



# Childcare Ordinance

CITY COUNCIL WORK SESSION

INTRODUCTORY PRESENTATION – May 11<sup>th</sup>, 2026



# OVERVIEW OF PRESENTATION



1. Project Goals and Intention
2. Stakeholder Engagement
3. Childcare Use Type Definitions & Size
4. Proposed Changes and Use-Tables
  1. General Changes
  2. Commercial
    1. Use-Table
    2. Adult or Child Day Care, Accessory
  3. Residential
    1. Use-Table
    2. Use-Specific Standard Addition
    3. Conversion of Residential Units to Daycares
5. Next Steps

# PROJECT GOAL AND INTENTION

## Why Expand Access to Childcare?

- Higher graduation rates
- Earlier learning interventions for kids
- A more competitive workforce
- Lower crime rates
- Childcare generates 7-13 dollars per dollar spend



## How can land use planning promote change?

- Expand access and increase affordability of childcare by removing regulatory barriers
- Expedite land use approvals by making childcare a permitted or conditional use in all zones
- Allow childcare as a permitted accessory use when collocated with compatible land uses
- This project cannot change licensing requirements, building codes, provider types, childcare costs, etc...



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# STAKEHOLDER INVOLVEMENT



**Fall 2025**

Need for Code changes to be expedited identified. Research and drafting begin.

**February 2026**

Childcare Ordinance Project Open House and launch of community survey.

**April 2026**

Presentation to City Planning Commission.

Initial drafts completed and reviewed by City Attorney's Office.

**December 2025**

Revisions based on community input and finalizing documents for public hearing.

**March 2026**

Presentation to City Council and Ordinance Adoption (Tentative).

**May 2026**

# COMMUNITY INPUT

## Common Themes from Survey Results:

- Project does not address the more pressing issues with childcare (cost to parents, quality providers, licensing requirements, etc....)
- Family Home Daycare providers concerned that need is not as great as represented and more providers opening up could hurt their businesses
- People want more conveniently located childcare near their homes and workplaces
- Ensuring that daycare is in safe, secure, and convenient locations
- Childcare in residential areas may bring compatibility and safety concerns



# DEFINITIONS

**ADULT OR CHILD DAY CARE CENTER:** A state-licensed facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and **that is not located in a dwelling unit** occupied by any of the operators of the facility, and in which no children or elderly adults are offered overnight accommodation. This use includes but is not limited to facilities commonly known as *day care centers, day nurseries, nursery schools, kindergartens, preschools, day camps, adult care centers, or elder care centers*, and shall include those facilities that give a maximum of ten (10) hour care for dependent and neglected children...

**ADULT OR CHILD DAY CARE CENTER, ACCESSORY:** A state-licensed facility that is maintained, for the whole or a part of the day, for the care of children under the age of sixteen (16) years or for elderly adults. This is an accessory use **that is subordinate to a principal use per Section 7.3.304.B and may not be located within a residential unit....**

**LARGE:** *A facility that provides care for sixteen (16) or more children under the age of sixteen (16) years, or not more than sixteen (16) elderly adults*

**SMALL:** *A facility that provides care of between six (6) to fifteen (15) children under the age of sixteen (16) years, or five (5) to fifteen (15) elderly adults*

# DEFINITIONS

**HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY:** A state-licensed facility that is maintained, for the whole or a part of the day, for the care of children under the age of sixteen (16) years or for elderly adults. This is an accessory use located within a residential unit. The day care center shall be considered a large or small day care center based upon the definitions for Home Adult or Child Day Care Center, Small or Large, as applicable.

**HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY, SMALL:** A facility for the care of not more than six (6) full time and two (2) part time children or adults

**HOME ADULT OR CHILD DAY CARE CENTER, ACCESSORY, LARGE:** A facility for the care of more than six (6) and less than twelve (12) full time and part time children and adults.

*Note: Accessory Home Adult or Child Day Care Centers are not being modified by the proposed Childcare Ordinance as these are regulated by the State of Colorado and not the City.*

# CHILDCARE LICENSING



## Commercial Childcare Square Feet Requirements:

### Indoor Area Requirements:

30 square feet of floor space per child.  
Does not include area used for kitchens, bathrooms, offices, etc...

### Outdoor Area Requirements:

- 75 square feet of space per child
- At least 150 square feet of shaded area

Strict Staff to Child Ratios based on Age Groups

## In-Home Childcare Square Feet Requirements:

### Indoor Area Requirements:

35 square feet of floor space per child.

### Outdoor Area Requirements:

- 75 square feet of space per child
- Requires 42-inch fence or natural barrier

*Refer to Attachment D – State Childcare Building Requirements for more details*

# GENERAL CHANGES TO CHILDCARE



1. All “Adult or Child Day Care Center” uses in the Use Table changed to either “P” Permitted or “C” Conditional Use in “legacy” zone districts
2. A more consistent base naming convention across all childcare use types, to be known as “Adult or Child Day Care Center”
3. Updates / Additions to the Definitions section (7.6.302) to reflect the diversity of childcare types
4. ~~A reduction in required parking for “Adult or Child Day Care Center (small/large)” from 1 per 400 square feet of gross floor area to 1 per 600 square feet of gross floor area~~
5. Updates to add all childcare use types to the Required Parking Table
6. A reduction in use-specific standards for all childcare uses, primarily to reflect other changes made to the Allowed-Uses Table

# NON-RESIDENTIAL ZONES

\*Green boxes denote an increase in flexibility

## PREVIOUS Chapter 7: Mixed-Use Zone Districts

	OR	OC	PBC	C5	C6	PIP-1	PIP-2	M1	M2	PF	PK	PCR	APD	TND
Daycare Services	C	P	P	P	P	C	C	C	C				C	P

## CURRENT Chapter 7 (UDC): Mixed-Use Zone Districts

	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	ADP	PF	PK	
Adult or Child Day Care Center, Large	C	C	P	P	P	P	R	C	C	C				
Adult or Child Day Care Center, Small	C	C	P	P	P	P	R	C	C	C				

## PROPOSED Chapter 7 (UDC): Recommended Changes to Mixed-Use Zone Districts

	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	ADP	PF	PK	
Adult or Child Day Care Center, Large	P	P	P	P	P	P	R	P	P	P	P	C	C	
Adult or Child Day Care Center, Small	P	P	P	P	P	P	R	P	P	P	P	C	C	

# ADULT OR CHILD DAYCARE CENTER, ACCESSORY

## New Accessory Use Proposed:

- The accessory use will be permitted in all zones, but must be collocated with a select commercial, civic, and industrial uses.
- This accessory use is distinct from “**Home** Adult or Child Daycare Center, Accessory” which is only allowed within residential units.
- A Development Plan may be required to address site requirements (i.e. landscaping modifications for play areas, adequate parking / queueing area, etc.)
- Does not require the accessory use to be affiliated or connected to the primary use.

## Colocation limited to select land uses:

- Religious Institution
- School (elementary, secondary or higher education)
- Club, Lodge, or Service Organization
- Semipublic Community Recreation
- Multi-family, residential
- Tiny House Community
- Office, Medical Office, or Vocational Skills Education
- Hospital
- Light Industry
- Warehousing and Wholesale
- Special Industry

# RESIDENTIAL ZONES

\*Green boxes denote an increase in flexibility

## PREVIOUS: Chapter 7: Residential Zone Districts

	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	SU	TND
Daycare center	C						P	P	C

*\*City Land Use Table does not override*

## CURRENT Chapter 7 (UDC): Residential Zone Districts

	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R Flex Low	R Flex Med.	R Flex Large
Adult or Child Day Care Center, Large							P			P
Adult or Child Day Care Center, Small							P		P	P

*Homeowner Association Policies for Adult of Child Day Care Centers*

## PROPOSED CHAPTER 7 (UDC): Recommended Changes to the Residential Zone Districts

	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R Flex Low	R Flex Med.	R Flex Large
Adult or Child Day Care Center, Large	P	P	P	P	P	P	P	P	P	P
Adult or Child Day Care Center, Small	P	P	P	P	P	P	P	P	P	P

# EXISTING CHILDCARE IN RESIDENTIAL ZONES



- ReTool Project intended to add childcare options to more zones, including “legacy” Residential zone districts
- This did not happen and it created issues for ~40 childcare facilities that were approved under the previous Chapter 7 when childcare was allowed in these “legacy” zone districts.
  - Become legal nonconforming
  - Cannot expand
  - Cannot rebuild

# USE-SPECIFIC STANDARD

## A. Adult or Child Day Care Center:

1. **A residential street shall not be this use's primary access.** ~~This use shall be located on a collector street with direct access to a Major or Minor arterial roadway and shall meet all requisite state and City licensure requirements.~~

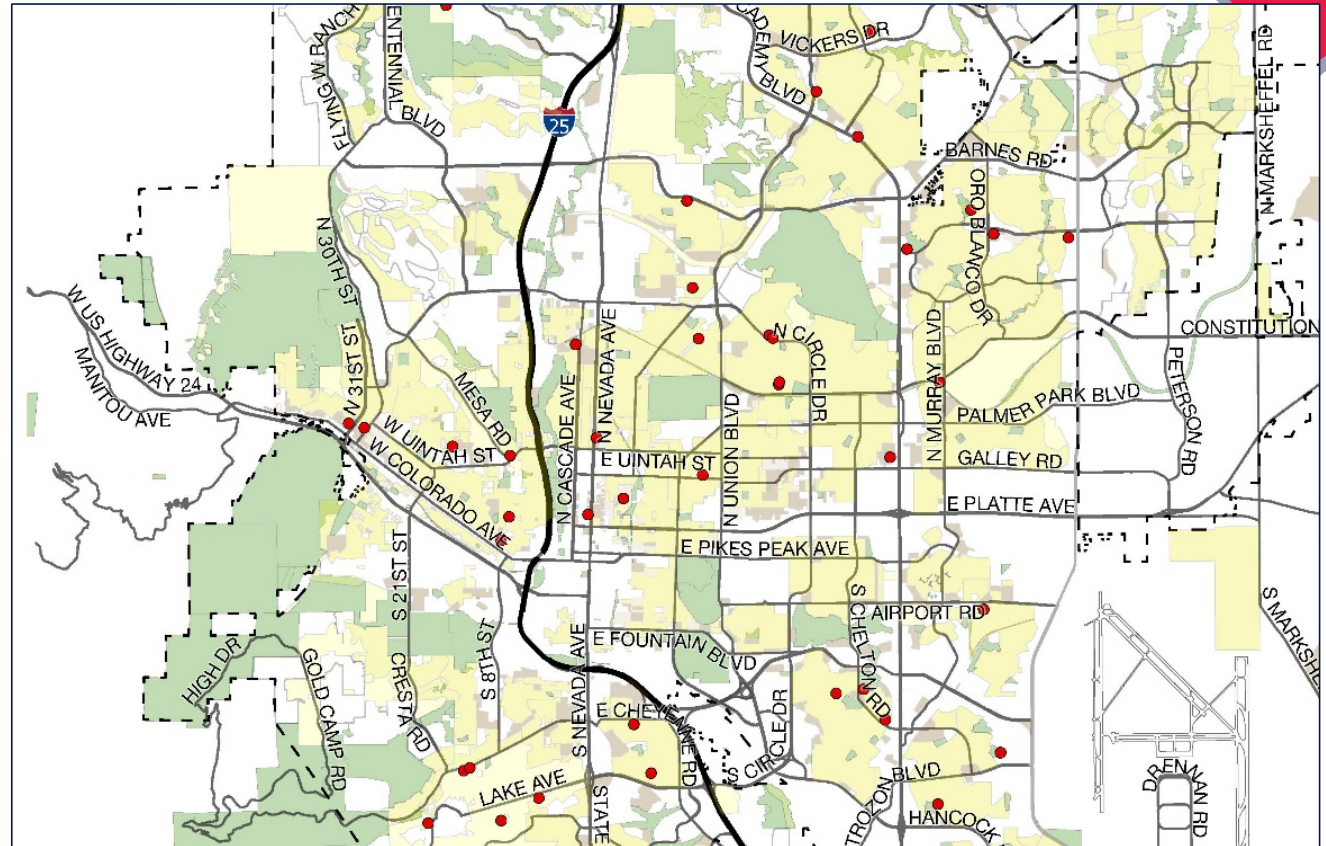
Residential Street cross-sections for right-of-way (ROW) of 50 feet or 47 feet with 2 – 5 feet easements, including both attached and detached sidewalks. Designed to facilitate a maximum speed limit of twenty-five (25) miles per hour.

- Designed Average Daily Traffic (ADT) for 47 feet ROW cross-section is 300 maximum vehicles
- Designed Average Daily Traffic (ADT) for 50 feet ROW cross-section is 1,500 maximum vehicles

# CHILDCARE CENTERS IN RESIDENTIAL

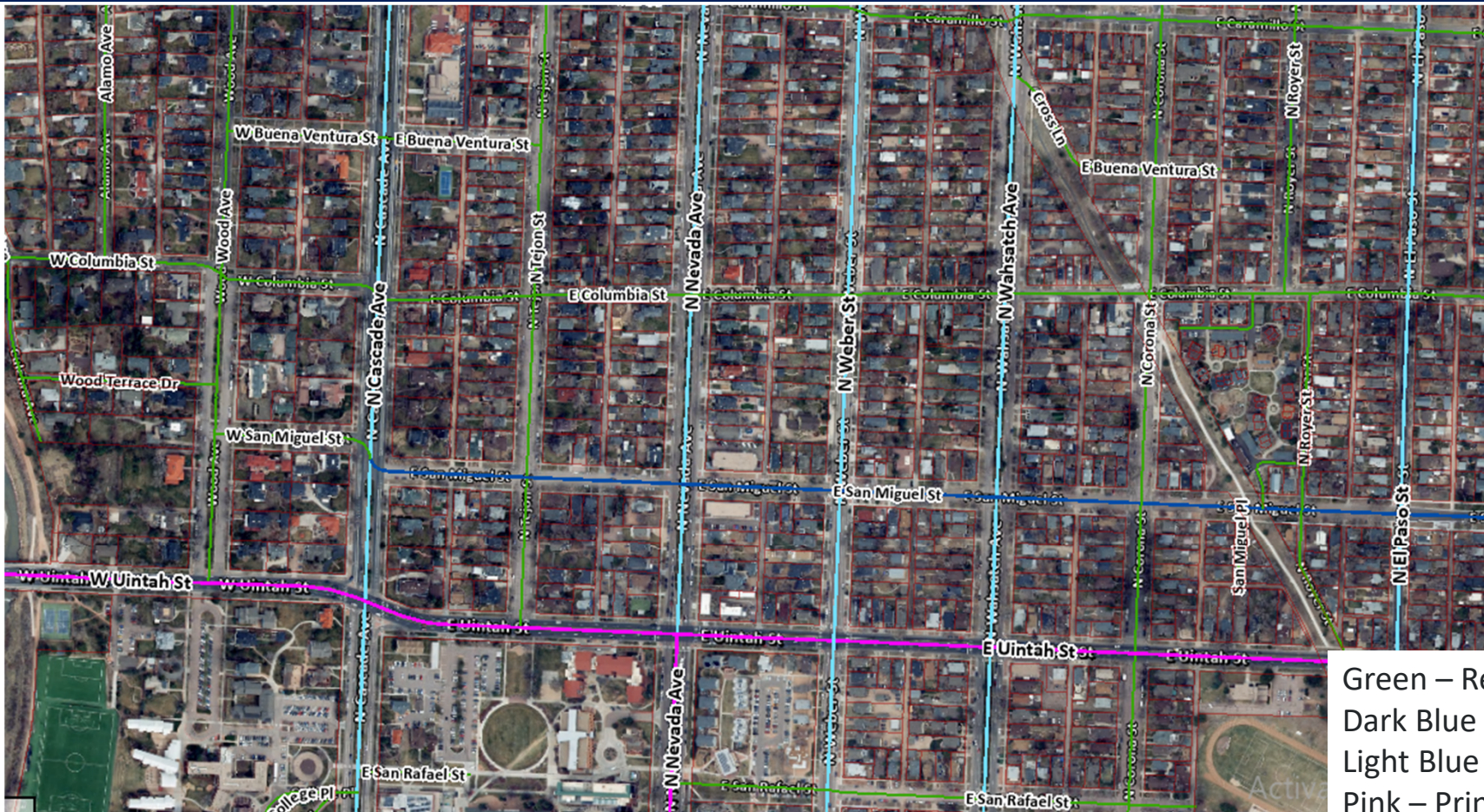
## Examples of R-2 Zoned Properties on Non-residential Streets:

- Unitah Ave
- Centennial Blvd
- Nevada Ave
- 19<sup>th</sup> Street
- E Platte East of Downtown
- E Pikes Peak
- North of Old Colorado City
- E Fountain Blvd
- N Union
- W Cheyenne



See Attachment C – Existing Childcare in Residential Zones

# RESIDENTIAL STREET EXAMPLE



Green – Residential Streets  
Dark Blue - Collector  
Light Blue – Minor Arterial  
Pink – Principal Arterial

# RESIDENTIAL PROPERTY CONVERSION

## 7.5.515: DEVELOPMENT PLAN:

### B. Applicability:

1. A Development Plan is required in connection with the following types of applications, and shall be approved before or simultaneously with related applications, unless specifically exempted in Subsection 2 below.

\* \* \*

*f. The conversion of an existing use to a use in another category as set forth in Part 7.3.2.*

\* \* \*

UDC's non-residential standards become applicable when converting from "Residential" to "Civic":

- Require Public Notice
- Appealable by "Affected Parties"
- Landscape Buffers, Parking Standards, and Reports & Studies as required

# CITY PLANNING COMMISSION NOTES



## Community Input:

- Suggestions:
  - Only allow Adult or Child Day Care Centers, **Large** in the R-5 zone district as a conditional use. Prohibit Large in all other residential zones.
  - Make Adult or Child Day Care Centers, **Small** conditional in all residential zones
  - Make OR and MX-T a conditional use for Adult or Child Day Care, **Small**. Prohibit Large
- Concerns:
  - Not all neighborhoods have HOA's that restrict daycare uses
  - Concerns with potential traffic, parking, noise impacts on residential areas if a daycare opens
    - Some daycares require children to be walked in by parents, which can exacerbate parking and traffic issues

## Planning Commissioner Feedback:

- Commissioners generally found that the potential impacts are far outweighed by benefits
- Commissioner's lived experience has not convinced them that traffic and parking is a major issue
- Unanimously approved

**\*Following CPC, Staff spoke with some of the stakeholders to provide clarification on how planning reviews childcare requests. Those individuals were generally more comfortable with childcare in residential zones after those conversations\***

# NEXT STEPS



## **Tentative Public Hearing and Approval Timeline:**

1. City Council Public Hearing / 2<sup>nd</sup> Reading – June 9<sup>th</sup>, 2026



# CASE STUDY #1 – Accessory Daycare



## UVAR-25-0002 – Revolution Church Childcare Center

- Religious Institution in the R-E Zone District
- Desired to add childcare as accessory use, but not affiliated with principal use
- Use-variance was required because R-E does not allow childcare uses
- The Use-Variance triggered:
  - ~1,700 in review fees and ~180 in public notice fees x3
  - Approximately three months from submittal to final decision (best case timeline)
  - Development Plan and landscape plan modification

# CASE STUDY 2 – Ruth Washburn School

- The Ruth Washburn School is in an R-2 zone district along 19<sup>th</sup> Street
- Several years ago they talked to staff about expanding into 944 19<sup>th</sup> Street (north)
- They cannot expand beyond what their Conditional Use approval allowed
- To expand their use, they would be required to complete a zone change along with other applications as applicable
- No action was taken as the complexity of applications and associated costs were too great

