

ORDINANCE NO. 333(6-13-18)

AN ORDINANCE OF THE CITY OF TAYLOR MILL IN KENTON COUNTY KENTUCKY, AMENDING THE TEXT OF THE TAYLOR MILL ZONING ORDINANCE TO DEFINE AND PROHIBIT SHORT TERM RENTALS OF RESIDENTIAL REAL ESTATE AND PROVIDE PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City of Taylor Mill has proposed text amendments to the Taylor Mill zoning ordinance numbered 1977-24, as previously amended and re-enacted from time to time, to prohibit short term rentals as defined therein; and

WHEREAS, pursuant to the requirements of K.R.S. 100.211, the proposed text amendments were submitted to and reviewed by the Kenton County Planning Commission (KCPC) in proceedings numbered PC1802-0005 thereof; and, after a public hearing on March 1, 2018, the KCPC recommended disapproval of the proposed amendments;

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

Section 1.0 – Zoning Text Amendments

The Taylor Mill zoning ordinance numbered 1977-24, as previously revised and amended from time to time, is hereby again amended as follows, with the text being added indicated by a single solid line underneath it and the text being removed marked at the beginning with an opening bracket and at the end with a closing bracket with the text between the brackets stricken through with a single line, all as required by KRS 83A.060(3):

1.1 Definition of The Phrase “Short Term Rental”

Article VII is the Article in which definitions are provided; and it is hereby amended to add thereto a definition for the phrase “Short Term Rental,” in conformity with the language in ATTACHMENT A to this ordinance, which is incorporated herein by reference.

1.2 Prohibition of Short Term Residential Rentals

Article IX is the Article in which general regulations are provided; and it is hereby amended to add thereto a new general regulation numbered 9.30 prohibiting Short Term Residential Rentals, all in conformity with the language in

ATTACHMENT B to this ordinance, which is incorporated herein by reference.

1.3 Penalties

Section 16.9 provides penalties for the violation of the ordinance; and it is hereby amended to: (a) change the criminal penalties therein to conform to the requirements of KRS 83A.065; and (b) to add civil penalties to the criminal penalties provided therein, all in conformity with the language in ATTACHMENT C to this ordinance, which is incorporated herein by reference.

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 provision 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 ordinances 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

SHORT TERM RENTAL: The lease, rent, let or license for compensation to possess and use any lot or parcel of real estate in the City or any building thereon or any part or portion thereof for any period of time that is less than 28 continuous calendar days.

ATTACHMENT B

SEC. 9.30 PROHIBITION OF SHORT TERM RENTALS

Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any short term rental of any area or building in the City or any part or portion thereof that is within any of the following zoning classifications:

R-RE (Residential Rural Estate and Agricultural Zone)

R-1A: (Residential One A) Zone

R-1B: (Residential One B) Zone

R-1C: (Residential One C) Zone

R-1D: (Residential One D) Zone

R-1D1: (Residential One D1) Zone

R-1E: (Residential One E) Zone

R-1F: (Residential One F) Zone

R-1G: (Residential One G) Zone

R-2: (Residential Two) Zone

R-3: (Residential Three) Zone

RCD: (Residential Cluster Development Overlay) Zone

PUD: (Planned Unit Development Overlay) Zone

ATTACHMENT C

SECTION 16.9 PENALTIES: ~~[Any person or entity who violates any of the provisions of this ordinance, shall, upon conviction be fined not less than ten (10) dollars but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense]~~

A violation of this ordinance occurs whenever anybody, by either act or omission, conspires, causes, permits, encourages, aids, assists, allows or engages in any of the acts, actions, behavior, conditions or occurrences prohibited by this ordinance; and each and every separate non-continuing occurrence thereof, and each and every day of each continuing occurrence thereof is a separate violation of this ordinance.

A. Civil Offense

Each separate violation of this ordinance constitutes a civil offense; and, pursuant to the requirements of K.R.S.65.8808, the penalties to be imposed upon persons determined to have violated this ordinance are hereby established as follows:

1. The specific civil fine that shall be imposed for each separate violation of this ordinance in the event that a citation for that violation is not contested is hereby established at \$100.00 for a first violation, \$200.00 for a second occurrence of the same violation, and \$400.00 for the third and each subsequent occurrence of the same violation, plus the costs of remediation and collection, including, without limitation, court costs and attorney fees.

2. The maximum civil fine that may be imposed for each separate violation of this ordinance is hereby established at \$200.00 for a first violation, \$400 for a second occurrence of the same violation, and \$800 for the third and each subsequent occurrence of the same violation plus the costs of remediation and collection, including, without limitation, court costs and attorney fees.

B. Criminal Offense

Each separate violation of this ordinance shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be

sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both.