

**COMMISSIONERS ORDINANCE NO. O-2019-023**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING VARIOUS SECTIONS OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY.**

**WHEREAS**, the City of Newport, Kentucky Planning and Zoning Commission, upon application for various text amendments, held a public hearing upon such request after giving notice as required by KRS Chapter 424 on July 23 2019 (as part of Hearings PZ-19-07, -08, -09, -10, and -11); and,

**WHEREAS**, the City of Newport, Kentucky Planning and Zoning Commission during the public hearing unanimously approved the request and made recommendation to the Board of Commissioners of the City of Newport, Kentucky to approve the requested text amendments; and,

**WHEREAS**, the Board of Commissioners of the City of Newport, Kentucky hereby agrees with the recommendation City of Newport Planning and Zoning Commission,

NOW THEREFORE BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**SECTION I**

That various sections of the Official Zoning Code, as set forth below, are hereby amended to read, as follows:

**SECTION 7.0 WORDS AND PHRASES:**

BAR: See TAVERN.

INDOOR/OUTDOOR MUSIC VENUE: A building, or building complex, comprised of both an indoor and outdoor stage used independently (never at the same time) to accommodate musical performances, including live music, the presentation of music played on sound equipment operated by the owner or by an employee. Nightclubs, taverns, bars, adult entertainment theaters as defined herein shall not be considered music venues.

RECYCLING, LIGHT: Processing of scrap metals for the purposes of recycling. Shall not include the dismantling or processing of vehicles or machinery.

#### **SECTION 9.14 BUILDING REGULATIONS:**

No structure shall be designed, erected or altered except in accordance with the following regulations:

A. ALL ZONES:

- 1 MINIMUM GROSS FLOOR AREA: No dwelling unit shall have a gross floor area as defined in Section 7.0, herein, of less than six hundred (600) square feet; provided and except, however, that in residential zones minimum gross floor areas shall not be less than the following:

**TABLE 1  
MINIMUM GROSS FLOOR**

<b>ZONE</b>	<b>TYPE OF DWELLING UNIT</b>	<b>AREA IN SQUARE FEET (PER UNIT)</b>
R 1, R-2, <u>R-2H</u> , R-3	Single family, one bedroom	650[(+)]
R 1, R-2, <u>R-2H</u> , R-3	Single family, two bedrooms	800[(+)]
R 1, R-2, <u>R-2H</u> , R-3	Single family, three bedrooms	900[(+)]
R 1, R-2, <u>R-2H</u> , R-3	Single family, four bedrooms	1000[(+)]

R 2, <u>R-2H</u> , R-3, R-4, R-5	Efficiency Apartment	400
R 2, <u>R-2H</u> , R-3, R-4, R-5	One-bedroom apartment	500
R 2, <u>R-2H</u> , R-3, R-4, R-5	Two-bedroom apartment	700
R 2, <u>R-2H</u> , R-3, R-4, R-5	Three-bedroom apartment	800

~~[(1) Two family dwelling amount equal to combined minimum gross floor area of equivalent single-family unit.]~~

2. PUBLIC WATER AND SANITARY SEWERS: No building may be constructed in any zone unless such building is connected to a public water and centralized sanitary sewer system and approved by the proper authorities.
3. APPROVAL REQUIRED FOR COMBINING STRUCTURES.
  - A. Where two or more structures share a common wall said common wall shall not be altered in any manner, which would provide access through said common wall from one structure to another. This shall include any type of opening through said common wall until all requirements of the subdivision regulations of the City have been met and approval has been granted by the Planning Commission and the Board of Adjustments.
  - B. Where two structures are separate and remote said structures shall not be joined or combined until all requirements of the Subdivision Regulations of the City have been met and approval has been granted by the Planning Commission and the Board of Adjustments.

#### **SECTION 9.24 PLANNED UNIT DEVELOPMENT REGULATIONS (PUD)**

- A. PURPOSE: The purposes of the Planned Unit Development (PUD) Regulations are to: promote flexibility in design and permit planned diversification to the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; providing for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional

land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

B. ZONES PERMITTING PLANNED UNIT DEVELOPMENT: A Planned Unit Development may be permitted in any zone where it is listed as "Permitted Principal Use", provided all conditions or provisions as set forth in this section are met and a public hearing is held in accordance with requirements of KRS Chapter 424 on the concept [preliminary] development plan.

C. GENERAL: Areas of land to be developed under the provisions of this section of the Ordinance shall be controlled by the following general guidelines and requirements:

1. Permitted Uses: All uses within a PUD are determined by the provisions of this Section and the approved plan of the project concerned.

a. Residential Uses: Residential Uses may be of a variety of types including single family, two-family and multi family dwelling units. In developing a balanced community, the use of a variety of housing types including zero lot line, cluster, rowhouse and townhouses shall be deemed in keeping with this section.

b. Commercial, Service, Other Non Residential Uses: Commercial, industrial and other non residential uses may be included in a PUD subject to approval by the Planning and Zoning Commission. Such uses, their locations, and commercial area designs shall be compatible with the residential uses. This section encourages a mixture of residential support uses to improve economic development of the PUD, specifically, and to the community, in general. Commercial, business, or industrial uses shall be reviewed by the Planning Commission to determine the following:

(1) That the uses permitted are necessary or desirable and are appropriate with respect to the purpose of this PUD Section.

(2) That the uses are not of such nature or so located as to exercise a detrimental influence on the PUD nor on the surrounding neighborhood.

(3) That the areas and uses are planned as an integral part of the PUD.

(4) That the uses are located and so designed as to provide direct access to a collector or an arterial street without creating traffic congestion or hazard.

2. Minimum Area Requirements: The minimum area required for a PUD shall be a gross land area of five (5) acres if used for residential zone purposes.

- Provided, however, no commercial uses shall be permitted in a PUD containing a gross land area less than ten (10) acres. Further provided, however, that no manufacturing uses shall be permitted in a PUD containing a gross land area of less than twenty (20) acres.
3. **Setback Requirements:** The location of all structures shall be as shown on the final approved plat. Minimum lot size, front, rear, and side yard lines, and lot width shall be established by the Planning and Zoning Commission at the time of Concept Approval, consistent with the intent of this Chapter and sound planning practices. Planning and Zoning Commission may be guided by standards set elsewhere in this ordinance for comparable conditions and by common good practice. The relationship of buildings to each other, to the local street system, and to open space land shall be consistent with the intent of this Section
  4. **Intensity of Land Use:** Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of dwelling units per gross acre than usually permitted in a traditionally zoned district. The Planning and Zoning Commission shall determine in each case the appropriate land use and dwelling unit density for individual projects or sections thereof. However, the following guidelines shall be adhered to: followed unless special circumstances render an exception:
    - a. **Residential Densities:** Residential Densities are to be governed by the approved underlying zones.
    - b. **Land Use Ratios:**
      - (1) Land Use ratios are to be determined based on the underlying zones and approved preliminary development plan.
  5. **Common Property:** Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants. When common property exists, the ownership of such common property may be either public or private. When common property exists, satisfactory arrangements shall be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and recreational and open spaces. The landowner shall provide for and establish an organization for the ownership and maintenance of any

private common open space, and such organization shall not be dissolved, nor shall it dispose of any common open space.

6. Conflict of Restrictions: Wherever there is a conflict or difference between the provisions of this section and those of the other sections of this ordinance, the provisions of this section shall prevail. Subjects not covered by this section shall be governed by the respective provisions found elsewhere in this ordinance unless otherwise approved by the plan commission.
  7. Utilities: All utilities, including communication and electrical systems, shall be placed underground within the limits of a PUD. Appurtenances to these systems may be accepted.
  8. Streets: The design and designation of all streets, public or private, shall be subject to the approval of the Planning Commission where necessary. Because of the nature of a PUD and the intent of this section, the overall shape and dimension of the street right of way shall be at the discretion of the Planning and Zoning Commission.
  9. Home Owners Association: There shall be an established Home Owners Association and its by laws and other similar deed restrictions which provide for the control and maintenance of all common areas, recreation facilities, or open spaces shall meet with the approval of the Planning Commission. If any open space or recreational facility is to be used solely by the residents of the PUD, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly maintained and operated.
  10. Commercial Design: The plan of the project shall provide for the integrated and harmonious design of buildings in commercial and industrial areas and such parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, and other features from the adjoining and surrounding residential areas.
  11. Design guidelines shall be submitted and approved by Planning and Zoning along with the preliminary development plan
- D. APPLICATION AND APPROVAL PROCEDURES. Whenever a PUD is proposed, before a permit for the erection of a permanent building in such PUD shall be granted, and before a subdivision plat of any part thereof may be filed in the office of the Planning and Zoning Commission, the developer or his authorized agent shall apply and secure approval of such PUD in accordance with this Section. Review of the project shall take place in three (3) phases. [At

~~the culmination of each phase, the applicant must receive the necessary approvals from the City of Newport Plan Commission prior to proceeding with subsequent review phases.]~~ Lack of sufficient or continuous progress as defined herein, either through or between phases, may lead to nullification of all approvals by the City of Newport Planning and Zoning Commission. Approval of any one phase does not guarantee approval of any subsequent phases.

#### 1. PHASE I CONCEPT APPROVAL:

a. Concept Plan - in order to allow the Planning and Zoning Commission and the developer to reach an understanding on basic design requirements prior to detailed design, the applicant shall submit:

- (1) A legal description of the metes and bounds of the parcel.
- (2) An area map and/or aerial photograph showing adjacent property and existing uses within three hundred (300) feet of the proposed PUD parcel.
- (3) A concept ~~[sketch]~~ plan approximately to scale, though it need not be to the precision of a finished engineering drawing; and it should show the following:
  - a) The existing topographical features of the site;
  - b) General map of the watershed in which the project is to be located;

c) Identification of soil types and geologic formations, indicating anticipated construction and development related problems and proposed solutions [~~Location of the various uses and their areas in acres~~];

d) Location of proposed [~~The general outlines of the~~] interior roadway system and all [~~existing~~] right of way widths and easements whether public or private, and including approximate dimensions of pavement, and grades;

e) Delineation of all existing and proposed [~~the various~~] residential and non residential areas, indicating for each area, its general extent, acreage[~~size~~], and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type;

i.) Detached housing – location and approximate number of lots, including a typical section (s) identifying approximate lot sizes and dimension, and setback and height of buildings;

ii.) Attached Housing – location and description of the various housing types (townhouse, apartment, etc.) including approximate heights of typical structures and approximate number of units by housing type;

iii.) Commercial uses – location and type of all uses including approximate number of acres, gross floor area and heights of buildings;

iv.) Open Space/Recreation – the approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained;

v.) Other public and semi-public uses – location and type of all uses, including approximate number of acreage and height of buildings;

- f) Calculation of the residential density in dwelling units per gross acre including interior roadways;
- g) Location of proposed pedestrian walkways, identifying approximate dimensions [The interior open space system];
- h) Where portions of the site are subject to flooding, the map shall indicate extent and frequency;
- i) Principal ties to the community at large with respect to transportation, water supply, sanitary and storm sewers and electric [and sewage disposal];
- j) General description of the availability of other community facilities, such as schools, fire protection services, and cultural facilities, if any, and how these facilities are affected by these proposals;

- k) Evidence that the proposed PUD is compatible with the goals of the City's Official Comprehensive Plan;
  - l) General statement as to how common open space is to be owned and maintained;
  - m) If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the concept [~~sketch~~] plan shall show the intended total project.
- b. The Planning and Zoning Commission shall review the concept plan and its related documents at a public hearing and shall render a written report to the applicant within fifteen (15) days of the public hearing. The Planning Commission may call upon other public or private entities to provide a sound review of the proposal. The Planning and Zoning Commission may require preliminary approval from other City or state agencies. The Commission need only concern themselves with general conceptual merit, and in no way shall commit any future acceptance or rejection of detailed design elements required in subsequent phases of plan review. The written report shall include the following:
- (1) Whether the proposal meets the intent and objectives of this PUD Section;
  - (2) Whether the proposal is conceptually sound in that it conforms to accepted design principals in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the developed elements;
  - (3) Whether there are adequate services and utilities available or proposed to be made available in the construction of the project.
- c. If the Planning and Zoning Commission grants approval or approval with conditions of the proposed PUD conceptual plan, then the applicant may proceed to Phase II.

#### E. PHASE II PRELIMINARY PLAT PETITION:

1. Application Filing [~~and Public Notification~~] - after having received approval of the proposed PUD conceptual plan, the applicant may then proceed to Phase II of the approval process. Application for preliminary plat approval

shall be submitted to the City of Newport Planning and Zoning Commission's duly authorized representative for administrative review for conformance with the approved Concept Plan, the City's Subdivision Regulations, and other applicable elements of this ordinance including the below required information. Staff may approve the preliminary plat with minor adjustments from the Concept Plan, without a public hearing. In the event that staff determines that a major change has been proposed, including changes in density, circulation patterns, land use types or other similar factors, the proposed revisions shall be reviewed through the public hearing process as provided under KRS Chapter 424. ~~[The proposed preliminary plat and any supportive documents shall be filed with Planning and Zoning Commission Office at least fifteen (15) days in advance of the public hearing at which the proposed plat is to be reviewed. The applicant shall meet all Planning and Zoning Commission public hearing requirements as set out in KRS Chapter 424.]~~

2. Contents of Preliminary Plat - the preliminary plat shall be filed in three (3) copies at a scale not greater than 1"=100' and include the following:
  - a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets and easements within three hundred (300) feet of the applicant's property.
  - b. A topographic map of the entire area showing contour intervals of not more than five (5) feet of elevation shall be provided. Where existing ground is on a slope of less than two percent (2%), the plan shall show either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in all directions.
  - c. A preliminary site plan including the following information:
    - (1) Title of drawing, name of project, name and address of applicant.
    - (2) The land use plan identifying existing and proposed uses and building by type, location, quantity, design, floor area, and density of specific sections and the project in total.

- (3) North point, scale and date.
  - (4) Existing and proposed watercourses.
  - (5) Street layout and design.
  - (6) The open space plan and planned sites for schools, recreation areas, community centers, and other public improvements where applicable.
  - (7) Location of all existing or proposed site and off-site improvements, including drains, ditches, culverts, retaining walls, and fences; descriptions and location of method of sewage disposal and water supply; location and size of all signs (street name and traffic control); location and design of street and parking lighting; and the amount of building area proposed for non residential uses, if any.
  - (8) A plan for phasing the construction of the project, showing the geographical coverage of future plats, their approximate sequence of development, and the tentative timetable for development. It is the intent of this Section that the tempo and sequence of development in a PUD be such that land uses which provide only moderate local revenues, yet require large municipal and school service costs, are scheduled simultaneously with those that provide larger local revenues yet which are not as costly to service.
- d. The Planning and Zoning Commission may require, if all or part of the gross land area of the PUD has moderate to high susceptibility to flooding, a transparent overlay showing all soils, areas, and their classifications; as well as those areas susceptible to flooding, or moderately or highly susceptible to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and tree coverage.

[2-] 3. Factors for Consideration - The Planning and Zoning Commission['s] staff's review of a preliminary site plan shall include, but shall not be limited to, the following considerations:

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, signs, and traffic controls.
  - b. Adequacy and arrangement of pedestrian traffic access and circulation; separation of pedestrian from vehicular traffic; and pedestrian convenience.
  - c. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
  - d. Location, size, and placement of buildings, lighting and signs.
  - e. Type and arrangement of landscape features.
  - f. Adequacy, location, and size of storm water and sanitary waste disposal facilities.
  - g. Adequacy of structures or roadways in areas with moderate to high susceptibility to flooding, ponding, or erosion.
  - h. Conformance with other specific requirements of the Planning and Zoning Commission, which may have been stated in the PUD conceptual plan approval.
  - i. In its review, the Planning and Zoning Commission may consult with the City engineer, other departments or officials, as well as with the representatives of Federal and State agencies such as the Soil Conservation Services, or Department of Natural Resources. The Planning and Zoning Commission may also require such additional provisions and conditions that appear necessary for the public health, safety, and general welfare.
  - j. That property adjacent to the proposed development will not be adversely affected.
4. Action on Preliminary Plat Plan - within thirty (30) days of submittal, staff will determine whether any major changes have been proposed, and either refer the application to the Newport Planning and Zoning Commission or ~~[the public hearing at which the preliminary plat is submitted for approval, the Planning and Zoning Commission shall]~~ act on it. ~~[If no decision is made within said thirty (30) day period, the preliminary plat plan shall be considered conditionally approved.]~~ The Planning and Zoning Commission~~[-s]~~ Staff's actions shall be in the form of a written statement to

the applicant stating whether or not the preliminary plat plan is conditionally approved. ~~[A copy of the appropriate minutes of the Planning and Zoning Commission shall be sufficient report.]~~

~~[5. The Planning and Zoning Commission's statement may include recommendations as to desirable revisions to be incorporated into the final plat plan, of which conformance with shall be considered a condition of approval. However, such recommendations shall be limited to siting and dimensional details within general use areas and shall not significantly alter the sketch plan as it was approved in the conceptual plan proceedings. If the preliminary plat plan is disapproved, the Planning and Zoning Commission's statement shall contain the reasons for such findings. In such a case the Planning and Zoning Commission may recommend further study of the plat plan and re-submission of the preliminary plat plan to the Planning and Zoning Commission after it has been revised.]~~

~~[E.]~~ F. PHASE III FINAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS:

1. Application for Final Development Plan Approval - after receiving the conditional approval from the Planning and Zoning Commission's duly authorized representative on a preliminary plat~~[s]~~ and approval for all necessary permits and curb cuts from City and/or state officials, the applicant may prepare his final Development Plan and submit it to the Planning and Zoning Commission for final approval. The Final Development Plan shall conform substantially to the preliminary plat plan that has

received conditional approval. It should incorporate any revisions or other features that may have been recommended by the Planning and Zoning Commission during concept plan and preliminary plat plan review procedures.

2. Final Platting Procedures - the elements of the final plat shall consist of:

a. Plat or plats of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, suitable for recording and which will be recorded in the office of the County Clerk, after final approval by the Planning and Zoning Commission. The plat or plats shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning and Zoning Commission, and in addition to the following:

(1) All areas reserved for common ownership with an indication of the properties the owners will share in common.

(2) Such lot or parcel lines indicating tracts, which are, now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval);

(3) Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.

b. In addition to and along with the final plat, the applicant shall also submit a final development plat~~[A]~~, at a scale of not greater than one (1) inch

equals one hundred (100) feet, which shall set forth, identify, and locate the following:

- (1) The proposed finished grade of the subject property shown by contours with intervals not larger than two (2) feet supplemented where necessary, by spot elevations;
- (2) All walks, malls, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, etc.
- (3) The location and type of all walls, fences, screen plantings, and landscaping;
- (4) The location, size, height, and orientation of all signs;
- (5) The types of surfacing proposed on the various off-street parking, and driveways including cross sections and drainage plans;
- (6) Location and cross section drawings of all proposed streets, highways, alleys, and walkways, indicating the proposed surfacing and drainage plans;
- (7) A plan showing all existing and proposed utilities, indicating, where applicable, pipe sizes, types, and grades;
- (8) A drainage plan of the natural and storm sewer system of the area showing size and location of each existing and proposed structure, the approximate volume of runoff water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion, hillside slippage, and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- (9) Plans and drawings required above may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plans. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.
- (10) A final schedule of development staging and phasing as set forth elsewhere in this Ordinance.
- (11) Sketches of the exteriors of several representative buildings in the project. It is intended that neither uniformity of architectural style nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this subsection is to permit

development flexibility greater than that permitted by other sections of this Ordinance.

- c. The Final Development Plan - after approval by the Planning and Zoning Commission, shall be delivered to the Zoning Administrator, who shall grant permits only in accordance with the approved development plan and other plans as required by this Ordinance.

**G. SUPPLEMENTAL REGULATIONS:**

1. Proceedings - all proceedings brought under this section shall be subject to the rules of procedure of the Planning and Zoning Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of preliminary plat plans and final plat plan.
2. Modification - in the exercise of its continuing jurisdiction, the Planning and Zoning Commission may, from time to time, modify the approved final plat plan in a manner consistent with the approved preliminary plat plan to allow for changed circumstances and conditions unforeseen at the time of the original approval.
3. Request for Changes - if in the development of the site, it becomes apparent that certain elements of the plan are not feasible and in need of significant modification, the applicant shall then present his solution to the Planning and Zoning Commission. The Planning and Zoning Commission shall then determine whether or not the modified plan is still in keeping with the intent of the Comprehensive Plan and zoning district with respect to the specific property. If a negative decision is reached, the site plan shall be considered as disapproved. The applicant may then produce another site plan solution. If an affirmative decision is reached, the Planning and Zoning Commission shall so notify the Zoning Administrator, stating all of the particulars of the matter and authorizing the modifications as approved.
4. Expiration of Approval - approval by the Planning and Zoning Commission shall expire after a period of five (5) years from the approval of the PUD's Development Plan unless the development is fifty one percent (51%) completed in terms of public improvements such as power, gas, water, and sanitary sewers, in which latter instance an extension of time may be granted by the Planning and Zoning Commission not to exceed five (5) successive periods of two (2) years each.
5. Recording- all approved final plat plans and modifications thereof shall be recorded in the appropriate plat books in the office of the County Clerk after approval by the Planning and Zoning Commission.

**SECTION 10.0 DISTRICT REGULATIONS**

**SECTION 10.2 RESIDENTIAL DISTRICTS**

**A. DISTRICT DEFINED:**

1. R-1 RESIDENTIAL ONE ZONE: The R-1 Zone is intended to be limited to dwellings and public or semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in this district are those, which would not detract from the residential character of the neighborhood. Conversion of existing structures should be discouraged. Densities in this area should generally be below ten (10) units per acre. New residential developments under this zone should however, be discouraged at densities above seven (7) units per acre. The purpose of this district is to create an attractive, stable and orderly single-family residential environment.
2. R-2H RESIDENTIAL TWO HILLSIDE ZONE: The R-2H Zone is intended to stabilize and protect the urban residential character within areas of the southern section of the city by permitting a higher density of single-family residences. New development, redevelopment and rehabilitation in this zone should mirror existing uses closely. In[-]fill development shall be submitted to and approved by the Planning and Zoning Commission or its duly authorized representative. Densities range from approximately 10 to 17 units per acre.
3. R-2 RESIDENTIAL TWO ZONE: The R-2 Zone is intended to stabilize and protect the urban residential character within the older eastern section of the City by permitting a mixture of single and two-family residences, and selective types of existing neighborhood retail and service establishments as defined herein. New development, redevelopment and rehabilitation in

this zone should mirror existing uses closely. Conversion of structures should be appropriate only when the size of the structure and land surrounding it allow such renovation. In fill development shall be submitted to and approved by the Planning and Zoning Commission or its duly authorized representative. Densities range from approximately 10 to 17 units per acre.

4. R-3 RESIDENTIAL THREE ZONE: The R-3 Zone is intended to stabilize and protect the urban residential character within the older western section of the City by permitting a mixture of single and two-family residences, and selective types of existing neighborhood retail and service establishments. New development, redevelopment and rehabilitation in this zone should mirror existing uses closely. Conversion of structures should be appropriate only when the size of the structure and land surrounding it allow such renovation. In fill development shall be submitted to and approved by the Planning and Zoning Commission or its duly authorized representative. Densities range from approximately 12 to 21 units per acre.
5. R-4 RESIDENTIAL FOUR ZONE: The R-4 Zone is intended to provide a district within which medium density two family, three family and multi family dwelling units are permissible along with public or semi-public uses which are normally associated with residential neighborhoods. Density shall not exceed 10 units per acre.
6. R-5 RESIDENTIAL FIVE ZONE: The R-5 Zone is intended to provide a district within which high-density multi family dwelling units are permissible. This zone also allows a mixture of ancillary retail or office uses that would compatibly serve the residential neighborhood created through this district.

New development would be encouraged as townhouses or apartment/condominiums on in fill sites. Rehabilitation of existing larger structures (retail, institutional and residential) would be encouraged as residential space. Single family residential and large scale commercial development should be discouraged. Densities shall not exceed 1 (one) unit per 2,178 square feet.

### **SECTION 10.3 COMMERCIAL DISTRICT**

#### **A. DISTRICT DEFINED:**

1. Central Business District Zone - the CBD Zone is designed to permit the development of a complete range of retail sales and personal, professional, and business services required to meet the demands of a fully developed community. In general, to achieve maximum flexibility of permitted land use, the CBD Zone makes possible a highly varied grouping of retail and business functions.
2. Neighborhood Commercial Zone - the NC Zone is created to provide for local or neighborhood business uses that will be compatible with adjoining residential areas. The NC Zone is designed to provide for commercial, office, public and semi-public structures, which are to be typically much less commercial in appearance and architecturally more harmonious with residential structures. This zone can serve as a buffer between residential areas and general business districts (such as the CBD or Shopping Center Areas) where a gradual transition from existing residential use to general business use is occurring or should occur.
3. Shopping Center Zone - the SC Zone is designed to permit the development of a complete range of retail sales and personal, professional, and business services required to meet the demands of the community and larger region. This zone provides for commercial uses that are compatible with the existing commercial character of outlying highways and arterials.
4. Professional Office Zone - the PO Zone is designed to allow a "mix" of business and professional office establishments with existing dwellings along major thoroughfares that are undergoing a transition in use from residential to higher intensity commercial and office uses. The purpose of this Zone is to allow for extensive rehabilitation of residential structures for business and professional office purposes.

- 5. Riverfront District - the RFD is designed to capitalize on proximity of the Ohio River. A mixture of office and residential high-rise buildings along with supporting retail establishments are to be encouraged in this district. This district encompasses the area between 3rd Street and the riverfront.
- 6. Central Business District Fringe - the CBDF District is designed as a transitional zone that encourages appropriate conversion and adaptive reuse of existing residential structures for mixed uses; including office, residential and retail. This district encompasses the 11th Street corridor and neighborhoods on the perimeter of the existing CBD.

~~[7. Commercial District Zone - The C-1 Zone is designed to compliment the Neighborhood Commercial Zone. It is designed to permit the development of various mixed uses; including office, residential and retail.]~~

**B. PERMITTED USES:**

The permitted uses for each zone are shown in the following Table. Uses listed for the six commercial zones shall be according to the common meaning of the term or according to definitions given in this Ordinance. Uses not specifically listed or defined herein shall not be permitted.

**TABLE 6  
PERMITTED AND CONDITIONAL USES: COMMERCIAL ZONES**

NOTE: P signifies permitted use; X signifies not permitted; C signifies conditional uses.

DISTRICTS							
<del>[C-1]</del>	CBD	NC	SC	PO	RFD	CBDF	1. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENTS
<del>[P]</del>	P	P	P	X	P	P	A. Art supplies, Candy Store, Drug Store, Hardware Store and/or Garden Supplies, Florist, Grocery, Retail Bakery Sales or other food Store, Lunch Counter or Soda Fountain, Delicatessen or Restaurant (excluding Drive-Ins) and Bookstore.
<del>[P]</del>	P	X	X	P	P	P	B. Outdoor dining areas as an accessory to Indoor dining and excluding use of the right-of-way.
<del>[X]</del>	X	X	P	X	X	X	C. Drive-In Restaurants or Premises used for the sale, dispensing or serving of food or beverages outdoors or where customers may

							serve themselves or carry out and consume the food refreshments or beverages on the premises.
<del>[X]</del>	X	C	P	X	X	X	D. Gasoline Service Station, Tire and Auto Service Center, limited to indoor service bays only.
<del>[X]</del>	X	C	C	X	X	X	E. Convenience Stores with Retail Gasoline Sales.
							2. PERSONAL SERVICE ESTABLISHMENTS
<del>[P]</del>	P	P	P	P	P	P	A. Barber Shops, Beauty Shops, Funeral Homes[ <del>not permitted in C-4</del> ], Dry Cleaning and Laundry Pick-up Stations, Radio and Television Service, Photography Studio and Travel Bureau.
<del>[X]</del>	X	X	P	X	X	X	B. Pawn Shop, Rent to Own Stores
							3. GOVERNMENT SERVICES
<del>[P]</del>	P	P	P	P	P	P	A.[ <del>-</del> ] Library, Post Office, Police and Fire Stations, City and County <u>Buildings</u> , Courthouses and related services.
<del>[C-4]</del>	CBD	NC	SC	PO	RFD	CBDF	4. PROFESSIONAL SERVICE ESTABLISHMENTS
<del>[P]</del>	P	P	P	P	P	P	A. Advertising Agencies, Accountants, Architects, Engineers, Interior Decorators, Planners, and Surveyors; Banks and other Financial Institutions; Employment Agencies; and related offices or services including Blueprinting/Photocopying and Job Printing.
							5. MEDICAL AND HEALTH CARE SERVICES
<del>[P]</del>	P	P	P	P	P	P	A. Physicians, Dentists, Eye Care Professionals and related offices.
<del>[P]</del>	X	P	P	P	C	P	B. Laboratories including medical, dental and optical.

<del>P</del>	P	P	P	P	P	P	C. Fitness Centers such as Health Clinics and Health Spas.
							6. SHOPPING OR DURABLE GOODS ESTABLISHMENTS including
<del>P</del>	P	X	P	X	P	P	A. Antiques, Wearing Apparel and Accessories Stores, Shoe Stores, Dry Goods, Fabric Shop, Stationer, Gift Shop, Photographic Supplies, and Hobby Shop; Records, and Musical Instrument Stores; Sporting Goods and Bicycle Stores; (Pet Shop, including Grooming Shop and Obedience School Music, Paint, Wallpaper and Floor Coverings not permitted in RFD); and Variety Stores.
	P	X	P	X	P	P	B. Department Stores, Discount Stores [ <del>not permitted in C-1</del> ], Major Appliances, and Furniture; Glass, China and Pottery Store; Jewelry Store; Leather Goods and Luggage Store; and, Office Appliances and Supplies.
<del>C-1</del>	CBD	NC	SC	PO	RFD	CBDF	7. INDOOR COMMERCIAL AMUSEMENT RECREATION AND ENTERTAINMENT
<del>X</del>	P	X	P	X	P	C	A. Theater, Bowling Alley, [ <del>Billiard Parlor,</del> ] Gymnasium, Tennis Facilities, Roller or Ice Skating Rink, [ <del>Night Club,</del> ] Lodge.
	X	X	X	X	P	X	B. (Cinemas, Aquariums, Cybertainment, and Virtual Reality Facilities, [ <del>Theater,</del> ] <u>Indoor/Outdoor Music Venue,</u> and <u>Temporary Festivals</u> [ <del>, Bowling Alleys, Billiard Parlor, Ice Skating Rink, Nightclub permitted in RFD CCO District only).</del> ])
<del>X</del>	P	X	P	X	P	X	C. Tavern

<del>{X}</del>	P	X	X	X	X	X	D. Charitable gaming, with approved license, permitted in CCO District only.
<del>{X}</del>	C	X	X	X	P	P	E. Micro-brewery, micro-distillery
<del>{X}</del>	X	P	P	X	X	C	8. AUTOMOBILE AND BOAT PART SALES
<del>{X}</del>	X	P	P	X	X	X	9. AUTOMOBILE SERVICE
<del>{X}</del>	X	C	P	X	X	X	10. AUTOMOBILE SALES NEW AND USED, AND REPAIR IN A TOTALLY ENCLOSED BUILDING AND NO LESS THAN ONE-HALF (1/2) ACRE OF LAND
<del>{X}</del>	X	X	P	X	X	C	11. CAR WASH COMPLETELY INDOORS, SELF-SERVICE CARWASH, AUTOMATIC OR SEMI-AUTOMATIC CAR WASH
<del>{P}</del>	P	P	P	P	P	P	12. COMMERCIAL PARKING LOTS AND STRUCTURES
<del>{X}</del>	C	X	X	P	X	C	13. NEWSPAPER OFFICE INCLUDING PRINTING
<del>{X}</del>	P	X	P	X	X	P	14. PACKAGE LIQUOR [ <del>AND WINE STORE</del> ]
	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	15. WINE STORE
<del>{P}</del>	P	P	P	X	X	P	16[5]. TEMPORARY SEASONAL USES SUCH AS CHRISTMAS TREE SALES, NURSERY PLANTS, FRUIT STAND COMPLETELY UNDER SHELTER
<del>{P}</del>	P	P	X	P	X	P	17[6]. VETERINARIANS
<del>{C}</del> <del>{H}</del>	<del>{CBD}</del>	<del>{NC}</del>	<del>{SC}</del>	<del>{PO}</del>	<del>{RFD}</del>	<del>{CBDF}</del>	
<del>{P}</del>	P	X	P	P	<del>{X}</del> <u>P</u>	P	18[7]. SCHOOLS TEACHING PHOTOGRAPHY, DANCE MUSIC, ART, LANGUAGE, TRADES INCLUDING BARBER AND BEAUTICIAN SCHOOLS

<del>[X]</del>	P	X	P	P	X	P	19 <del>[8]</del> . MASS TRANSIT TERMINALS INCLUDING BUS AND TAXI SERVICES
<del>[X]</del>	P	X	X	X	X	X	20 <del>[18A]</del> . AUCTIONS
<del>[P]</del>	C	X	X	C	P	X	21 <del>[19]</del> . HOTEL/MOTEL
<del>[X]</del>	P	X	X	X	X	X	22 <del>[0]</del> . ADULT ENTERTAINMENT
<del>[X]</del>	X	X	X	C	C	X	23 <del>[1]</del> . RADIO STATION AND TV STATION
<del>[X]</del>	X	X	X	X	X	C	24 <del>[2]</del> . BOAT SALES NEW AND USED, SERVICE AND REPAIR IN A TOTALLY ENCLOSED BUILDING
<del>[P]</del>	C	X	X	X	P	P	25 <del>[3]</del> . RESIDENTIAL - IN CBDF ONLY SINGLE AND TWO FAMILY USES ARE PERMITTED. ANY MULTI-FAMILY UNITS IN THE CBDF MUST BE APPROVED BY THE BOA. TWO FAMILY UNITS REQUIRE 4,000 SQUARE FEET LOT SIZE MINIMUM, MULTI-FAMILY IS PERMITTED IN CBDF (CCO) AND SUBJECT TO DEVELOPMENT PLAN REVIEW.
<del>[P]</del>	X	X	P	X	X	P	26 <del>[4]</del> . TOOL AND EQUIPMENT RENTAL AND/OR SALES, EXCEPT THAT IN THE CBD ZONE THERE MUST BE A MINIMUM LOT SIZE OF ONE-HALF (1/2) ACRE
<del>[P]</del>	X	X	X	X	X	X	27 <del>[5]</del> . PUBLIC/PAROCHIAL SCHOOL FACILITIES
<del>[P]</del>	P	P	P	P	P	P	28 <del>[6]</del> . LIBRARIES
<del>[X]</del>	X	X	P	X	X	X	29 <del>[7]</del> . FOOD CARTS
<del>[X]</del>	P	X	X	X	X	X	30 <del>[28]</del> . FREE STANDING WALK-UP ATM'S WITHOUT A PRIMARY BUILDING

**C. ACCESSORY USES:**

1. The following accessory uses are permitted in all commercial zones:
  - a. Customary accessory buildings and uses.
  - b. Fences and walls as regulated by Article XII of this Ordinance.
  - c. Signs as regulated by Article XV of this Ordinance.
2. In the Professional Office Zone, uses as listed below, included within and entered from within any building permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
  - a. Barber Shop
  - b. Beauty Shop
  - c. News and confectionery stands.
  - d. A prescription pharmacy
  - e. Coffee shop or refreshment stand
3. Within a master planned development where the principle use is office, development will allow residential and commercial uses to occupy up to 20% each of the total square footage. Any desire to increase on this percentage will require a conditional use permit from the Board of Adjustments. The office use would still be required to maintain the principle use in the development.

**D. CONDITIONAL USES:**

1. In all commercial zones, no building or occupancy permit shall be issued for any conditional use nor any customary accessory building or uses shall be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustment as set forth in Section 9.13 of this Ordinance.

**E. AREA AND HEIGHT REQUIREMENTS:** commercial zones shall be subject to the area and height requirements as shown in the following table:

<b>TABLE 7 AREA AND HEIGHT REQUIREMENTS: COMMERCIAL ZONES</b>							
	Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard Width	Min. Rear Yard Depth	Max Bldg. Height	Min. Bldg. Site Area
	SQF	LF	LF	LF	LF		
<b>DISTRICTS:</b>							
CBD	5,000*	50	15**	***	NA	NA	NA
NC	5,000*	50	25	***	15	40	NA
SC	NA	NA	50	50	50	40	5 acres

RFD	****	****	****	****	****	****	NA
PO	****	****	****	****	****	****	NA
CBDF	2,500	25	15	***	NA	40	NA
CBD, CBDF (CCO)	****	****	****	****	****	****	****

- \* In the case of these zones, more than one (1) principal building as defined herein, may be permitted on one lot.
- \*\* Minimum Front Yard Depth for the CBD Zone shall be fifteen (15) feet for buildings five (5) stories or less in height. One (1) additional foot of front yard depth shall be required for each additional story over five (5). Where the front yard depth varies for existing buildings in the CBD Zone, new buildings shall maintain the average depth represented within 200 feet on either side of the property on which a new building is to be constructed.
- \*\*\* Minimum Side Yard Width shall be as follows in the CBD and NC Zone:
  - a. For buildings five (5) stories or less in height, no restrictions except when adjacent to a street, road, highway or other right of way, where the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the Newport Building Code, shall be required. In the event a side yard is provided it shall never be less than fifteen (15) feet wide.
  - b. For buildings six (6) stories in height a fifteen (15) foot minimum side yard width shall be required.
  - c. For buildings containing more than six (6) stories, a fifteen (15) foot minimum side yard width plus one (1) additional foot for each additional floor over six (6) shall be required.
- LF Linear Foot
- SF Square Foot
- \*\*\*\*Subject to Development Plan approval

**E. OTHER DEVELOPMENT CONTROLS:**

1. All Commercial Zones shall be governed by the following additional development controls:
  - a. Off street parking and loading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
  - (b) (1) No outdoor storage of any material shall be permitted in this zone except within enclosed metal containers.
  - (b) (2) Dumpsters are to be totally enclosed in board or brick fencing.
  - c. No lighting shall be permitted which would glare from this zone onto any street, road, highway, and deeded right of way or into any adjacent property.
  - d. Where any yard of any permitted use in Commercial Zones abuts property in a residential zone, a minimum yard requirement of ten (10) feet for each side and/or rear yard which abuts said zone shall be provided, and screened in accordance with the requirements of Section 9.16 of this Ordinance.
  - e. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development (PUD) regulations as regulated by Section 9.23 of this Ordinance.

f. No use producing objectionable noise, odors, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

g. All business activities permitted within this District shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, temporary seasonal businesses, automotive sales lots, tools and equipment rental and sales, and boat sales, with the exception of outside dining areas.

2. Where permitted, an adult bookstore, adult entertainment establishment and an adult theater are subject to the following locational requirements in commercial zones:

a. No adult bookstore, adult entertainment establishment, or adult theater, as defined herein, shall be located within three hundred (300) feet of any other such use, or located within three hundred (300) feet of the boundaries of any residential zone, or three hundred (300) feet from existing residential areas defined for the purpose of this Section as a block frontage developed with fifty percent (50%) or more residential uses; or located within one thousand (1,000) feet of any permanent structure used as a church or place of religious worship, or located within two thousand (2,000) feet of any public or parochial school.

b. All existing operational adult businesses, which do not presently meet any or all of the locational requirements, shall be deemed a non conforming use.

c. Such restriction as to linear distance requirements as between or among adult bookstores, adult entertainment establishments, or adult theaters, shall apply to compartmentalized buildings or structures, the same as if such compartmentalized buildings or structures were a one (1) building structure. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical or horizontal distance measurements are required, such restrictions shall likewise apply.

d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.

e. No portion of any wall of any building which separates an adult bookstore, adult entertainment establishment or adult theater from any other business activity shall be remodeled or altered in any manner to permit access to or viewing of adult bookstores, adult entertainment establishments or adult theaters in an adjoining or adjacent building.

## **SECTION 10.4 INDUSTRIAL DISTRICTS**

### **A. DISTRICT DEFINED:**

1. **INDUSTRIAL ONE ZONE** - the purpose of the I 1 Zone is to encourage the establishment of manufacturing and wholesale businesses, which are clean, quiet and free of hazardous or objectionable elements. Operation of these establishments should take place entirely within an enclosed structure and should generate little industrial traffic. No storage of raw materials, manufactured products, or any other materials is permitted in the non screened open space around the building. This zone is usually

located adjacent to residential areas and may serve as a buffer between heavier industrial districts and business or residential districts.

2. **INDUSTRIAL TWO ZONE** - the purpose of the I 2 Zone is to encourage the establishment of heavy industry including manufacturing, production and packaging operations as well as associated storage of raw materials and finished products. This zone will generate heavy industrial traffic and should be separated from residential or business districts by means of a buffer area such as the I 1 Zone.

**B. PERMITTED USES:**

The permitted uses for each zone are shown in the following Table. Uses listed for the two industrial zones shall be according to the common meaning of the term or according to definitions given in this Ordinance. Uses not specifically listed or defined herein shall not be permitted.

<b>TABLE 8</b>		
<b>PERMITTED USES: INDUSTRIAL ZONES</b>		
(P signifies Permitted; X signifies not permitted)		
I 1	I 2	PERMITTED USES:
P	P	1. ANY INDUSTRIAL MANUFACTURING, PROCESSING, REFINING, FABRICATIONS, ASSEMBLING, WHOLESALING, WAREHOUSING, CLEANING, TESTING OR REPAIRING OF GOODS, MATERIALS OR PRODUCTS including the following (but excluding (1) storage, utilization or manufacture of materials intended for detonation; and, retail sales or services, business offices or discount establishments dealing directly with consumers):
X	P	a. Acetylene, Butane and Bottled gas; Petroleum Refining and Products including Plastics; and Related Bulk Storage Stations.
X	P	b. Asphalt, Brick, Cement, Concrete, Gypsum, Plaster of Paris, Sand and Gravel, Stone (including monument works employing power driven tools) Tile or Terra Cotta.
P	P	c. Candy and Confectionery Products; Cigars and Cigarettes; Flour Mills, Food and Beverage Products including the rendering or refining of Fats and Oils; Vinegar and Yeast.
X	P	d. Chemical, Paint and Fertilizer Products including Ammonia, Bleach, Bluing, Calcimine, Chlorine, Corrosive Acid or Alkali, Dyes, Lacquer, Lime, Shellac, Turpentine, and Varnish.
P	P	e. Cosmetic, Pharmaceuticals, and Toiletries.
P	P	f. Electric Appliances, Electrical and Non-Electrical Machinery, Equipment and Supplies; Fountain and Beverage Dispensing Equipment; Television Sets, Phonographs, and Household Appliances.
P	P	g. Furniture and Office Equipment

P	P	h. Musical Instruments, Toys, Novelties, Jewelry, Rubber or Metal Stamps; Instruments of Professional, Scientific, Photographic and Optical Use.
X	P	i. Iron, Steel, Aluminum Foundry or Forge Works and Heavyweight Casting, Rolling Mills.
X	P	j. Lumber mills and Storage Yards, Paper, paperboard and Pulp Mills.
X	P	k. Metal, Metal Finishing and Metal Products including the use of Blast Furnaces and Forges
X	P	l. Products from the following previously processed materials: Paper, Glass, Cellophane, Leather, Feathers, Fur, Precious or Semiprecious Metals, Hair, Horn, Shell, Tin Steel, Wood, Plastics Rubber, Bone, Cork, Felt, Fibers, Yarn, Wool, Tobacco.
X	P	m. Animated and/or illuminated Billboards and Other Commercial Advertising Structures.
X	X	2. Mining.
X	P	3. Laundries and dry cleaning Plants involving Laundering and Dry Cleaning of Articles delivered to the premises by Commercial Vehicles including Clothes, Carpets and Rugs.
P	P	4. Bottling and Canning Works including Brewing and Distilling of Liquors.
X	P	5. Building Materials Yards, Contractors Offices and Accessory Storage Yards including storage of General Construction Equipment and Vehicles.
X	P	6. Bus Line Shops and Storage, Carting, Express, Hauling or Storage Yards, Freight Terminals, Trucking Terminals
X	P	7. Forge Plants, Foundries, and Plating Plants.
P	P	8. Governmentally owned and/or operated City, County or State garages.
P	P	9. Industrial Engineering Consultant Offices and Laboratories, Offices and Other Facilities for Research, both Basic and Applied, conducted by or for an Industrial Organization or Concern, whether Public or Private.
P	P	10. Publishing and distribution of books, newspapers and other Printed Materials Including Printing, Engraving, and related Reproduction processes.
X	P	11. Processing of junk, waste, discarded or salvaged Materials, machinery or equipment, Including Automobiles wrecking or dismantling.
X	P	12. Railroad facilities including passengers and freight terminals, marshaling yards, maintenance shops and roundhouse.
P	P	13. Schools for industrial or business training.
X	P	14. Coal, Coke, or Wood Yards.
<u>C</u>	<u>P</u>	<u>15. Recycling, Light, only within an existing non-residential structure.</u>

P	P	16[5]. Reprocessing, refurbishing and repair of automotive and truck parts and accessories, including the retreading of tires in a completely enclosed facility. Retail sales of new and/or refurbished Automotive and truck parts, accessories and tires is permitted as an accessory use as is the related servicing of vehicles on site in the enclosed facility.
X	P	17[6]. Adult Entertainment.

**C. ACCESSORY USES:**

1. The following accessory uses are permitted in all industrial zones:
  - a. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this district on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
  - b. Fences and walls as regulated by Article XII of this Ordinance.
  - c. Signs as regulated by Article XV of this Ordinance.
  - d. Uses as listed below, included within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
    - (1) Cafeterias
    - (2) Coffee shops or refreshment stands
    - (3) Soda or dairy bars.

- D. AREA AND HEIGHT REQUIREMENTS:** Industrial Zones shall be subject to the area and height requirements as shown in the following table:

<b>TABLE 9 AREA AND HEIGHT REQUIREMENTS: INDUSTRIAL ZONES</b>						
	<b>Min. Lot Area</b>	<b>Min. Lot Width</b>	<b>Min. Front Yard Depth</b>	<b>Min. Side Yard Depth</b>	<b>Min. Rear Yard Depth</b>	<b>Max Bldg. Height</b>
	SQF	LF	LF	LF	LF	LF
<b>DISTRICTS:</b>						
I-1	17,000	125	25	15	20	35
I-2	17,000	125	25	15	20	40

**E. OTHER DEVELOPMENT CONTROLS:**

1. All Industrial Zones shall be governed by the following additional development controls:

- a. Off street parking and loading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- b. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right of way or into any adjacent property.
- c. Where any yard of any permitted use in industrial zones abuts property in a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard, which abuts, said zone shall be provided, and screened in accordance with the requirements of Section 9.16.
- d. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development (PUD) regulations as regulated by Section 9.23 of this Ordinance.
- e. Any adult entertainment establishment must be screened by shrubs and wrought iron fencing. Adjoining any I-1 zone shall require a 10-foot buffer and screen.
- f. Any adult entertainment establishment shall be limited to one building mounted sign (interior illuminated) at a 1:1 square foot ratio to building frontage. This sign is to not exceed the roofline of the building.
- g. Any light recycling use must meet the following performance criteria:
  - (1) All operation and storage must be completely enclosed inside a primary building.
  - (2) No on street parking or staging areas permitted.
  - (3) Any light recycling use may not be permitted directly adjacent to a residential use.
  - (4) Any parking or staging areas areas must be screened from view along any abutting arterial or collector roadways. Screening shall meet the requirements of Section 9.16 (C) (1) and (D) (1) through  
(5).

**SECTION II**

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication.

**PASSED:** First reading August 19, 2019

**PASSED:** Second reading September 23 , 2019

ATTEST:

\_\_\_\_\_  
Jerry R. Peluso, Mayor

\_\_\_\_\_  
Amy B. Able, City Clerk

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