

ORDINANCE NO. 045 - 2022

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).

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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: June 9, 2022



\_\_\_\_\_  
MAYOR

ATTEST:



Clerk of Urban County Council

PUBLISHED: June 16, 2022-1t

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Recd by \_\_\_\_\_

Date: \_\_\_\_\_

**RECOMMENDATION OF THE**  
**URBAN COUNTY PLANNING COMMISSION**  
**OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES**— petition for a Zoning Ordinance text amendment to Article 1, 8 and 23 to update the regulations related to family child care in a residential zone. Current terms and their definitions must be updated to meet adopted changes to KRS 100.

Having considered the above matter on April 28, 2022, at a Public Hearing and having voted 9-0 that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend APPROVAL for this matter for the following reason:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment responds to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).
  - b. The proposed changes will maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities (Theme C, Diversity Policy #5).
  - c. The amendment will encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County (Theme C, Policy #2).
  - d. The amendment will strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal #1.a).
2. The amendment will modernize the Zoning Ordinance, reconciling its requirements with relevant state laws.

ATTEST: This 13<sup>th</sup> day of May, 2022.

  
\_\_\_\_\_  
Secretary, Jim Duncan

LARRY FORESTER  
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Autumn Goderwis, Administrative Officer, Division of Planning, Planning Services Section.**

**OBJECTORS**

- None
- None

**VOTES WERE AS FOLLOWS:**

AYES: (9) Barksdale, Davis, Forester, Meyer, Michler, Nicol, Penn, Pohl, Worth.

NAYS: (0)

ABSENT: (2) Bell and de Movellan.

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for Approval of PLN-ZOTA-22-00003 carried.

Enclosures: Council initiating legislation  
Staff Report  
Planning Commission Recommended Text  
Applicable excerpts of minutes of above meeting

## GENERAL INFORMATION - Zoning Ordinance Text Amendment Application

1. **APPLICANT INFORMATION:**

**Name:** Urban County Planning Commission

**Address:** 200 E. Main Street

**City, State, Zip Code:** Lexington, KY 40507

**Phone Number:** 859-258-3160

2. **ATTORNEY (Or Other Representative) INFORMATION:**

**Name:** Tracy Jones

**Address:** 200 E. Main Street

**City, State, Zip Code:** Lexington, KY 40507

**Phone Number:** 859-258-3500

3. **REQUESTED TEXT CHANGE:** Date of Pre-application Conference: NA

**Zoning Ordinance Articles 1, 8, and 23:**

See attached text.

4. **DESCRIBE THE JUSTIFICATION FOR MAKING THIS CHANGE: (Use attachment if necessary.)**

Update the current regulations of Home Family Child Care to match the regulations determined by the State.

**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT****PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES**

APPLICANT: Urban County Planning Commission

PROPOSED TEXT: See attached documentation  
(Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)**STAFF REVIEW:**

In response to recent amendments to Kentucky Revised Statutes (KRS) related to certified in-home childcare programs, the Planning Commission initiated a petition for a Zoning Ordinance Text Amendment in order to reconcile local regulations with relevant state laws. The proposed text replaces the existing definition in the Zoning Ordinance for "Family Childcare" with two new definitions to better reflect the two in-home childcare programs regulated by the Cabinet for Health and Family Services.

The Zoning Ordinance currently allows for two levels of in-home childcare businesses. Currently, the Zoning Ordinance defines Family Childcare in Article 1. The use is further regulated in Article 8, where in zones allowing single family dwelling units, Family Childcare for up to six (6) children is allowed as an accessory use and Family Childcare for seven (7) to twelve (12) children is allowed as a conditional use, subject to review and approval by the Board of Adjustment. For both accessory and conditional uses, the specified number of children currently includes any children living or being cared for on the premises.

KRS 199.8982 which regulates the Family child-care home certification program was amended in 2021 related to requirements on a local government regulating certified family child-care homes. The text of that legislation states that the availability of adequate child-care as an essential business is vital to the Commonwealth's state and local economies. The amendment requires local governments that have adopted land use regulations pursuant to KRS 100 to specifically name family child-care homes for conditional use permits within the residential zones of the planning unit where they are not a fully permitted use pursuant to KRS 100.237. This new regulation has lead staff to draft the proposed language (attached). The proposed language will bring the Zoning Ordinance into compliance with this regulation and will further reconcile the manner in which in-home childcare is regulated locally, within Fayette County, with the manner in which it is regulated at the state level by the Kentucky Cabinet for Health and Family Services (CHFS).

The proposed text replaces the definition for "Family Childcare" with two new definitions, which reflect the two in-home childcare programs regulated by CHFS. According to KRS, a "Type II Childcare center" is a licensed in-home childcare center where care is provided for seven (7) to twelve (12) children, including children related to the licensee. To obtain this licensure from CHFS, the licensee



must have a relevant degree, or a combination of training and experience, and must complete fifteen (15) hours of training annually. A "Family Childcare Home" is a certified in-home childcare center where care is provided for six (6) or fewer children who are not related to the operator. This use is further regulated to allow for the care of up to four (4) children related to the operator in addition to the six (6) unrelated children. Certified providers must have a high school diploma/GED or a Commonwealth Care Credential, must complete six (6) hours of training within three (3) months, and complete nine (9) hours of training annually.

Home-based work, including home-based childcare, has been regulated in the Zoning Ordinance for many years with success, but regular revisions are important to insure that access to this type of employment is equitable and to mitigate potential negative impacts on neighbors. Because CHFS allows for additional related children in a Family Childcare Home, the proposed change will allow a bit more flexibility for in-home childcare at the accessory use level in our local Zoning Ordinance.

In addition to the necessity of this Zoning Ordinance text amendment to reconcile our local regulations with those at the state level, the proposed modifications to Article 1, Article 8 and Article 23 are in agreement with the 2018 Comprehensive Plan. Theme C, Diversity Policy #6 explicitly calls for an increase in flexibility on types of home occupations allowed. Theme A, Density Policy #3 calls for the creation of opportunities for additional neighborhood supportive uses, especially in areas where services are lacking.

Providing opportunities for individuals to conduct business in their homes by providing childcare creates flexible job opportunities further allowing individuals to utilize their homes for work in ways that are unlikely to have significant impacts on the surrounding neighborhood, allowing context-sensitive employment opportunities and upward mobility (Theme C, Diversity Policy #5, Theme C, Diversity Policy #2, Theme A, Goal #3.a, Theme C, Goal #1a). In-home childcare not only creates opportunities for individuals to work in their homes, but also provides an essential service within neighborhoods. Conveniently located childcare options near their homes are beneficial to parents and caregivers who work outside the home (Theme A, Density Policy #3, Theme C, Livability Policy 6).

The Staff Recommends: **Approval** of the proposed text amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment responds to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).
  - b. The proposed changes will maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities (Theme C, Diversity Policy #5).
  - c. The amendment will encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County (Theme C, Policy #2).
  - d. The amendment will strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal #1.a).
2. The amendment will modernize the Zoning Ordinance, reconciling its requirements with relevant state laws.





AMG/TLW  
04/04/2022  
Planning Services/Staff Reports/ZOTA/2022/PLN-ZOTA-22-00003 Staff Report.doc



**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.

an open records request. Mr. Baillie asserted that we have an excellent professional and licensed staff in the engineering Division of Engineering to ensure we get the best development possible.

Mr. Baillie clarified dispersal vs funneling in regards to traffic and that Planning staff focuses on dispersing traffic. The applicant must connect roadways, as discussed in the Comprehensive Plan. Additionally, Mr. Baillie mentioned that the suggestion for a right in, right out on Harrodsburg Road would be in violation of the Land Subdivision Regulations.

Commission Questions - Mr. Nicol asked what the Planning Commission approved as a Zoning Ordinance text amendment to provide signage for stub streets. Mr. Baillie responded saying that approximately three years ago, an Ordinance was passed that said all new stub streets needed stub street signage. Mr. Nicol asked about the cost of putting signage on every stub street and if that was a proposal that the Commission could make. Mr. Baillie said it was possible, but that would be quite a bit of work and money to make happen.

Ms. Worth asked a question about doing traffic calming devices with the development and not after the fact and if that is on the table or if it comes later. Mr. Baillie said that was something that the Commission could add, and gave a few examples of things they could add, such as speed tables.

Mr. Penn said that the Commission needed to focus on the plan in front of them and not the plan down the line. Mr. Penn did ask if Mr. Baillie saw anything in the alternative plan that would work. Mr. Baillie responded that the alternative plan unfortunately would not be supported as it would not meet the regulations.

Mr. Pohl asked if it would be appropriate for the Commission to have a condition indicating that should connecting Agape Drive or Larissa Lane be impossible for motorized vehicles, they be developed for bike and pedestrian traffic. Mr. Baillie indicated that a condition like that could work for Agape Drive, but would not make sense for Larissa Lane.

Mr. Michler asked what the Comprehensive Plan says about bringing greenways up to roads and parks, and the design and visibility of the city's greenspaces. Mr. Baillie indicated that we did not have regulations in regards to that framework at this time.

Mr. Nicol made a comment about context sensitivity, saying it's not the Commission's job to determine lot size.

Mr. Penn wanted to add a condition to the development plan to keep meaningful access to the greenway.

Zoning Action – A motion was made by Mr. Nicol, seconded by Mr. Penn, and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MAR-22-00005: COWGILL DEVELOPMENT, LLC., for the reasons provided by the staff.

Development Plan Action – A motion was made by Mr. Nicol, seconded by Mr. Pohl and carried 9-0 (Barksdale abstaining, de Movellan, and Bell absent) to approve PLN-MJSUB-22-00001: MARGARET W. CAMIC PROPERTY (W.E. SAVAGE PROPERTY) deleting the 12th condition and replacing it with a condition to keep a meaningful access to the greenway.

### C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

*\* The Planning Commission voted to take Zoning Ordinance text amendments items out of order.*

1. PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES – petition for a Zoning Ordinance text amendment to Article 1, 8 and 23 to update the regulations related to family child care in a residential zone. Current terms and their definitions must be updated to meet adopted changes to KRS 100.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval for the reasons provided by staff.

The Staff Recommends: Approval, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment responds to the implementation item calling for an increase in flexibility on types of home occupations allowed (Theme C, Policy #6).

- b. The proposed changes will maximize context-sensitive employment opportunities within the opportunity zone tracts, providing equitable community development and prioritizing local residents for advancement opportunities (Theme C, Diversity Policy #5).
  - c. The amendment will encourage a diverse economic base to provide a variety of job opportunities, allowing upward mobility for lower income residents of Fayette County (Theme C, Policy #2).
  - d. The amendment will strengthen efforts to develop a variety of job opportunities that lead to prosperity for all (Theme C, Goal #1.a).
2. The amendment will modernize the Zoning Ordinance, reconciling its requirements with relevant state laws.

Staff Text Amendment Presentation – Ms. Autumn Goderwis presented and summarized the staff report and recommendations for this text amendment. Ms. Goderwis stated that this text amendment is to allow more flexibility in regard to at home childcare and to reconcile the current Zoning Ordinance to align with new Kentucky state law.

The current ordinance allows for in home childcare up to six children as an accessory, and seven to twelve children as a conditional use. Ms. Goderwis said that this text amendment will change the current definition, and add two new definitions that better suit the accessory and conditional use options.

The "Type II Childcare Center" is a licensed in-home childcare center where care is provided for seven (7) to twelve (12) children, including children related to the licensee. The "Family Childcare Home" is for six or fewer children, with up to four children related to the licensee, for a total of up to 10 children.

Ms. Goderwis concluded her presentation by stating that staff is recommending approval for this text amendment.

Commission Question – None.

Citizen Comment – None.

Motion – A motion was made by Ms. Worth, seconded by Ms. Barksdale, and carried 9-0 (Bell and de Movellan absent) to approve PLN-ZOTA-22-00003: AMENDMENT TO ARTICLES 1, 8, AND 23 TO UPDATE REGULATIONS FOR FAMILY CHILD CARE HOMES for the reasons provided by the staff.

2. **PLN-ZOTA-22-00004: AMENDMENT TO PROFESSIONAL OFFICE (P-1) ZONE TO MODIFY RESTRICTIONS ON BEAUTY SHOPS AND BARBER SHOPS** – petition for a Zoning Ordinance text amendment to remove the current limitations (number of cosmetologists and square footage) on Beauty Shops and Barber Shops in the Professional Office (P-1) zone (Article 8-15).

INITIATED BY: Courtney and Rodney Carpenter

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: Approval for the reasons provided by the staff.

The Staff Recommends: Approval, for the following reason:

- 1. The proposed text amendment to remove restrictions for beauty shops and barber shops in the Professional Office (P-1) zone will increase the opportunity to utilize land inside the Urban Service Area for professional services that are necessary for the community. Allowing beauty shops and barber shops to expand may help to reduce vacant office space within the community, as recommended by Theme C: Jobs and Prosperity, Prosperity Policy #9 of the 2018 Comprehensive Plan.

Staff Text Amendment Presentation – Ms. Traci Wade presented and summarized the staff report and recommendations for this text amendment. Ms. Wade gave background on the text amendment and the reasoning behind the restriction that this text amendment is attempting to change. At the time, the Urban County Council was concerned with large barber/beauty shops selling retail items in the P-1 zone, and those concerns have not materialized because of this restriction.

Ms. Wade relayed that staff is recommending approval because this text amendment will allow barbers/beauty shops to utilize more existing square footage, which is consistent with the Jobs and Prosperity Policy #9 of the Comprehensive Plan.

Commission Question – None.

Citizen Comment – None.

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\* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.