

# Child Care Changes to the Land Development Code: A Summary

## **What Changes Does This Ordinance Make to Family Child Care Homes?**

A family child care home is what we commonly refer to as “in home” childcare. Right now, every residential zone is allowed to have family child care homes that care for up to six children as a matter of right. This ordinance does not change that. Although an early version of this ordinance proposed expanding the number of children you could keep, by right, in a family child care home, that proposal was removed at the committee level.

Instead, this ordinance makes small changes to the conditional use permit process. Right now, most residential zones can ask for permission to have more than six children by going through a conditional use permit process. This ordinance does not change that permit process. However, currently some residential zones are excluded from the conditional use permit process. This ordinance allows all residential zones (including R-4 and R-5 which are currently excluded) to participate in the conditional use permit process.

## **What Protections Are in Place for Neighborhoods?**

The conditional use permit process requires a public hearing and notice to nearby homeowners. It is a rigorous process, with plenty of opportunities for neighbors to express their concerns. The Board of Zoning Adjustment has discretion to deny a permit if there are concerns about how a family child care home will function in a neighborhood. Additionally, the ordinance has other built-in protections, including:

- Minimum parking requirements
- Standards around pick up and drop off
- Standards for tracking complaints and reporting the resolution of complaints to council

Many of these protections go above the current status quo, providing—in many cases—more protections for neighbors than exist currently. The next round of amendments, summarized below, will add even more important protections for neighbors.

## Proposed Amendments on March 17th

A summary of amendments we expect to offer on the floor on March 17<sup>th</sup> is below.

### #1: Explicitly state that family child care homes must follow all other applicable state laws.

- Family child care homes are extensively governed by state statutes and administrative regulations, designed to ensure quality and oversight. This proposed change makes it clear that following these other laws is necessary to remain in compliance with land development code requirements.

### #2: Clarify that structures must maintain their character as a primary residence.

- This is accomplished in the new version by adding the word “primary” on page 12, section (A)(2) as highlighted in the attached.

### #3: Set strict limitations on outdoor activity.

- The version that passed out of committee stated that there would be no outdoor activity except pick up and drop off between 9PM and 7AM. The proposed amendment would prohibit all outdoor activity during these hours—including pick up and drop off—unless specifically waived by the Planning Commission following a public hearing and notice to nearby neighbors (see page 17, clause E).

### #4: Add more requirements around pick up and drop off.

- This is accomplished in the new version by making it clear that, in order to receive approval of a pick up/drop off plan, an applicant can only utilize their own frontage of their property and/or driveway. It further states that pick up and drop off shall be on a hard durable surface, and only at the approved location.

### #5: Acknowledge private law, including deed restrictions.

- Legally, deed restrictions would work to limit where child care could be located. We do not believe a written acknowledgement of that in an ordinance is necessary. Yet, to address council members concerns, we have added a whereas clause acknowledging the applicability of these deed restrictions.

### #6: Add reporting requirements.

- The new version states that “Louisville Metro Government will provide, in conjunction with Planning and Design Services, a way for the public to report concerns about family child care homes and/or child care centers. Planning and Design will issue an annual report to council or committee thereof containing the number of complaints, nature of complaints, and the actions taken in response to complaints.”