



**Doug Demosi, AICP**  
**Planning Director**

**Eric Hill, P.E.**  
**County Engineer**

## MEMORANDUM

**To: Rutherford County Board of Commissioners**

**From: Douglas B. Demosi, Planning Director**

**Date: April 28, 2014**

**Subject: Accessory Daycare Regulations**

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Consistent with the 2014 Work Schedule provided to the Planning Commission at their January 27, 2014 meeting, Staff is presenting proposed amendments to the Zoning Ordinance relating to child care centers as accessory uses in legally established Community Assembly uses.

Child care centers are defined in the Zoning Ordinance as establishments that provide care for thirteen (13) or more pre-teenage children in any kind of building. Child care centers are classified as "General Personal Services" and are allowed in the OP zone, all Commercial, Industrial and Special Character Area zones. They are not allowed in residential zones. Community Assembly uses, which include religious facilities, frequently have child care centers on-site. With the vast majority of these uses in residential zones, the Zoning Ordinance would not allow them to begin operation of a child care center.

Staff's intent was not to prohibit child care centers as accessory uses in legally established Community Assembly uses under the Zoning Ordinance. A provision was added to the Ordinance in May of 2013 allowing Parents' Day Out programs, but the Ordinance remains silent on child care centers. Generally speaking, very few modifications are required when Community Assembly uses are used for child care centers. Required parking facilities are typically present to serve the principal use and religious buildings fall under the purview of the State Fire Marshall's office, which also inspects child care centers.



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Staff feels that the primary issue is whether to allow child care centers as of right or by special exception through the Board of Zoning Appeals. Staff has contacted several Planning Departments in the Middle Tennessee area and has found that regulations vary on this issue. The City of Murfreesboro, for example, allows child care centers as accessory uses to Assembly uses, but requires them to be approved separately from the Assembly use. In other words, approval of the Assembly use does not automatically include the ability to operate a child care center. In contrast, other jurisdictions (i.e. the Town of Smyrna, Williamson County and the City of Hendersonville) allow child care centers as an accessory use by-right, provided the principal use is approved, regardless of whether the principal use is allowed by right or by special exception. In other words, if the assembly use is allowed, the child care center is allowed as well.

When this item was presented to the Planning Commission for a public hearing at their April 14, 2014 meeting, the Commission recommended by a unanimous vote (10 For, 0 Against) to allow child care centers by special exception. The following amendments are provided below for your consideration:

**Add new provision to Section 1103 C. (Use Specific Standards): Child Care Centers:**

4. Child Care Centers

- a. An on-site, off-street area shall be provided for vehicles to load and unload passengers.
- b. Facilities for vehicular parking access to and from the site of the child care center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk and shall meet the standards included in Section 1102 of this Ordinance.
- c. Day care centers must demonstrate that adequate wastewater capacity exists to serve the proposed use.
- d. All regulations for child care facilities enforced through other agencies, including but not limited to the Tennessee Department of Human Services, must be met.



# Rutherford County Planning and Engineering Department

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## **Additional Amendments:**

- Chapter 4 – 403.A.2.j. – Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.
- Chapter 5 – 503.A.2.j. – Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.
- Chapter 6 – 603.A.2.m. – Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.
- Chapter 7 – 703.A.2.j. – Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.
- Chapter 8 – 803.A.2.f. – Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

Staff will have additional comments at the meeting.

