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**TO:** Kenton County Planning Commission Members

**FROM:** Emi Randall, AICP, RLA   
Director of Planning and Zoning

**RE:** Staff Recommendations for the Public Hearing

**DATE:** January 3, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled January 10, 2019 public hearing. This information relates to the following agenda item:

**FILE:** PC1812-0001  
**APPLICANT:** City of Taylor Mill per Brian Haney, City Administrator  
**REQUEST:** A proposed text amendment to the Taylor Mill Zoning Ordinance amending the paving requirements for driveways not located within a subdivision to require pavement for only the first 20 feet instead of the full length if the driveway exceeds 100 feet.

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

cc: Brian Haney, City Administrator





<b>Text Amendment</b>	
Case No:	PC1812-0001
Jurisdiction:	Taylor Mill
Applicant:	City of Taylor Mill per Brian Haney
Project Manager:	Jill Conniff, Associate Planner

**GENERAL CASE INFORMATION**

1. **Request:** A proposed text amendment to the Taylor Mill Zoning Ordinance amending the paving requirements for driveways not located within a subdivision to require pavement for only the first 20 feet instead of the full length if the driveway exceeds 100 feet (see Attachment A).

**HISTORY & BACKGROUND**

1. In 2018, the Taylor Mill Board of Adjustment denied an appeal for a gravel driveway approximately 340 feet in length at a property located at 1036 Robertson Road (BOA1810-0001). The applicant requested to lay gravel for their driveway instead of the required asphalt concrete or Portland Cement concrete due to the cost associated with the length of the driveway.
2. The City of Ryland Heights permits gravel instead of pavement in any residential zoning district where the depth of the front yard is 100 feet or greater.
3. The City of Covington permits gravel instead of pavement if four criteria are met: (1) the property is located in a residential zone; (2) the subject property is not a flag lot; (3) the front setback is more than 100 feet; and, (4) any subsequent subdivision of property creating front yards of less than 100 feet will require pavement.

**ANALYSIS**

1. **Petition Review:**
  - a. The submitted request is to add language to the paving regulations which will permit a driveway to be paved for only the first 20 feet instead of the full length if the following criteria are met:
    - i. The driveway is not within a subdivision development; and,
    - ii. The driveway is longer than 100 feet.
  - b. Section 11.0., M., of the Off Street Parking and Access Control Regulations require all new off-street parking facilities to be paved with asphalt concrete or Portland cement concrete.
  - c. In residential zones, driveways are interpreted to be able to be used for off-street parking and must be paved.
  - d. The submitted request will be applied to all zones in the City of Taylor Mill.

**STATE STATUTE**

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

**STAFF RECOMMENDATION:** Unfavorable recommendation of the proposed text amendment to amend the paving requirements for driveways.

### **SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed text amendment is not reasonable or appropriate. The proposed language is appropriate in a rural residential or agriculture zone but is not reasonable in a suburban or higher density residential zone.
2. The proposed text amendment will be detrimental to the public health, safety, and general welfare. In the case of a flag lot property that meets the proposed criteria, the proposed 20 feet of pavement may not surpass an adjacent property's house. The adjacent property could be affected by dust and rocks from the gravel driveway.
3. The proposed text amendment will not achieve the results intended, which is to allow gravel driveways only in very limited circumstances. One of the proposed criteria for allowing a gravel driveway is that it is not within a subdivision. All lots, regardless of access, size, or orientation, were a part of a subdivision, even the lot that is involved in the genesis of this issue (see BOA1810-0001). Therefore, this text amendment will in fact permit gravel driveways on almost any lot with a driveway greater than 100 feet long.

### **ADDITIONAL INFORMATION**

1. Staff would be in favor of the text amendment if the proposed text applied to the R-1B, R-1C, R-1D, R-1D1, R-1E, R-1F, and R-1G Zones and if the length of 20 feet of pavement was increased to 100 feet. Within the A-1, R-RE, or R-1A Zones, staff would be in favor of the length of 20 feet of pavement and the remaining may be laid with gravel for the entire length if the driveway is greater than 100 feet.

In order to facilitate those amendments, an additional attachment has been prepared to show what sections would need to be amended to incorporate the specific zones and lengths. Please see Attachment B.

**General Attachment Notice:**

*For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: [www.pdskc.org](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to the Taylor Mill Zoning Ordinance.  
Words to be **deleted** are [~~lined through~~]. Words to be **added** are underlined.

**ARTICLE XI**

**OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS**

**SECTION 11.0 GENERAL REQUIREMENTS**

- M. PAVING OF NEW OFF-STREET PARKING: All new off-street parking facilities shall be paved with asphalt concrete or Portland Cement concrete and shall be designed in accordance with the standards and procedures herein established. If the construction is not within a subdivision development and the length of the new construction is longer than one-hundred (100) feet, only the first twenty (20) feet are required to be paved asphalt concrete or Portland Cement.

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**ATTACHMENT B**

Potential Text Amendments to the Taylor Mill Zoning Ordinance.  
Words to be **deleted** are [~~lined through~~]. Words to be **added** are underlined.

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