

ORDINANCE NO. \_\_\_\_-2013

AN ORDINANCE AMENDING ARTICLE 1 AND ARTICLE 8 OF THE ZONING ORDINANCE TO DEFINE ADULT DAY CARE CENTER AND DAY SHELTER AND TO REGULATE SUCH FACILITIES IN THE P-1, B-1, B-2, B-2A AND P-2 ZONES.

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WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 1 and Article 8 of the Zoning Ordinance to define adult day care centers and to regulate adult day care centers as a conditional use in the P-1, B-1, B-2, B-2A and P-2 zones; and

WHEREAS, the Planning Commission held a public hearing on this proposed text amendment on July 12, 2012; and

WHEREAS, the Planning Commission recommended APPROVAL of this revised commission proposed text amendment by a vote of 8-1; and

WHEREAS, the proposed text amendment was referred to the Planning and Public Works Committee of the Council for further study, and as a result of that study the Planning and Public Works Committee of the Council recommended revising the text amendment to include a definition of “day shelter”, regulation of day shelters as a conditional use in the aforesaid zones and a revision to the definition of adult day care centers, regulation of adult day care centers as a principal use in the aforesaid zone and regulation of off-street parking for such uses; and

WHEREAS, this Council agrees with the amended language recommended by the Planning and Public Works Committee; and

WHEREAS, the recommendation form 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 of the Zoning Ordinance of the Lexington Fayette Urban County Government is hereby amended to read as follows:

ARTICLE 1-11: DEFINITIONS

ADULT DAY CARE CENTER – Any adult care facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults, who are not related to the operator, by blood, marriage or adoption. The operator must be certified or licensed by a state public agency and may include personal care assistance, administering and/or assistance with medication, and social recreational activities.

DAY SHELTER – A facility providing basic services generally during daylight hours, which may include food; personal hygiene support; information and referrals; employment, mail and telephone services; but excluding overnight sleeping accommodations, to people with limited financial resources, including people who are homeless.

Section 2 - That Article 8 of the Zoning Ordinance of the Lexington Fayette Urban County Government is hereby amended to read as follows:

#### ARTICLE 8: SCHEDULE OF ZONES

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##### PROFESSIONAL OFFICE (P-1) ZONE

8-15(b) Principal Uses  
21. Adult day care centers.

8-15(d) Conditional Uses  
7. Day shelters.

8-15(n) Off-Street Parking  
Adult Day Care Center – One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter – One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

##### NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(b) Principal Uses  
20. Adult day care centers.

8-16(d) Conditional Uses  
15. Day shelters.

##### DOWNTOWN BUSINESS (B-2) ZONE (carries forward to the B-2A zone)

8-17(d) Conditional Uses  
10. Day shelters.

##### OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

8-24(b) Principal Uses  
28. Adult day care center.

8-24(d) Conditional Uses  
6. Adult day care centers and day shelters.

8-24(n) Off-Street Parking  
Adult Day Care Center – One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter – One (1) space for every ten (10) persons being provided services, plus one (1) space per staff member on the maximum shift.

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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