

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

**DOCKET:** UDO-CC26  
**STAFF:** [Daniel Rankin](#)

**REQUEST**

Planning and Development Services staff is proposing an amendment to modify Chapters 3, 5, 6, and 11 of the *Unified Development Ordinances* (UDO) to revise standards for day care uses. This amendment includes expanding the number of non-residential zoning districts where day care uses will be allowed by-right; combining the current Small Home Child Day Care and Large Home Child Day Care uses into one use (to be known as Child Day Care Home); and other revisions to the standards for day care uses.

**BACKGROUND**

Both Forsyth County and the State of North Carolina have recently experienced a shortage in the availability of childcare services. This shortage affects the broader economy as some parents may drop out of the labor force or reduce their working hours in order to care for their children.

General rules for child care facilities are established by the State of North Carolina and exist in addition to any regulations imposed by local jurisdictions. In October 2023, the State of North Carolina increased the maximum number of children allowed to receive care in Family Child Care Homes at any one time from eight to ten. Family Child Care Homes are small, in-residence day cares and are comparable to the current Small Home Child Day Care use in the UDO. The State also provides standards for a slightly larger in-residence day care, called a Center Located in a Residence, which allows for a maximum of fifteen children and is comparable to the current Large Home Child Day Care use in the UDO. Following this state-level change, both the Winston-Salem City Council and the Forsyth County Commissioners requested that Planning and Development Services staff review our local UDO day care standards to see if any changes were needed.

Staff conducted a review of selected peer communities (Durham, Greensboro, High Point, Raleigh, and Wilmington) to explore how these communities regulate day care services in light of the revised state standards. Both Durham and Greensboro allow for a maximum of fifteen children to receive day care in a residence, while High Point, Raleigh, and Wilmington allow for a maximum of eight children.

It is worth noting that all of the peer communities surveyed have a single use regulating in-residence child day care; Winston-Salem/Forsyth County is unique in currently having both a Small Home and Large Home Child Day Care use, divided by the number of children allowed to receive care at any time.

<b>Regulations for In-Residence Child Day Care Services in Selected NC Peer Cities</b>		
<b>City</b>	<b>Maximum number of children permitted to receive in-residence day care</b>	<b>Does the ordinance include separate uses for smaller and larger in-residence child day cares?</b>
Durham	12 if any child is pre-school age; 15 if all children are school-age	No
Greensboro	15	No
High Point	8 (maximum 5 pre-school age children)	No
Raleigh	8	No
Wilmington	8 (maximum 5 pre-school age children)	No
Winston-Salem / Forsyth County (current standards)	Small Home: 8 (3-5 pre-school age children and 3 school-age children);  Large Home: 12 if any child is pre-school age; 15 if all children are school-age	Yes

Durham, High Point, Raleigh, and Wilmington also all generally allow for larger commercial day care centers in many of their residential zoning districts, either via a special-use review process or with additional conditions or limitations being required.

Within our residential zoning districts, Child and Adult Day Care Center uses are currently only allowed in RM8, RM12, RM18, and RMU districts via a special-use permit from the Board of Adjustment. Furthermore, all of our peer communities are generally more permissive in allowing commercial day care center uses by-right within most of their common non-residential zoning districts. Winston-Salem/Forsyth County’s current standards generally require either a Planning Board review or a Board of Adjustment special-use permit to establish a Child or Adult Day Care Center within many non-residential zoning districts.

**ANALYSIS**

Based on current state standards, the shortage of day care services in our area, and the analysis of selected peer communities, staff is proposing the following changes to UDO standards for day care uses:

- Allow the commercial day care uses (i.e., Child Day Care Center, Adult Day Care Center, Drop-In Child Care, and Sick Children Child Care) as well as the Adult Day Care Home use to be allowed by-right in all non-residential zoning districts (except the GI district).
- Combine the current Small Home Child Day Care and Large Home Child Day Care uses into a single use (to be called Child Day Care Home); allow for the Child Day Care Home use to be established by-right in all zoning districts (except the GI district).
  - The Child Day Care Home use is limited to being established in private residences and as an accessory use to churches or religious institutions (this is similar to the current requirements for Small Home and Large Home Child Day Care uses).

- The capacity for the Child Day Care Home use is proposed to be 3-12 children when any child is pre-school age or younger, or up to 15 children when all children are school-age. This capacity is similar to the capacity for the current Large Home Child Day Care use and is based on the State's limits for a Center Located in a Residence.
- Where different types of day care uses are allowed as accessory uses to either schools or churches / religious institutions:
  - Remove requirements stating that the day care must be operated by the school or church/religious institution. Staff is aware of independent day cares in our region who have arrangements to operate on church campuses.
  - Remove requirements stating that the day care must be situated in a building also used for educational or religious activities. Many churches have former homes or other small buildings on their campuses which would be suitable for day care use, even if these buildings were not used for any church uses.
  - Restrict churches and religious institutions situated in GI districts from establishing accessory day care uses. Few, if any, churches exist in these districts, and high-intensity industrial areas with outdoor manufacturing often have significant environmental impacts which limit their suitability for locating child-care uses (many of which have outdoor play areas).
- Integrate required off-street passenger loading/unloading parking spaces with the day care's general parking lot area (currently, these loading/unloading spaces are required to be separate from general parking lot areas, although this UDO condition has been difficult to effectively enforce).
- Revise definitions for different types of day care uses within Table 11.2.2 to clarify the meaning and intent of these uses.

Staff believes that allowing commercial day care uses by-right in most non-residential districts would not be detrimental to these districts, as these districts already allow a variety of uses which are more intense than day cares by-right. This change would also bring our regulations into closer alignment with our peer communities, which generally allow day care centers to be established by-right within most of their common non-residential districts. Staff also believes that combining the current Small Home and Large Home Child Day Care uses into a single use simplifies the ordinance for users, while simultaneously reflecting the state-level increase in the number of children allowed in such facilities.

Collectively, these UDO changes should remove unnecessary hurdles to establishing needed day care facilities and should encourage the economic vitality of our community, as quality childcare is essential to ensuring greater workforce participation.

**RECOMMENDATION: APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-CC26  
MARCH 14, 2024**

Dan Rankin presented the staff report.

**PUBLIC HEARING**

FOR:

AGAINST:

**WORK SESSION**

A discussion took place between the Board members and staff regarding changes in day care usage in different zoning districts. The discussion centered on the difference between commercial and residential day care types. The Board approved the text amendment as presented.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak,  
Mo McRae, Salvador Patiño, Lindsey Schwab, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak,  
Mo McRae, Salvador Patiño, Lindsey Schwab, Jack Steelman

AGAINST: None

EXCUSED: None

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Chris Murphy, AICP/CZO  
Director of Planning and Development Services