



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2022-1073

**Type:** Bill **Status:** Passed

**File created:** 1/10/2022 **In control:** Planning and Zoning Committee

**On agenda:** 5/17/2022 **Final action:** 5/17/2022

**Title:** An Ordinance amending Sections 17.04.060, 17.08.030, 17.16.035, 17.16.170, and 17.20.030 of the Metropolitan Code to delete the “Day Care Home Use”, create new “Day Care Home - Small” and “Day Care Home - Large” uses, and to update the requirements for opening a Day Care Home or Day Care Center Use (Proposal No. 2022Z-002TX-001).

**Sponsors:** Tom Cash, Erin Evans, Burkley Allen, Joy Styles, Zulfat Suara, Delishia Porterfield, Kyonzte Toombs

**Indexes:**

**Code sections:**

**Attachments:** 1. BL2022-1073 Exhibit A, 2. Substitute BL2022-1073

Date	Ver.	Action By	Action	Result
5/27/2022	2	Metropolitan Council	effective	
5/18/2022	2	Mayor	approved	
5/17/2022	2	Metropolitan Council	passed on third reading	
5/16/2022	2	Planning and Zoning Committee	approved	
5/5/2022	2	Metropolitan Council	passed on second reading	
5/5/2022	1	Metropolitan Council	substituted	
5/5/2022	1	Metropolitan Council	public hearing	
4/28/2022	1	Planning Commission	approved with a substitute	
4/5/2022	1	Metropolitan Council	deferred	
3/4/2022	1	Metropolitan Council	advertised	
1/18/2022	1	Metropolitan Council	deferred	
1/18/2022	1	Metropolitan Council	passed on first reading	
1/11/2022	1	Metropolitan Council	filed	

An Ordinance amending Sections 17.04.060, 17.08.030, 17.16.035, 17.16.170, and 17.20.030 of the Metropolitan Code to delete the “Day Care Home Use”, create new “Day Care Home - Small” and “Day Care Home - Large” uses, and to update the requirements for opening a Day Care Home or Day Care Center Use (Proposal No. 2022Z-002TX-001).

BE IT ENACTED BY THE METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of the Metropolitan Code is hereby amended by amending the definition for “Day care” as follows:

“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. Class I: Thirteen through twenty-five individuals;
5. Class II: Twenty-six through fifty individuals;
6. Class III: Fifty-one through seventy-five individuals;
7. Class IV: More than seventy-five individuals;
8. Parents day out: Day care for pre-teenage children that is not open for more than twelve hours in any one week;
9. 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 hereby amended as shown in Exhibit A.

Exhibit A

	AG	Residential					Mixed Use					Office				Commercial				Downtown (DTC)				
Key: P- Permitted PC- Permitted w/ conditions* SE- Special exception* A- Accessory* O- Overlay * Refer to Chapter 17.16 for standards	AG and AR Za	RS80 through RS3.75	R80 through R6-A	RM2 through RM20-A-NS	RM40 through RM100-A-NS	MH P	MUN, MUN-NS, MUN-A, and MUN-A-NS	MUL, MUL-NS, MUL-A, and MUL-A-NS	MUG, MUG-NS, MUG-A, and MUG-A-NS	MUI, MUI-NS, MUI-A, and MUI-A-NS	ON	OL	OG and OG-NS	OR20 through OR40-A-NS	ORI, ORI-NS, ORI-A, and ORI-A-NS	CN, CN-NS, CN-A, and CN-A-NS	CL, CL-NS, CL-A, and CL-A-NS	CS, CS-NS, CS-A, and CS-A-NS	CA and CA-NS	CF and CF-NS	North	South	West	Central
Day care home - Large	SE	SE	SE	SE	SE	SE	PC	PC	PC	PC	PC		PC	PC					PC	P	P	P	P	
Day care home - Small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC					PC	P	P	P	P	

Section 3. That Section 17.16.035 of the Metropolitan Code shall be modified as follows:

A. Day Care Center-Up to 75.

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. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.

3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
4. 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.

B. Day Care Center-Over 75.

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. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.
3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
4. 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.

C. Day Care Home - Small.

1. Location. All day care home - small uses ~~located outside of the Urban Zoning Overlay (UZO) shall be considered a special exception and comply with the requirements of Subsection 17.16.170.D of the Metropolitan Code. Day care home - small uses located within the boundaries of the UZO shall be considered a conditionally permitted use and comply with the requirements of Subsection 17.16.035.C of the Metropolitan Code.~~ this subsection.
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. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.
4. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.
5. 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. Lot Area. Where a minimum lot size is required, the minimum lot area shall be the same as the principal activity, except when in the opinion of the zoning administrator circumstances warrant otherwise.
3. State Regulations. All requirements of the state that pertain to the use and operation of the facility shall be met.

4. 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.D of the Metropolitan Code is hereby amended as follows:

D. Day Care Home - Small & Day Care Home - Large.

1. The day care home shall only be permitted in an occupied residence or accessory to another institutional use.
2. Lot Size. The minimum lot area shall be the same as the principal activity; except when in the opinion of the board of zoning appeals circumstances warrant otherwise.
3. Street Standard. Day care homes may have driveway access on any street; however, no more than one day care home shall locate on a residential minor local street and not within one hundred feet of the terminus of such street.
4. Spacing. Regardless of classification, no day care center or day care home shall locate on the same street block face or on an opposing street block face. Where a block face is over one thousand feet in length, no day care center or day care home shall locate within one thousand feet of another day care center or day care home, measured in a direct line from property line to property line and including any public right-of-way.
5. 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.
6. All requirements of the state that pertain to the use and operation of the facility shall be met.
7. The board of zoning appeals may waive the above standards for multifamily housing developments of two hundred or more units if compliance would disqualify an otherwise reasonable location.

Section 5. That Table 17.20.030 of the Metropolitan Code is hereby amended as follows:

Day care home - Large	1 space plus requirement for principal use, plus 2 spaces for patrons
Day care home - Small	1 space plus requirement for principal use, plus 1 space for patrons

Section 6. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as substituted, amends Sections 17.04.060, 17.08.030, 17.16.035, 17.16.170, and 17.20.030 of the Metropolitan Code to remove the existing “Day Care Home Use” and replace it with “Day Care Home - Small” and “Day Care Home - Large” uses, as well as update the conditions that must be met to open a day care home or day care center use. As proposed, day care home - small uses would provide services to five to seven individuals, and day care home - large uses would provide services to eight to twelve individuals. Under

the current code, the day care home use provides services to five to twelve individuals.

The ordinance under consideration would make the day care home - large use a special exception use, which matches the existing day care home use, and make the day care home - small use a permitted with conditions. The day care home - small use would require one less parking space than the day care home - large use. Additionally, the legislation eliminates the circular driveway requirement for all day care uses and reorganizes the requirements for all day care uses in Section 17.16.035 of the Metropolitan Code for clarity.

This has been approved as substituted by the Planning Commission.