

AN ORDINANCE AMENDING ARTICLES 1-11: 8-1(c)(10), 8-1(d)(19), 8-1(n); 8-2(c)(10), 8-2(d)(12), 8-2(n); 8-3(c)(10), 8-3(n); 8-5(c)(8), 8-5(d)(9), 8-5(n); 8-9(c)(7); 8-10(c)(7); 23A-5(c)(5) AND 23A-5(d)(2) OF THE ZONING ORDINANCE TO UPDATE THE REGULATIONS RELATED TO FAMILY CHILD CARE IN A RESIDENTIAL ZONE TO COMPLY WITH CHANGES TO KRS 100. (URBAN COUNTY PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered and adopted text amendments to Articles 1-11: 8-1(c)(10), 8-1(d)(19), 8-1(n); 8-2(c)(10), 8-2(d)(12), 8-2(n); 8-3(c)(10), 8-3(n); 8-5(c)(8), 8-5(d)(9), 8-5(n); 8-9(c)(7); 8-10(c)(7); 23A-5(c)(5) AND 23A-5(d)(2) of the zoning ordinance to update the regulations related to family child care in a residential zone to comply with changes to KRS 100. The Planning Commission did recommend approval of the staff alternative text by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation of the Planning Commission is attached hereto and incorporated by reference herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 1-11 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

Sec. 1-11. Definitions.

For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the term "person" includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the term "structure" includes building; the term "occupied" includes arranged, designed or intended to be occupied; the term "used" includes arranged, designed or intended to be used; the term "shall" is always mandatory and not merely directive; the term "may" is permissive; and the term "lot" includes plot or parcel. Other words and terms shall have the following respective meanings:

Childcare center means any nonresidential facility which provides full- or part-time care, other than family childcare, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky.

Childcare center, Type II means a licensed childcare center located in the primary residence of the licensee in which childcare is regularly provided for seven (7), but not more than twelve (12), children including children related to the licensee. Related children include children, grandchildren, nieces, nephews, or children in legal custody of the operator.

Childcare home, family, means a private home that is the primary residence of an individual who provides full or part-time care day or night for six (6) or fewer children who are not related to the operator. The maximum number of unrelated children in the care of a certified family childcare provider shall not exceed six (6) at any one (1) time. A provider may care for four (4) related children in addition to six (6) unrelated children for a maximum child care capacity of ten (10) at any one (1) time. Related children include children, grandchildren, nieces, nephews, or children in legal custody of the operator.

Section 2 – That Articles 8-1(c)(10), 8-1(d)(19), 8-1(n); 8-2(c)(10), 8-2(d)(12), 8-2(n); 8-3(c)(10), 8-3(n); 8-5(c)(8), 8-5(d)(9), 8-5(n); 8-9(c)(7); 8-10(c)(7) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended as follows:

Sec. 8-1. Agricultural Rural (A-R) Zone.

(c) *Accessory Uses*. (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

10. Family childcare home.

(d) *Conditional Uses*. (Permitted only with Board of Adjustment approval.)

19. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

(n) *Off-Street Parking*. (See Article 16 for additional parking regulations.)

Kindergartens, Nursery Schools, Childcare Centers and Type II Childcare Centers: Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Sec. 8-2. Agricultural Buffer (A-B) Zone.

(c) *Accessory Uses*. (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

10. Family childcare home.

(d) *Conditional Uses*. (Permitted only with Board of Adjustment approval.)

12. Type II Childcare Center A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

(n) *Off-Street Parking*. (See Article 16 for additional parking regulations.)

Kindergartens, Nursery Schools, Childcare Centers and Type II Childcare Centers: Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.

(c) *Accessory Uses*. (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

10. Family childcare home.

(n) *Off-Street Parking*. (See Article 16 for additional parking regulations.)

Kindergartens, Nursery Schools, and Childcare Centers: Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Sec. 8-5. Single-Family Residential (R-1A) Zone.

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 8. Family childcare home.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
 - 9. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)
 - Type II Childcare Center: One (1) space in addition to that required for the dwelling.

Sec. 8-9. Single-Family Residential (R-1E) Zone.

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 7. Family childcare home.

Sec. 8-10. Townhouse Residential (R-1T) Zone.

- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
 - 7. Family childcare home.

Section 3 – That Articles 23A-5(c) and (d) of the Lexington-Fayette-Urban County Government Zoning Ordinance are hereby amended as follows:

Sec. 23A-5. Expansion Area Residential 1 (EAR-1) Zone.

- (c) *Accessory Uses.*
 - 5. Family childcare home.
- (d) *Conditional Uses.*
 - 2. Type II Childcare Center. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

Clerk of Urban County Council

PUBLISHED:

0493-22:TWJ:X:\Cases\PLANNING\22-LE0003\LEG\00757544.DOCX