

ORDINANCE NO. 189, SERIES 2016

AN ORDINANCE AMENDING SECTION 1.2.2, 4.2.1, 4.2.29, and Table 9.1.2B OF THE LAND DEVELOPMENT CODE PERTAINING TO MEDICAL CLINICS — APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1000).

SPONSORED BY: COUNCILMAN JAMES PEDEN

WHEREAS, the Planning Commission held a public hearing on October 6, 2016, to consider an amendment to LDC; and

WHEREAS, the Planning Commission recommended approval of the amendments provided in the staff report as stated in the Planning Commission's minutes of October 6, 2016; and

WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 16AMEND1000 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

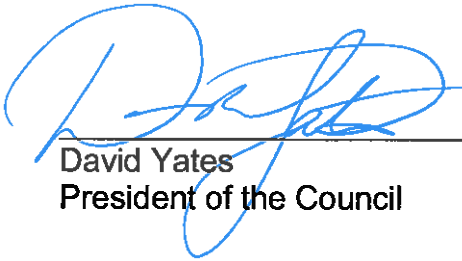
NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: The Metro Council hereby adopts the amendments to the LDC as contained in the minutes and records of the Planning Commission in Case No. 16AMEND1000, dated October 6, 2016, and as more specifically set forth in Exhibit A attached hereto.

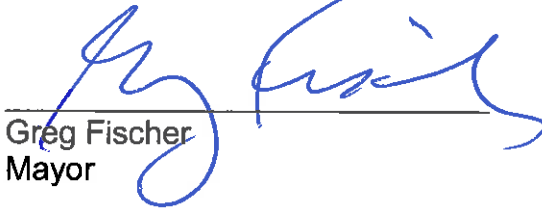
Section II: This Ordinance shall take effect upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David Yates
President of the Council

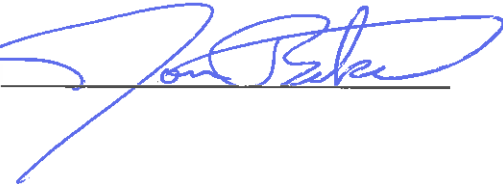


Greg Fischer
Mayor

11/18/16
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

**LOUISVILLE METRO COUNCIL
READ AND PASSED**
November 17, 2016

Exhibit A

1.2.2 Definitions

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Medical Clinic - A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care, ~~and~~ outpatient services, **and counseling services**, but do not provide overnight care. This term **includes drug clinics that treat persons addicted to controlled substances as a primary function. A medical office, hospital or government agency providing drug treatment that is incidental to other services shall not be considered a medical clinic.**

* * * * *

Hospital - A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute and post-acute care and treatment of illness, injury, abnormality or pregnancy. Such facilities usually include clinical laboratory services, X-ray services, surgery, obstetric care, etc. This term includes the following types of facilities: mental institutions and sanitariums; mental health receiving centers; and detoxification centers.

* * * * *

Office Use, Medical ("Medical Office") – **An office use that provides personal medical, dental, and health services, including those related to prevention, diagnosis, treatment and rehabilitation, provided by physicians, dentists, nurses, and other health personnel. This term does not include hospitals and medical clinics as such uses are specifically defined in this Land Development Code. The term also does not include a government agency providing medical or health service that is incidental to other service.**

* * * * *

Rehabilitation Home - A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. A rehabilitation home is not transitional housing. This definition does not apply to residential care facilities regulated by KRS 100.982. **This term does not include uses more specifically defined in this Land Development Code, such as hospitals and medical clinics.**

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4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

Section	Conditional Use
4.2.29	Hospitals and Medical Clinics, and Other Medical Facilities

4.2.29 Hospitals and Medical Clinics, and Other Medical Facilities

Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals and medical clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. **Signs – One In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not to exceeding 80 square feet in area or and not exceeding 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. Attached signs shall be designed in accordance with form district requirements, but the Board shall determine reserves the right to approve the size and location of all attached signs.**
- B. All buildings and structures shall be at least 30 feet from any property line.
- C. **Medical Clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services.**
- D. **Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time.**
- E. **Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.**

NOTE: The provisions of this Section 4.2.29 do not apply to Medical Offices as such are defined in this Land Development Code.

Table 9.1.2B Minimum and Maximum Motor Vehicle Parking Based on Use

USE CATEGORY	SPECIFIC USES	MINIMUM SPACES REQUIRED	MAXIMUM SPACES ALLOWED
Office/ Financial			
Office	Medical/Dental/ Veterinary Office or <u>Medical</u> Clinic	1 space for each 250 sq. ft. of gross floor area in suburban form districts. 1 space for each 500 sq. ft. of gross floor area in traditional form districts.	1 space for each 150 sq. ft. of gross floor area, <u>except in cases in which additional parking is required by the Board of Zoning Adjustment for facilities receiving a conditional use permit pursuant to section 4.2.29</u>