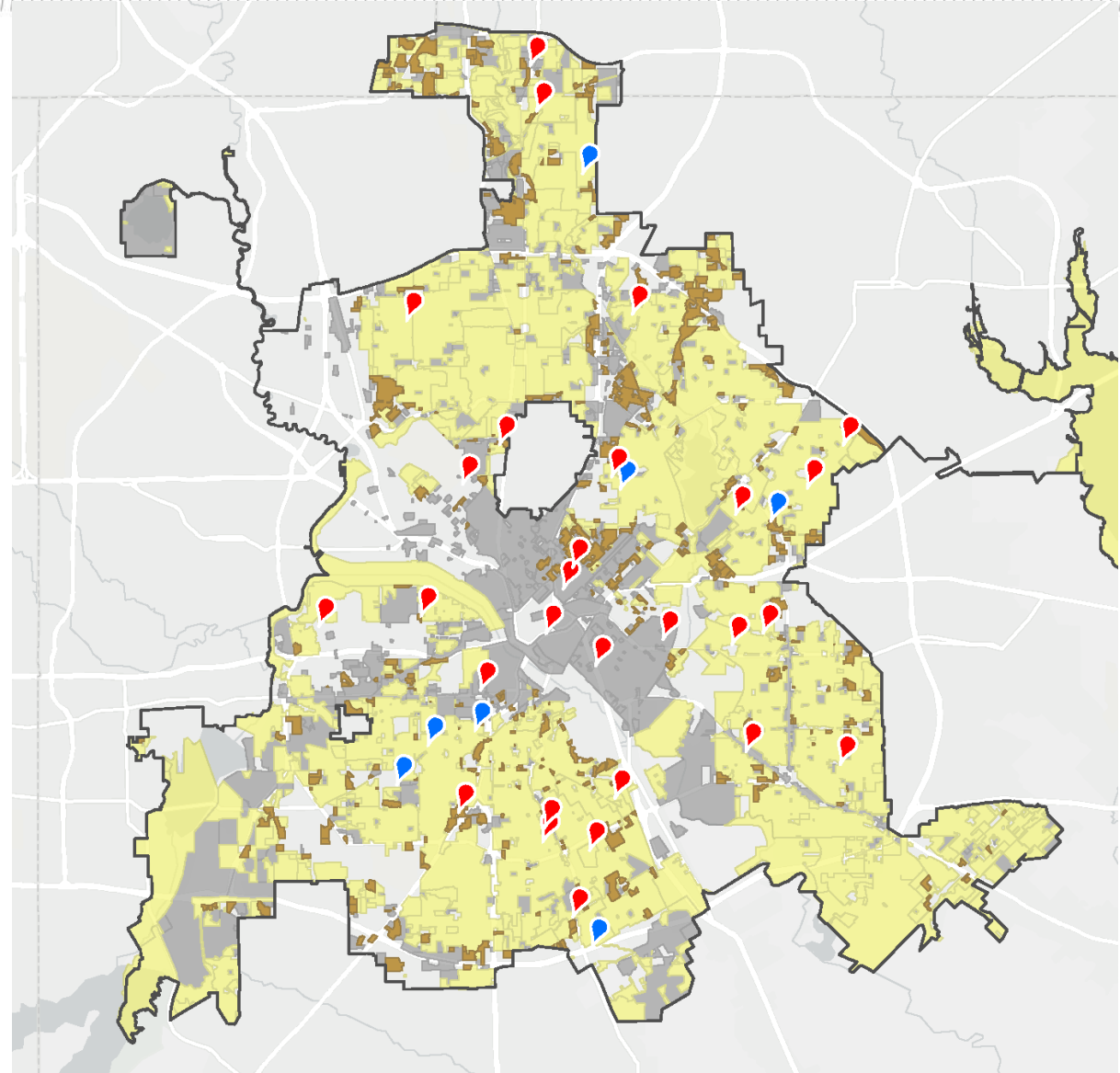


-  Multifamily residential districts (MF)
-  All residential districts except MF districts
-  Planned development districts

- 28  SUP for child-care facility only
- 9  SUP for child-care facility with school

0 / 4 (0%) in Agricultural
20 / 80 (25%) in Single Family
2 / 4 (50%) in Townhouse
3 / 7 (43%) in Multifamily
25 / 97 (**26%**) in all Residential

37 / 281 (**13%**) City-Wide have SUPs
for child-care facilities



Child-Care Needs in Dallas



According to the US Census Bureau 2022 ACS and HHS:

- Approximately 93,000 children under age five in Dallas
- Approximately 35,000 licensed child-care 'slots' (capacity for 37% of children under five, including in-home care)

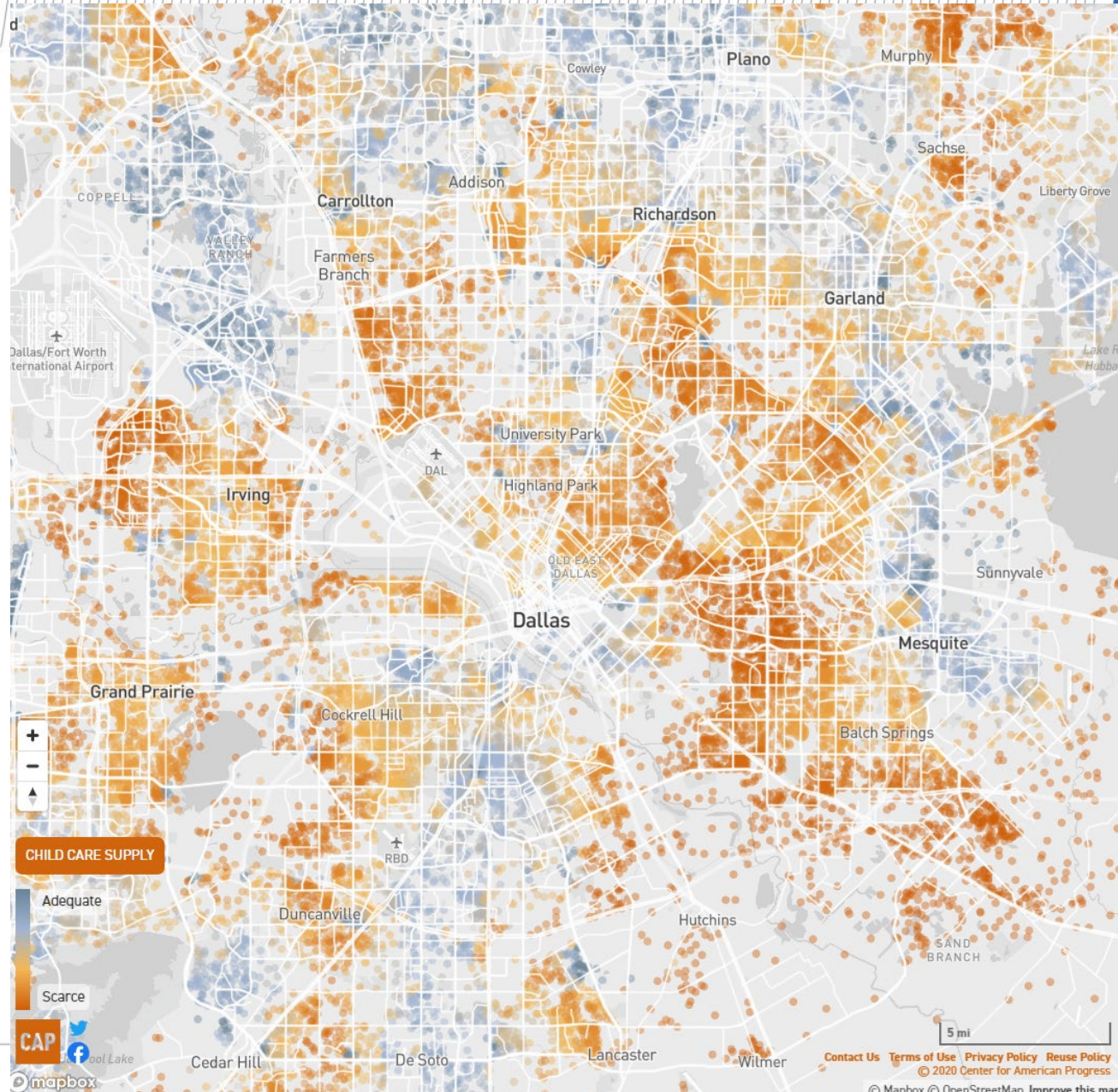


Image source:
<https://childcaresdeserts.org/>





Adult day care

Current Regulations and Conditions



Adult day care



A facility that provides care or supervision for five or more **persons 18 years of age or older** who are **not** related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. **Not** used as a residence.



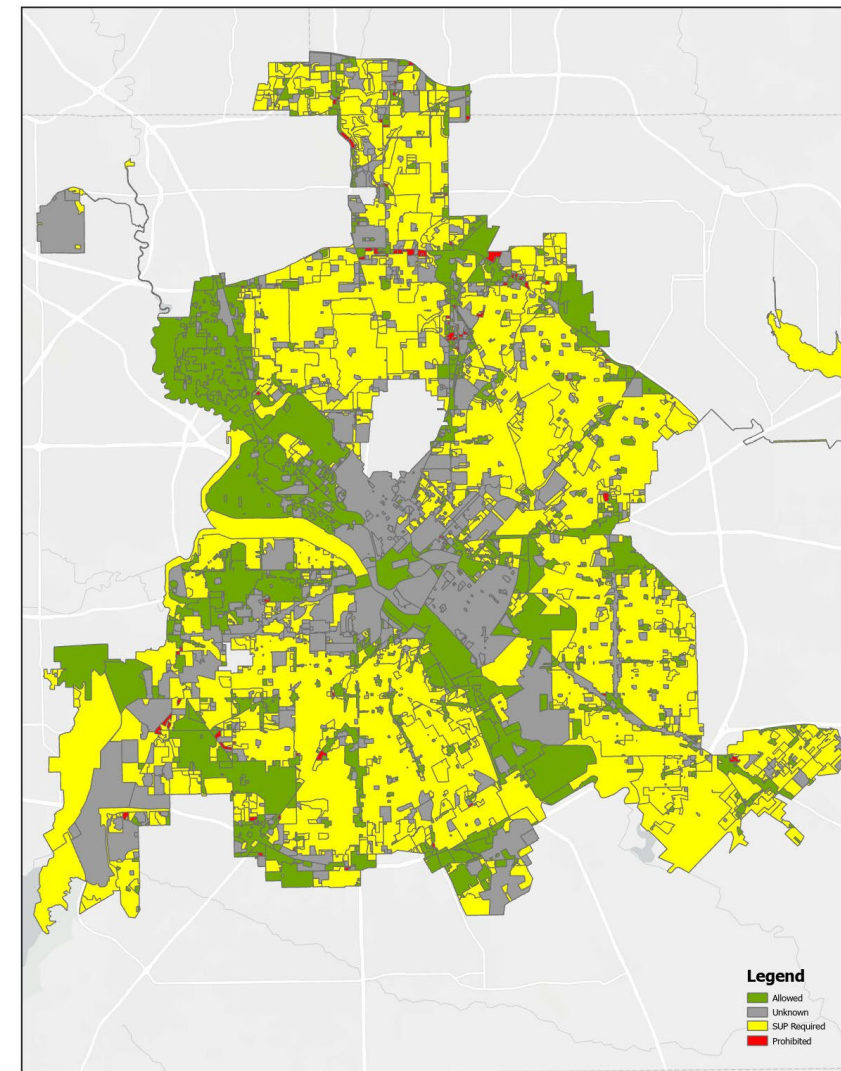
Child-care facilities AND Adult day cares



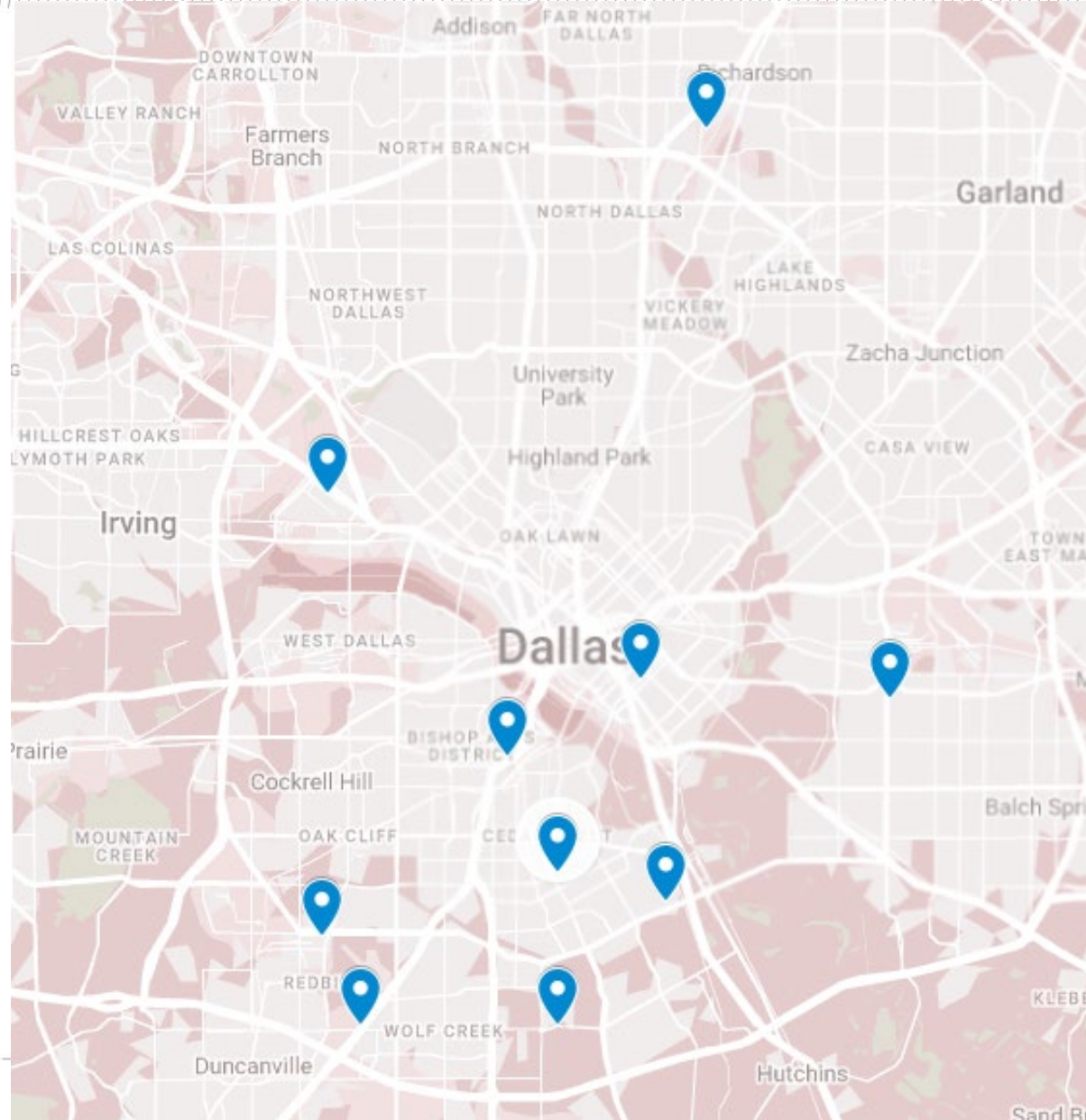
Currently allowed:

- By **right** in
 - retail,
 - CS, industrial,
 - central area, mixed use, multiple commercial, and urban corridor districts.
- By **SUP** in **all** residential districts
- As a **Limited** use in MF-3(A), MF-4(A), and office districts.

Existing Zoning Map



Where is the adult day care now?



Future demand for adult day care



From Pyramid to Pillar: A Century of Change

Population of the United States

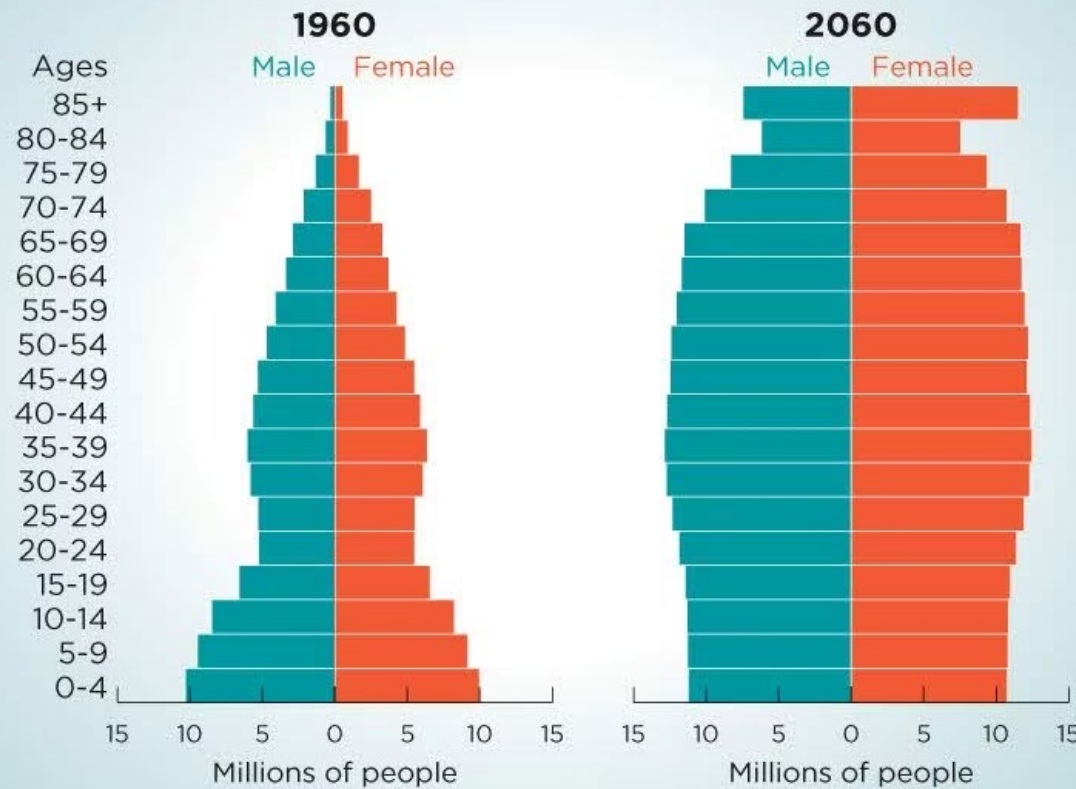


Image source:
<https://www.census.gov/library/stories/2018/03/graying-america.html>



Future demand for adult day care

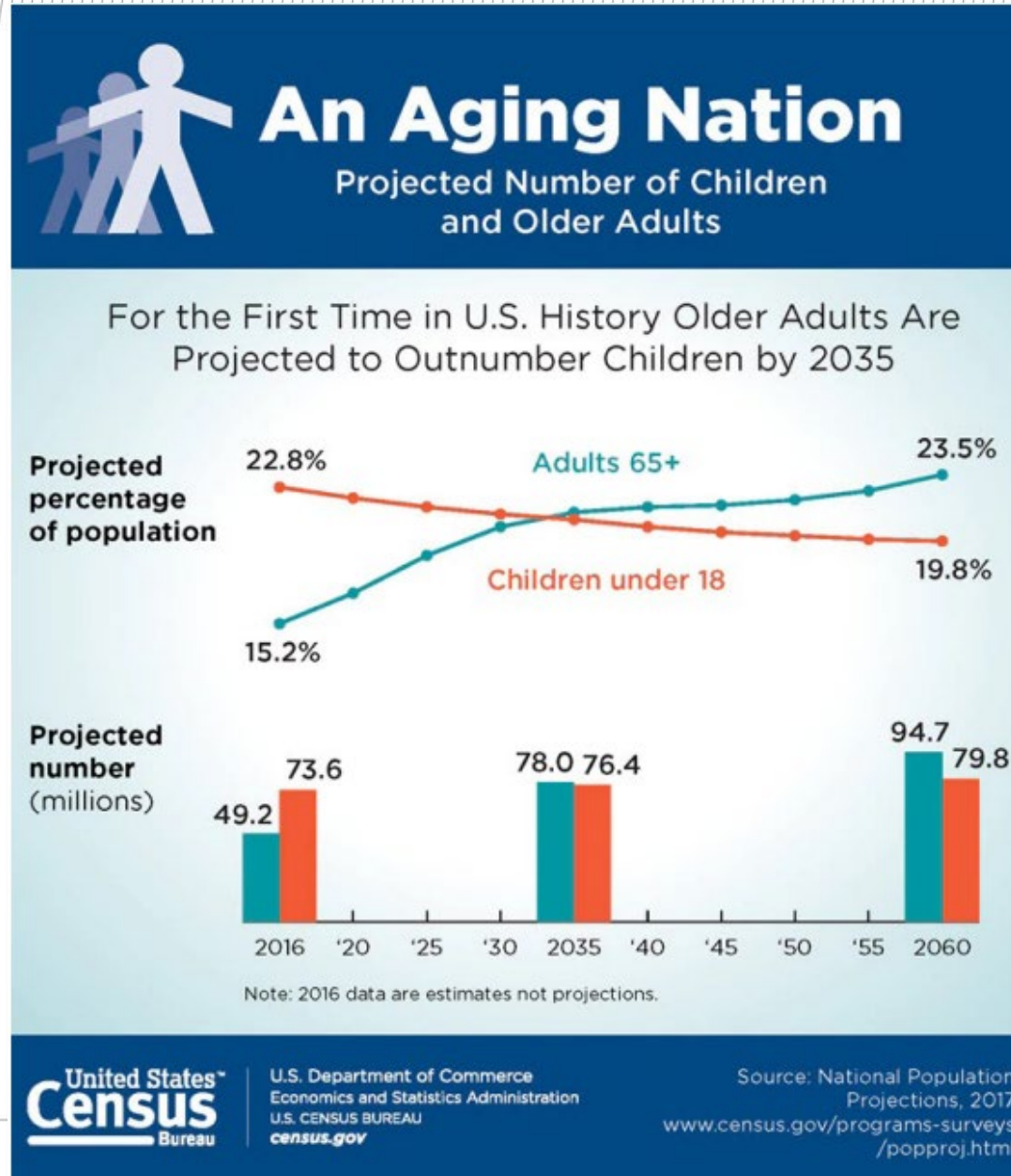


Image source:
<https://www.census.gov/library/stories/2018/03/graying-america.html>





Existing Regulations

What regulations exist to make day cares compatible in residential?





Existing zoning regulations in **residential**:

Child-care facilities, Adult day cares, AND Day homes

- Off-street parking **cannot** be in the **front** yard setback or disconnected to the main use
- Structures **cannot** be in **any** setback (true in all districts)
- Signs must comply with non-business sign regulations (monument and small attached signs, no pole signs)
- **Parking screening** fence required adjacent to residential





Other **non**-zoning regulations:

Child-care facilities AND Adult day cares, **NOT** Day homes

- Each operator must obtain a **Certificate of Occupancy** from the City of Dallas, Development Services Department
 - **International Building Codes** are applied (handicap accessibility requirements, emergency exits and fire-rated building materials, fire sprinklers/alarms, occupancy limits, etc.)
 - For new construction and 35% additions and 2,000 SF of new paving, Article X-compliant **landscaping** is required
 - Licensed and registered contractors
 - Building & Fire Marshall inspections throughout construction and at final





CPC and Staff Recommended Changes



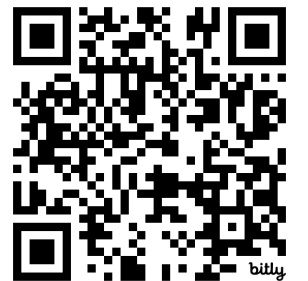
CPC and Staff Recommendation Highlights



1. Accessory **day homes**

- a) Remove age limitation
- b) Align with State's max of 12 attendees;

comment
form ↘



CPC and Staff Recommendation Highlights



2. Child-care facility and adult day care:

- a) Combine the uses into one land use (separate HHS licenses and standards are still required)
- b) Allow by right in all zoning districts except that in Commercial Service (CS) and Industrial zoning districts allowed by Specific Use Permit (SUP)*,
- c) Eliminate the minimum off-street parking requirements,
- d) Add additional provisions for context sensitivity in residential districts,
 - i. including no overnight outdoor activity and
 - ii. matching lot coverage and height limitations to residential structures

comment
form ↘



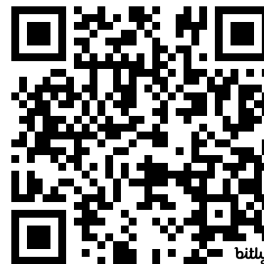


City of Dallas

Development Code Amendment
**ADULT DAY CARE,
CHILD-CARE FACILITIES,
DAY HOMES
DCA223-002**

**Public Listening Sessions
January 30 & 31, 2024**

comment
form ↘



Sarah May, Chief Planner and
Dr. Andreea Udrea, Assistant Director
Planning + Urban Design