



Chatham County Planning Board Agenda Notes

Date: November 7, 2023

Agenda Item: VII-2

Attachment #: 1

Subdivision

Special Use Permit

Rezoning Request

Other:

Subject:	A legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Sections 7.2 Definitions and 10.13 Table of Permitted Uses to make changes to in-home childcare regulations.
Action Requested:	See Recommendation
Attachments:	1. Redline Document

Introduction & Background:

From time to time the Chatham County Zoning ordinance needs to be updated in order to adapt to the changing needs of county residents. The changes shown in the attached redline document are meant to address the concerns of county staff and residents with regards to starting and operating in-home childcare centers, also known as family daycare centers. The redline document shows the new definitions that will be added to the Zoning Ordinance as well as the updates to the Table of Permitted Uses.

A few months ago, Planning staff met with representatives from the Chatham Partnership for Children, and they requested some changes to make it less complicated to start an in-home childcare facility.

The NC General Statutes defines Child Care (G.S. § 110-86) as a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. In-Home Childcare is defined as a childcare arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive childcare.

Planning Staff is proposing two new definitions. An updated definition for childcare that incorporates the most recent language from state statutes and a new definition for in-home childcare - which is a childcare arrangement located in a residence where, at any one time,

more than two children, but less than nine children receive childcare. Of the children present at any one time in a family childcare home, no more than five children shall be preschool-aged, including the operators own preschool-age children.

One use has been added to the table of uses and one use has been edited to show these uses as allowed by right. This means that when someone wants to start a home childcare business, their zoning approval will be administrative. They will still have to comply with all other county and state regulations.

Discussion & Analysis:

The Public Hearing was held at the Board of Commissioners meeting on September 18th and there were no comments from the public. However, the commissioners did have some questions about updated language. Specifically, if the proposed updates to the Zoning Ordinance were in line with what other counties and jurisdictions were doing.

Planning staff informed the commissioners that the new definitions proposed come from the statutory language for Childcare in North Carolina. Staff used information from the DHHS website and the Chatham Partnership for Children to formulate the new definitions. The biggest change is removing the requirements for a Special Use Permit. Day care centers and Family Care Homes located in principal residences will now be allowed by right in residential zoning districts if they meet all other requirements.

After several planning board members had questions about the changing language and definitions, Planning Staff decided to pull the item and work on providing more clarity. Planning Staff set up a meeting with DHHS staff in order to better understand the state statutory framework for family childcare home regulations. After that meeting, it was decided to change the definition of Family childcare home, and to not change the language for Day Care Centers in the principal residence. Those can still have up to 15 children but would need to go through the SUP process.

The new definition for Family Child Care Homes is a licensed childcare facility within a principal residence to care for five (5) or fewer preschool age children, and an additional three (3) school age children. This includes preschoolers living in the home, but the provider's own school age children are not counted.

If this change is approved by the Board of Commissioners a licensed childcare provider will be able to provide care in their own home for up to 9 children (including their own school aged children) without going through the Special Use Permit process. This use would be allowed by right in residential districts.

If the Planning Board thinks the request should be approved, the following consistency statement is provided for consideration.

The Request to amend the Zoning Ordinance is consistent with Plan Chatham, the adopted comprehensive plan, pursuant to Objective 9 Provide equitable access to high-quality education, housing, and access to community options for all; specifically providing diversity of education options (public, private, STEM, magnet) and support services.

Recommendation:

Discuss the request and provide a recommendation on the text amendment and a consistency statement to the Board of Commissioners.