

Land Development Code (LDC) Text Amendment Outline

Amendment: Child Care

Last revision: October 25, 2021

Definitions (Ch. 1)

Child Care – Care for a child in a center or home that regularly provides full or part-time care, day and/or night, and includes developmentally-appropriate play and learning activities. This term includes nursery and kindergartens but does not include schools, care provided as an accessory to a school or provided during services conducted in a religious building. Child Care is further regulated by Kentucky Administrative Regulations Title 922 (922 KAR).

Child Care Home – Child care for up to 12 children in a primary residential dwelling. The use shall be clearly incidental and secondary to the primary use as a residence.

Child Care Center – Child care for any size group of children.

Adult Care Center – Supervision and care regularly provided for adults during part of the day and less than 24 hours. This term includes adult day care, adult day health care, or Alzheimer's respite care. This term does not include family care home (mini-home), rehabilitation home, residential care facility, nursing homes and homes for the infirm or aged, assisted living residences, hospital, or clinic. Adult Care is further regulated by Kentucky Administrative Regulations Title 907 (907 KAR).

Permitted Locations

Child Care Home

- All zoning districts (Revise Ch. 2)

Child Care Center

- Permitted use in all office, employment, and commercial zoning districts (Revise Ch. 2)
- Permitted use with special standards in industrial zoning districts (Revise sec. 4.3.25)
- Permitted use with special standards in residential zoning districts (New sec. 4.3.25)
- Conditional use permit in residential and industrial zoning districts (Revise sec. 4.2.19)

Adult Care Center

- Permitted use in all office, employment, and commercial zoning districts (Revise Ch. 2)
- Conditional use permit in residential and industrial zoning districts (Revise sec. 4.2.19)

Conditional Use Permit (Revised sec. 4.2.19) – Child or Adult Care Center

A Child or Adult Care Center may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5 U-N, R-5A, R-5B, R-6, PRD, R-7, M-1, M-2, and M-3 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

A. Existing Residential Structure –

1. The structure shall remain, or property improved so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood and form district.
2. Should the structure remain, there shall be no alterations or improvements which would impair future use of the structure as a residence.
3. Associated off-street parking shall not be located between the principal structure and the front property line or within the street side yard setback, except on driveways leading to the home, rear yard, or garage
4. Outdoor activities shall be in the rear yard, except that corner lots may utilize the street side yard. No activity or play equipment in excess of 4' in height is allowed in the required street side yard.

B. Industrial Zoning Districts –

1. Approval from the Air Pollution Control District (APCD) shall be received. APCD may impose conditions upon its approval as necessary to protect human health and the environment.
2. Areas designated for outdoor activity shall not be located within 200 feet of any area used for heavy truck idling, loading, or the operation of other heavy equipment or motor driven vehicles.
3. The location shall not be adjacent to a development site holding a conditional use permit to allow a greater intensity of use than is ordinarily permitted within the M-3 zoning district, including potentially hazardous or nuisance uses, scrap metal processing facilities and junkyards, or development sites containing a solid waste management facility.

C. Pick-up/drop-off – An area(s) designated for the safe loading and unloading of passengers shall be assigned either off-street or on-street.

1. The location of this area shall be determined by the Planning Director or designee upon consultation with Transportation Planning. The determination should consider hours for pick-up/drop-off, street classification, capacity, area of the lot and availability for off-street designation, and vehicle queuing.
2. If an on-street area is to be used, approval shall also be received from Louisville Metro Public Works. The applicant/developer/owner shall be responsible for all costs associated with an on-street designation.

D. Parking Spaces - Parking for employees shall be required as determined by the Planning Director or designee. This determination should consider staff-to-child ratios for the age group served, maximum group size limits, licensed capacity, availability of on-street parking within the area, public transit routes, and/or the use of nearby facilities for shared parking.

- E. Drainage Control – Preliminary plan approval must be received by the Louisville Metropolitan Sewer District (MSD).
- F. Buildings – All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.
- G. Signs –
 - 1. In residential zoning districts, there shall be allowed one non-illuminated attached business sign not exceeding 4 square feet in area, regardless of the form district. No changing image signs shall be permitted.
 - 2. In industrial districts, all signs shall comply with current LDC regulations for the form district of the site.
- H. Fence - A fence with a minimum height of 42" shall enclose all areas for outdoor activity.
- I. Hours – No outdoor activities shall occur between the hours of 7 P.M and 7 A.M, except for pick-up/drop-off.

Permitted Use with Special Standards (Revised sec. 4.3.11) – Child Care Center

A child care center may be permitted on the same development site as a use permitted within the M-1, M-2, and M-3 zoning districts subject to the following standards:

- A. Entrances – The center shall maintain a pedestrian entry independent from the primary user of the development site, which includes a designated off-street pick-up/drop-off area set aside for the sole use of the center. This area must be connected to the pedestrian entry by an ADA accessible walkway.
- B. Use – The primary user of the development site shall not store or handle hazardous material and shall not hold a conditional use permit to allow a greater intensity of use than is ordinarily permitted within the M-3 zoning district, including potentially hazardous or nuisance uses, scrap metal processing facilities and junkyards, or development sites containing a solid waste management facility.
- C. Trucks and Equipment – Areas designated for outdoor activity may not be located within 200 feet of any area used for heavy truck idling, loading, or the operation of other heavy equipment or motor driven vehicles.
- D. Fence – A fence with a minimum height of 42" shall enclose all areas for outdoor activity.
- E. Parking – Parking for employees shall be required as determined by the Planning Director or designee. This determination should consider staff-to-child ratios for the age group served, maximum group size limits, licensed capacity, availability of on-street parking within the area, public transit routes, and/or the use of nearby facilities for shared parking.

- F. Air Pollution – Approval from the Air Pollution Control District (APCD) shall be received. APCD may impose conditions upon its approval as necessary to protect human health and the environment.

Permitted Use with Special Standards (New sec. 4.3.25) – Child Care Center

A child care center is allowed in any residential zoning district subject to the following standards:

A. Permitted Locations –

1. On any lot where a non-residential structure is present and was in existence prior to the adoption of these standards, including structures for religious buildings, schools, professional offices, and clubhouses but not including child care centers subject to an existing conditional use permit.
2. A lot may be designated for a child care center within any proposed residential subdivision containing 50 or more residential building lots. The lot shall be shown on all preliminary and recorded subdivision plats and may be subject to conditions of approval and/or binding elements. The area of this lot may be amended in accordance with Section 7.1.91.
3. On a multi-family building or development site, new or existing, consisting of 1 or more acres and at least 20 dwelling units. For new development, dwelling units shall be subject to the maximum density of the applicable zoning district.
4. On a corner lot.

B. Existing Residential Structure –

1. Existing primary residential structure(s) shall remain.
2. There shall be no alterations or improvements which would impair future use of the structure as a residence
3. Exterior alterations and improvements to the structure or property shall comply with the residential dimensions, site, and building design standards of the applicable zoning and form district.
4. Associated off-street parking shall not be located between the principal structure and the front property line or within the street side yard setback, except on driveways leading to the home, rear yard, or garage.

- C. Outdoor Activity – Outdoor activity shall be in the rear yard; except that corner lots may utilize the street side yard. No activity or play equipment in excess of 4' in height is allowed in the required street side yard.

- D. Fence – A fence with a minimum height of 42" shall enclose all areas for outdoor activity.

- E. Hours – No outdoor activity shall occur between the hours of 7 P.M and 7 A.M, except for pick-up/drop-off

- F. Pick-up/drop-off – An area designated for the safe loading and unloading of passengers shall be assigned either off-street or on-street. If an on-street area is to be designated, approval must be received from Louisville Metro Public Works. The

applicant/developer/owner shall be responsible for all costs associated with an on-street designation.

- G. Parking – Parking for employees shall be required as determined by the Planning Director or designee. A parking determination should consider ratio requirements for staff to children for the age group served, maximum group size limits, licensed capacity, availability of on-street parking within the area, public transit routes, and the use of nearby facilities for shared parking. Parking should not be located within the front or street side yard.
- H. Plan – A plan of adequate detail to demonstrate compliance with these requirements may be required upon request by the Planning Director or designee.