

LUDLOW ORDINANCE NO. 2022-4

AN ORDINANCE OF THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AMENDING LUDLOW'S ZONING ORDINANCE TO INCLUDE FAMILY CHILD CARE HOMES AS A CONDITIONAL USE IN ALL RESIDENTIAL ZONES.

WHEREAS, the Kenton County Planning Commission has proposed text amendments to the Ludlow Zoning Ordinance to: (i) include Family Child Care Homes as a conditional use in all residential zones where they are not a fully permitted use, and (ii) make any necessary revisions to the definitions and height and area standards related to Family Child Care Homes. The proposed text amendments are necessary in order to comply with Senate Bill 148 and KRS 199; and

WHEREAS, the proposed text amendments were reviewed by the Kenton County Planning Commission on February 3, 2022, pursuant to the requirements of KRS 100.211, and the Commission recommended approval of the proposed text amendments; and

WHEREAS, the Ludlow City Council desires to adopt the recommendation of the Kenton County Planning Commission and vote to approve the text amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves and adopts the text amendments to the Ludlow Zoning Ordinance attached as **Exhibit A** and incorporated by reference herein. The Ludlow City Council finds that the text amendments are necessary to comply with recent revisions to KRS 199, and further adopts the supporting information/bases of the Kenton County Planning Commission's recommendation, which are shown in **Exhibit B** and incorporated by reference herein.

SECTION II

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060 (9) and other applicable law. The ordinance may be published in summary.

Passed by the City Council this _____ day of _____, 2022.

CITY OF LUDLOW, KENTUCKY

Joshua A. Boone, Mayor

ATTEST: _____
Laurie Sparks, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

EXHIBIT A

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: www.pdskc.org

ATTACHMENT A

Proposed Text Amendments to Ludlow Ordinance

Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

ARTICLE VII – DEFINITIONS**SECTION 7.0 WORDS AND PHRASES:**

FAMILY CHILD-CARE HOME: Family child-care home 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 the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

ARTICLE X – ZONES**SECTION 10.1 R-RE (RESIDENTIAL RURAL ESTATE) ZONE**

C. CONDITIONAL USES: The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.14 and SECTION 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Funeral homes, provided they are located adjacent to an arterial street
4. Governmental offices
5. Nursery schools
6. Police and fire stations, provided they are located adjacent to an arterial street
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
 - d. Tennis courts/clubs
 - e. Fishing lakes and clubs
 - f. Gun clubs and ranges
10. Family child-care homes

SECTION 10.2 R-1F (RESIDENTIAL ONE-F) ZONE

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in SECTION 9.14 and SECTION 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are

- located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
 4. Funeral homes, provided they are located adjacent to an arterial street
 5. Governmental offices
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
 8. Nursery schools
 9. Public and parochial schools;
 10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
 11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
 12. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.3 R-1J (RESIDENTIAL ONE-J) ZONE

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in SECTION 9.14 and SECTION 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
12. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.4 R-1JU (RESIDENTIAL ONE-J URBAN) ZONE

E. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in SECTION 9.14 and SECTION

18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
12. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.5 R-3 (RESIDENTIAL THREE) ZONE

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in SECTION 9.14 and SECTION 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
12. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.6 R-4 (RESIDENTIAL FOUR) ZONE

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by ARTICLE XIII
3. Signs, as regulated by ARTICLE XIV
4. Uses, as listed below, included within and entered from within any use permitted in this zone, primarily as a convenience and for the service of the occupants thereof, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building, and no exterior advertising displays for any accessory uses shall be visible from outside the building:
 - a. barber or beauty shop
 - b. bookstore and/or newsstand
 - c. flower shop
 - d. hobby shop
 - e. pharmacy and/or drug store
 - f. professional offices
 - g. snack bar or coffee shop

~~**[C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES]**~~

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in SECTION 9.14 and SECTION 18.7 of this ordinance:

1. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES~~**[D. OTHER DEVELOPMENT CONTROLS]**~~**E. OTHER DEVELOPMENT CONTROLS**

EXHIBIT B



Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

February 8, 2022

Josh Boone, Mayor
City of Ludlow
51 Elm St
Ludlow, KY 41016

Dear Mayor Boone,

NUMBER: PC2201-0005

Attached please find a copy of this Commission's action from its meeting on February 03, 2022 regarding a request for a text amendment to include Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted as well as making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199. Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Current Planning Manager, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this text amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Andy Videkovich, AICP, Current Planning Manager at PDS 859.331.8980 or avidekovich@pdskc.org.

Thank you.

A handwritten signature in blue ink, appearing to read "Paul J. Darpel". The signature is fluid and cursive, written over a light blue horizontal line.

Paul J. Darpel,
Chair

pb

attachment

1840 Simon Kenton Way, Ste. 3400 Covington, KY 41011-2999

P: 859.331.8980 info@kcpcky.org

KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC2201-0005

WHEREAS

The Kenton County Planning Commission per Paul Darpel, Chair, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Proposed text amendments to the Ludlow zoning ordinance: (1) adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199. AND;

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, FEBRUARY 3, 2022, AT 6:15 P.M., VIRTUALLY; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND TEXT AMENDMENT.

KCPC RECOMMENDATION –LUDLOW:

Favorable recommendation on the proposed text amendment to the City of Ludlow Zoning Ordinance: (1) adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The proposed text amendments are authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachment A).
2. The proposed text amendments are necessary to bring the zoning ordinance into compliance with Senate Bill 148 and KRS 199.
3. Senate Bill 148 defined family child-care homes as “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 the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.”
4. Additionally, Senate Bill 148 requires a local government that has adopted land use regulations pursuant to KRS Chapter 100 to specifically include by January 1, 2022, family child-care homes in the text of its zoning regulations to authorize the board of adjustments to separately consider the application of propose child-care home 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.
5. Based on testimony provided during the public hearing held on February 3, 2022.



PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION