



Louisville Metro Government

Legislation Text

File #: O-637-21, Version: 4

ORDINANCE NO. _____, SERIES 2022
AN ORDINANCE AMENDING THE METRO LAND DEVELOPMENT CODE
RELATING TO CHANGES IN THE CHILD CARE REGULATIONS (CASE NO. 21-LDC
-0013) (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS FLOOD, CHAMBERS ARMSTRONG,
ARTHUR, DORSEY, FOWLER, AND PRESIDENT JAMES

WHEREAS, Plan 2040 was adopted by the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") effective January 1, 2019; and

WHEREAS, Plan 2040 includes Community Form Policy 2.18 that recommends that the Land Development Code ("LDC") be periodically reviewed to ensure that the LDC follows best practices; and

WHEREAS, the Council passed Resolution 82, Series 2020 directing the Louisville Metro Planning Commission (the "Planning Commission") and its staff to undertake a review of the LDC and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

WHEREAS, Planning and Design Services staff conducted a review of zoning regulations within the LDC that restrict the location, capacity and delivery of child care and proposed recommendations to provide greater and more equitable access to child care; and

WHEREAS, the proposed amendment was reviewed by the Planning Committee of the Planning Commission on November 3, 2021 and was forwarded by that Committee to the Planning Commission for its review; and

WHEREAS, the Planning Commission on November 18, 2021 recommended that the Council adopt the proposed text amendments to the LDC as set forth in Planning Commission Resolution No.

21-LDC-0013; and

WHEREAS, Council acknowledges that other entities may regulate the location, licensing or operation of child care through federal, state and local statutes, ordinances, rules and regulations, private deed restrictions and other private agreements; and

WHEREAS, Louisville Metro Government, through Planning and Design Services, has expressed an intent to create via policy, a way for the public to report concerns about family child care homes and/or child care centers. Such policy will also provide that Planning and Design Services will track the concerns that are reported through that mechanism and issue an annual report to Council that includes the number of complaints, the nature of the complaints, and the actions taken in response to the complaints; and

WHEREAS, Council approves and accepts the recommendation of the Planning Commission as set forth in Planning Commission Resolution No. 21-LDC-0013, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Chapter 1, Part 2, of the LDC is amended as follows:

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1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise

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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, and 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).

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Child Care Center – See “Day Care Center.”

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 or other exemption authorized by the Commonwealth of Kentucky. Child Care is further regulated by Kentucky Administrative Regulations Title 922 (922 KAR).

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

Child Care Home - Child care for up to 12 children at the primary residence of the care giver. The use shall be clearly incidental and secondary to the primary use as a residence.

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Day Care Center - Any facility whatsoever which cares for more than eight clients not related to the operator by blood, marriage, adoption or foster care responsibility and usually under 18 years old, away from the client's own home, for periods of less than twenty-four hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. This term includes Adult Day Care Center, Child Care Centers, Nursery Schools and Kindergartens, when not accessory to an elementary school; but does not include Group Care Facilities, Residential Social Service Facilities, any center under the jurisdiction of the State Board of Education, any private school except those solely below first-grade level or any center operated by a religious institution on the same lot as the religious assembly structure.

Day Care - See "Child Care" or "Adult Care Center"

Family Child Care Home - Child care for 6 or fewer non-related children at the primary residence of the care giver. The use shall be clearly incidental and secondary to the primary use as a residence. Family child care homes are further regulated by Kentucky Administrative Regulations Title 922 (922 KAR).

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SECTION II: Chapter 2 of the LDC is amended as follows:

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Chapter 2, Part 2, Residential Zoning Districts

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2.2.1 R-R Rural Residential District

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A. Permitted Uses:

1. General

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Family Child Care Homes

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2.2.2 R-E Residential Estate District

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A. Permitted Uses:

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Family Child Care Homes

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2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

Family Child Care Homes

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses:

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Family Child Care Homes

2.2.13 R-8A Residential Multi Family District

A. Permitted Uses:

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

Chapter 2, Part 3, Office/Residential Zoning Districts

2.3.1 OR Office/Residential District

A. Permitted Uses:

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

Chapter 2, Part 4, Commercial Zoning Districts

2.4.1 C-N Neighborhood Commercial District

A. Permitted Uses:

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

2.4.2 C-R Commercial Residential District

A. Permitted Uses:

All uses permitted in the R-7 Residential Multi Family District, as well as the following use(s):

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

2.4.3 C-1 Commercial District

A. Permitted Uses:

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

Note: All uses permitted in the C-1 Commercial district are permitted in the C-2, C-3, C-M, PEC, & EZ-1 districts; thus, adult care centers, family child care homes and child care centers would be permitted in each district.

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Chapter 2, Part 6, Special Purpose Districts

2.6.2 PRO Planned Research/Office District

A. Permitted Uses

Adult Care Centers

Child Care Centers

~~Day care centers, day nurseries, nursery schools and kindergartens~~

Chapter 2, Part 7, Planned Zoning Districts

2.7.1 Planned Village Development

2.7.1.C Development Guidelines and Standards - Table 2.7.1.

~~day care center~~ Child and Adult Care Centers
~~family day care home~~ Family Child Care Homes

2.7.2 Planned Transit Development (PTD) District

PTD District Land Use Table

Civic use

~~Day care center, day nurseries~~ Child and Adult Care Centers
~~family day care center~~ Family Child Care Homes

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2.7.3 Planned Residential Development (PRD) District

A. Permitted Uses:

Family Child Care Homes

2.7.4 Traditional Neighborhood Zoning District - General Provisions

TNZZ Land Use Table

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| Land Use Category | Neighborhood General | Neighborhood Transition-Center | Neighborhood Center |
|-------------------|----------------------|--------------------------------|---------------------|
|-------------------|----------------------|--------------------------------|---------------------|

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| | | | |
|--------------------------------|---|---|---|
| <i>Home Occupations</i> | P | P | P |
| <u>Family Child Care Homes</u> | P | P | P |

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| | | | |
|---|--------|---|--------|
| Day Care Centers <u>Child and Adult Care Centers</u> | X P/CU | P | X P/CU |
| <i>Family Day Care Home</i> | X | P | X |

2.7.5 Traditional Neighborhood Zoning District - Old Louisville/Limerick

Table 2.7.5: Table 1 Old Louisville/Limerick TNZZ Land Uses - General

| TNZZ Land Use Category | Neighborhood General | Neighborhood Transition-Center | Neighborhood Center | Neighborhood Center Transition: Edge Transition | Neighborhood General Campus Edge Transition | LDC Section Providing Special or Conditional Use Standards |
|------------------------|----------------------|--------------------------------|---------------------|---|---|--|
|------------------------|----------------------|--------------------------------|---------------------|---|---|--|

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| | | | | | | |
|------------------|----|----|----|----|----|-------|
| Home occupations | PS | PS | PS | PS | NP | 4.4.5 |
|------------------|----|----|----|----|----|-------|

| | | | | | | |
|--------------------------------|---|---|---|---|----|-----|
| <u>Family Child Care Homes</u> | P | P | P | P | NP | n/a |
|--------------------------------|---|---|---|---|----|-----|

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| | | | | | | |
|--|---------|---|---|---|---------|--------|
| Day care centers, nurseries and Kindergartens <u>Child and Adult Care Centers</u> | NP P/CU | P | P | P | NP P/CU | 4.2.19 |
|--|---------|---|---|---|---------|--------|

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Table 2.7.5: Table 2 Old Louisville/Limerick TNZD - Uses Permitted in the Neighborhood General

| Land Use Category | Description of Permitted Uses |
|--------------------------|--------------------------------------|
|--------------------------|--------------------------------------|

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| Other Uses | |
|--------------------------------|---|
| Accessory Uses | A use which is clearly incidental to, customarily associated with, and serves a principal use; is subordinate in extent to the principal use served; and is located on the same site as the principal use, including parking areas. |
| <u>Family Child Care Homes</u> | Child care for <i>up to 126</i> or fewer children at a time per care giver. The use shall be clearly incidental to the primary use as a residence. |

Table 2.7.5: Table 4 Old Louisville/Limerick TNZD - Uses Permitted Where Mapped in the Neighborhood General

| Land Use Category | Description of Uses Permitted Where Mapped |
|--------------------------|---|
|--------------------------|---|

| | |
|------------------------|--|
| Commercial Uses | |
|------------------------|--|

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|-----------------------|--|
| Corner Lot Commercial | Corner Lot Commercial Uses, as listed below, are permitted where mapped, subject to the following standards. The following uses are permitted for existing structures, originally built as corner lot commercial buildings, on the first floor only. Any floor may be used for office uses as permitted for Neighborhood Center-Transition and/or for residential uses. New construction is permitted only where Corner Lot Commercial uses are identified on the District Plan Map, provided total gross floor area of commercial/retail use does not exceed 5,000 square feet on the first floor and is accessible from the public sidewalk. Any floor may be used for office and/or residential uses. Replacement structures shall not to exceed the footprint of the previous contributing principal structure, unless approved by governing authorities in accordance with standards for new construction. Corner lot Commercial Uses ... 20. Day care centers, day nurseries, nursery schools and kindergartens <u>Child and Adult care Centers</u> ... |
|-----------------------|--|

Table 2.7.5: Table 5 Old Louisville/Limerick TNZD - Uses Permitted as Conditional Uses in the Neighborhood General

| Land Use Category | Description of Uses Permitted as Conditional Uses |
|--------------------------|--|
| | |

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| Other Uses | |
|---|---|
| Bed and Breakfast Inns | Bed and Breakfast Inns as permitted by Section 4.2.38 of this Land Development Code. |
| Child and Adult Care Centers | Child and Adult Care Centers as permitted by Section 4.2.38 of this Land Development Code. |
| Nursing Homes and Homes for the Infirm and Aged | Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code. |

Table 2.7.5: Table 6 Old Louisville/Limerick TNZD - Uses Permitted in the Neighborhood Transition-Center

| Land Use Category | Description of Permitted Uses |
|--------------------------|--------------------------------------|
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| Day care centers, day nurseries, nursery schools, and kindergartens <u>Child and Adult Care Centers</u> |
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Table 2.7.5: Table 9 Old Louisville/Limerick TNZD - Uses Permitted in the Neighborhood Center

| Land Use Category | Description of Permitted Uses |
|--------------------------|--------------------------------------|
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| Day care centers, day nurseries, nursery schools, and kindergartens <u>Child and Adult Care Centers</u> |
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Table 2.7.5: Table 13 Old Louisville/Limerick TNZD - Uses Permitted in the Neighborhood

Center Transition: Edge Transition

| <i>Land Use Category</i> | <i>Description of Permitted Uses</i> |
|--------------------------|--------------------------------------|
|--------------------------|--------------------------------------|

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| | |
|--|-------------------------------------|
| Day-care centers, day nurseries, nursery schools, and kindergartens | <u>Child and Adult Care Centers</u> |
|--|-------------------------------------|

Table 2.7.5: Table 18 Old Louisville/Limerick TNZD - Uses Permitted as Conditional Uses in the Neighborhood General Campus Edge Transition

| Other Uses | |
|---|---|
| Community Service Facility | Community service facility as permitted by Section 4.2.38 of this Land Development Code. |
| <u>Child and Adult Care Centers</u> | <u>Child and Adult Care Centers as permitted by Section 4.2.38 of this Land Development Code</u> |
| Nursing Homes and Homes for the Infirm and Aged | Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code. |

SECTION III: Chapter 4 of the LDC is amended as follows:

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Chapter 4, Part 2, Conditional Uses

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4.2.1 Intent and Applicability

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The following uses are subject to the Conditional Use Permit process:

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| 4.2.19 | Day Care Facilities (providing care for 8 or more persons) <u>Child and Adult Care Centers</u> |
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4.2.19 Day Care Facilities (providing care for more than 6 children) Child and Adult Care Centers

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed

requirements.

A. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

B. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

C. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for transportation planning.

E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for transportation planning.

F. Drainage Control - The development plan shall have the approval of the appropriate agency responsible for surface drainage control.

G. All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.

H. Fence - A fence with a minimum height of 4 feet shall be erected around the outdoor play area.

I. Alterations or Improvements to the Property - Where such a use is permitted on a lot with an existing residential structure; the residential character of the lot shall not be disturbed by exterior changes to the property that are visible from the public street. Off-street parking shall not be located within the front and/or street-side yards. Drop-off and pick-up shall not be located in front yard and/or street-side yard of the existing residential structure, except for driveways approved by Metro Public Works.

J. Conditional use permits for Day Care Facilities in R-4 and R-5 zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determined, in its discretion, to be appropriate.

Child and Adult Care Centers 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, TNZD, 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 immediately surrounding neighborhood and form district(s).

2. Should the structure remain, there shall be no alterations or improvements which would impair future use of the structure as a *primary* 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 limited to the rear yard, except that corner lots may utilize the street side yard. No play equipment in excess of 4' in height is allowed in the required street side yard of the form district.

B. Industrial Zoning Districts

1. Child care centers on the same development site as a use permitted within the M-1, M-2, and M-3 zoning districts that do not meet the provisions of Section 4.3.11 of this LDC:

a. All special standards outlined within Section 4.3.11 are met unless relief is granted by the Board. Applications requesting relief from special standards in Section 4.3.11 shall provide written justification demonstrating the reasons why relief should be granted and how such relief would ensure the public health, safety, and welfare of staff and children.

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.

3. Review by the Air Pollution Control District (APCD) shall be required. APCD may impose conditions as necessary to protect human health and the environment.

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

CE. Drainage Control - Preliminary plan approval must be received by the Louisville Metropolitan Sewer District (MSD).

DF. Fence - A fence shall enclose all areas for outdoor activity.

EG. Signs - 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

FH. Hours - No outdoor activities shall occur between the hours of 9 P.M and 7 A.M, except for pick-up/drop-off.

GI. Buildings - All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.

H. The use shall be in compliance with all applicable regulations as administered by the Kentucky Cabinet for Health and Family Services.

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Chapter 4, Part 3, Permitted Uses with Special Standards

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4.3.11 ~~Day Care Centers in the M-1 Zoning District~~ Child Care Centers in Industrial Districts

A single day care center may be permitted within the M-1 Industrial District provided the operation is in accordance with the following standards:

~~A. The access to the day care center shall be separate and apart from any access to a use permitted in an industrial, commercial or office use.~~

~~B. Heavy equipment shall not be stored or utilized by a business on the same property as the day care center.~~

~~C. No hazardous material may be stored on-site.~~

~~D. No truck idling shall be permitted on-site.~~

~~E. On-site Drop-off and Pick-up Area. An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the agency responsible for transportation planning.~~

~~F. The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be in accordance with Chapter 9, Part 4 of the LDC. The parking layout must be approved by the appropriate agency responsible for transportation planning.~~

~~G. Fence. A fence with a minimum height of 4 feet shall be erected around the outdoor play area.~~

~~H. The applicant shall receive approval from the Air Pollution Control District which may condition its approval as may be necessary and appropriate to protect human health and the environment consistent with applicable laws and regulations relating to ambient air quality.~~

A child care center may be permitted as a primary use 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 building entrance independent from the industrial 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 center's entrance by an ADA accessible walkway.

B. Use Restrictions - Any industrial user(s) of the development site shall not manufacture, process, treat or store potentially hazardous or nuisance uses as described in Section 4.2.42 of this LDC 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 scrap metal processing facilities and junkyards, or development sites containing a solid waste management facility or refuse disposal operation.

C. Trucks and Equipment - 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.

D. Fence - A fence 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.

EF. Air Pollution - Review by the Air Pollution Control District (APCD) shall be required. APCD may impose conditions as necessary to protect human health and the environment.

FG. Plan - A plan of adequate detail to demonstrate compliance with these requirements and requirements for parking and loading and unloading shall be reviewed and approved by Planning and Design Services staff. Should the proposal meet the thresholds for Community Design Review, the procedures described by Section 11.6.4 of this LDC shall be followed.

G. The use shall be in compliance with all applicable regulations as administered by the Kentucky Cabinet for Health and Family Services.

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4.3.26 Smoking Retail Store

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A. No Smoking Retail Store shall be located within one thousand (1,000 feet) of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):

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6. ~~Day Care Center~~ Child or Adult Care Centers

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4.3.28 Child Care Centers in Residential Zones

A child care center is permitted 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 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 final 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 of this LDC.

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 dimensional, 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 limited to the rear yard; except that corner lots may utilize the street side yard. No play equipment in excess of 4' in height is allowed in the required street side yard of the form district.

D. Fence - A fence shall enclose all areas for outdoor activity.

E. Hours - No outdoor activity shall occur between the hours of 9 P.M and 7 A.M, *except for including pick-up/drop-off, unless waived in accordance with Land Development Code Chapter 11, Part 8.*

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.

FH. Plan - A plan of adequate detail to demonstrate compliance with these requirements and requirements for parking and loading and unloading shall be reviewed and approved by Planning and Design Services staff. Should the proposal meet the thresholds for Community Design Review, the procedures described by Section 11.6.4 of this LDC shall be followed.

G. The use shall be in compliance with all applicable regulations as administered by the Kentucky Cabinet for Health and Family Services.

Chapter 4, Part 4, Accessory Uses and Miscellaneous Standards

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4.4.5 Home Occupations

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A. Intent.

The intent of this Section is to allow an occupant or occupants of a residence located on residentially zoned property to engage in a home occupation, trade, profession or business within said residence and its accessory structure(s) provided that such an activity does not adversely affect adjacent or nearby residents or the neighborhood as a whole.

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G. Permitted Locations and Maximum Size/Area. (This section does not apply to In-Home Day Care Home Occupations.)

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H. Hours of Operation.

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3. While In-Home Day Care Home Occupations may operate 24 hours a day, all associated outdoor activity other than pick-up and drop-off of children shall be prohibited between 9 P.M. and 7 A.M.

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NOTE: Uses generally acceptable as home occupations include: ~~In-Home Day Cares (6 or fewer individuals)(in effect within Louisville Metro only)~~
~~In-Home Day Cares (7 or fewer individuals)*(not in effect within Louisville Metro and the City of Prospect)~~ • Mail Order Operations • Woodshops • Beauticians
The offices of the following professionals:*

*Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing Representatives, Financial advisors, Insurance agents, Landscape architects Counselors, Mediators Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists *Plus up to four individuals related to the operator. 922 KAR 2:100 defines "related" as having one of the following relationships with the provider: child, grandchild, niece, nephew, sibling, step-child, or child in legal custody of the provider.*

...

J. Prohibited Home Occupations

The following uses/activities are prohibited as home occupations unless expressly permitted by other provisions of this Section. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment.

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~~Daycare Facilities (except as otherwise permitted)~~ Child or Adult Care Centers

...

K. Registration of Home Occupations.

Prior to the establishment of any home occupation that (i) serves customers, clients or pupils at the site, or (ii) has one or more non- resident employees, the proprietor shall register the occupation. ~~Day care centers as a home occupation shall require a home occupation registration.~~ The registration shall not be transferable and shall not run with the land; it shall terminate upon sale or transfer of the property to a new owner or tenant. The Planning Director shall maintain records of registered home occupations. The registration form shall be the basis for determining compliance with the requirements of this section 4.4.5. Home occupation proprietors shall be responsible for updating their registration forms, at such time as their operations change from the activities described in the registration documents. Any home occupation meeting either criteria (i) or (ii) above that was established before the effective date of this Section shall have one year from the effective date of this Section to register the home occupation.

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SECTION IV: Chapter 5 of the LDC is amended as follows:

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5.2.5 Traditional Workplace Form District

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B. Intent and Applicability

The provisions of this section are intended to promote high quality design that is compatible with adjacent non-workplace uses. The TWFD often must accommodate relatively large volumes of traffic and parking while also providing for alternative travel modes.

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5. A mixture of uses on a site especially employee-serving commercial businesses (e.g., ~~day care centers~~ child care centers, auto-servicing, dry cleaners and restaurants).

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Chapter 5, Part 3, Suburban Form Districts

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5.3.4 Suburban Workplace Form District

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C. Intent and Applicability

The provisions of this section are intended to promote high quality design and a more visually attractive environment in the SWFD, accommodating relatively large volumes of traffic while providing for alternative travel modes. Standards are included to promote:

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4 A wide range of employee-serving commercial businesses (e.g., ~~day care centers~~ child care centers, auto servicing, cleaners, restaurants, etc.); and

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SECTION V: Chapter 9 of the LDC is amended as follows:

Chapter 9, Part 1, Motor Vehicle Parking Standards

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Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use

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| GENERAL ACTIVITIES ('LBCS Code) | SPECIFIC ACTIVITIES ('LBCS Code) | MINIMUM REQUIREMENT | MAXIMUM REQUIREMENT |
|---------------------------------|----------------------------------|--|--------------------------------|
| | Daycare, child or adult | To be determined by Planning Director or designee. | No more than 25% above minimum |

| | | | |
|--|--|--|---|
| | <p><u>Family Child Care Home</u></p> | <p>1 space for each non-resident employee plus an area designated for the safe loading and unloading of passengers which is assigned either off-street <i>in a driveway</i> or on-street <i>in the right-of-way along the property frontage. Pick-up/drop off shall occur in the designated area and be located on a hard-durable surface.</i> If an on-street area is to be designated, approval must be received from Louisville Metro Planning and Design Services and Public Works. All costs associated with an on-street designation shall be the responsibility of the applicant, operator, or owner.</p> | <p>A total of no more than 2 non-resident employee spaces plus an area designated for the safe loading and unloading of passengers which is assigned either off-street or on-street. If an on-street area is to be designated, approval must be received from Louisville Metro Planning and Design Services and Public Works. All costs associated with an on-street designation shall be the responsibility of the applicant, operator, or owner</p> |
| | <p><u>Child and Adult Care Centers</u></p> | <p>1 space for each employee plus an area designated for the safe loading and unloading of passengers which is assigned either off-street or on-street. If an on-street area is to be designated, approval must be received from Louisville Metro Planning and Design Services and Public Works. All costs associated with an on-street designation shall be the responsibility of the applicant, operator, or owner.</p> | <p>2 spaces for each employee plus an area designated for the safe loading and unloading of passengers which is assigned either off-street or on-street. If an on-street area is to be designated, approval must be received from Louisville Metro Planning and Design Services and Public Works. All costs associated with an on-street designation shall be the responsibility of the applicant, operator, or owner.</p> |

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SECTION VI: This Ordinance shall take effect upon its passage and approval or otherwise

becoming law.

Sonya Harward Metro Council Clerk

David James President of the Council

Greg Fischer Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-637-21 - Ordinance Amending LDC Relating to Child Care Regulations (21-LDC-0013) (as amended) (lf) (3/17/22)