

**COMMISSIONERS ORDINANCE NO. O-2013-009**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY ACCEPTING THE RECOMMENDATION OF THE CITY OF NEWPORT PLANNING AND ZONING COMMISSION APPROVING A REQUEST FOR A MAP AMENDMENT SUBMITTED BY HUB AND WEBER ARCHITECTS ON BEHALF OF THE NEWPORT HOUSING AUTHORITY FOR A CERTAIN PARCEL OF REAL ESTATE WITHIN THE CITY OF NEWPORT LOCATED AT 400-430 WEST 6TH STREET AND THEREBY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NEWPORT, KENTUCKY TO REFLECT A CHANGE THEREOF FROM AN R-4 ZONE TO A T ZONE DESIGNATION**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

WHEREAS, the City of Newport Planning and Zoning Commission, upon application for a map amendment submitted by Hub and Weber Architects, on behalf of the Newport Housing Authority, concerning development of the real property located at 400-430 West 6<sup>th</sup> Street in the City of Newport, requesting a zone change from the current R-4 Zone designation to that of a T Zone designation, held a public hearing upon such request after giving notice as required by KRS Chapter 424, on May 28, 2013 (Hearing # PZ-13-06); and,

WHEREAS, the City of Newport 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 map amendment and zone designation change, as submitted; and,

WHEREAS, with the Board of Commissioners of the City of Newport, Kentucky, at a duly held meeting, having accepted the recommendation of the City of Newport Planning and Zoning Commission, thereby approving the same;

NOW, THEREFORE, it is hereby ORDAINED, as follows:

**SECTION I**

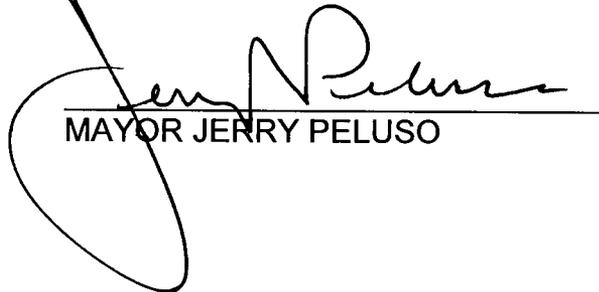
That the map amendment request submitted by Hub and Weber Architects, on behalf of the Newport Housing Authority, concerning development of the real property located at 400-430 West 6<sup>th</sup> Street in the City of Newport, upon unanimous approval and recommendation of the same by the City of Newport Planning and Zoning Commission, is hereby accepted and as result thereof the

Official Zoning Map of the City of Newport, Kentucky shall be and is hereby amended to reflect the change concerning such parcel of real property from that of an R-4 to a T Zone designation. A copy of such map amendment is attached hereto and made a part hereof, as if fully set forth, and so incorporated by reference.

**SECTION II**

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

PASSED: First reading June 17, 2013  
Second reading June 24, 2013

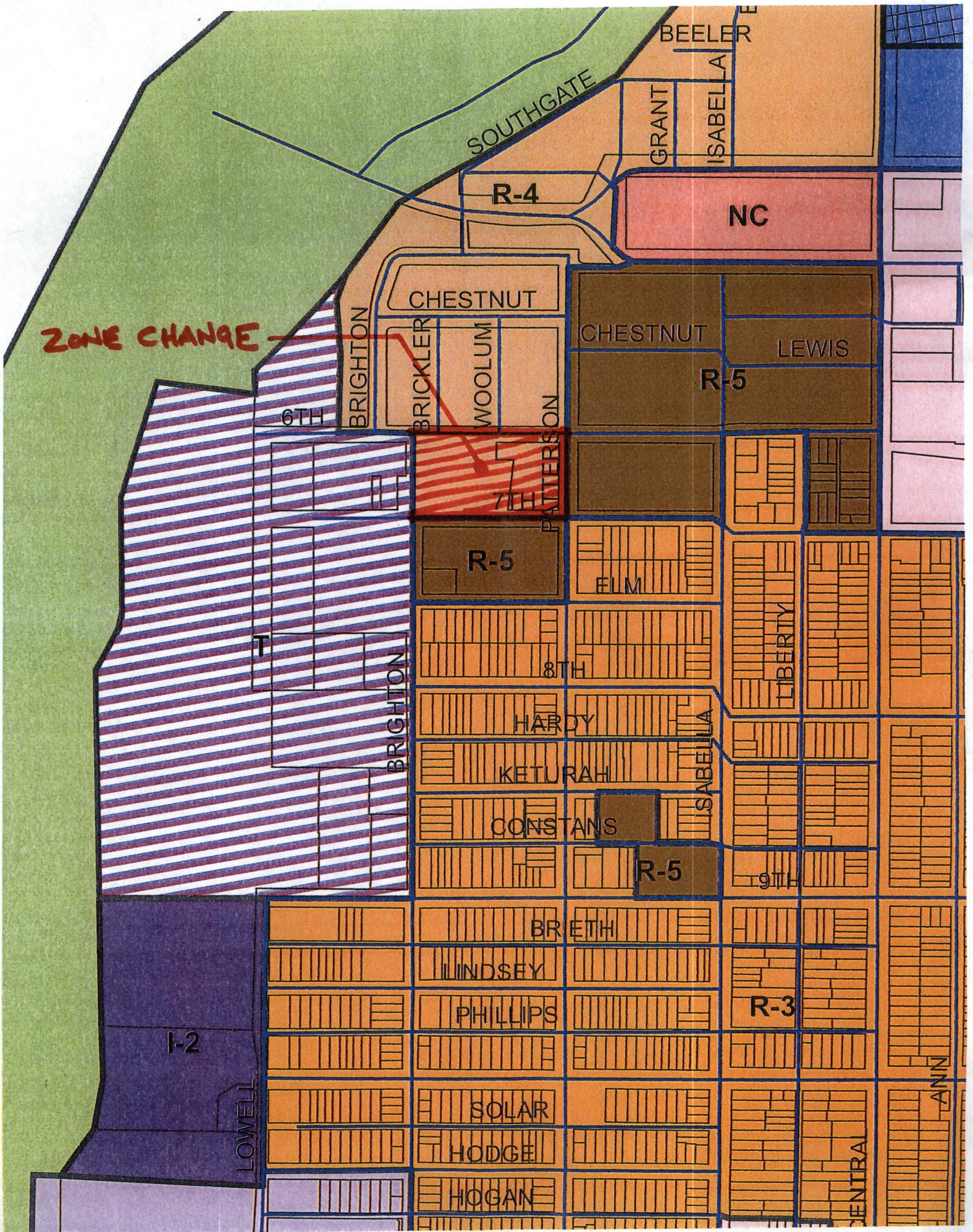
  
MAYOR JERRY PELUSO

ATTEST:

  
AMY B. ABLE  
CITY CLERK

PUBLISHED: In full in the Campbell County Recorder on the 4th day of July, 2013.

**ZONE CHANGE**



**Affidavit of Publication**

**Publisher's Fee 42.40 Affidavit Charge 5.00**

**State of Ohio**

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} **SS.**

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**Hamilton County**

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Personally appeared **Janice Colston**

Of the The Community Press and Recorder Newspapers, published weekly in said County and State, and of general circulation in said county, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

7/04/13

- Community Press
- Community Recorder
- Cincinnati.Com

*Janice Colston*

AFFIANT  
Sworn to before me, this

7/5/13

*Jenny M. Eilermann*

Notary Public of Ohio

**COMMISSIONERS ORDINANCE**  
O-2013-009

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY ACCEPTING THE RECOMMENDATION OF THE CITY OF NEWPORT PLANNING AND ZONING COMMISSION APPROVING A REQUEST FOR A MAP AMENDMENT SUBMITTED BY HUB AND WEBER ARCHITECTS ON BEHALF OF THE NEWPORT HOUSING AUTHORITY FOR A CERTAIN PARCEL OF REAL ESTATE WITHIN THE CITY OF NEWPORT LOCATED AT 400-430 WEST 6TH STREET AND THEREBY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NEWPORT, KENTUCKY TO REFLECT A CHANGE THEREOF FROM AN R-4 ZONE TO A T ZONE DESIGNATION.

The above ordinance was adopted June 24, 2013. Signed by: Jerry Peluso, Mayor. Attested to by: Amy B. Able, City Clerk. The preparation of the summary has been certified as an accurate depiction of the contents of the Ordinance by Daniel R. Braun, City Attorney, licensed to practice law in the Commonwealth of Kentucky. The City Clerk hereby certifies that the summary is true and correct and the full text of this ordinance is available for review at the office of the City Clerk, 998 Monmouth Street.

Amy Able, City Clerk. 1001768721



Jenny M. Eilermann  
Notary Public, State of Ohio  
My Commission Expires 05-16-2017

**COMMISSIONERS ORDINANCE NO. O-2013-010**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, PURSUANT TO CHAPTER 153 OF THE CODE OF ORDINANCES, AMENDING SECTION 10.3 B, TABLE 6, OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY TO INCLUDE SECTION 28 CONCERNING PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL ZONES TO INCLUDE FREE STANDING WALK-UP ATM'S WITHOUT A PRIMARY BUILDING AS A PERMITTED USE WITHIN THE CBD DISTRICT.**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**WHEREAS**, the City of Newport, Kentucky Planning and Zoning Commission, upon application for a text amendment to permit free standing drive-thru ATM's without a primary building, in the Central Business District (CBD), held a public hearing upon such request after giving notice as required by KRS Chapter 424, on February 5, 2013 (Hearing # PZ-13-01); 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 amendment; and,

**WHEREAS**, with the Board of Commissioners of the City of Newport, Kentucky having accepted an amended modification to the application request from drive-thru to walk-up ATM's which remains within the spirit of the recommendation of the City of Newport, Kentucky Planning and Zoning Commission at a duly held meeting,

**NOW, THEREFORE**, Section 10.3 B, Table 6 of the Official Zoning Ordinance of the City of Newport, Kentucky shall be and is hereby amended to reflect the same, and shall read as follows:

**SECTION I**

**SECTION 10.3 COMMERCIAL DISTRICT**

**B. PERMITTED USES:**

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

DISTRICTS

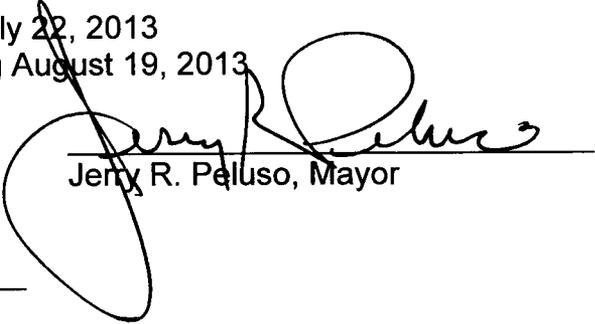
C-1   CBD   NC   SC   PO   RFD   CDBF

X   P   X   X   X   X   X   28. FREE STANDING WALK-UP  
ATM'S WITHOUT A  
PRIMARY BUILDING

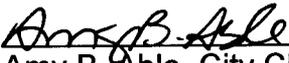
**SECTION II**

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

**PASSED:** First reading July 22, 2013  
**PASSED:** Second reading August 19, 2013

  
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Jerry R. Peluso, Mayor

ATTEST:

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

PUBLISHED: In summary in the Campbell County Recorder the 29<sup>th</sup> day of August, 2013.

**Affidavit of Publication**

**Publisher's Fee 68.80 Affidavit Charge 5.00**

**State of Ohio**

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} **SS.**

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**Hamilton County**

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Personally appeared **Janice Colston**

Of the The Community Press and Recorder Newspapers, published weekly in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

9/19/13

- Community Press
- Community Recorder
- Cincinnati.Com

**Newport, KY Ordinances O-2013-010, O-2013-012, and O-2013-013**  
 The following Ordinances have been adopted by the Board of Commissioners of the City of Newport, Ky.

O-2013-010 AN ORDINANCE OF THE BOARD OF COMMISSIONERS PURSUANT TO CHAPTER 153 OF THE CODE OF ORDINANCES, AMENDING SECTION 10.3 B, TABLE 6, OF THE OFFICIAL ZONING ORDINANCE TO INCLUDE SECTION 28 CONCERNING PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL ZONES TO INCLUDE FREE STANDING WALK-UP ATM'S WITHOUT A PRIMARY BUILDING AS A PERMITTED USE WITHIN THE CBD DISTRICT.

O-2013-012 AN ORDINANCE OF THE BOARD OF COMMISSIONERS AMENDING SECTION 37.094 OF THE CODE OF ORDINANCES CONCERNING OCCUPATIONAL LICENSES TO INCLUDE SUBSECTION (D) TO PROVIDE FOR A CREDIT OF THE OCCUPATIONAL LICENSE FEE FOR NEW EMPLOYEES AS PART OF AN ECONOMIC DEVELOPMENT PROJECT BY P.L. MARKETING, INC. UNDER THE KENTUCKY BUSINESS INVESTMENT PROGRAM PURSUANT TO KRS 154.32-010 THROUGH 154.32-100.

O-2013-013 AN ORDINANCE OF THE BOARD OF COMMISSIONERS AMENDING SECTIONS 116.02, AND 116.05, AND CREATING SECTION 116.08 OF THE CODE OF ORDINANCES CONCERNING GOLD AND SILVER EXCHANGES. THIS PERTAINS TO DEALERS PURCHASING PRECIOUS METALS AND REQUIRES LISTING OF ITEMS ON LEADS ONLINE.

The above referenced Ordinances were adopted 8/19/13, signed by Jerry Peluso, Mayor, and attested to by Amy Able, City Clerk. The City Clerk hereby certifies that the summaries above are true and correct and the full text of each is available for review at the office of the City Clerk, 998 Monmouth Street. - Amy Able, City Clerk.

The undersigned, an attorney licensed to practice law in the Commonwealth of Kentucky, has certified the preparation of this summary as an accurate depiction of the contents of the Ordinance.  
 Daniel R. Braun, City Attorney. 1780359

*Janice Colston*

AFFIANT  
Sworn to before me, this

9/19/13

*Crystal Williams*

Notary Public of Ohio



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

**COMMISSIONERS ORDINANCE NO. O-2014-003**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, PURSUANT TO CHAPTER 153 OF THE CODE OF ORDINANCES, AMENDING SECTION 9.32 C. 1. b. OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY CONCERNING PERMITTED NON-RESIDENTIAL USES IN THE TRANSITIONAL ZONE (TZD)**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**WHEREAS**, the City of Newport, Kentucky Planning and Zoning Commission, upon application for a text amendment to permit eco-green manufacturing as a non-residential use within the Transitional Zone (TZD), held a public hearing upon such request after giving notice as required by KRS Chapter 424, on January 28, 2014 (Hearing # PZ-14-01); 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 amendment; and,

**WHEREAS**, with the Board of Commissioners of the City of Newport, Kentucky having accepted the recommendation of the City of Newport, Kentucky Planning and Zoning Commission at a duly held meeting,

**NOW, THEREFORE**, Section 9.32 C. 1. b. of the Official Zoning Ordinance of the City of Newport, Kentucky shall be and is hereby amended to reflect the same, and shall read as follows:

**SECTION I**

**SECTION 9.32 TRANSITION ZONE REGULATIONS (TZD)**

**C. GENERAL**

1. **PERMITTED USES:** All uses within a TZD are determined by the provisions of this section and the approved plan of the project concerned.

b. **Commercial, Service, Other Non-Residential Uses:** Commercial, R&D and other non-residential uses may be included in a TZD subject to

approval by the Planning and Zoning Commission. Such uses, their locations, and commercial area designs shall be compatible with the residential use. This section encourages a mixture of residential support uses to improve economic development of the TZD, specifically, and to the community, in general. Commercial, business, or R&D or eco-green manufacturing uses shall be reviewed by the Planning Commission to determine the following

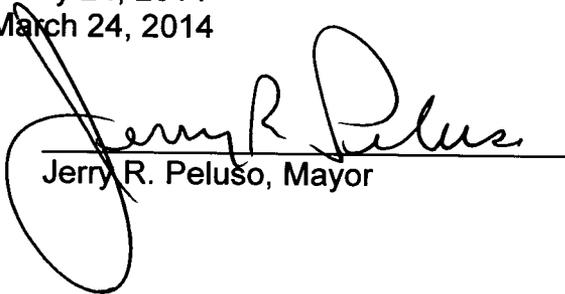
- (1) That the uses permitted are necessary or desirable and are appropriate with respect to the purposes of this TZD section.
- (2) That the uses are not of such nature or so located as to exercise a detrimental influence on the TZD nor on the surrounding neighborhood.
- (3) That the areas and uses are planned as an integral part of the TZD.
- (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.

## **SECTION II**

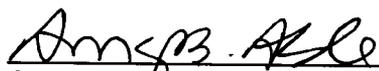
That this Ordinance shall be signed by the Mayor and attested to by the City Clerk, recorded, published, and effective upon publication.

PASSED: First reading February 24, 2014

PASSED: Second reading March 24, 2014

  
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Jerry R. Peluso, Mayor

ATTEST:

  
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Amy B. Able, City Clerk

PUBLISHED: In summary in the Campbell County Recorder the 3rd of April, 2014.

**Affidavit of Publication**

**Publisher's Fee 115.55 Affidavit Charge 5.00**

**State of Ohio**

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**SS.**

**Hamilton County**

Personally appeared **Janice Colston**

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4/17/14

- Community Press
- Community Recorder
- Cincinnati.Com

*Janice Colston*

AFFIANT  
Sworn to before me, this

4/17/14

*Crystal Williams*

Notary Public of Ohio



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

**Newport, KY Ordinances** [redacted] **O-2014-004**  
and **O-2014-005**

The following Ordinances have been adopted by the Board of Commissioners of the City of Newport, Ky.

**O-2014-003 AN ORDINANCE OF THE BOARD OF COMMISSIONERS, PURSUANT TO CHAPTER 153 OF THE CODE OF ORDINANCES, AMENDING SECTION 9.32 C. 1. b. OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY CONCERNING PERMITTED NON-RESIDENTIAL USES IN THE TRANSITIONAL ZONE (TZD). This ordinance adds eco-green manufacturing to permitted uses in this zone.**

**O-2014-004 AN ORDINANCE OF THE BOARD OF COMMISSIONERS MAKING CERTAIN FINDINGS CONCERNING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE CITY TO BE KNOWN AS THE CITY CENTER DEVELOPMENT AREA; APPROVING A LOCAL PARTICIPATION AGREEMENT BETWEEN CITY, THE COUNTY OF CAMPBELL, KENTUCKY (THE "COUNTY"), SPECIAL TAXING DISTRICTS, AND THE CITY OF NEWPORT; FINANCE AND ADMINISTRATION DEPARTMENT; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF PROJECT COSTS AND RE-DEVELOPMENT ASSISTANCE; DESIGNATING THE CITY OF NEWPORT FINANCE AND ADMINISTRATION DEPARTMENT AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AND AUTHORIZING THE MAYOR AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA.**

**O-2014-005 AN ORDINANCE OF THE BOARD OF COMMISSIONERS CREATING SECTION 100 OF TITLE IX, GENERAL REGULATIONS, OF THE CODE OF ORDINANCES CONCERNING THE REGISTRATION OF VACANT RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY AND BEING**

THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY CONCERNING PERMITTED NON-RESIDENTIAL USES IN THE TRANSITIONAL ZONE (TZD). This ordinance adds eco-green manufacturing to permitted uses in this zone.

O-2014-004 AN ORDINANCE OF THE BOARD OF COMMISSIONERS MAKING CERTAIN FINDINGS CONCERNING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE CITY TO BE KNOWN AS THE CITY CENTER DEVELOPMENT AREA; APPROVING A LOCAL PARTICIPATION AGREEMENT BETWEEN CITY, THE COUNTY OF CAMPBELL, KENTUCKY (THE "COUNTY"), SPECIAL TAXING DISTRICTS, AND THE CITY OF NEWPORT FINANCE AND ADMINISTRATION DEPARTMENT; ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF PROJECT COSTS AND REDEVELOPMENT ASSISTANCE; DESIGNATING THE CITY OF NEWPORT FINANCE AND ADMINISTRATION DEPARTMENT AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AND AUTHORIZING THE MAYOR AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA.

O-2014-005 AN ORDINANCE OF THE BOARD OF COMMISSIONERS CREATING SECTION 100 OF TITLE IX, GENERAL REGULATIONS, OF THE CODE OF ORDINANCES CONCERNING THE REGISTRATION OF VACANT RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF. A creditor who files a foreclosure on a property on or after April 1, 2014, must register the property after the foreclosure is filed and when the property is vacant. The property must be registered within 10 days of becoming vacant after the foreclosure action is filed. Additionally, no later than sixty (60) days after residential property becomes vacant, the owner of the residential property shall submit a vacant property registration form. The registration form is available at [www.newportky.gov](http://www.newportky.gov) or at the city building and payment of the registration fee of \$500 shall be made by mail or in person to the City of Newport, Code Enforcement Division, 998 Monmouth Street, 2nd Floor, Newport, KY 41071.

The undersigned, an attorney licensed to practice law in the Commonwealth of Kentucky, has certified the preparation of these summaries as accurate depictions of the contents of each respective Ordinance. - Daniel R. Braun, City Attorney.

The three Ordinances referenced above were adopted March 24, 2014, signed by Jerry Peluso, Mayor, and attested to by Amy Able, City Clerk. The City Clerk hereby certifies that the summaries above are true and correct and the full text of each is available for review at the office of the City Clerk, 998 Monmouth Street. - Amy Able, City Clerk. 1803728

*Crystal Williams*  
Notary Public of Ohio



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

**COMMISSIONERS ORDINANCE NO. O-2014-017**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY, ARTICLE XVI, ADMINISTRATION, SECTION 16.9, OF THE ZONING APPENDIX OF THE CODE OF ORDINANCES CONCERNING PENALTIES FOR VIOLATION THEREOF.**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**SECTION I**

That the Official Zoning Code, Article XVI, Administration, Section 16.9 of the Zoning Appendix of the Code of Ordinances, as relates to penalties for violation thereof, shall be and is hereby amended to read, as follows:

**SECTION 16.9 PENALTIES:**

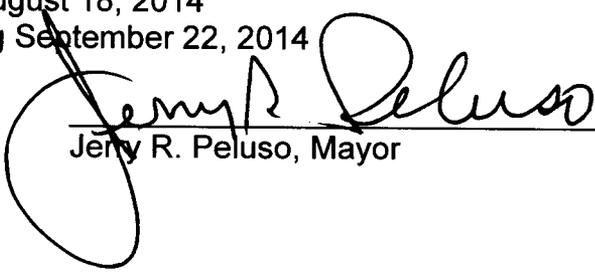
Any person or entity who violates any of the provisions of this Ordinance herein shall upon convictions be fined not less than ten (1) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense violating any of the provisions herein shall, upon conviction in the Campbell District Court, be guilty of a Class B misdemeanor and shall be subject to fine and/or imprisonment in accordance with the penalties for a Class B misdemeanor as provided for in the Kentucky Revised Statutes.

**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 18, 2014

**PASSED:** Second reading September 22, 2014

  
Jerry R. Peluso, Mayor

ATTEST:

  
Amy B. Able, City Clerk

PUBLISHED: By title and summary in the Campbell County Recorder the 2<sup>nd</sup> day of October, 2014.

**Affidavit of Publication**

**Publisher's Fee 368.00 Affidavit Charge 5.00**

**State of Ohio**

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} **SS.**  
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**Hamilton County**

Personally appeared **Janice Colston**

Of the The Community Press and Recorder Newspapers, published weekly in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

10/02/14

- Community Press
- Community Recorder
- Cincinnati.Com

*Janice Colston*

AFFIANT  
Sworn to before me, this

10/2/14

*Jenny M. Eiler*  
Notary Public of Ohio

**Newport, KY Ordinance 0-2014-017**  
 AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KY, AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEWPORT, KY, ARTICLE XVI, ADMINISTRATION, SECTION 16.9, OF THE ZONING APPENDIX OF THE CODE OF ORDINANCES CONCERNING PENALTIES FOR VIOLATION THEREOF BEING ORDAINED BY THE CITY OF NEWPORT, KY. SECTION 1 That the Official Zoning Code, Article XVI, Administration, Section 16.9 of the Zoning Appendix of the Code of Ordinances, as relates to penalties for violation thereof, shall be and is hereby amended to read, as follows: SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this Ordinance herein shall upon conviction be fined not less than ten (\$10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense. Violating any of the provisions herein shall, upon conviction in the Campbell District Court, be guilty of a Class B misdemeanor and shall be subject to fine and/or imprisonment in accordance with the penalties for a Class B misdemeanor as provided for in the Kentucky Revised Statutes. SECTION 2 That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication. Passed first reading Aug. 18, 2014 and adopted Sept. 22, 2014. Signed by Jerry B. Peluso, Mayor, and attested to by Amy B. Able, City Clerk.



Jenny M. Eiler  
Notary Public, State of Ohio  
My Commission Expires 05-16-2017

**COMMISSIONERS ORDINANCE NO. O-2014-021**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 9.32 OF THE OFFICIAL ZONING CODE OF THE CITY OF NEWPORT, KENTUCKY CONCERNING TRANSITION ZONE REGULATIONS (TZD).**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**WHEREAS**, the City of Newport, Kentucky Planning and Zoning Commission, upon application for a text amendment concerning new developments and the expansion of existing facilities usage within the Transitional Zone (TZD), held a public hearing upon such request after giving notice as required by KRS Chapter 424, on October 28, 2014 (Hearing # PZ-14-10); 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 amendment; and,

**WHEREAS**, with the Board of Commissioners of the City of Newport, Kentucky having accepted the recommendation of the City of Newport, Kentucky Planning and Zoning Commission at a duly held meeting,

**NOW, THEREFORE**, Section 9.32 of the Official Zoning Ordinance of the City of Newport, Kentucky shall be and is hereby amended to reflect the same, and shall read as follows:

**SECTION I**

That Section 9.32 of the Zoning Code of the City of Newport, Kentucky, shall be and is hereby amended to read, as follows:

**ARTICLE IX GENERAL REGULATIONS**

**SECTION 9.32 TRANSITION ZONE REGULATIONS (TZD)**

- A. **PURPOSE:** The purposes of the ~~t~~Transition ~~z~~Zone (TZD) 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, and 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 TRANSITION ZONE DEVELOPMENT: A transition zone development may be permitted in any zone where it is listed as “permitted principal use,” provided, solely with respect to a new development and/or building or facility expansion, 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 preliminary development plan.
- C. GENERAL: Areas of land to be developed under the provisions of this section of ~~this section~~ shall be controlled by the following general guidelines and requirements:
1. PERMITTED USES: All permitted uses within a TZD are determined by the provisions of this section and, with respect to new developments and/or expansion(s) of existing building(s) and facilities, 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.
    - b. Commercial, Service, Light Manufacturing, including eco green manufacturing, Other Non-Residential Uses: Commercial, Service, Light Manufacturing, including eco green manufacturing, R&D and other non-residential uses ~~may be included~~ are permitted in a TZD subject to, in the case of new developments and/or expansions of existing facilities, approval by the Planning and Zoning Commission. Such new development and/or expansion 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

TZD, specifically, and to the community, in general. New development and/or expansion of Commercial, Service, business, R&D or Light Manufacturing including eco-green manufacturing 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 purposes of this TZD section.
- (2) That the uses are not of such nature or so located as to exercise a detrimental influence on the TZD nor on the surrounding neighborhood.
- (3) That the areas and uses are planned as an integral part of the TZD.
- (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.

c. Corporate, regional, and administration offices

d. Industrial engineering consultant offices

e. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private

f. Professional, medical, and dental offices

g. School for business training

h. Studios for professional work or teaching any form of fine art, photography, music, drama, dance or gymnastics

i. Testing laboratories

j. Light manufacturing, except for those that decompose or detonate, consisting of the manufacturing, processing, packaging, or assembling of the following materials:

- (1) Animated and/or illuminated billboards and other commercial advertising structures; and sign making, where such activities are wholly contained within fully enclosed structures.

- (2) Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils excluding poultry and animal slaughtering and dressing
- (3) cigars and cigarettes
- (4) Cosmetics, pharmaceuticals, and toiletries
- (5) Electric appliances, television sets, phonographs, household appliances
- (6) Electrical machinery, equipment and supplies
- (7) Woodworking, including furniture and cabinet making
- (8) Instruments of professional, scientific, photographic, and optical use
- (9) Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
- (10) Musical instruments, toys, novelties, jewelry, rubber or metal stamps
- (11) Office equipment
- (12) Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity
- (13) Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco, where such materials and all of the activities related production of such materials are wholly contained within fully enclosed structures
- (14) Textile products including canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
- (15) Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
- (16) Printing, engraving and related reproduction processes
- (17) Public utilities rights-of-way and pertinent structures

(18) Publishing and distribution of books, newspapers, and other printed materials

(19) Processing of food and related products where the materials and processing activities are wholly contained within fully enclosed structures

(20) Catering establishments; breweries, distilleries, and wineries

(21) Manufacture, repair, or assembly of machinery, equipment, or instruments, including, but not limited to, coding and labeling systems and machinery, packaging machinery

(22) Manufacture of glass, glassware and pressed or blown glass

(23) Movie Production facilities

(24) Distribution and warehousing operations related to the above listed permitted uses.

Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Light manufacturing or production does not produce excessive noise, dust, vibration, or fumes in excess of federal or state permitted standards. Painting and any printing processes may be allowed in the manufacturing process so long as all environmental and safety regulations are followed. The permitted uses contained herein are not meant or intended to be exhaustive. The Zoning Administrator shall be permitted to use discretion to determine if any use not specifically listed or defined herein shall be permitted within the Transition Zone without the necessity of making application before the Planning and Zoning Commission for approval and inclusion.

2. MINIMUM AREA REQUIREMENTS: The minimum area required for a new development within a TZD shall be a gross land area of ten (10) acres.
3. SETBACK REQUIREMENTS FOR NEW DEVELOPMENT/EXPANSIONS:  
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 section 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 TZD, improved environmental quality can often be produced with a greater density of development per gross acre than usually permitted in a traditionally zoned district. The Planning and Zoning Commission shall determine in each case of new development or facility expansions the appropriate land use and density for projects or sections thereof.
  - a. Land use ratios of new development or facility expansions are to be determined based on the approved preliminary development plan.
5. **COMMON PROPERTY:** Common property in a TZD 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 other sections of this ordinance, the provisions of this section shall prevail. Subjects not covered by this sections shall be governed by the respective provisions found

elsewhere in this ordinance unless otherwise approved by the Planning Commission.

7. UTILITIES: All utilities, including communication and electrical systems, within new developments shall be placed underground within the limits of a TZD. 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 TZD and the intent of this section, the overall shape and dimension of ~~the~~new street right-of-way shall be at the discretion of the Planning and Zoning Commission.
  9. COMMERCIAL DESIGN: The plan of ~~the~~a new development project shall provide for the integrated and harmonious design of buildings in commercial and industrial area and such parcels shall be developed in park-like surrounds utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, and other features from the adjoining and surrounding residential areas.
  10. Design guidelines for new developments shall be submitted to and approved by the Design Review Board along with the preliminary development plan approved by the Planning Commission.
- D. APPLICATION AND APPROVAL PROCEDURES: Whenever a TZD is proposed, before a permit for the erection of a permanent building or building expansion(s) in such TZD shall be granted, and, if applicable, before a subdivision plat of any part thereof may be filed in the office of the Planning and Zoning Commission, the developer or his or her authorized agent shall apply and secure approval of such TZD 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 Planning 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 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 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) Location of the various uses and their areas in acres;
  - d) The general outlines of the interior roadway system and all existing rights-of-way and easements whether public or private;
  - e) Delineation of the various residential and non-residential areas, indicating for each area, its general extent, size, and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling unit type;

- f) Calculation of the residential density in dwelling units per gross acre including interior roadways;
  - g) 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, 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 TZD 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 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 principles 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 TZD conceptual plan, the applicant, with respect to a new development, building or facility expansion, 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. 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 applicants 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.
3. **FACTORS FOR CONSIDERATION:** The Planning and Zoning Commission's review of a preliminary site plan, for a new development or building or facility expansion 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, pending, 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 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 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.

**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 on a preliminary plan and approval for all necessary permits and curb cuts from city and/or state officials, the applicant may prepare his or her 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 and 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 plan, 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, mats, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, and the like.
  - (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 chapter.
  - (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 section.
- 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 section.

**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.

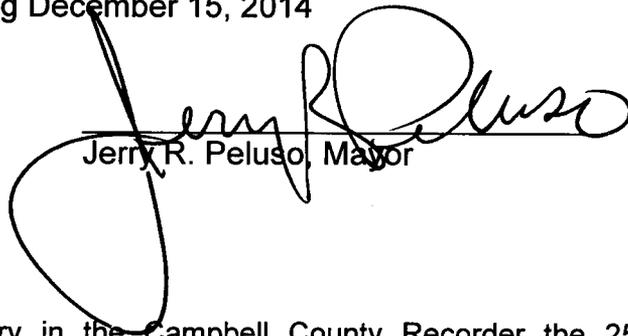
2. **MODIFICATION:** In the exercise of its continuing jurisdiction, the Planning and Zoning Commission may, from time to time, modify the approved final plat plan in a manner consistent with the approved preliminary plat plan to allow for changed circumstances and conditions unforeseen at the time of 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 or her 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 TZD'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 II**

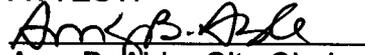
That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, recorded, published and effective upon publication.

**PASSED:** First reading November 17, 2014

**PASSED:** Second reading December 15, 2014

  
Jerry R. Peluso, Mayor

ATTEST:

  
Amy B. Able, City Clerk

PUBLISHED: By title and summary in the Campbell County Recorder the 25<sup>th</sup> day of December, 2014.