



## ***Memorandum***

### ***December 11, 2025***

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TO: Planning and Zoning Commission

FROM: Israel B. Roberts, AICP  
Planning Manager

SUBJECT: Discussion of possible changes to Zoning regulations related to day care and religious assembly uses

**BACKGROUND:** In August 2025, the Town Council, upon recommendation from the Planning and Zoning Commission, denied a request for a Conditional Use Permit (CUP) to open a daycare center at the Chase Oaks Church campus along Stacy Road. Since that time, the Town Council has discussed the possibility of amending the zoning ordinance related to the current authority for CUPs for daycare uses in most residential districts. The discussion centered around the idea of limiting the ability to request a CUP for a daycare center only as an accessory to a church use; thus, eliminating the ability to request a CUP for a stand alone daycare center in a residentially zoned area outside of the Commercial Planned Development District (CPDD). The CPDD permits daycare centers by-right in the Urban Village sub-district and with a Major Warrant in the Urban Transition and Neighborhood General/Edge sub-districts.

Clarifying language was also included to update terminology and remove conflicts related to churches as a part of this change.

The Council reviewed the proposed changes to the zoning ordinance related to these topics and has directed the Planning & Zoning Commission to consider changes to the zoning ordinance regulating day care uses. Generally, the potential changes to the Zoning Ordinance (CZO) are summarized below:

1. Clarifying the districts in which such uses would be allowed. Currently the CZO has conflicting language. In Division 11 (CUP) of the CZO it states:
  - a. Churches, synagogues, temples are allowed with a CUP in PC, GB, RE-1 & RE-2
  - b. Daycare/child care (more than 4 children) uses are allowed with a CUP in PC, GB, RE-1 & RE-2

However, in Division 1 (Generally) the CZO states that churches can be located in any zone, except Flood Hazard zone, upon approval of a CUP.

**Recommended changes:** The proposed language would eliminate the authorization for a standalone daycare use and only allow them with a CUP as an accessory use to a religious assembly use, as defined, in any zone, except Flood Hazard zone. A traffic Impact Analysis (TIA) would be required as a part of the CUP.

Religious Assembly, as defined, would be allowed in any zone except Flood Hazard zone with a CUP.

- Section 14.02.010 limits churches, schools and fraternal lodges to sites with a minimum of 2-acres.
2. The proposed changes would also include a definition for religious assembly use. The current code does not contain a definition.
  3. References to the CPDD will also be added for clarity.

**ACTION:** This item is for discussion purposes only. Staff will bring a formal application for consideration of any proposed changes to these regulations to the Planning and Zoning Commission at the January 2026 meeting. Recommended changes would then be forwarded to the Town Council at their February meeting.

## Proposed CZO text amendments

(Underline = new language)

(Strikethrough = delete language)

- Division 11, *Conditional Use Permit*:
  - Section 14.02.514 *Use Regulations* (a):
    - A building, structure or premises used for any of the following purposes shall be permitted only upon the grant of a conditional use permit zoning district classification. The town council may, after public hearing and proper notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts as listed in the chart below. For land use regulations within the Commercial Planned Development District (CPDD), refer to Ordinance 2014-9-11B, as amended.

Use	District
<del>Churches, synagogues, temples</del> <u>Religious Assembly</u>	<u>All Districts, except FH</u>
<u>Daycare/child care (more than 4 children) as an accessory to a religious assembly use; provided however, this use shall not be permitted in a single family dwelling or any accessory structure to a single family dwelling</u>	<u>All Districts, except FH</u>

- Division 1, Generally
  - Section 14.02.010 Churches, schools and fraternal lodges
    - ~~▪ (a) Churches and schools, including schools that are public, private or denominational, can locate in any zone except a flood hazard zone upon an application for a conditional use permit. A fraternal lodge can locate in any nonresidential zone except a flood hazard zone.~~
    - (a) Religious assembly uses, schools, including schools that are public, private or denominational, and fraternal lodges are only permitted upon an application, and approval, for a Conditional Use Permit (CUP) in accordance with Division 11 of this ordinance, as amended. For land use regulations within the Commercial Planned Development District (CPDD) for such uses, refer to Ordinance 2014-9-11B, as amended.
  - Section 14.02.026 Day care/child care facility (more than 4 children)
    - (a) Daycare/child care facilities are only allowed as an accessory to a religious assembly use upon an application, and approval, for a Conditional Use Permit (CUP) in accordance with Division 11 of this ordinance, as amended.

- A traffic Impact Analysis (TIA) shall be required as part of a Conditional Use Permit application.
  - For land use regulations within the Commercial Planned Development District (CPDD) for such uses, refer to Ordinance 2014-9-11B, as amended.
- Section 14.02.020 Definitions
- Religious Assembly: A building, or buildings, such as but not limited to churches, synagogues, temples, and mosques, used primarily for gathering for worship and accessory activities which are customarily associated therewith.