



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] Please Vote "Yes" on the Childcare Amendment**1 message

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**Jamie Harris** <jh3design@bellsouth.net>  
Reply-To: jh3design@bellsouth.net  
To: commission@knoxmpc.org  
Cc: Jamie Harris <jh3design@bellsouth.net>

Wed, Aug 13, 2014 at 3:59 PM

Dear Members of MPC,

**My position is that The Metropolitan Planning Commission should adopt an amendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.**

Home child care "by right" in Knoxville residential areas would allow residents to provide a valuable service to young families with pre-school children and allow them to receive payment for their services, legally yet unobtrusively.

The MPC would be wise to recognize that small child care options are a progressive step toward a community lifestyle that:

- is responsive to individual and family needs;
- offers a safe home day care environment option for parents;
- creates the potential for more of a "one on one" experience for the children.

Thank you for your consideration.

Jamie Harris  
1129 Burton Road  
Knoxville 37919

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] Child Care Ordinance**

1 message

**Ellen Kern** <egkern@gmail.com>

Wed, Aug 13, 2014 at 1:01 PM

Reply-To: egkern@gmail.com

To: commission@knoxmpc.org

To the members of MPC,

**My position is that The Metropolitan Planning Commission should adopt an amendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.**

This type of offering is ideal for young parents who wish to stay at home with their own child, or more experienced parents who want to work with children and need to stay at home. It helps keep eyes and ears in neighborhoods. It gives children a personal, home environment in which to learn and grow (one with less children than a daycare which also means less illness).

Home child care "by right" in Knoxville residential areas would allow residents to provide a valuable service to young families with pre-school children and allow them to receive payment for their services, legally yet unobtrusively.

The MPC would be wise to recognize that small child care options are a progressive step toward a community lifestyle that:

- is responsive to individual and family needs;
- offers a safe home day care environment option for parents;
- creates the potential for more of a "one on one" experience for the children.

Our children are our future. Those who create our city regulations and guidelines must take their needs into consideration as well as provide a thoughtful set of guidelines to be fair and considerate to neighborhood residents. This amendment does both and should be adopted.

Thank you for your service to our community.

Sincerely,

Ellen Kern  
[egkern@gmail.com](mailto:egkern@gmail.com)

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)

August 13, 2014

Metropolitan Planning Commission  
Suite 403  
City County Building  
400 Main street  
Knoxville, TN 37902

I am writing to you with regard to a matter on the August 14, 2014 MPC Agenda titled "Consideration of amendments to the City of Knoxville zoning ordinance regarding **child day care services – 4-A-14-OA.** "

PROPOSED addition and/or Amendments to the Definition:

"Child day care service - The provision, for a fee, of care and/or **instruction** for four (4) or fewer persons under the age of eighteen (18) who are not related to the primary caregiver, for less than eighteen (18) hours per day. A child day care service shall be considered accessory to a house and **not subject to review as a home occupation.**"

My objections and concerns are as follows:

The proposed definition should not include the word "instruction".

Instruction is defined in Webster's On-Line dictionary as "the action of teaching and the job of a teacher."

The new definition of child day care service states that it is "not subject to Use on Review".

Article V, Section 12 of the Knoxville City Ordinances governing Home Occupations allows "teaching" as a home occupation "including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time". Home Occupations are allowed subject to application and Use on Review requirements.

So under the proposed amendment "instruction" is not subject to use on review; however, under the existing ordinance "teaching" is a home occupation subject to use on review.

When is the activity "instruction" and when is it "teaching"? Clearly the two words mean the same thing. Defining childcare to include "instruction" is unnecessary and opens the door for unintended, undesirable consequences; creates ambiguity and leads to greater difficulties in interpreting and enforcing city ordinances. The City of Franklin considered this issue and tailored its ordinance to allow teaching to no more than two pupils at a time (see below and attached).

Of equal concern is that the definition opens the door to group classes of four persons or less every hour on the hour “for less than 18 hours per day.” For example an “instructor” could hold hourly classes with up to four different students hourly for martial arts, art, music, etc. 18 hours per day.

The definition should set a maximum of four persons daily.

PROPOSED revision is to Article V, Section IV to add the use of child day care service as an accessory use in residential neighborhoods:

I. Child day care service ...

(2) No person, other than members of the household [family] residing on the premises, shall be engaged or employed in the provision of care ~~except that a substitute non-resident person providing care upon the premises shall be allowed while the resident caregiver is sick or otherwise unable to provide care.~~

My objections and concerns:

Strike all wording following “in the provision of care”. If the primary if not sole ground for these amendments is to allow stay at home moms to themselves engage in child care for four children or less there should be no need for a non-family member, non-resident providing care for an **unlimited time**. The use of the term “otherwise unable to provide care” would allow for a non-resident caregiver to permanently step in and provide the childcare. The provisions should be stricken or modified to say: “The child care service shall be owned and operated solely by the person residing in the principal structure.” (e.g. Franklin ordinance).

The stated justification for the revised definition of “child day care service” and “permitted accessory uses” is to bring Knoxville’s Code into conformity with other city codes. However, a review of three city codes exemplified – Franklin, Nashville, and Farragut, Tennessee - evidence striking differences including city permitting requirements:

#### **Franklin –**

Section II 4.1.6(5)(xxvii) defines “Small-scale Child Care” as a Home Occupation.

(Sec. III 4.1.6 (5) c (vi). provides: “Home Occupations **shall not provide instruction** or counseling services to **more than two pupils** or clients at a time....” (emphasis supplied).

I have attached the pertinent Ordinances together with Memoranda from meetings conducted by the Franklin planning commissioners and aldermen.

Of particular note - **Franklin City approval is required:**  
Sec. III 4.1.6 (c) (i) “Home Occupations shall receive approval from the Department of Building and Neighborhood Services prior to Commencement.”

**Farragut –**

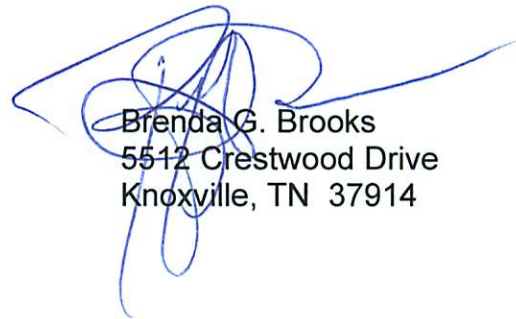
Chapter 4 requires “. **Applicants shall submit a completed Customary Home Occupation Application** and the required fee to the town hall.

Section 6 (c) 9.: Home day care and babysitting, provided that the total number of clients does not exceed four (4) and that such clients are cared for less than eighteen (18) hours per day.

**Nashville** - Defines day care for four or fewer individuals as a home occupation accessory use to a single family dwelling and carried on by a resident family member (see attached pertinent provisions).

The city ordinances held up as the standard to which we should aspire require: 1. licensing, and 2. additional processes/restrictions for teaching and instruction.

Comparison to these other city ordinances makes clear that the proposed Knoxville amendments are in fact significantly different and require significant revision in order to avoid serious legal and interpretative issues in the near future.



Brenda G. Brooks  
5512 Crestwood Drive  
Knoxville, TN 37914

ORDINANCE 2009-77

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6, AND CHAPTER 8, SECTION 8.3, OF THE CITY OF FRANKLIN ZONING ORDINANCE RELATING TO HOME OCCUPATIONS.”**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF FRANKLIN, TENNESSEE, AS FOLLOWS:**

**SECTION I.** That Chapter 4, Section 4.1.6(5)(a) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~ and is approved to read as follows:

4.1.6(5) Home Occupations

(a) Prohibited Uses

Examples of the types of uses ~~that provide on-site direct retail or wholesale sales to customers~~ that are prohibited as home occupations include, but are not limited to:

...

(iv) Gun Sales; ~~and~~

(v) Florist Shop; ~~or~~

**(vi) Similar Personal Service with more than one (1) customer or client at a time or any business that includes retail sales.**

**SECTION II.** That Chapter 4, Section 4.1.6(5)(b) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

4.1.6(5) Home Occupations

...

(b) Allowable Uses

Examples of the types of uses allowable as a home occupation include, but are not limited to:

...

**(v) Catering;**

~~(v)~~ **(vi) Contractor (office only);**

**(vii) Consulting Services (including such uses as Designer, Draftsman, Graphic Artist, Information Technology Consultant, Management or Financial Consultant, Real Estate Agent, or like profession)**

**(viii) Counseling Services ;**

~~(vi)~~—Designer;

~~(vii)~~—Draftsman;

**(ix) Data Entry**

**(x) Office for Direct Sales (customer contact is via phone/internet or off-site of the Home Occupation);**

~~(viii)~~ (xi) Engineer;

~~(ix)~~—Graphic Artist;

~~(x)~~—Information Processing;

~~(xi)~~ (xii) Insurance Agent;

~~(xii)~~ (xiii) Lawyer;

~~(xiii)~~—Management and Financial Consultant;

(xiv) Manufacturer's Representative;

**(xv) Office for Mobile Service Provider;**

~~(xv)~~ (xvi) Planner;

~~(xvi)~~ (xvii) Real Estate Agent;

**(xxviii)Small-scale Child Care;**

~~(xvii)~~ (xix) Sculptor;

~~(xviii)~~ (xx) Songwriter;

~~(xix)~~ (xxi) Teacher; ~~(including, but not limited to,~~ **in such areas as** tutoring in art, dance, and music lessons **or other like disciplines**); and

~~(xx)~~ (xxii) Traveling Salesperson.

**SECTION III.** That Chapter 4, Section 4.1.6(5)(c) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

4.1.6(5) Home Occupations

...

(c) Standards

Home occupations shall:

...

(vi) Not provide instruction **or counseling services** to more than ~~one~~ **two pupils or clients** at a time, **however, this shall not preclude a family counseling session, provided that all other provisions of this subsection are followed;**

...

(xii) **Provide care for no more than four (4) children, not related to the resident who is operating the business, in a small-scale child care. In no case shall the operation of a small-scale child care exceed the standards for a Family Child Care Home as regulated by the State of Tennessee Department of Human Services.**

**SECTION IV.** That Chapter 8, Section 8.3 of the City of Franklin Zoning Ordinance is hereby amended to add the following definition and is approved to read as follows:

Mobile Service Provider Office

A permitted home occupation use, as specified in Section 4.1.6(5) of this ordinance, that is limited to the office of a professional service that is carried out in transitory locations. Examples include, but are not limited to mobile automotive detailing services and mobile pet grooming services.



**SECTION V.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

By: \_\_\_\_\_  
**JOHN C. SCHROER**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL: 1/28/10

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_



HISTORIC  
FRANKLIN  
TENNESSEE

# MEMORANDUM

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April 16, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Gary Luffman, Building and Neighborhood Services  
Tom Marsh, Zoning & Development Coordinator

SUBJECT: Ordinance 2009-77, Zoning Text Amendment Regarding Home Occupation Requirements of the *City of Franklin Zoning Ordinance*

## **Purpose**

The purpose of this memorandum is to provide additional information to the Board of Mayor and Aldermen (BOMA) regarding proposed amendments to Chapter 4, Section 4.1.6 and Chapter 8, Section 8.3 of the *Franklin Zoning Ordinance* to revise provisions relating to Home Occupations. This memorandum provides amplifying information to the previous memorandums of March 15<sup>th</sup> and February 16<sup>th</sup> that are included below.

## **Background**

This proposed text amendment was discussed by BOMA at the work session on March 23<sup>rd</sup>. During discussion at that meeting the Board gave additional guidance to staff regarding the uses Small Scale Child Care, and tutoring or counseling.

## **Discussion**

There was much discussion amongst the Board and staff regarding the number of children that should be allowed to be cared for in the Small Scale Child Care. The final direction from BOMA at the work session on March 23<sup>rd</sup> was to set this number at a maximum of 4 children, not related to the owner/operator of the business. Staff has made this change to the text of the proposed ordinance and also added a caveat that at no time shall the operation of a small-scale child care exceed the standards for a Family Child Care Home as regulated by the State of Tennessee Department of Human Services.

During additional research into the state regulations, staff found that children that reside in the home are counted in the state standards in determining licensing and oversight requirements. Per the proposed text of this City of Franklin Ordinance, an operator of a "Small Scale Child Care" as a home occupation may care for up to 4 children not related to them. Per state regulations, if the person also cares for some of their own children so that the total number is 5-7 children, then they would also be subject to the state licensing requirements for a "Family Child Care Home."

At the work session on March 23<sup>rd</sup>, the Board also directed staff to change the standards for tutoring and counseling that are found in section 4.1.6(5)(c) of the *Zoning Ordinance*. Specifically, the Board directed that the number of pupils or clients be increased to two instead of one. This change is reflected in the current text of the proposed ordinance.

## **Financial Impact**

Not applicable to this item.

## **Recommendation**

Approval of the text amendment with the proposed amendments is recommended.



HISTORIC  
FRANKLIN  
TENNESSEE

# MEMORANDUM

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March 15, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Gary Luffman, Building and Neighborhood Services  
Tom Marsh, Zoning & Development Coordinator

SUBJECT: Ordinance 2009-77, Zoning Text Amendment Regarding Home Occupation Requirements of the *City of Franklin Zoning Ordinance*

## **Purpose**

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) regarding proposed amendments to Chapter 4, Section 4.1.6 and Chapter 8, Section 8.3 of the *Franklin Zoning Ordinance* to revise provisions relating to Home Occupations. This memorandum provides amplifying information to the original memorandum of February 16<sup>th</sup> that is included below.

## **Background**

This *Zoning Ordinance* Text Amendment was requested by the Department of Building and Neighborhood Services in order to revise the requirements in the *Zoning Ordinance* related to Home Occupations and to clarify the types of uses that may be allowed as home occupations. It was brought forward in response to requests from citizens for home occupation uses that are not clearly defined in the existing regulations.

This proposed amendment was considered by the Franklin Municipal Planning Commission (FMPC) at its meeting on January 28, 2010. After making one amendment to the proposed ordinance, the FMPC voted unanimously to recommend approval of the ordinance to the Board of Mayor and Aldermen (BOMA). The amendment that was recommended by the FMPC regards the use “small-scale child care” as a home occupation.

This proposed text amendment was discussed by BOMA at the work session on February 9<sup>th</sup> and was scheduled for first reading at the regular meeting on February 23<sup>rd</sup>. During discussion at the first reading additional questions were brought forward regarding the small-scale child care.

## **Discussion**

At its meeting on January 28, 2010, the FMPC recommended one amendment to Section III of the proposed ordinance to reduce the number of children allowed in small-scale child care from seven (7) to four (4) by a five to three vote.

The State of Tennessee Department of Human Services has legal responsibility for licensing homes that provide child care for five (5) or more children. An operator that provides care for fewer children is not subject to the State licensing requirements.

Much of the concern with a small-scale child care as a home occupation that was expressed by Planning Commissioners and Aldermen is related to the amount of traffic that might be generated in a residential area. Existing standards in the *Zoning Ordinance* are intended to limit the adverse impact that home occupations might have on a neighborhood. Specifically, section 4.1.6(5)(c) of the *Zoning Ordinance* states:

- (c) Standards  
Home occupations shall:



- (i) Receive approval from the Department of Building and Neighborhood Services prior to commencement;
- (ii) Be located entirely within the principal structure and not exceed 25 percent of the total floor area of the principal structure;
- (iii) Be owned and operated by the person residing in the principal structure;
- (iv) Employ no more than one person who does not reside on the premises;
- (v) Not consist of storage for another agricultural or nonresidential business occurring elsewhere;
- (vi) **Not provide instruction to more than one pupil at a time;**
- (vii) **Not store material, equipment, or other articles associated with the home occupation outside the primary structure or in a location visible from a public street;**
- (viii) **Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;**
- (ix) **Cause no change in the external appearance of the existing dwelling or other structures on the premises;**
- (x) Not include more than one vehicle not customarily found in a residential district parked on the premises overnight;
- (xi) Not include signs or other means of advertising on the property.

Item numbers (vi), (vii), (viii), and (ix) above are the standards that might be violated by a small-scale child care. This is why staff brought the item before the FMPC and BOMA for consideration. There appears to be some desire in the community for a child care as a home occupation, but it does not fit clearly within the current standards.

As stated above, if a child care home provides care for 5 or more children then the Department of Human Services will license and inspect the facility to ensure quality care for the children. The impact on the surrounding neighborhood, however, is still a subjective matter for local consideration.

#### **Financial Impact**

Not applicable to this item.

#### **Options**

1. Approve the proposed *Zoning Ordinance* text amendment as is so that small-scale child care is identified as an example of an allowable home occupation as long as it does not provide care for more than four (4) children. Since the number of children that are being cared for would be less than five (5), the Department of Human Services licensure requirements and inspections would not be triggered.
2. Revert to the original language for the proposed *Zoning Ordinance* text amendment, which would allow a small-scale child care to provide care for up to seven (7) children. In this case, any operator that wanted to provide care for 5-7 children would be subject to Department of Human services licensure and routine inspection requirements.
3. Do not include "small-scale child care" as an example of a use that is "allowable" as a home occupation. If the Board chooses this option, then staff would continue to not permit them because a child care operation in a neighborhood could not meet the standards mentioned above.

#### **Recommendation**

Staff recommends approval of the overall text amendment, with option 2 as stated above.



HISTORIC  
FRANKLIN  
TENNESSEE

# MEMORANDUM

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February 16, 2010

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Catherine Powers, Planning and Sustainability Director

**SUBJECT:** Ordinance 2009-77, Zoning Text Amendment to Home Occupation Requirements of the *City of Franklin Zoning Ordinance*

## **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding amendments to Chapter 4, Section 4.1.6 and Chapter 8, Section 8.3 of the *Franklin Zoning Ordinance* to revise provisions relating to Home Occupations.

## **Background**

This *Zoning Ordinance* Text Amendment is requested by the Department of Building and Neighborhood Services in order to revise the requirements in the *Zoning Ordinance* related to Home Occupations and to clarify the types of uses that may be allowed as home occupations. It is brought forward in response to requests from citizens for home occupation uses that are not clearly defined in the existing regulations.

The amendment establishes that activities such as counseling, catering, office for mobile service providers, and small-scale child care are allowable as home occupations. Additionally, the proposed amendment consolidates many similar, consulting-type businesses, grouping them into one category. The amendment maintains the standard that counseling, consulting, and tutoring / instructive activities may be provided to only one client at a time. The operation of "small-scale child care" would only be allowed in accordance with existing state requirements and the existing traffic and parking standards for home occupations. These changes are presented to assist staff in the implementation of the Home Occupation requirements within the *Zoning Ordinance*.

The Planning Commission made one amendment to Section III of the proposed ordinance to reduce the number of children allowed in small-scale child care from seven (7) to four (4) by a five to three vote. The final motion to recommend Ordinance 2009-77, as amended, passed unanimously by the Planning Commission on January 28, 2010.

Staff has researched the State of Tennessee Department of Human Services requirement for the Caregiver/Child ratios. The licensing requirement starts at five (5) in the Family Child Care Homes category according to the age of the children.

## **Financial Impact**

Not applicable to this item.

## **Options**

Not applicable to this item.

## **Recommendation**

Approval of the text amendment, with amendments from the Planning Commission, is recommended.

## **FARRAGUT ORDINANCES- CHAPTER 4 – GENERAL PROVISIONS AND EXCEPTIONS**

### **SECTION VI. Customary home occupations.**

It is the intent of this section to establish the permitting process and the development criteria for Customary Home Occupations.

#### *A. Application/permit process.*

- 1. Applicants shall submit a completed Customary Home Occupation Application and the required fee to the town hall;**
2. Town staff shall review the application for conformance with the requirements and approve or deny the application within fifteen (15) working days of submittal. If the application is denied, the applicant may appeal staff's decision to the Farragut Board of Zoning Appeals (BZA); and
3. The approved application shall represent the permit and shall constitute a contract agreement.

#### *B. All Customary Home Occupations shall comply with the following development criteria:*

- 1. Home occupations shall be undertaken by the residents of the dwelling unit;**
- 2. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation;**
3. The space devoted to the home occupation shall not exceed twenty (20) percent of the gross floor area of the principal building;
4. No alteration to any building shall indicate from the exterior that the building is being used for other than residential purposes;
5. No articles, materials, goods, or equipment indicative of the home occupation shall be visible from any public street, or adjacent properties. Outdoor sales and storage is prohibited;
6. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Off street parking shall be provided;
7. The proposed uses shall not increase noise, vibration, glare, fumes, odors, or electrical interference;
8. Where applicable, recognized professional licenses and required

permits of the occupant(s) trade or trades which are practiced shall be obtained and maintained as valid; and

9. Dwelling units and accessory buildings shall not be used as a primary or incidental storage facility for a business, industry, commercial, or agricultural activity conducted elsewhere.

**C. The following occupations are permitted as customary Home Occupations:**

1. Artist, photographer, sculptor, graphic artist, wood worker, writer, or author;
2. Craftsperson;
3. Dressmaker, milliner, seamstress, tailor, baker, or interior decorator;
4. Personal services such as masseuse, manicurist, cosmetologist, hair dresser, and barber;
5. Sales representative;
6. Lawyer, engineer, architect, land planner, drafts person, manufacturing or company representative, off-site inspector, broker, financial or business consultant, real estate representative, insurance agent, or accountant;
7. Computer programmer, word processor, telemarketer, telephone answering service, information specialist, or similar uses which are in support of computer related technology;
8. Teaching, including tutoring, musical instruction, or dancing;
- 9. Home day care and babysitting, provided that the total number of clients does not exceed four (4) and that such clients are cared for less than eighteen (18) hours per day; and**
10. Other similar occupations as determined by the Board of Zoning Appeals.

## NASHVILLE METROPOLITAN CODE

### Code 17.04.060(B) DEFINITIONS

"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: Five through twelve individuals;
3. Class I: Thirteen through twenty-five individuals;
4. Class II: Twenty-six through fifty individuals;
5. Class III: Fifty-one through seventy-five individuals;
6. Class IV: More than seventy-five individuals;
7. Parents day out: Day care for pre-teenage children that is not open for more than twelve hours in any one week;
8. **School day care**: Day care centers of unlimited size for before, during and after school programs.

**17.04.060 "Home occupation** is characterized as a "residential accessory use" and "means an occupation, service, profession or enterprise carried on by a resident member of a family within a dwelling unit."

#### **17.16.260 Institutional accessory uses.**

- A. Day Care—Parents Day Out. Day care for pre-teenage children, for not more than twelve hours in any one week, shall be an **accessory** use to any institutional principal use.
- B. Monastery or Convent. Such uses shall be an **accessory** use to a religious institution principal use.
- C. **School Day Care**. Day care centers of unlimited size for before, during and after school programs shall be an **accessory use to community education and college or university principal uses**.



## COMMENTS: JULY MPC PROPOSAL REGARDING CHILD DAY CARE SERVICE

Carlene V. Malone, August 4, 2014

### ***“Proposed definitions—amended or added”***

Change proposed definition of ***“Child day care service”***

FROM:

***“The provision, for a fee, of care and/or instruction for four (4) or fewer children who are not related to the primary caregiver, for less than eighteen (18) hours per day.”***

TO:

***“The provision, for a fee, of non-medical care for less than eighteen (18) hours per day, for up to four (4) children, in addition to the children living on the premises or in the legal custody of the primary caregiver. In no case shall the total number of children exceed six (6).”***

RATIONALE:

1. Omit “or instruction” since including “instruction” would create a conflict with the Home Occupation provision limiting the number of “pupils” to “one per teacher at any given time.” See Article V. Section 12, B5.
2. ***“...not related to the primary caregiver”***. ***“related”*** is almost impossible to determine. Therefore it is almost impossible to enforce the limit of 4, placed on the number of outside (unrelated) children actually cared for in a “Child day care service.”

Restrict the number to 4 plus the children living on the property. Inspectors can more easily determine and enforce the number of children living on the property.

Scenario: If “related to the primary caregiver” is used, inspection staff will be faced with instances where there are many children being cared for who do not live on the property. The inspector will be told, “ These two are mine (related), those two are my sister’s children (related) and that one is my cousin’s child, (related) and these four are not related and are the 4 allowed as a “Child day care service.” As is the case with the enforcement of “Family”, the city is not going to do DNA testing.

3. If we are going to limit the caregivers to the person(s) living in the house, and if we are interested in the quality of care and welfare of children, it would make sense to limit the total number of children who can be cared for. (See Proposed standards: Article V, Section 4, B.1. I.(2))

***“Proposed standards”***

Change proposed Standard (2):

FROM:

***“No person, other than members of the household residing on the premises, shall be engaged or employed in the provision of care, except that a substitute non-resident person providing care on the premises shall be allowed while the resident caregiver is sick or otherwise unable to provide care.”***

TO:

***“No person, other than members of the household residing on the premises, shall be engaged or employed in the provision of care. A substitute, non-resident person, shall be allowed to provide care only on a short-term emergency basis, when the resident caregiver is sick and therefore unable to provide care.”***

RATIONALE:

What is meant by, ***“or otherwise unable to provide care.”***? Couldn't it mean the resident has taken a job outside the home and hired someone to watch the kids?

If the intent is for the resident to provide care except when ill, let's say that.

Change proposed Standard (3):

FROM:

***“The use of any accessory building or accessory structure, other than outdoor play equipment, for child day care purposes is not allowed.”***

TO:

***“The use of any accessory building or accessory structure, other than for storage of outdoor play equipment, for child day care purposes is prohibited.”***

Rationale:

I assume it is for storage.

The word “prohibited” is clear and consistent with the language of the Knoxville Zoning Ordinance.

Change proposed Standard (4):

FROM:

***“Any outdoor play equipment not capable of being stored inside the house at night shall be located in the rear yard of the house and shall meet the requirements for the minimum required yard for a principal building.”***

TO:

***“Outdoor play equipment shall be located in the rear yard of the house. The rear yard shall meet the minimum requirements for the principal building.”***

RATIONALE:

This standard is so unclear that I am not sure I understand its intent.

1. ***“...outdoor play equipment not capable of being stored inside the house at night...”***  
does NOT mean it shall be stored inside or removed at night.

Also, do we really expect city inspectors to go out at night on calls from neighbors that play equipment has been left in the front yard?

2. I assume it is the “rear yard” that must meet the minimum requirements and not the “outdoor play equipment”.

Change Proposed Standard 5:

FROM:

***“No outdoor play shall be allowed from sundown to sunrise.”***

TO:

***“Outdoor play is prohibited from sundown to sunrise.”***

Rationale:

The word “prohibited” is clear and consistent with the language of the Knoxville Zoning Ordinance.

Change Proposed Standard 6:

FROM:

***“No sign for the service shall be allowed.”***

TO:

***“Signs announcing, or in any way related to the service, are prohibited.”***

Rationale:

The word “prohibited” is clear and consistent with the language of the Knoxville Zoning Ordinance.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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**[MPC Comment] MPC proposed amendments for Child Day Care Services  
#4-A-14-OA**

2 messages

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'Sandra Woodland' via Commission <commission@knoxmpc.org>

Tue, Aug 12, 2014 at 12:14  
PM

Reply-To: missanlyn@aol.com  
To: commission@knoxmpc.org  
Cc: Sandra Woodland <missanlyn@aol.com>

Comments on proposed amendments by MPC for Child Day Care Services, August 12th, submitted by  
Sandra Woodland

Proposal Presently Reads as the DEFINITION: The provision, for a fee, of care and/or instruction for four (4) or fewer persons under the age of eighteen (18) who are not related to the primary caregiver, for less than eighteen (18) hours per day. A child day care service shall be considered accessory to a house and not subject to review as a home occupation.

SUGGESTED CHANGE TO DEFINITION: THE PROVISION, FOR A FEE, OF CARE AND PROTECTION FOR NO MORE THAN FOUR (4) CHILDREN WHO DO NOT PERMANENTLY RESIDE ON PRIMARY CAREGIVER'S PREMISES IN LEGAL CUSTODY OF PRIMARY CAREGIVER, FOR LESS THAN EIGHTEEN (18) HOURS PER WEEK DAY.

\*\*Delete completely the word, "..instruction..," as this is in conflict with Article V. Section12, B5, and it's inclusion will only lead to confusion and misunderstanding in the definition of Child Day Care Services.

\*\*Delete, "A child day care service shall be considered accessory to a house and not subject to review as a home occupation..." because this is arbitrary as there is no accountability to activity in the child care service leading toward an on-site inspection.

Proposal Presently Reads as PERMITTED ACCESSORY USES, a. ii: No person, other than members of the family residing on the premises shall be engaged or employed in the provision of care, except that a short-term substitute non-resident person providing care on the premises shall be allowed while the resident caregiver is sick or otherwise unable to provide care.

SUGGESTED CHANGE TO PERMITTED ACCESSORY USES, a.ii: NO PERSON, OTHER THAN ADULT MEMBERS OF THE HOUSEHOLD RESIDING ON THE PREMISES SHALL BE ENGAGED OR EMPLOYED IN THE PROVISION OF CHILD CARE, WITH THE EXCEPTION THAT A NON-RESIDENT ADULT PERSON MAY BE PERMITTED TO PROVIDE CARE FOR A LIMITED TIME DUE TO THE ILLNESS OF THE PRIMARY CAREGIVER.

\*\*Delete completely the phrase, "...or otherwise unable to provide care....," because this phrase is ambiguous and will lead to misunderstanding and confusion.

Thank you for considering my suggestions which oppose some of the present wording in the amendment proposals concerning Child Care Services.

Sandra Woodland



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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**[MPC Comment] Fwd: [Knoxville-Knox County Metropolitan Planning Commission] New message from Jade A. Brodersen**

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
Reply-To: sarah.powell@knoxmpc.org  
To: Commission <commission@knoxmpc.org>

Wed, Aug 13, 2014 at 6:52 AM

Comment from Facebook, RE: 4-A-14-OA

----- Forwarded message -----

From: **Facebook** <notification+mh33j13d@facebookmail.com>

Date: Tue, Aug 12, 2014 at 8:01 PM

Subject: [Knoxville-Knox County Metropolitan Planning Commission] New message from Jade A. Brodersen

To: [contact@knoxmpc.org](mailto:contact@knoxmpc.org)

Conversation between [Jade A. Brodersen](#) and [Knoxville-Knox County Metropolitan Planning Commission](#)



**Jade A. Brodersen**

7:31pm Aug 12

I recently saw that there is a vote to end in-home childcare in residential areas in Knoxville. This would mean a whirlwind of change for our family. My son loves his daycare and I do too. It's nearly impossible to find an \*affordable\* and trustworthy option that offers healthy/organic food and snacks and someone willing to cloth diaper my son and properly store and use breastmilk while I'm at work. Please take my family and so many others into consideration while voting on this topic!

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[View Conversation on Facebook](#)

This message was sent to [contact@knoxmpc.org](mailto:contact@knoxmpc.org). If you don't want to receive these emails from Facebook in the future, please [unsubscribe](#).

Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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**[MPC Comment] Fwd: [Knoxville-Knox County Metropolitan Planning Commission] New message from Meagan Renee Crone**

1 message

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**Sarah Powell** <sarah.powell@knoxmpc.org>  
Reply-To: sarah.powell@knoxmpc.org  
To: Commission <commission@knoxmpc.org>

Wed, Aug 13, 2014 at 6:54 AM

Comment from Facebook, RE: 4-A-14-OA

I will respond to her Facebook message with a link to info online.  
SP

----- Forwarded message -----

From: **Facebook** <notification+mh33j13d@facebookmail.com>

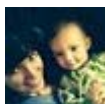
Date: Tue, Aug 12, 2014 at 7:57 PM

Subject: [Knoxville-Knox County Metropolitan Planning Commission] New message from Meagan Renee Crone

To: [contact@knoxmpc.org](mailto:contact@knoxmpc.org)

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Conversation between [Meagan Renee Crone](#) and [Knoxville-Knox County Metropolitan Planning Commission](#)



**Meagan Renee Crone**

7:27pm Aug 12

Hi! I am requesting information regarding the home daycare appeal. I have a small unlicensed daycare in my home and would like to support my right to do so, as well as keep up with news regarding it. Thank you, Meagan Crone

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[View Conversation on Facebook](#)

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Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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**[MPC Comment] Child care services.**

1 message

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**Kim Huinker** <kimblyjo@gmail.com>

Wed, Aug 13, 2014 at 8:47 AM

Reply-To: kimblyjo@gmail.com

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

To the members of MPC,

My position is that The Metropolitan Planning Commission should adopt an amendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.

Home child care "by right" in Knoxville residential areas would allow residents to provide a valuable service to young families with pre-school children and allow them to receive payment for their services, legally yet unobtrusively.

The MPC would be wise to recognize that small child care options are a progressive step toward a community lifestyle that:

- is responsive to individual and family needs;
- offers a safe home day care environment option for parents;
- creates the potential for more of a "one on one" experience for the children.

Our children are our future. Those who create our city regulations and guidelines must take their needs into consideration as well as provide a thoughtful set of guidelines to be fair and considerate to neighborhood residents. This amendment does both and should be adopted.

Thank you for your service to our community.

Sincerely,

Kim Huinker  
10005 Roxbury Pt.  
Knoxville, TN 37922

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] For the Home Childcare ammendment**

1 message

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**EMILYJONES02@comcast.net** <EMILYJONES02@comcast.net>

Tue, Aug 12, 2014 at 3:57 PM

Reply-To: emilyjones02@comcast.net  
To: commission@knoxmpc.org

To the members of MPC,

**I own a home in Holston Hills, am a member of Town Hall East, and the Holston Hills Community Club. My position is that The Metropolitan Planning Commission should adopt an ammendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.**

Home child care would allow residents to provide a valuable service to young families with pre-school children and allow them to receive payment for their services, legally yet unobtrusively. This ammendment would strike a balance between the needs of families with small children and the integrity of the neighborhood.

The MPC would be wise to recognize that small child care options are a progressive step toward a community lifestyle that:

- is responsive to individual and family needs;
- offers a safe home day care environment option for parents;
- creates the potential for more of a "one on one" experience for the children.

Our children are our future. Those who create our city regulations and guidelines must take their needs into consideration as well as provide a thoughtful set of guidelines to be fair and considerate to neighborhood residents. This ammendment does both and should be adopted.

Thank you for your service to our community.

Emily Jones  
4707 Skyline Drive

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)





Betty Jo Mahan &lt;bettyjo.mahan@knoxmpc.org&gt;

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**[MPC Comment] Small daycare in residential neighborhoods**

1 message

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**Bill Murrah** <billmurray@gmail.com>

Wed, Aug 13, 2014 at 10:16 AM

Reply-To: billmurray@gmail.com

To: commission@knoxmpc.org

Dear commissioner,

**My position is that The Metropolitan Planning Commission should adopt an amendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.**

Please allow me to explain the two ways that I arrived at that position. First was from personal experience of our family. When our children were small, my wife decided to be a stay-at-home mother for a few years. One of the ways she supplemented our income was by watching the three small children of another family. We, and the other family, were delighted by the arrangement. The three children received care most like that in their own home and we received the modest income from it.

The second way I arrived at the above position was through my work at Legal Aid of East Tennessee, from where I retired after 29 years. Our agency became aware of a network of small child care providers who were supporting one another. I received an eye-opening education in the years I worked with the child care network. Most importantly, I saw the tremendous benefit of having such an importance service available in a local neighborhood. Many people prefer to have their children cared for in a setting much like their own home, rather than an institutional one. Home child care is often based in the same neighborhood and it is easy to build a relationship with a provider who only tends a few children. And, of course, a small provider has virtually no negative impact on the surrounding neighborhood because there is no traffic generated, no large signs, and virtually no visible commercial presence.

I have been an advocate for protecting neighborhoods from commercial encroachment for 42 years but also an advocate of programs that build strong communities. Easing any restrictions on small providers for child care will build neighborhoods.

Thank you for your time. Bill Murrah, resident of 1111 Gratz Street in the Fourth and Gill Neighborhood

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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**[MPC Comment] childcare amendment**

1 message

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**jusheffield@comcast.net** <jusheffield@comcast.net>

Tue, Aug 12, 2014 at 2:34 PM

Reply-To: jusheffield@comcast.net

To: commission@knoxmpc.org

I am for the childcare amendment.

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

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## [MPC Comment] Support for MPC Daycare Ordinance Language Amendment

1 message

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**Laura Sohn** <laurasohn@gmail.com>  
Reply-To: laurasohn@gmail.com  
To: commission@knoxmpc.org

Tue, Aug 12, 2014 at 3:33 PM

To the members of MPC,

My position is that The Metropolitan Planning Commission **should adopt an amendment to allow small child care services in private residences with reasonable guidelines in all of Knoxville's neighborhoods.**

Home child care "by right" in Knoxville residential areas would allow residents to provide a valuable service to young families with pre-school children and allow them to receive payment for their services, legally yet unobtrusively.

The MPC would be wise to recognize that small child care options are a progressive step toward a community lifestyle that:

- is responsive to individual and family needs;
- offers a safe home day care environment option for parents;
- creates the potential for more of a "one on one" experience for the children.

Our children are our future. Those who create our city regulations and guidelines must take their needs into consideration as well as provide a thoughtful set of guidelines to be fair and considerate to neighborhood residents. This amendment does both and should be adopted.

Thank you for your service to our community.

Sincerely,  
Laura Sohn

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This message was directed to [commission@knoxmpc.org](mailto:commission@knoxmpc.org)