

## 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. ~~means an incidental and subordinate use within a dwelling and not an accessory structure, where full- or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of Kentucky.~~

## Article 8 SCHEDULE OF ZONES<sup>1</sup>

### 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, ~~for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  - 19. Type II Childcare Center, ~~Family childcare for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12).~~ 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.)

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Kindergartens, Nursery Schools, Childcare Centers and ~~Family Type II Childcare Centers for seven (7) or more children~~: 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. for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
12. ~~Type II Childcare Center Family childcare for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12).~~ 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 ~~Family Type II Childcare Centers for seven (7) or more children~~: 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. for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~
- (n) *Off-Street Parking.* (See Article 16 for additional parking regulations.)

Kindergartens, Nursery Schools, ~~and~~ Childcare Centers ~~and Family Childcare for seven (7) or more children~~: 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. for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
9. ~~Type II Childcare Center. Family childcare for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12).~~ A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.

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

~~Family Type II~~ Childcare ~~Center~~ ~~for between seven (7) and twelve (12) children~~: One (1) space in addition to that required for the dwelling.

**\*\*The changes to the R-1A continue by reference into R-1B, R-1C, R-1D, R-2, R-3, R-4, and R-5 zones.**

### **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~~ ~~for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~

### **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~~ ~~for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).~~

## **APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS**

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

(c) *Accessory Uses*.

5. Family childcare ~~home~~ ~~for up to six children.~~

(d) *Conditional Uses*.

2. ~~Family Type II~~ Childcare ~~Center~~ ~~for seven and not more than twelve (12) children, provided the total number of children living or being cared for on the premises shall not exceed twelve (12).~~ A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.