

Ordinance #24-0171
2024 Ordinance Book, Page 39

UDO-CC26

AN ORDINANCE AMENDMENT PROPOSED BY CITY-COUNTY PLANNING BOARD STAFF TO AMEND CHAPTERS 3, 5, 6, AND 11 OF THE *UNIFIED DEVELOPMENT ORDINANCES (UDO)* TO REVISE STANDARDS FOR DAY CARE USES.

Be it ordained by the _____, that the Unified Development Ordinances are amended as follows:

Section 1. Section 3.2.13.D.4 of the UDO is amended as follows:

4. PLANNING BOARD REPORT

a. Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:

- i. Riding stables per **Table 5.1.1, Principal Use Table**;
- ii. Kennels, outdoor per **Table 5.1.1, Principal Use Table**;
- iii. Shooting ranges, outdoor per **Table 5.1.1, Principal Use Table**;
- iv. Manufactured homes class A, class B and class C per **Table 5.1.1, Principal Use Table**;
- v. Expansion or conversion of a nonconforming use per **Section 9.2.3B, Special Use Permit**, and **Section 9.2.4A, Special Use Permit Required**;
- vi. Accessory uses as follows:
 1. Dwelling, accessory (detached) per **Section 5.3.4C, Dwelling, Accessory (Detached)**;
 2. Separation, processing, storage or wholesale sale of materials in LCIDs per **Section 5.2.44M, Accessory Uses (F)**, and **Section 5.2.44N, Accessory Uses (W)**;
 3. Home occupations in Rural Areas (GMAs 4 and 5) per **Section 5.3.4D.2.b.ii, Special Use Permits**
- vii. Accessory structures as follows:
 1. Exceeding size limits for accessory structures per **Section 5.3.1F, Size Limits for Accessory Structure**;
- viii. Parking reductions for churches per **Section 5.2.22D, Parking**, and **Section 5.2.23C, Parking**;
- ix. Veterinary services per **Table 5.1.1, Principal Use Table**;
- x. *Keeping of horses, mules, donkeys, goats, sheep, or cattle* per **Section 5.3.3F, Keeping of Horses, Mules, Donkeys, Goats, Sheep, or Cattle (W)**;
- xi. ~~Child daycares, large home~~; **RESERVED**;
- xii. Transmission towers per **Table 5.1.1, Principal Use Table**;

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

- xiii. Campgrounds; and
- xiv. Special events centers.

b. The Planning Board shall submit its report in writing to the Director of ~~Inspections~~ **Planning and Development Services** not more than sixty (60) days after receipt of the application in accordance with established review procedures.

c. In reviewing the request, the Planning Board shall review the application to assure compliance with all provisions of this Ordinance.

d. The Planning Board report shall make a finding that the application as submitted either complies with the Ordinance, complies with recommended conditions, or does not comply with the Ordinance.

e. If the Planning Board recommends conditions, the Planning Board shall have the authority to recommend conditions as identified in **Section 10.1.2B.1.a, Approval and Conditions**, to reduce impacts associated with the project.

Section 2. Table 5.1.1: Principal Use Table of the UDO is amended as follows:

INSTITUTIONAL AND PUBLIC USES																																								
Adult Day Care Center (Lo)																					A	P	P	P	Z	P	P	P	P	P	P	Z	Z	P		Z	P	Z	Z	5.2.3
Adult Day Care Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.4
Child Care, Drop-In (Lo)																					Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.16
Child Care Institution (Lo)																								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.2.17	
Child Care, Sick Children (Lo)																					A	P	P	P	A	P	P	P	P	P	P	Z	Z	P		Z	P	Z	Z	5.2.18
Child Day Care Center (Lo)																					A	P	P	P	A	P	P	P	P	P	P	Z	Z	P		Z	P	P	Z	5.2.19
Child Day Care, Large Home (Lo)	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P					P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.2.20		
Child Day Care, Small Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z													5.2.21		
Child Day Care Home (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.20	

NOTES:
 [1] See Section 4.6.5C, Supplementary District Requirements.
 [2] See Section 4.6.7C, Supplementary District Requirements in GMAs 4 and 5.

NOTE: Items to be removed are indicated with a strike through; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

- [3] See Section 5.2.74, Riding Stable, Including Veterinarian Services for Equine Species and Cattle
- [4] Per Section 4.6.12, Major Retail and Business District (MRB-S) (W).
- [5] SUP not required if requirements of Section 5.2.2, Access Easement, Private Off-Site, are met.
- [6] See Section 5.2.72, Residential Building, Single Family (W).
- [7] See Section 4.6.4, GO General Office District.
- [8] See Section 4.6.9, HB Highway Business District.

TABLE 5.1.1: PRINCIPAL USE TABLE

Z = Permit from Zoning Officer;
 P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit
 (Lo) = Following a use indicates the use is a low-intensity use
 (Hi) = Following a use is a high-intensity use.

USE TYPE	RESIDENTIAL DISTRICTS														COMMERCIAL DISTRICTS							IND. DIST.			I & MU DIST.			CONDITIONS						
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB		MRB-S ⁴	E	LI	GI	CI	IP

Section 3. Sections 5.2.3, 5.2.4, 5.2.16, 5.2.19, 5.2.20, and 5.2.21 of the UDO are amended as follows:

5.2.3 ADULT DAY CARE CENTER

A. AS AN ACCESSORY USE

This use is permitted as an accessory use ~~operated by a religious institution~~ to a church or religious institution if it is on the same zoning lot as the church or religious institution and also within buildings used for religious activities. Such accessory use shall be permitted in all zoning districts, except for the GI district.

B. SPACE REQUIREMENTS

At least fifty (50) square feet of heated space per person enrolled, or sufficient space to meet State requirements, whichever is greater, shall be provided.

C. HOURS OF OUTDOOR ACTIVITIES

Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.

D. PASSENGER LOADING SPACE

At least one designated off-street passenger loading and unloading space ~~separate from the parking area~~ shall be provided for every twenty (20) persons enrolled, plus adequate turnaround.

E. CERTIFICATION

Certification by the State is required.

5.2.4 ADULT DAY CARE HOME

A. LOCATION

This use is permitted only in a private residence occupied by the operator or as an accessory use ~~operated by a religious institution~~ to a church or religious institution if it is on the same zoning lot as the church or religious institution and within buildings also used for religious activities. This accessory use to a church or religious institution shall be permitted in all zoning districts, except for the GI district.

B. NUMBER OF PERSONS RECEIVING CARE

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

See the definition of Adult Day Care Home in **Table 11.2.2, Definitions**, for the limit on the number of adolescents or adults permitted to receive care.

B. C. SPACE REQUIREMENTS

At least fifty (50) square feet of heated space per person enrolled or space sufficient to meet State standards, whichever is greater, shall be provided.

C. D. HOURS OF OUTDOOR ACTIVITIES

Outdoor activities shall be limited to between 8:00 a.m. and 8:00 p.m.

D. E. OPERATING HOURS

Operating hours shall be limited to between 6:00 a.m. and 8:00 p.m.

E. F. PASSENGER LOADING SPACE

At least one **designated** off-street passenger loading and unloading space ~~separate from the parking area~~, plus adequate turnaround area, shall be provided.

F. G. CERTIFICATION

Certification by the State is required.

5.2.16 CHILD CARE (DROP-IN)

A. AS A PRINCIPAL OR ACCESSORY USE

The use is permitted as a principal use in the zoning districts indicated in **Table 5.1.1, Principal Use Table**, and as an accessory use ~~operated by~~ **to** a religious institution or school on the same zoning lot **as the religious institution or school**, ~~and within the same buildings also used for religious or educational activities.~~

B. INDOOR SPACE

1. At least twenty-five (25) square feet of inside space shall be provided for each child (based on permitted capacity) if outdoor space is provided as indicated in **Section 5.2.16C, Outdoor Space**.
2. If less or no outdoor space is provided, at least thirty-five (35) square feet of inside space shall be provided for each child (based on permitted capacity).

C. OUTDOOR SPACE

1. If outdoor play area is provided, it shall be enclosed by a minimum four (4) foot tall ~~security~~ fence.
2. A minimum of one hundred (100) square feet for each child (based on permitted capacity) must be provided to reduce the indoor space requirements in **Section 5.2.16B, Indoor Space**.

5.2.19 CHILD DAY CARE CENTER

A. AS AN ACCESSORY USE

A child day care center is permitted as an accessory use as follows:

1. CHURCH OR RELIGIOUS INSTITUTIONS

a. In all zoning districts permitting churches or religious institutions **(except for the G1 district)** when operated ~~by a religious institution~~ on the same zoning lot **as the church or religious institution**, ~~and within buildings also used for religious activities.~~

b. A special use permit from the Board of Adjustment shall be required when this accessory use is located in a zoning district that does not permit child day care centers as a principal use by right.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

c. In other zoning districts that permit child day care centers as a principal use, this accessory use shall follow the same approval process that is required for such principal use.

2. PUBLIC OR PRIVATE SCHOOLS WITH AN ENROLLMENT OF THREE HUNDRED (300) OR MORE STUDENTS

In all zoning districts permitting public or private schools when operated ~~by the school~~ on the same zoning lot **as the public or private school** ~~and within buildings also used for school activities~~, this accessory use shall follow the same approval process that is required for such principal use.

3. PUBLIC OR PRIVATE SCHOOLS WITH AN ENROLLMENT OF LESS THAN THREE HUNDRED (300) STUDENTS

a. In all zoning districts permitting public or private schools when operated ~~by the school~~ on the same zoning lot **as the public or private school** ~~and within buildings also used for school activities~~.

b. A special use permit from the Zoning Board of Adjustment shall be required when this accessory use is located in a zoning district that does not permit child day care centers as a principal use by right.

c. In other zoning districts that permit child day care centers as a principal use, this accessory use shall follow the same approval process that is required for such principal use.

4. IN CI AND GI DISTRICTS

In the CI and GI Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.

B. CONDITIONS

Child day care centers must meet the following conditions in all districts when operated as a principal or an accessory use:

1. INDOOR SPACE

At least twenty-five (25) square feet of inside space shall be provided for each child enrolled.

2. OUTDOOR SPACE

a. Outdoor play area of one hundred (100) square feet for each child enrolled, with four thousand (4,000) square feet minimum, shall be provided, except that in the CB, CB-S, PB, and PB-S Districts the outdoor play area requirements shall be the same as that required by the North Carolina Day Care Licensing Bureau.

b. Such outdoor play area shall be enclosed by a minimum four (4) foot tall ~~security~~ fence.

c. Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

3. PASSENGER LOADING SPACE

a. At least one **designated** off-street passenger loading/unloading space ~~separate from parking~~ shall be provided for each twenty (20) children enrolled, plus adequate turnaround area.

b. ~~The~~ **Such designated** loading/unloading ~~spaces~~ **space(s)** and turnaround areas are required in all districts, including the CB and CI Districts.

4. SAFETY

The review and approval of site plans by the staff and approving authorities should give special consideration to internal traffic circulation and safety of the children on the site.

5. LICENSING

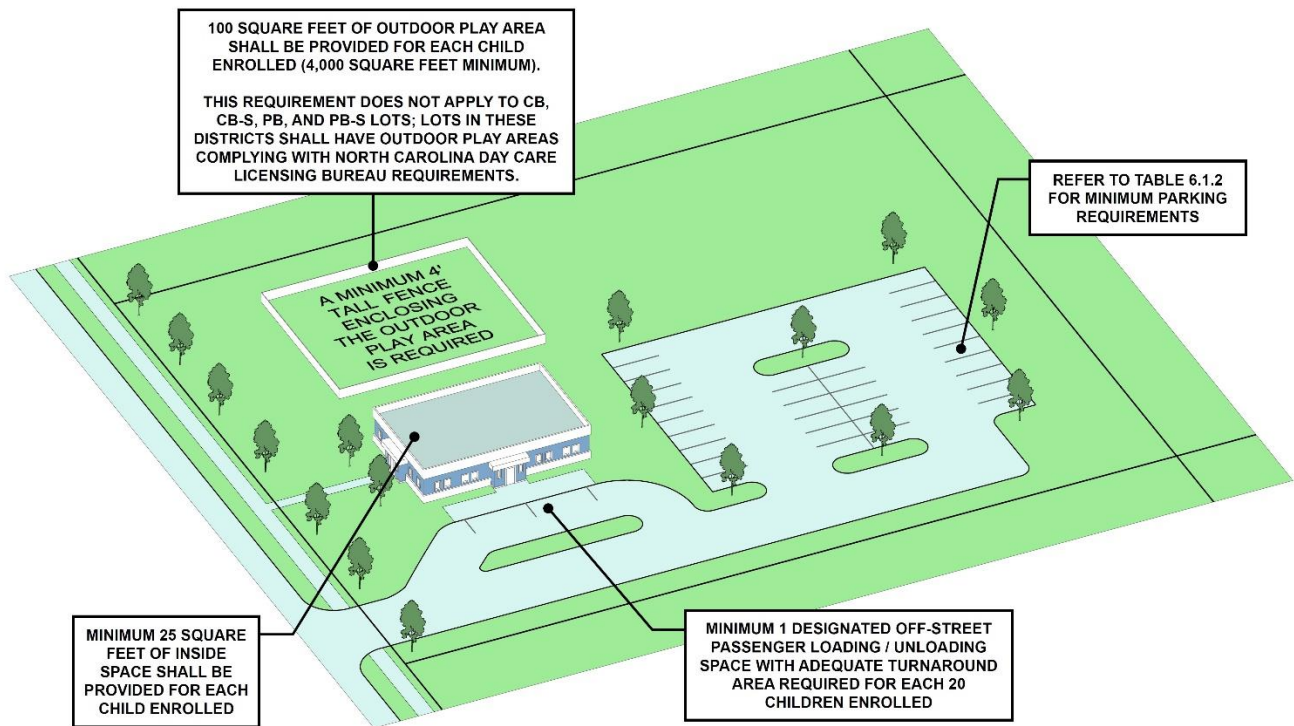
Licensing by the State is required.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

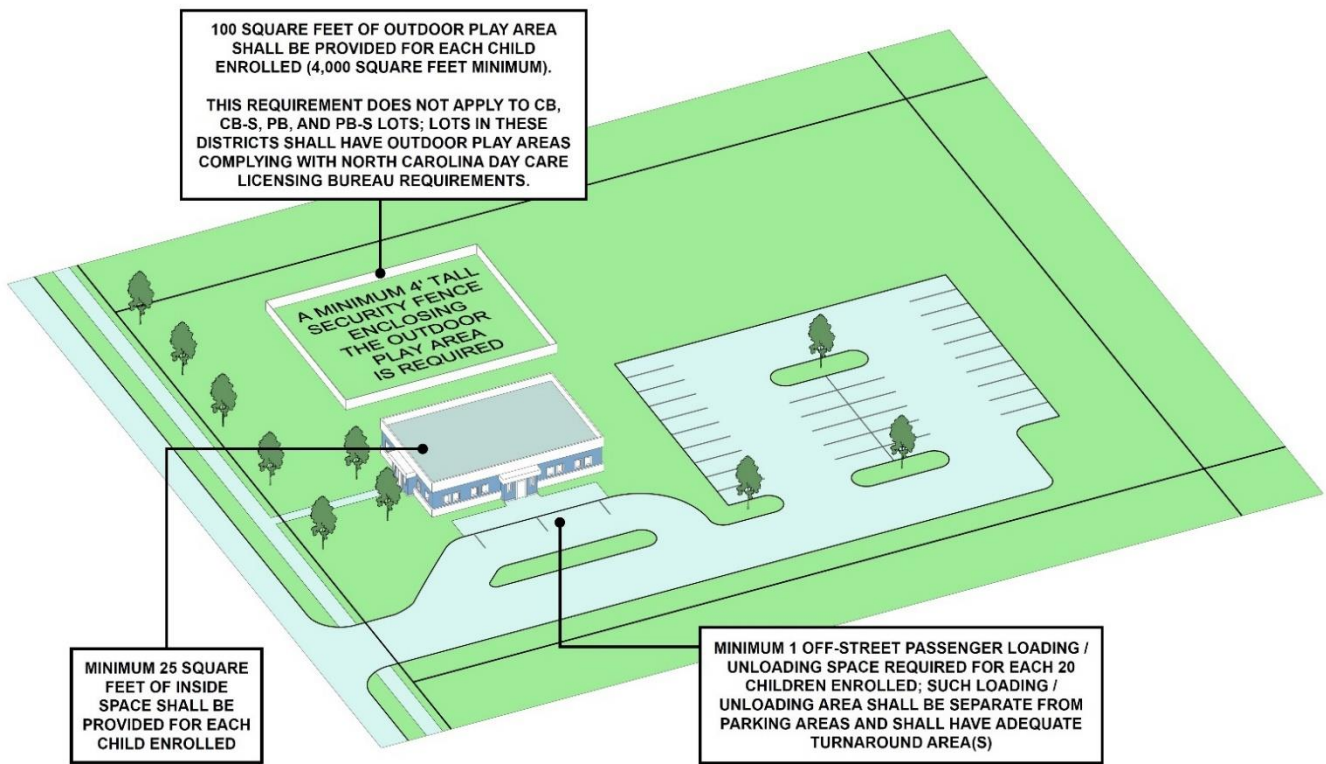
**FIGURE 5.2.19.B – CERTAIN ADDITIONAL CONDITIONS FOR CHILD DAY
CARE CENTERS**



NOTE: Items to be removed are indicated with a ~~strikethrough~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.



NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.



5.2.20 CHILD DAY CARE (LARGE HOME)

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

A. AS AN A PRINCIPAL OR ACCESSORY USE

This use is permitted only in a private residence occupied by the licensed operator in RS and RM Districts, or as an accessory use operated by a religious institution to a church or religious institution if it is on the same zoning lot as the church or religious institution and within buildings also used for religious activities. This accessory use to a church or religious institution shall be permitted in all zoning districts, except for the GI district.

B. NUMBER OF CHILDREN RECEIVING CARE

See the definition of Child Day Care Home in **Table 11.2.2, Definitions**, for the limits on the number of children permitted to receive care.

B. C. INDOOR SPACE

At least twenty-five (25) square feet of heated inside space shall be provided for each child enrolled (based on licensed capacity), or space sufficient to meet State standards shall be provided, whichever is greater.

C. D. OUTDOOR SPACE

1. Outdoor play area of one hundred (100) square feet minimum for each child enrolled receiving care at one time, with a two thousand (2,000) an eight hundred (800) square foot minimum (regardless of the number of children receiving care at one time), shall be provided.
2. Such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence.
3. Such outdoor play area shall not be located in front of the front façade of the principal structure.
4. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.

D. E. PASSENGER LOADING SPACE

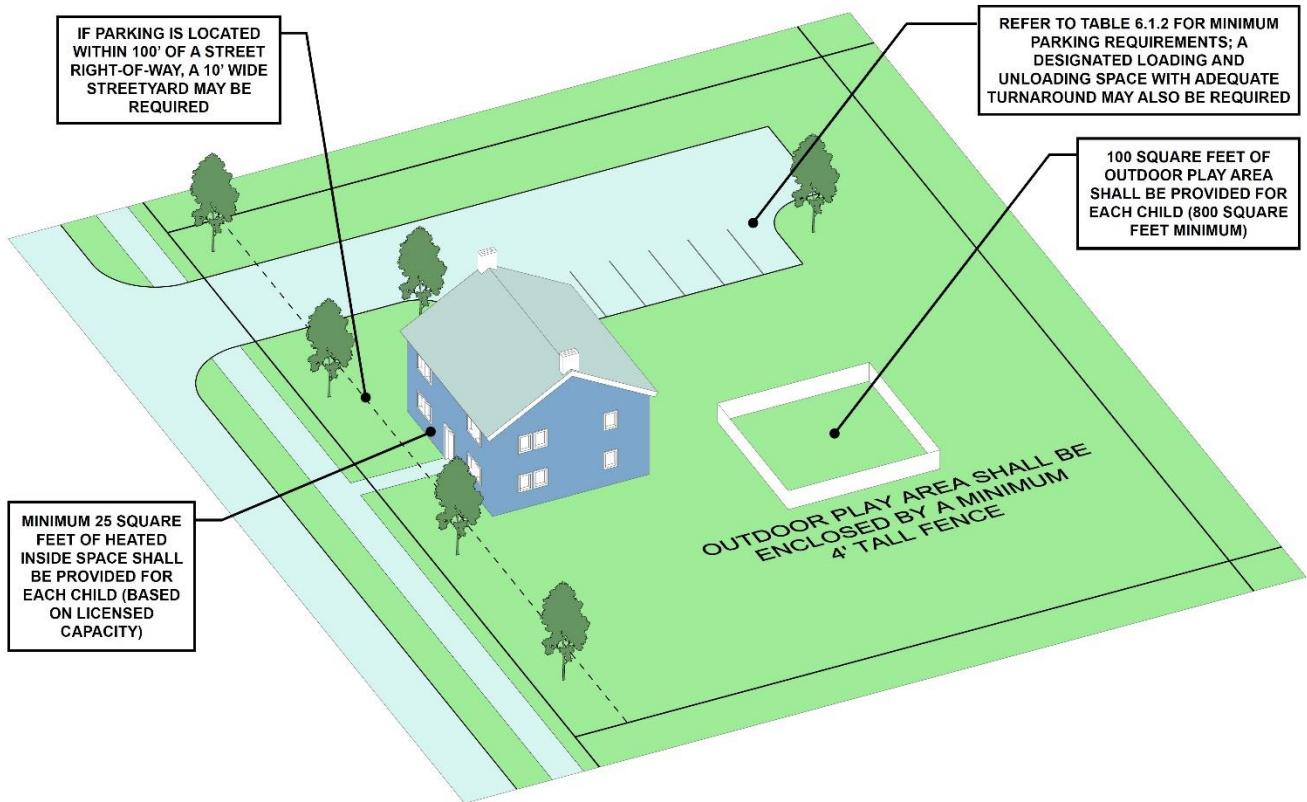
1. If care is being provided for eleven (11) or more children or if care is being provided for seven (7) or more children who are from birth to 5 years of age, At then at least one designated off-street passenger loading or unloading space separate from parking shall be provided, plus adequate turnaround area.
2. The Such designated loading/unloading spaces space and turnaround area are required in all districts, including the CB District.

E. F. LICENSING

Licensing by the State is required.

FIGURE 5.2.20 – CERTAIN REQUIREMENTS FOR CHILD DAY CARE HOME USES

NOTE: Items to be removed are indicated with a ~~strikethrough~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.



NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

5.2.21 RESERVED CHILD DAY CARE (SMALL HOME)

A. LOCATION

~~This use is permitted only in a private residence occupied by the licensed operator or as an accessory use operated by a religious institution on the same zoning lot and within buildings also used for religious activities in all zoning districts.~~

B. INDOOR SPACE

~~At least twenty-five (25) square feet of inside space shall be provided for each child enrolled.~~

C. OUTDOOR SPACE

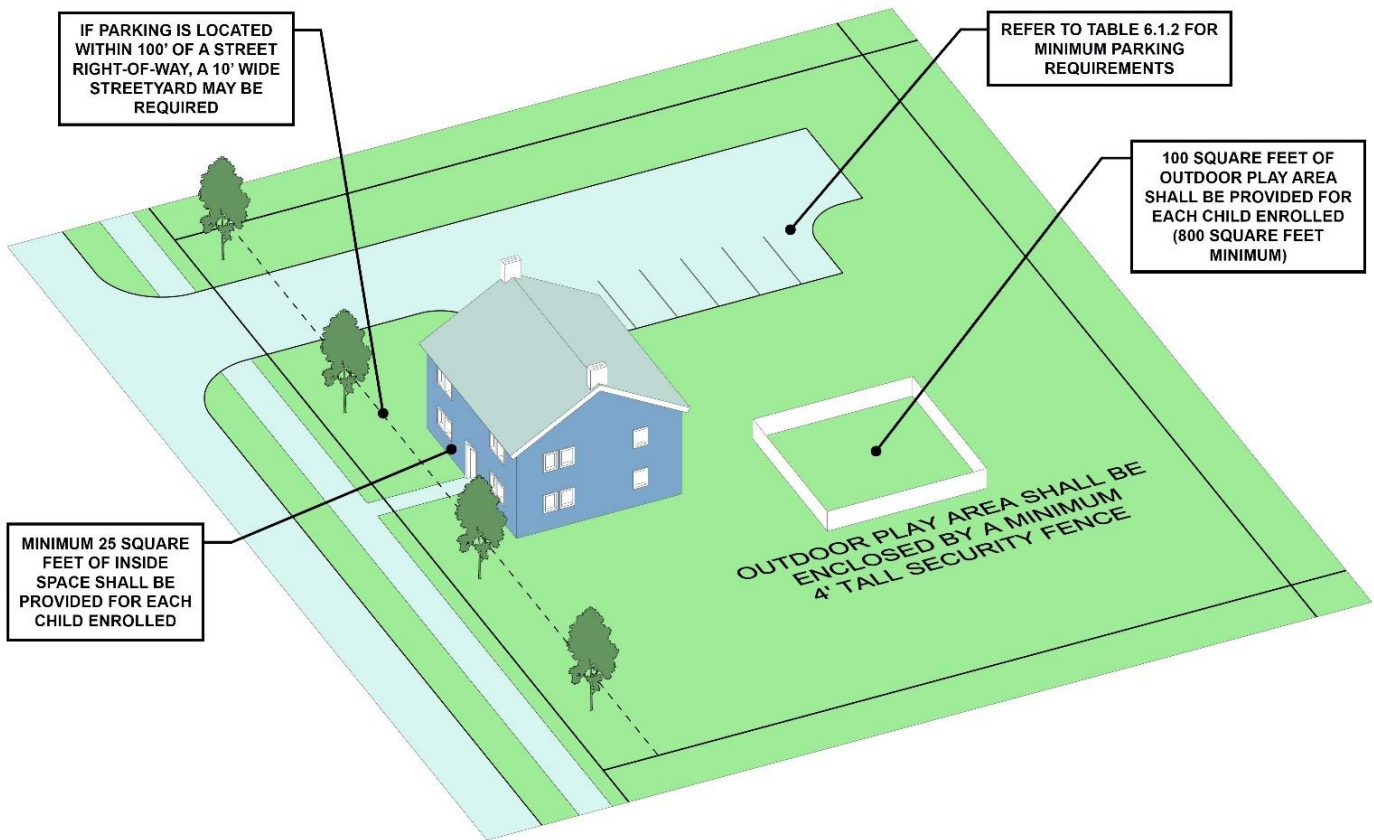
- ~~1. Outdoor play area of one hundred (100) square feet for each child enrolled, with an eight hundred (800) square feet minimum, shall be provided.~~
- ~~2. Such outdoor play area shall be enclosed by a minimum four (4) foot tall security fence.~~
- ~~3. Outdoor activities shall be limited to the fenced area between 8:00 a.m. and 8:00 p.m.~~

D. REGISTRATION

~~Registration with the State is required.~~

FIGURE 5.2.21 – CERTAIN REQUIREMENTS FOR CHILD DAY CARE (SMALL HOME) USES

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.



NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

Section 4. Table 5.3.3: Accessory Uses Subject to Other Requirements of the UDO is amended as follows:

TABLE 5.3.3: ACCESSORY USES SUBJECT TO OTHER REQUIREMENTS	
ACCESSORY USE	OTHER REQUIREMENTS
Adult Day Care Center	Section 5.2.3
Adult Day Care Home	Section 5.2.4
Airport, Private	Section 5.2.7
Cemetery	Section 5.2.15
Child	
- Care, Drop In	Section 5.2.16
- Care, Sick Children	Section 5.2.18
- Day Care Center	Section 5.2.19
- Day Care, Large Home	Section 5.2.20
- Day Care, Small Home	Section 5.2.21
Combined Use	Section 5.2.25
Habilitation Facility	
- A	Section 5.2.37
- B,C	Section 5.2.38
Motor Vehicle Storage Yard	Section 5.2.61
Riding Stable	Section 5.2.74
Signs	Section 6.5
Solid Waste Transfer Station	Section 5.2.85
Swimming Pool, Private	Section 5.2.90
Donation Container	Section 5.3.3E

NOTE: Items to be removed are indicated with a ~~strikethrough~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

Section 5. Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements of the UDO is amended as follows:

TABLE 6.1.2: MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES	MOTOR VEHICLE PARKING SPACES [1] [2]	BICYCLE PARKING SPACES [3] [4]
INSTITUTIONAL AND PUBLIC USES		
Adult Day Care Home	1 space + 1 space per employee on largest shift + 1 designated loading and unloading space with adequate turnaround area, separate from parking area	Exempt
Adult Day Care Center	1 space + 1 space per employee on largest shift + 1 space per 10 persons enrolled + 1 designated loading and unloading space with adequate turnaround area per 20 persons enrolled , separate from parking area	Exempt
Child Day Care, Small Home	1 space + 1 space per employee on largest shift	Exempt
Child Day Care, Large Home	1 space + 1 space per employee on largest shift, + A designated loading and unloading space with adequate turnaround area, separate from parking area may also be required (See Section 5.2.20E, Passenger Loading Space, for requirements). (See Section 5.2, Use Specific Standards, for possible additional requirements.)	Exempt
Child Day Care Center	1 space per employee on largest shift + 1 space per 10 children enrolled + 1 designated loading and unloading spaces space per 20 children enrolled with adequate turnaround areas, separate from parking area	Exempt
NOTES:		
[1] Supplemental landscaping is required if parking exceeds 175% of the minimum requirements.		
[2] SF GFA = square feet of gross floor area		
[3] Bicycle parking requirements applicable to growth management areas (GMAs) 1, 2, and 3 only (not to GMA 4 or 5).		
[4] Requirements if not exempt: minimum =2 bicycle parking spaces; maximum =20 spaces. No supplemental landscaping is required when providing the maximum number of bicycle parking spaces.		
[5] Off-street parking for other accessory uses meeting the requirements of Section 5.3, Accessory Uses and Structures, shall be provided at the rate for the principal uses specified in this table.		

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

Section 6. Table 11.2.2: Definitions of the UDO is amended as follows:

TABLE 11.2.2: DEFINITIONS	
ADULT DAY CARE CENTER	<p>A day care facility in which day care is provided to seven (7) or more adolescents, or disabled or older adults.</p> <p>Adult day care facilities with fewer than the above noted number of adolescents, or disabled or older adults, shall generally be considered Adult Day Care Centers if the adult day care facility does not meet the requirements and definition of an Adult Day Care Home.</p>
ADULT DAY CARE HOME	<p>A day care facility in which day care is provided for up to six (6) adolescents, or disabled or older adults. An adult day care home is permitted only in a private residence occupied by the operator of the day care or as an accessory use to churches or religious institutions (the day care must also be on the same zoning lot as the primary church or religious institution).</p>
CHILD DAY CARE (LARGE HOME)	<p>A day care facility in which day care is provided for six (6) three (3) to twelve (12) children when any child is preschool-age or younger, or up to fifteen (15) children when all children are school-age. A child day care home is permitted only in a private residence occupied by the licensed operator of the day care or as an accessory use to churches or religious institutions (the day care must also be on the same zoning lot as the primary church or religious institution).</p> <p>All children at the day care home during business hours shall count towards the above limits on the number of children receiving day care, except the provider's own school-age children shall not count towards these limits.</p>
CHILD DAY CARE (SMALL HOME)	<p>A day care operation in which day care is provided for three (3) to five (5) preschool-age children, plus up to three (3) additional school-age children.</p>
CHILD DAY CARE CENTER	<p>A day care facility in which day care is provided for thirteen (13) or more children when any child is preschool-age or younger, or sixteen (16) or more children when all children are school-age.</p> <p>Child day care facilities with fewer than the above noted number of children shall generally be considered Child Day Care Centers if the child day care facility does not meet the requirements and definition of one of the following uses: Child Day Care Home; Child Care (Drop-In); Child Care (Sick Children); Child Care (Temporary Care).</p>
CHILD OR CHILDREN, SCHOOL-AGE	<p>As used in the child day care facilities standards, a child who is attending or who has attended grade school or kindergarten and who meets the age requirements specified in G.S. 115C-364.</p>
SCHOOL-AGE CHILD OR CHILDREN	<p>See Child or Children, School-Age</p>

Section 7. This Ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a strike through; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.