

Accordingly, such land use as defined herein will be permitted as hereinafter set forth as a conditional use in all residential districts of the City of Lebanon due to the nature of the proposed use as defined as a conditional use in Section 27-63 in the Lebanon Zoning Code.

NOW, THEREFORE, IN RECOGNITION OF THE FOREGOING RECITATIONS, BE IT ORDAINED AS FOLLOWS:

Section 1. Section 27-115, definitions, of the Lebanon City Code is amended to include the following new definitions as provided by the statutes of the State of Indiana:

"Day care center" means any institution operated for the purpose of providing: (1) care; (2) maintenance; or (3) supervision and instruction; to children who are less than six (6) years old and are separated from their parent, guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive work days; However, the term does not include public or private school programs (for children age three (3) and older) as of December 1, or day care ministries as defined in Indiana state law.

"Day care home" is a residential structure where an individual provides child care: (1) for compensation; (2) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays; and (3) to more than five (5) children at a time who:

- (A) are less than eleven (11) years of age; and
- (B) are not attended by:

- (1) a parent;
- (2) a stepparent;
- (3) a guardian;
- (4) a custodian; or
- (5) a relative who is at least eighteen (18) years of age.

The term does not include a day care center.

The definition provided by the State of Indiana for day care center and day care home is supplemented to include care for the elderly as well as for young children.

Section 2. So much of section 27-63(19) as reads as follows:

"(19) Private school, including Kindergarten or day nursery" is hereby changed.

In addition to the foregoing language, the following shall be inserted at the conclusion of that particular item to include "day care center" such that said Section 19 reads as follows:

"(19) Private school, including Kindergarten or day nursery/day care center."

Section 3. Section 27-63(1) shall be amended to include a new section allowing for specific requirements for the conditional use of a day care home:

"(34) Day care home:

- (a) No signage will be permitted on the premises. Strict adherence shall be made to maintain the residential character of the structure where the services are provided. No alterations to the facade other than those strictly necessary to preserve structural integrity of the facility shall be permitted except as may be required for compliance with building and fire codes of the State of Indiana. The intent is to continue the residential character and appearance of the structure although there will be a business present in the structure.
- (b) There shall be available in the structure a minimum of one hundred (100) square feet per child or adult which is cared for in the residential structure. The square footage of the entire house living area shall be considered, excluding therefrom the area occupied by the garage, provided that there shall be no more children or adults permitted for care in the residential structure than the maximum number allowed by state licensure requirements regardless of the square footage of the residential structure employed for the intended use.
- (c) The applicant for the conditional use under this subsection shall be a resident at the location where the intended use shall take place to further aid in the preservation of the residential character of the neighborhood and shall show proof of license or application for same from the State or County Department of Public Welfare, whichever is applicable.