

CASE SUMMARY

APPLICATION TYPE: ORDINANCE AMENDMENT

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 4-A-14-OA Related File Number:
Application Filed: 3/25/2014 Date of Revision:
Applicant: METROPOLITAN PLANNING COMMISSION

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 999 999 Jurisdiction:
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Sector Plan: Sector Plan Designation:
Growth Policy Plan:
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason: Amendments to the City of Knoxville zoning ordinance regarding definitions, appropriate zone districts and development standards for day care facilities.

ZONING INFORMATION (where applicable)

Current Zoning:
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:
Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Amendments to the City of Knoxville zoning ordinance regarding definitions, appropriate zone districts and development standards for day care facilities.

MPC ACTION AND DISPOSITION

Planner In Charge: Mark Donaldson

Staff Recomm. (Abbr.): Approve the proposed amendments to the zoning ordinance as shown in Amendment A and Amendment B.

Staff Recomm. (Full): Approve the proposed amendments to the zoning ordinance as shown in Amendment A and Amendment B.

Comments: A recent decision by the City of Knoxville required the operator of a small in-home day care service to apply to the MPC for consideration of her day care operation as a home occupation under the regulations of the Knoxville zoning ordinance. This decision broke a decades-long policy that day care providers with fewer than six children in their care were not subject to regulations of the zoning ordinance. It is estimated there may be hundreds of these small day care providers operating throughout the neighborhoods of the city.

At its January 9th 2014 meeting MPC approved an application to provide day care for up to four children in the applicant's house in a neighborhood zoned EN-1. Neighbors appealed the MPC decision to City Council. City Council in February overturned the MPC decision and denied the application.

ANALYSIS

Staff believes small in-home day care service providers are good for children, good for families, good for neighborhoods and, ultimately, good for the city as a whole. To this end the City's zoning ordinance should explicitly allow small day care service providers by right.

The city's zoning ordinance is currently inconsistent with state law and with zoning codes for the other governments in Knox County, for the other three major metropolitan areas in Tennessee and for other comparable cities in the southeastern U.S.

The City of Knoxville currently defines day care center, private day nursery and kindergartens with a single definition:

An agency, organization, or individual providing care for six or more children, not related by blood, marriage to, or not legal wards or foster children of the attendant adult.

The state of Tennessee requires licensing in accordance with state regulations for any day care agency with five or more children in its care. Defined agencies include family child care homes (5 to 7 children), group child care homes (8 to 12 children) and child care centers (13 or more children).

The Knox County zoning ordinance permits family child care homes and group child care homes operated by residents in their home as a permitted use (by right) in all of its residential zone districts and the Town of Farragut permits (by right) day care and babysitting for a fee for up to four children by residents in their home in all of its residential zone districts.

Chattanooga, Nashville and Memphis all permit (by right) the provision of day care by a resident in their home in all residential zone districts. This pattern holds as well in other nearby cities such as Lexington, KY, Raleigh, NC and Charlotte, NC.

PROPOSED AMENDMENTS

Address the current definition. The definition of private day nursery/day care center/kindergarten in the City's zoning ordinance should be amended to establish a threshold of five (5) or more children within the definition to make it consistent with state law regarding the licensing of child day care agencies and to use the definition of children from TCA 71-3-501.

Establish a right for small day care services. The City's zoning ordinance should explicitly address the providing of child day care services for four or fewer children as a right within a house. This can be done by adding a definition for "child day care services" and allowing this service as an accessory use to a house within Article V, Section 4 (Accessory uses, buildings and structures) of the zoning ordinance.

Establish standards for small day care services. Minimal standards that will not create a barrier to service providers should be adopted to address potential concerns with neighborhood compatibility.

Action: Approved as Modified **Meeting Date:** 8/14/2014

Details of Action:

Summary of Action: Approve the proposed amendments to the zoning ordinance as shown in Amendment A and Amendment B.

Date of Approval: 8/14/2014 **Date of Denial:** **Postponements:** 4/10/14-6/12/14

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 9/16/2014

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Tabled

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: