ORDINANCE NO. 320

AN ORDINANCE AMENDING ARTICLE VI OF THE TAYLORSVILLE SPENCER COUNTY JOINT PLANNING AND ZONING REGULATIONS REGARDING COMMERCIAL ZONING CLASSIFICATIONS AND GUIDELINES.

WHEREAS, a public hearing was held before the Taylorsville-Spencer County Joint Planning and Zoning Commission on the 16th day of September, 2010 after appropriate legal notice and,

WHEREAS, pursuant to KRS 100.211 (2) and Article XIII, Section 1301 of the regulations, the Taylorsville-Spencer County Joint Planning and Zoning Commission took the following action which was to recommend the proposed addition,

WHEREAS, the City of Taylorsville held a hearing on the 7th day of December , 2010 , after appropriate legal notice, in regard to the proposed amendment and,

THEREFORE, BE IT ORDAINED by the City of Taylorsville that Article VI of the Taylorsville-Spencer County Joint Planning and Zoning regulations is amended to read as follows:

ARTICLE VI

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

Preamble: The purpose of the commercial Districts is to govern the location and uses of a full range of business and commercial establishments needed to serve Spencer County and the city of Taylorsville. The regulations of the various commercial districts are designed to provide for groupings of business and commercial establishments that are compatible in scope of services and method of operation.

Section 601 **P-1 Professional Offices District**

Section 601.1 Uses permitted in the P-1 Professional Offices District

a.) Any use permitted and as regulated in the residence district most closely adjoining the P-1 Business District; and if they are adjoining two or more different categories of residence districts, the regulations of the more restrictive residence district shall apply.

b.) Professional and Governmental Offices as follows:

Banks
Business Colleges
Business Offices
Clinics
Dental Offices
Doctors Offices
Government Offices
Insurance Offices
Opticians
Professional Offices
Public/Governmental Buildings & Facilities
Real Estate office
Educational/ Charitable Institutions

c.) Offices: business and professional offices of any kind.

d.) Banks: including drive-in banks, savings and loan companies, finance companies and similar services.

e.) Other uses: any other retail business or service use which is determined by the Board of Adjustment to be of the same general character as the above permitted uses, but not including any use which is first permitted in the other commercial Districts, or which is prohibited in the commercial Districts, subject to compatibility with the surroundings.

Section 601.2 Required Conditions for Uses permitted in the P-1 Professional Offices District

a.) Business in enclosed buildings: all businesses, service or processing shall be conducted wholly within a completely enclosed building.

b.) The premises, all buildings and accessory structures, including signs, walls, fences and other enclosures shall be kept in sightly and proper condition and repair.

c.) Screening and Buffering as set forth in Section 606.

Section 601.3 Accessory Uses Permitted in the P-1 Professional Offices District

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted principal P-1 uses located on the same lot when they meet the yard requirements.

Section 601.4 Dimension and Area Requirements in the P-1 Professional Offices District

a.) Maximum Height - 35 feet

b.) Minimum Lot Area w/ sanitary sewer - none

c.) Minimum Lot Area without sanitary sewer - 1 acre

d.) Maximum Lot coverage - 40 percent

e.) Minimum Lot Width - 50 feet

f.) Minimum Front Yard - 50 feet

g.) Minimum side yard - 5 feet

h.) Minimum Rear Yard - 5 feet

Except when abutting a residential district, the residential setbacks apply.

Section 601.5 Exceptions and Modifications in Commercial and Industrial Zones

Exceptions and Modifications as indicated in Article VIII.

Section 601.6 Parking Regulations for P-1 Professional Offices District

All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

All other parking shall be provided as indicated in Article II, Section 206.

Parking Exceptions Article VIII, Section 805.

Section 601.7 Signage for P-1 Professional Offices District

On- premises signs permitted as indicated in Article II, Section 215.
Electronic Signs are permitted as indicated in Article II, Section 215.

Section 602 ***B-1 Downtown Business District***

Section 602.1 Uses permitted in the B-1 Downtown Business District

a.) Any use permitted and as regulated in the P-1 Professional Offices District and the Residential district most closely adjoining the B-1 Downtown Business District; and if they are adjoining two or more different categories of residence districts, the regulations of the more restrictive residence district shall apply.

b.) Retail and Personal Service Outlets as follows:

Antiques
Art Galleries
Bakeries
Barber Shops
Bed & Breakfast
Beauty Parlors
Book Stores
Camera & Photo Supplies
Caterers
Cellular Phone Sales
Commercial Schools/Art Studios
Community Buildings or Centers
Computer & Satellite Sales
Cosmetic Shop
Dance & Drama Studios
Delicatessens
Drug Stores
Fine Arts Studios w/ Conditional Use Permit
Fitness & Health Clubs
Florists
Funeral Homes/Mortuaries
Gift Shops
Hearing Aid Sales and Service
Hobby Shops/Handicrafts
Ice Cream Parlors
Jewelry, Art Metal Craft & Watch Repair
Libraries
Palmistry
Photography Studios
Picture Framing
Private Dining Rooms
Reducing Salons/Gymnasiums

Restaurant - not drive-in or drive-thru
Tanning Salon
Travel Agencies/Ticket Sales

c.) Retail sales establishments serving or selling alcohol shall follow the local and state Alcohol Beverage Control Guidelines.

d.) Other uses: any other retail business or service use which is determined by the Board of Adjustment to be of the same general character as the above permitted uses, but not including any use which is first permitted in the other Commercial Districts, or which is prohibited in the Commercial Districts, subject to compatibility with the surroundings.

Section 602.2 Required Conditions for Uses permitted in the B-1 Downtown Business District

a.) Business in enclosed buildings: all businesses, service or processing shall be conducted wholly within a completely enclosed building.

b.) The premises, all buildings and accessory structures, including signs, walls, fences and other enclosures shall be kept in sightly and proper condition and repair.

c.) Screening and Buffering as set forth in Section 606.

d.) Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter, or water-carried waste.

e.) New merchandise: goods for sale shall consist primarily of new merchandise, except for antiques. Second hand merchandise shall be prohibited except for stores dealing in traded in merchandise.

Section 602.3 Accessory Uses Permitted in the B-1 Downtown Business District

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted principal B-1 uses located on the same lot when they meet the yard requirements.

Section 602.4 Dimension and Area Requirements in the B-1 Downtown Business District

a.) Maximum Height - 35 feet

b.) Minimum Lot Area w/ sanitary sewer - none

c.) Minimum Lot Area without sanitary sewer - 1 acre

d.) Maximum Lot coverage - 40 percent

e.) Minimum Lot Width - 50 feet

f.) Minimum Front Yard - 50 feet

g.) Minimum side yard - 5 feet

h.) Minimum Rear Yard - 5 feet

Except when abutting a residential district, the residential setbacks apply.

Section 602.5 Exceptions and Modifications in Commercial and Industrial Zones

Exceptions and Modifications as indicated in Article VIII.

Section 602.6 Parking Regulations for B-1 Downtown Business District

All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

All other parking shall be provided as indicated in Article II, Section 206.

Parking Exceptions Article VIII, Section 805.

Section 602.7 Signage for B-1 Downtown Business District

On- premises signs permitted as indicated in Article II, Section 215.
Electronic Signs are permitted as indicated in Article II, Section 215.

Section 603 B-2 Light Commercial District

Section 603.1 Uses permitted in the B-2 Light Commercial District

a.) Any use permitted and as regulated in the P-1 Professional Offices and B-1 Downtown Business District unless a modification of such use is specifically mentioned herein.

b.) Retail and Personal Service Outlets as follows:

Apparel Stores
Assisted Living
Cleaning, Dyeing & Laundry *
Consignment Stores
Costume/Formal Attire Rental
Curio & Novelty Shops
Custom Tailors & Weavers
Day Care w/ Conditional use Permit
Department Stores
Discount Houses
Extended Care or Assisted Living
Fruit & Vegetable Markets
Grocers
Hardware Stores
Health Food Stores
Hotels & Motels
Key shops / Locksmith Repairs
Laundry / Dry Cleaning *
Leather Goods, Sales & Repair
Liquors, Package Sales
Military Surplus Stores
Millinery Shops / Fabric Stores
Museums
Musical Instrument Sales & Service
Nursing Homes
Orthopedic & Medical Supplies
Private Clubs & Lodges w/ Conditional Use Permit
Restaurant - drive-in or drive-thru
Roadside Stands
Sewing Machine Stores, Sales & Service
Shoe Sales & Repair
Sports wear
Stamp & Coin Stores

Stationary Stores / Card Shops
Tobacco Shops
Tourist Homes & Rooming Dwellings
Toy Stores
Variety Stores
Veterinary Clinic/ Animal Hospital **

c.) Retail sales establishments serving or selling alcohol shall follow the local and state Alcohol Beverage Control Guidelines.

d.) *Household services: laundry, dyeing and dry cleaning establishments, provided no building accommodating any such use shall have any heating or power plant, ventilating device or other opening, except stationary windows and required fire exits, within fifty (50) feet of any R-District

e.) **Animal hospitals, veterinary clinics, etc: animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any buildings in which the animals are kept shall be reasonably soundproof and exercise runs shall be enclosed on all sides by a sight-obscuring, un-pierced wall at least six (6) feet in height.

e.) Other uses: any other retail business or service use which is determined by the Board of Adjustment to be of the same general character as the above permitted uses, but not including any use which is first permitted in the other Commercial Districts, or which is prohibited in the Commercial Districts, subject to compatibility with the surroundings.

Section 603.2 Required Conditions for Uses permitted in the B-2 Light Commercial District

a.) Business in enclosed buildings: all businesses, service or processing shall be conducted wholly within a completely enclosed building unless otherwise approved by the Administrator.

b.) The premises, all buildings and accessory structures, including signs, walls, fences and other enclosures shall be kept in sightly and proper condition and repair.

c.) Screening and Buffering as set forth in Section 606.

d.) Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of

odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter, or water-carried waste.

e.) Night operation: no building customarily used for night operation shall have any opening, other than stationary windows and required exits within two hundred (200) feet of any R-District.

f.) Loading and Unloading Docks: space used for loading or unloading commercial vehicles in connection with such an operation shall be located at the rear of the building or located in a manner as to not be seen from a major roadway and located no closer than one hundred (100) feet of any R-District.

Section 603.3 Accessory Uses Permitted in the B-2 Light Commercial District

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted principal B-2 uses located on the same lot when they meet the yard requirements.

Section 603.4 Dimension and Area Requirements in the B-2 Light Commercial District

a.) Maximum Height - 55 feet

b.) Minimum Lot Area w/ sanitary sewer - none

c.) Minimum Lot Area without sanitary sewer - 1 acre

d.) Maximum Lot coverage - 40 percent

e.) Minimum Lot Width - 50 feet

f.) Minimum Front Yard - 50 feet

g.) Minimum side yard - 5 feet

h.) Minimum Rear Yard - 5 feet

Except when abutting a residential district, the residential setbacks apply.

Section 603.5 Exceptions and Modifications in Commercial and Industrial Zones

Exceptions and Modifications as indicated in Article VIII.

Section 603.6 Parking Regulations for B-2 Light Commercial District

All-weather off-street automobile parking, paved with bituminous asphalt or concrete shall be provided on all lots on which any of the following uses are established such space shall be provided with vehicular access to a street or alley.

All other parking shall be provided as indicated in Article II, Section 206.

Parking Exceptions Article VIII, Section 805.

Section 603.7 Signage for B-2 Light Commercial District

On- premises signs permitted as indicated in Article II, Section 215.
Electronic Signs are permitted as indicated in Article II, Section 215.

Section 604 B-3 Medium Commercial District

Section 604.1 Uses permitted in the B-3 Medium Commercial District

a.) Any use permitted and as regulated in the P-1 Professional Offices, B-1 Downtown Business District and B-2 Light Commercial District unless a modification of such use is specifically mentioned herein.

b.) Retail and Personal Service Outlets as follows:

Appliances
Auto Parts & Supply
Automotive Sales, Display and Rental:
automobiles, trucks, buses, motorcycles, ATV bicycles, trailers, airplanes, tractors, boats & jet skies, lawn mowers & any other self propelled vehicles of any kind
Automotive Service Stations and Minor Repair
Billiard or Pool Halls
Boat Docks or Launch Areas
Boat Storage
Bowling Alley
Camping Areas w/Conditional Use Permit
Car Wash
Commercial Parking Lots
Commercial Resorts
Convenience Store/Gas Station
Country Clubs *
Crockery Sales / Ceramic Products
Dairy Products
Drafting Supply Store
Driving Ranges *
Exterminator
Floor Covering Store
Furniture Sales
Garden Supply & Nursery Stock Stores
Golf Courses
Hospital
Household Furnishings
Interior Decoration Shops
Lawn Mower Service
Marinas or Boat Rental
Meat Markets / Butcher Shops

Mini Storage Units
Office Furnishings & Equipment
Office Machines, Sales & Repair
Paint Stores & Art Supplies
Pawn Shops
Printing & Related Trades:
publishing, binding, job printing
Public Auction Rooms
Radio & Television Sales & Service
Record Shops
Radio, Telecasting Studios
Schools (Non-Commercial)
Tattoo Parlor
Trade Schools
Sign Painting Shops
Skating Rinks ice or roller *
Sports Arenas w/ Conditional Use Permit *
Swimming Pools *
Taverns & Bars
Theaters
Vehicle Storage Garages
Venetian Blind / Awning Shop
Veterinary Clinic/Animal Hospital **
Wall Paper & Paper Hanging Shops

c.) Retail sales establishments serving or selling alcohol shall follow the local and state Alcohol Beverage Control Guidelines.

d.) * Commercial recreation: any type of commercial recreation, including ball parks or field, golf driving ranges, skating rinks, swimming pools and similar open-air facilities; provided the premises upon which such open-air commercial use is located shall be enclosed by a solid masonry wall at least six (6) feet high where it abuts, in the rear or on the sides, any R-District.

e.) **Animal hospitals, veterinary clinics, etc: animal hospitals, kennels, display and housing or boarding of pets and other domestic animals, provided that any buildings in which the animals are kept shall be reasonably soundproof and exercise runs shall be enclosed on all sides by a sight-obscuring, un-pierced wall at least six (6) feet in height.

f.) Other uses: any other retail business or service use which is determined by the Board of Adjustment to be of the same general

character as the above permitted uses, but not including any use which is first permitted in the other Commercial Districts, or which is prohibited in the Commercial Districts, subject to compatibility with the surroundings.

Section 604.2 Required Conditions for Uses permitted in the B-3 Medium Commercial District

a.) Uses to be enclosed or screened from residence districts: All businesses, service repair, processing, storage or display, except nursery stock, whether principal or accessory shall be conducted wholly within a completely enclosed building unless otherwise approved by the Administrator.

b.) The premises, all buildings and accessory structures, including signs, walls, fences and other enclosures shall be kept in sightly and proper condition and repair.

c.) Screening and Buffering as set forth in Section 606.

d.) Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter, or water-carried waste.

e.) Night operation: no building customarily used for night operation shall have any opening, other than stationary windows and required exits within two hundred (200) feet of any R-District.

f.) Loading and Unloading Docks: space used for loading or unloading commercial vehicles in connection with such an operation shall be located at the rear of the building or located in a manner as to not be seen from a major roadway and located no closer than one hundred (100) feet of any R-District.

Section 604.3 Accessory Uses Permitted in the B-3 Medium Commercial District

Accessory uses and structures customarily accessory and incidental to any of the fore going permitted principal B-3 uses located on the same lot when they meet the yard requirements.

Section 604.4 Dimension and Area Requirements in the B-3 Medium Commercial District

a.) Maximum Height - 55 feet

b.) Minimum Lot Area w/ sanitary sewer - none

c.) Minimum Lot Area without sanitary sewer - 1 acre

d.) Maximum Lot coverage - 40 percent

e.) Minimum Lot Width - 50 feet

f.) Minimum Front Yard - 50 feet

g.) Minimum side yard - 5 feet

h.) Minimum Rear Yard - 5 feet

Except when abutting a residential district, the residential setbacks apply.

Section 604.5 Exceptions and Modifications in Commercial and Industrial Zones

Exceptions and Modifications as indicated in Article VIII.

Section 604.6 Parking Regulations for B-3 Medium Commercial District

All points of access and off-street automobile parking areas on the front and street side must be paved with bituminous asphalt or concrete from the street to the structure. All other parking areas are to be paved with bituminous asphalt, concrete, crushed stone, gravel, or slag.

All other parking shall be provided as indicated in Article II, Section 206.

Parking Exceptions Article VIII, Section 805.

Section 604.7 Signage for B-3 Medium Commercial District

On- premises signs permitted as indicated in Article II, Section 215.
Electronic Signs are permitted as indicated in Article II, Section 215.

Section 605 B-4 Heavy Commercial District

Section 605.1 Uses permitted in the B-4 Heavy Commercial District

a.) Any use permitted and as regulated in the P-1 Professional Offices, B-1 Downtown Business District, B-2 Light Commercial District and B-3 Medium Commercial District unless a modification of such use is specifically mentioned herein.

b.) Retail and Personal Service Outlets as follows:

Automotive Services and Repair:
Engine & transmission shops, Body & Fender Shops, Electric & Battery Shops, Tire Service & Repair, Glass Shops, Auto Upholstery Shops and Car Wash
Automotive Wholesaling & Auctioning of Vehicles
Blacksmith Shop/Horse Shoeing
Building Material Sales & Storage w/ Conditional Use Permit
Farm Implement Repair & Sales w/ Conditional Use Permit
Frozen Food Lockers
Furniture Making & Upholstery
Ham Curing w/ Conditional Use Permit
Ice Houses not exceed 5 ton capacity
Laboratories – research, development & testing
Laboratories – experimental, photo, motion picture
Machinery Repairing, Sales & Display
Mobile Home Sales & Service
Monument Service Shop
Schools of Industrial Trade
Drive-in Theaters w/ Conditional Use Permit
Race Tracks w/ Conditional Use Permit

c.) Other uses: any other retail business or service use which is determined by the Board of Adjustment to be of the same general character as the above permitted uses, but not including any use which is first permitted in the other Commercial Districts, or which is prohibited in the Commercial Districts, subject to compatibility with the surroundings.

Section 605.2 Required Conditions for Uses permitted in the B-4 Heavy Commercial District

a.) Business in enclosed buildings: all businesses, service or processing shall be conducted wholly within a completely enclosed building unless otherwise approved by the Administrator.

b.) The premises, all buildings and accessory structures, including signs, walls, fences and other enclosures shall be kept in sightly and proper condition and repair.

c.) Screening and Buffering as set forth in Section 606.

d.) Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter, or water-carried waste.

e.) New merchandise: goods for sale shall consist primarily of new merchandise, except for antiques. Second hand merchandise shall be prohibited except for stores dealing in traded in merchandise.

f.) Night operation: no building customarily used for night operation shall have any opening, other than stationary windows and required exits within two hundred (200) feet of any R-District.

g.) Loading and Unloading Docks: space used for loading or unloading commercial vehicles in connection with such an operation shall be located at the rear of the building or located in a manner as to not be seen from a major roadway and located no closer than one hundred (100) feet of any R-District.

Section 605.3 Accessory Uses Permitted in the B-4 Heavy Commercial District

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted principal B-4 uses located on the same lot when they meet the yard requirements.

Section 605.4 Dimension and Area Requirements in the B-4 Heavy Commercial District

a.) Maximum Height - 35 feet

b.) Minimum Lot Area w/ sanitary sewer - none

c.) Minimum Lot Area without sanitary sewer - 1 acre

d.) Maximum Lot coverage - 40 percent

e.) Minimum Lot Width - 50 feet

f.) Minimum Front Yard - 50 feet

g.) Minimum side yard - 5 feet

h.) Minimum Rear Yard - 5 feet

Except when abutting a residential district, the residential setbacks apply.

Section 605.5 Exceptions and Modifications in Commercial and Industrial Zones

Exceptions and Modifications as indicated in Article VIII.

Section 605.6 Parking Regulations for B-4 Heavy Commercial District

All points of access and off-street automobile parking areas on the front and street side must be paved with bituminous asphalt or concrete from the street to the structure. All other parking areas are to be paved with bituminous asphalt, concrete, crushed stone, gravel, or slag.

All other parking shall be provided as indicated in Article II, Section 206.

Parking Exceptions Article VIII, Section 805.

Section 605.7 Signage for B-4 Heavy Commercial District

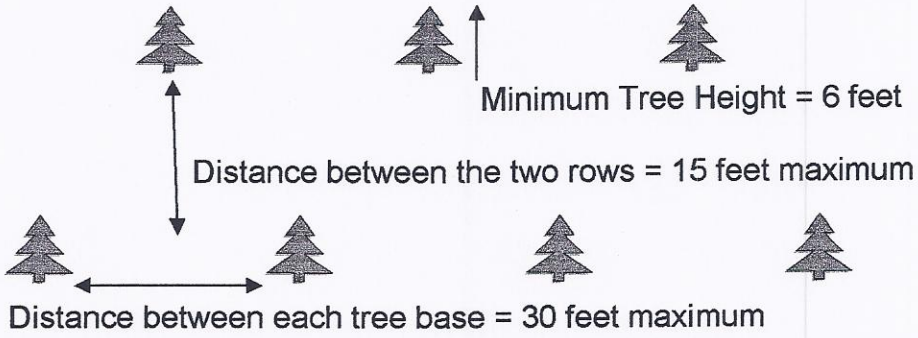
On- premises signs permitted as indicated in Article II, Section 215.
Electronic Signs are permitted as indicated in Article II, Section 215.

Section 606 Screening/Buffering Required Between Commercial or Industrial and Residential and/or Agricultural Districts.

Newly established or newly expanding commercial or industrial where such uses abuts in the rear or on the sides either directly or across an alley of any Residential and/or Agricultural district shall provide within the commercial or industrial property along that adjacent property line, a properly maintained dense hedge or tree planting in a double row

staggered at a minimum height of 6 feet, or other suitable landscape device such as a solid wall or fence at least eight (8) feet high as approved by the planning & zoning commission to visually screen the commercial or industrial area from such adjacent residential and/or agricultural areas. Failure to provide or maintain such planting buffer shall constitute a violation of this ordinance.

See Example below:



DON PAY, Mayor

ATTESTED BY:

STEVE BIVEN, City Clerk

Date of First Reading November 9, 2010
Date of Second Reading December 7, 2010
Date Published January 5, 2011