

SUBSTITUTE ORDINANCE NO. BL2026-1317

An ordinance amending Chapters 17.04, 17.08, 17.16, and 17.20 of the Metropolitan Code of Laws to modify regulations pertaining to day care uses (Proposal No. 2026Z-006TX-001).

WHEREAS, access to affordable childcare is essential to the economic stability of families, the healthy development of children, and the overall success of Nashville and Davidson County; and

WHEREAS, the rising cost of childcare has placed significant financial strain on Nashville families; and

WHEREAS, the cost and scarcity of childcare services in Nashville creates unnecessary barriers to workforce participation, particularly for women and single-parent households; and

WHEREAS, the shortage of childcare services contributes directly to higher costs, longer waitlists, and reduces access to care in neighborhoods across Davidson County; and

WHEREAS, expanding access to childcare aligns with Nashville's goals of inclusive growth, economic resilience, and ensuring Nashville is a place for individuals of all incomes, backgrounds, and stages of life, including those ready to start and raise a family.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Subsection 17.04.060 of the Metropolitan Code is amended by deleting the definition of "Day care" in its entirety and replacing it with the following:

"Day care" means the provision of care for individuals, who are not related to the primary caregiver, for less than twenty-four hours per day. These classes are referenced:

1. Accessory to a single-family dwelling: Up to four individuals;
2. Day care home—Small: Five through seven individuals;
3. Day care home—Large: Eight through twelve individuals;
4. Day care center—Up to 50: Thirteen through fifty individuals;
5. Day care center—Over 50: More than fifty individuals;
6. Parents day out: Day care for pre-teenage children that is not open for more than twelve hours in any one week;
7. School day care: Day care centers of unlimited size for before, during and after school programs.

Section 2. That the Zoning District Land Use Table in Section 17.08.030 of the Metropolitan Code is amended as shown in Exhibit A.

Section 3. That Subsection 17.16.035 of the Metropolitan Code is amended by deleting it in its entirety and replacing it with the following:

17.16.035 - Institutional uses.
(Refer to zoning district land use table)

A. Day care center—Up to 50.

1. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
 2. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
 3. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.
 4. Lot Size. The lot shall conform to the minimum lot size of the zoning district.
- B. Day Care Center—Over 50.
1. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
 2. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
 3. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.
 4. Lot Size. The lot shall conform to the minimum lot size of the zoning district.
- C. Day care home—Small.
1. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
 2. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
 3. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.
- D. Day care home—Large
1. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
 2. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
 3. Multi-Family Buildings. The zoning administrator may waive the above standards for multi-family housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.

Section 4. That Subsection 17.16.170(C) of the Metropolitan Code is amended by deleting it in its entirety and replacing it with the following:

- C. Day Care Center. Day care centers shall be classified according to the ranges below. For existing facilities in residential zone districts, a special exception permit shall be required for any proposed increase which upgrades the classification.
1. Day Care Center—Up to 50.

- a. Lot Size. The minimum lot size shall be the same as the base zoning.
 - b. Street Standard. At a minimum, driveways shall meet one of the following conditions:
 - i. access on a collector street.
 - ii. access on any street, except a minor local street, where the lot is located at the intersection of a local street and an arterial or collector street.
 - c. Landscape Buffer Yard. Where the day care center abuts a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard C along common property lines.
 - d. Spacing. No such use shall locate on the same local street within 600 feet as another day care home or day care center, measured in a direct line from property line to property line and including any public right-of-way.
 - e. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
 - f. States Regulation. All requirements of the state that pertain to the use and operation of the facility shall be met.
2. Day Care Center—Over 50. Such use shall be permitted only if the site satisfies the development standards of subitem 1 of this Subsection above (Day care center—Up to 50); receives a favorable recommendation from the metropolitan traffic engineer; and:
- a. The day care center will be accessory to another institutional use; or
 - b. The day care center will be the principal use serving as an adaptive reuse of a vacant institutional facility or nonresidential structure; or
 - c. The day care center lot abuts and has common street frontage with a nonresidential or multifamily zone district; or
 - d. The day care center is within a large multifamily housing development of two hundred or more dwelling units.

Section 5. That Subsection 17.16.170(D) of the Metropolitan Code is amended by deleting it in its entirety and renumbering subsequent subsections accordingly.

Section 6. That Section 17.16.260 of the Metropolitan Code is amended by adding the following:

D. Day care home—Small.

- 1. Applicability. The use shall only be permitted in an occupied residence or as an accessory to another institutional use.
- 2. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
- 3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
- 4. Lot Area. ~~The minimum lot area shall be the same as the principal activity. For non-conforming lots, the minimum lot area shall be at least 75 percent of the minimum lot area of the principal activity, except when in the opinion of the zoning~~

~~administrator circumstances warrant otherwise.~~ A daycare home may be an accessory use on a legally created lot that contains less than the minimum lot area required by the zoning district, provided the lot contains a minimum area of three thousand seven hundred fifty square feet.

E. Day care home—Large

1. Applicability. The use shall only be permitted in an occupied residence or as an accessory to another institutional use.
2. Play Area. If an outdoor play area is provided, it shall be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences.
3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
4. Lot Area. ~~The minimum lot area shall be the same as the principal activity. For non-conforming lots, the minimum lot area shall be at least 75 percent of the minimum lot area of the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.~~ A daycare home may be an accessory use on a legally created lot that contains less than the minimum lot area required by the zoning district, provided the lot contains a minimum area of three thousand seven hundred fifty square feet.
5. Spacing. No day care home – large use shall locate on the same local street's block face or opposing block face within 600 feet of another day care home or day care center, measured in a direct line from property line to property line and including any public right-of-way.

Section 7. That Table 17.20.030: Parking Requirements is amended as shown in Exhibit B.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. That this ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Exhibit B

Institutional Land Uses	
Day care center	<p>1 space for each 5 individuals accommodated, up to 50 individuals; for more than 50 individuals accommodated, 10 spaces plus 1 space per 10 individuals</p> <p><u>1 space for each 6 individuals accommodated, up to 30 individuals; for more than 30 individuals accommodated, 5 spaces plus 1 space per 12 individuals</u></p>
Day care home – Large	<p>1 space plus requirement for principal use, plus 2 spaces for patrons</p> <p><u>2 spaces; where the day care home use is an accessory use, 2 spaces plus principal use minimum</u></p>
Day care home – Small	<p>1 space plus requirement for principal use, plus 1 space for patrons</p> <p><u>1 space; where the day care home use is an accessory use, 1 space plus principal use minimum</u></p>