ORDINANCE NO. (2026) 942 TC 498

TC-5-26
Daycare Amendments

AN ORDINANCE TO AMEND THE RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO MODIFY REGULATIONS ASSOCIATED WITH DAYCARE USES

WHEREAS, the City Council requested that staff evaluate potential amendments to the Unified Development Ordinance (UDO) to facilitate the creation and expansion of childcare facilities in response to community childcare needs and rising childcare costs; and

WHEREAS, North Carolina State regulations allow certain home-based childcare facilities to serve more children than what is currently allowed under the City's UDO, and

WHEREAS, the UDO's existing enrollment cap, Home Daycare use standards, and Special Use permit requirement for Daycare Centers in Residential Zoning Districts may create additional barriers to the establishment and expansion of childcare facilities; and

WHEREAS, the proposed amendments are intended to reduce unnecessary regulatory barriers to childcare while retaining clear, objective standards that help ensure childcare facilities remain appropriately scaled to their residential context;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.1.4, Allowed Principal Use Table, is hereby amended by replacing 'S' with 'L' within the row titled 'Daycare Center' for the R-1, R-2, R-4, R-6, R-10, RX-, and MH zoning districts; and, replacing 'L' with 'P' within the row titled 'Daycare Center' for the OP-, OX-, NX-, CX-, DX-, and IX- zoning districts

Section 2. Section 6.4.1.B., Day Care, Home, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

…
B. Day Care, Home
1. Defined
   A day care for a maximum of ~~8~~15 persons in the residence of the provider.
2. Use Standards

a. The day care must be carried on by a resident of the structure as either a sole proprietorship or a corporation that is wholly owned by the residents of the structure or a partnership where all partners are residents of the structure.
b. The use of any accessory building or accessory structure for a day care is not allowed.
c. Any outdoor play equipment stored throughout the day and night shall ~~not be permitted in the front yard area~~ be located to the side or rear of the principal structure and can be located no closer than 15 feet from any adjoining lot containing a dwelling.
d. ~~No person, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute nonresident person providing care on the premise while the owner/operator is sick or otherwise unable to provide care.~~
e. ~~No more than 8~~Up to 15 persons may ~~shall~~ be cared for at any given time.
f. ~~Must comply with all state and local standards.~~ The home day care must comply with all federal, and state, and local regulations and licensing requirements.

Section 3. Section 6.4.1.C., Day Care Center, of the Part 10 Raleigh Unified Development Ordinance is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough:

…

C. Day Care Center
1. Defined
A day care for more than ~~8~~ 15 persons where staffing complies with state and local regulations. Includes nursery school and preschool.
2. Use Standards
a. In a Residential District, the minimum lot area requirements in this subsection apply only to enrollment in excess of 15 enrollees. For each enrollee above 15, the following minimum lot area is required: ~~the following minimum lot areas per enrollee apply:~~
i. R-1, R-2, and R-4: 1,040 square feet per enrollee;
ii. R-6: 640 square feet per enrollee; and
iii. R-10: 240 square feet per enrollee.
b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.
c. ~~Must comply with all state and local standards.~~ The day care facility must comply with all federal, and state, and local regulations and licensing requirements.
d. Hours of operation are limited to the hours between 6 AM to 7 PM.
e. Outdoor activity areas and equipment shall be located to the side or rear of the principal structure and enclosed with a closed fence or wall 6.5 feet in height.
f. Enrollee drop-off and pick-up shall be located onsite so as not to obstruct traffic flow on adjacent public streets and sidewalks.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This text change has been reviewed by the Raleigh Planning Commission.

Section 6. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 7. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. This ordinance is effective 30 days after adoption.

ADOPTED: November 4, 2026

EFFECTIVE: December 4, 2026

DISTRIBUTION: Planning – Young, Bynum, Rametta
City Attorney – McDonald, Poole, Tejada, Hargrove-Bailey
City Clerk
Department Heads