

ORDINANCE NO. 296 (04-23-14)

AN ORDINANCE OF THE CITY OF TAYLOR MILL IN KENTON COUNTY, KENTUCKY, AMENDING THE TEXT OF SECTION 10.20 OF THE TAYLOR MILL ZONING ORDINANCE TO REMOVE GASOLINE STATIONS AS A PERMITTED USE IN THE DTM (3) ZONE AND THE GASOLINE STATION USE STANDARDS IN THAT ZONE.

WHEREAS, the City of Taylor Mill has proposed text amendments to Section 10.20 of the Taylor Mill Zoning Ordinance removing Gasoline Stations as a permitted use in the DTM (3) Zone and removing Gasoline Station use standards from that zone; and

WHEREAS, the proposed text amendments were reviewed by the Kenton County Planning Commission on January 2, 2014 in proceedings numbered PC-1311-0003 thereof, pursuant to the requirements of K.R.S. 100.211, and that commission recommended approval of the proposed text amendments:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TAYLOR MILL:

Section 1.0 – Zoning Text Amendments

The Taylor Mill zoning ordinance numbered 1977-24, as previously amended and readopted from time to time, is hereby again amended so that Sections 10.20 thereof conforms to the version of that section attached hereto and incorporated herein by reference as Attachment A, with the words and numbers being added indicated by a single solid line beneath them, and with the words and numbers being deleted indicated by a single solid line through them.

Section 2.0 – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3.0 – Conflicting Ordinances Repealed

All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 5.0 – Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).



DANIEL L. BELL, MAYOR

ATTACHMENT A

SECTION 10.20 DTM-3 (DOWNTOWN TAYLOR MILL COMMERCIAL) ZONE

A. **PURPOSE** The purpose of the DTM-3 Zone is to serve the commuting public and community residents by providing adequate land for mixed commercial uses which require larger sites and a higher degree of visibility. This zone is intended to accommodate the diverse development needs of various commercial uses, including hospitality uses, consistent with the *Comprehensive Plan's* and *I-275/KY 16 Land Use Plan's* development, land use and transportation goals, objectives, policies and strategies. Though the DTM-3 Zone permits the most intensive range of commercial uses, adherence to commercial design guidelines is important to achieve a mixed use, pedestrian friendly downtown environment that is compatible with existing neighboring residential uses and complimentary to adjacent commercial developments.

B. **PERMITTED USES:**

1. Apparel shop
2. Art gallery, picture framing
3. Art supplies
4. Bakery and bakery goods store, provided the product are sold exclusively on the premises
5. Bicycle sales and service
6. Book, stationery, or gift shop
7. Camera and photographic supplies
8. Candy store, soda fountain, ice cream store
9. Clothing store
10. Community centers, publicly owned and/or operated
11. Copy services
12. Delicatessen
13. Drive-through facilities, in accordance with the use standards provided in this Section
14. Drug store
15. Dry cleaning and laundry pick-up station
16. Eating and drinking establishments, outdoor patio dining is permitted
17. Existing single-family residential dwellings
18. Florist shop
19. Food store and supermarkets
20. Furniture store
- ~~21. Gasoline station, in accordance with the use standards provided in this Section~~
- 22.21. General merchandise and grocery store
- ~~23.22.~~ Glass, china, or pottery store

- ~~24.23.~~ Governmental offices
- ~~25.24.~~ Grocery store
- ~~26.25.~~ Hardware store
- ~~27.26.~~ Health club/fitness center
- ~~28.27.~~ Hobby shop
- ~~29.28.~~ Hotels and Conference Centers, in accordance with the use standards provided in this Section
- ~~30.29.~~ Household and electrical appliance store, including incidental repair
- ~~31.30.~~ Interior decorating studio
- ~~32.31.~~ Jewelry store, including repair
- ~~33.32.~~ Leather goods and luggage store
- ~~34.33.~~ Libraries
- ~~35.34.~~ Meat store, butcher
- ~~36.35.~~ Music, musical instruments, and records, including incidental repair
- ~~37.36.~~ Nursery school
- ~~38.37.~~ Opticians and optical goods
- ~~39.38.~~ Package liquor and wine store
- ~~40.39.~~ Pet shop, excluding boarding and outside runs
- ~~41.40.~~ Police and fire stations
- ~~42.41.~~ Post office
- ~~43.42.~~ Professional offices, including:
 - a. Medical and dental
 - b. Banks and other financial institutions, including savings, loan, and finance companies
 - c. Legal
 - d. Accounting
 - e. Engineering
 - f. Architecture
 - g. Interior design
 - h. Marketing
 - i. Employment service
 - j. Administrative and managerial
 - k. Medical laboratory
 - l. Education service
 - m. Office equipment and computer service
 - n. Telecommunications
 - o. Data processing
 - p. Corporate and regional corporate offices
 - q. Investment services office
- ~~44.43.~~ Radio and television store, including incidental repair
- ~~45.44.~~ Shipping and mail service
- ~~46.45.~~ Shoe sales and repair
- ~~47.46.~~ Spas, salons
- ~~48.47.~~ Sporting goods

- ~~49-48.~~ Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
- ~~50-49.~~ Tailor shop
- ~~51-50.~~ Toy store
- ~~52-51.~~ Travel agency
- ~~53-52.~~ Variety store, including notions and “five and ten” stores
- ~~54-53.~~ Video sales and rental

C. ACCESSORY USES

1. Customary accessory uses.
2. Fences and walls, as regulated by Article XI and Article XIII of this ordinance.
3. Signs, as regulated by Article XIV and Section 9.29 of this ordinance.

D. AREA AND HEIGHT REGULATIONS

1. Building Placement: Building placement and location in the DTM-3 Zone shall enable pedestrian and vehicular circulation within the DTM-3 Zone and between the DTM-1 and DTM-3 Zones.
 - a. Minimum Front Yard Depth: Buildings shall be constructed to a twenty (20) foot build-to line from all public streets, except in the following circumstances.
 - (1) Slight variations in the setback may be allowed at building entrances to architecturally pronounce the location and importance of building entrances to pedestrians.
 - (2) A larger setback is permitted when the resulting area is used as a pedestrian amenity, including formally landscaped plazas, courtyards and outdoor seating areas for restaurants, cafes, and coffee shops. Pedestrian spaces located within the front yard setback must be surrounded on three sides by building walls unless located at a corner.
 - b. Minimum Side Yard Depth: Buildings shall be constructed to a zero foot setback (or “build-to” line) from all side property lines to create a continuous building street wall between walls, except in the following circumstances:
 - (1) When a zone or land use adjoins a residential zone or land use, a 30-foot wide planting strip shall be

provided as required in Section 9.29.

- (2) Appropriate site accommodations shall be made for off-street parking and loading and landscaping and buffering requirements. Off-street parking shall be permitted in side-yards in accordance with the provisions of Section 9.29.
 - (3) A formal pedestrian-only walkway is provided that connects off-street parking areas located to the rear of a site to the storefront and walkway system located adjacent to storefronts. A minimum six (6) feet walkway width is required. Lighting fixtures shall be provided in the walkway area with lighting fixtures placed at regular intervals to provide continuous ground plane overlap.
 - (4) Formal open spaces, plazas, or outdoor seating may be developed between buildings, thus interrupting the continuous building street wall. Such areas shall be accessible to the public or shall serve an adjacent business. The design of such spaces shall ensure that parking to the rear of buildings is effectively screened through the use of fences, walls, or evergreens or a combination thereof. Such screening materials shall be in accordance with the provisions of Section 9.17, Landscape Regulations and Section 9.29.
 - (5) Curb cuts onto Taylor Mill Road shall be limited to no more than one (1) per block face. Such curb cuts shall allow vehicular access to common parking lots located to the rear of buildings. Primary access to development in the DTM-3 Zone shall be located at the intersection of arterial or collector streets and Taylor Mill Road.
- c. **Minimum Rear Yard Depth:** A rear zero-foot setback (or “build-to” line) is permissible but appropriate site accommodations shall be made for dumpsters, mechanical equipment, off-street parking and loading, landscaping and buffering (including a 30-foot wide planting strip when a DTM zone or land use adjoins a residential zone or land use as provided in Section 9.29), and on-site storm water management facilities.

2. **Building Mass and Bulk:** The relative size or mass of in relation to adjacent buildings is one of the primary ways to achieve design continuity throughout downtown Taylor Mill.

a. **Building Height and Stories:**

(1) Hotel and conference center buildings shall have a minimum building height of three (3) stories or forty-five (45) feet and a maximum building height of twelve (12) stories or one hundred eighty (180) feet.

(2) The maximum building height for all uses other than the hotel and conference center shall be four (4) stories in height or sixty (60 feet.)

E. OTHER DEVELOPMENT CONTROLS

1. **Site Plan.** A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

2. **Standards and Requirements.** Buildings and uses in the DTM-3 Zone shall be subject to all applicable standards and requirements set forth in this ordinance, including the following standards and requirements of Section 9.29:

Subsection	Standard or Requirement
E, 2	Minimum Development Area
E, 3	Ownership
E, 4	Location of Business Activities
E, 5	Maximum Building Footprint
E, 6	Mixed-Use Buildings
E, 7	Building Design
E, 8	Utilities
E, 9	Lighting
E, 10	Coverage and Open Space Requirements
E, 11	Landscaping and Buffering
E, 12	On-Street Parking
E, 13	Off-Street Parking and Loading
E, 14	Site Access
E, 15	Signage

F. **USE STANDARDS:** This section provides standards for specific land uses permitted by this ordinance. These standards are intended to apply in addition to all other requirements of this ordinance.

1. **Drive-Through Facilities:** Drive-through facilities are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to balance business interests with overall downtown revitalization goals, drive-through facilities are permitted in limited circumstances when all of the following requirements are satisfied:
 - a. Drive-through facilities shall be accessory to banks and other financial institutions, drug store, and restaurant uses, whether such uses are principal or accessory uses.
 - b. Ingress and egress to the drive-through shall not be provided directly from KY 16, Taylor Mill Road, or arterial or collector streets.
 - c. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.
 - d. Drive-through facilities shall be located at the rear or side of buildings and must be completely screened from all adjacent right-of-ways.
 - e. Only one stacking lane per drive-through facility is permitted.
 - f. Ingress and egress to any drive-through facility shall not interfere or conflict with on- or off-site pedestrian or vehicular circulation.

~~Gasoline Stations: Gasoline stations are auto-oriented uses that detract from the pedestrian-friendly and human-scale environment planned in Downtown Taylor Mill. However, in recognition of the need to balance business interests and community convenience with overall downtown revitalization goals, gasoline stations are permitted in limited circumstances when all of the following requirements are satisfied:~~

- ~~a. Attendant stations shall be located close to the street right-of-way to help define the street edge.~~
- ~~b. No more than four gas pumps are permitted between the attendant station and an abutting street right-of-way. Additional pumps are permitted to the side and rear of the attendant station.~~
- ~~c. Canopy height shall not exceed the height of the attendant station.~~
- ~~d. Canopy support structures shall be clad with brick masonry or stone when visible from a public or private roadway.~~

- ~~e. Flush mount canopy lights are prohibited. Canopy lights shall be recessed into the canopy.~~
- ~~f. A raised landscape planting bed with a thirty (30) inch masonry retaining wall is required when gasoline pumps are located adjacent to a public right of way.~~
- ~~g. An unobstructed walkway shall be provided between the public sidewalk and building entrances if the gas station includes a convenience store.~~
- ~~h. All building walls visible from a public or private roadway shall use similar building materials and architectural details and treatments as the front building wall.~~

2. Hotels and Conference Centers:

- a. A hotel and conference center shall provide off-street parking at the rate of one (1) parking space for each guest room. In addition to those requirements, for guest rooms, parking is to be provided at the rate of one (1) parking space for each two hundred (200) square feet of floor area of any meeting space facilities, ballroom, conference suites, and eating and drinking establishments.
- b. Hotels shall be connected to retail shops and restaurants pedestrian paths and walkways that contain lighting and seating.
- c. All hotel stairwells, corridors and other circulation components of the building shall be completely enclosed within the building envelope.
- d. When a public or semi-public space such as the hotel lobby, restaurants, meeting rooms and banquet facilities are sited at the ground level adjacent to a pedestrian path or public or private roadway, these spaces shall be accented with the use of glass and transparent materials between the height of three feet and eight feet above the walkway or street grade.
- e. No hotel room shall have exterior room access.
- f. Eating and drinking establishments shall be provided only if accessory to the principal hotel and conference center use. Such eating and drinking establishment must be located within the hotel building. Stores, shops, and service facilities are also permitted as accessory uses to the hotel and conference center use if located within the hotel building and intended primarily for the use and convenience of hotel guests.



City of Taylor Mill

est. 1957

Certification

The undersigned, Michelle M. Frisch, Assistant City Clerk/Special Events Coordinator of City of Taylor Mill, in Kenton County, Kentucky, hereby certified as follows:

1. The foregoing Ordinance No. 29(04-23-14) was introduced in writing and read to the City Commission of the City of Taylor Mill at regular or special meetings thereof on the 19th day of March, 2014, and the 23rd day of April, 2014, at which quorums were present; and said Ordinance was enacted by the City Commission of the City of Taylor Mill upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 23rd day of April, 2014, with the vote of each member of the City Commission entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Commission of the City of Taylor Mill, it was submitted to the Mayor of the City of Taylor Mill who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 16th day of May, 2014, in the Kentucky Enquirer, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.

Michelle M. Frisch, Assistant City Clerk/
Special Events Coordinator

Affidavit of Publication

Publisher's Fee 92.44 Affidavit Charge 10.00

State of Ohio

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} **SS.**

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Hamilton County

Personally appeared Janice Colston

Of the The Enquirer, a newspaper printed in Cincinnati, Ohio and published in Cincinnati, in said County and State, and of general circulation in said county, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

5/16/14

- Cincinnati Enquirer
- Kentucky Enquirer
- Cincinnati.Com

Janice Colston

AFFIANT
Sworn to before me, this

5/16/14

Crystal Williams

Notary Public of Ohio

LEGAL NOTICE
TAYLOR MILL
ORDINANCE NO. 296 (04-23-14)
TITLE
AN ORDINANCE OF THE CITY OF TAYLOR MILL IN KENTON COUNTY, KENTUCKY, AMENDING THE TEXT OF SECTION 10.20 OF THE TAYLOR MILL ZONING ORDINANCE TO REMOVE GASOLINE STATIONS AS A PERMITTED USE IN THE DTM (3) ZONE AND THE GASOLINE STATION USE STANDARDS IN THAT ZONE.

NARRATIVE
Taylor Mill Ordinance No. 296 was enacted on April 23, 2014; and it is an ordinance that amends the text of the Taylor Mill zoning ordinance to remove gasoline stations as a permitted use in the DTM-3 zone and the gasoline station use standards in that zone.

FINES, PENALTIES, FORFEITURES, TAXES OR FEES
No section of Taylor Mill Ordinance No. 296 imposes any fine, penalty, forfeiture, tax or fee. 1806592



Crystal Williams
Notary Public, State of Ohio
My Commission Expires 08-24-2015

Crystal Williams
Notary Public, State of Ohio
My Commission Expires 08-24-2015

