



**NEWPORT**  
KENTUCKY

**NEWPORT PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**January 23, 2024 @ 5:00 P.M.**

Newport Municipal Building, 998 Monmouth Street, 1<sup>st</sup> Floor Multi-Purpose Room

*The public can access the meeting through the live stream on  
Facebook.com/CityofNewportKY or YouTube/CityofNewportKY*

**AGENDA**

**CALL TO ORDER AND ROLL CALL**

**VOTE ON A CHAIRPERSON**

**VOTE ON A VICE CHAIRPERSON**

**APPROVAL OF MINUTES:**

- Special meeting on November 7, 2023

**PUBLIC HEARING:**

- PZ-01-24- Text Amendment to various codes in zoning.  
Requested by: City of Newport

**OTHER BUSINESS**

**ADJOURNMENT**



NEWPORT  
KENTUCKY

**CITY OF NEWPORT PLANNING & ZONING COMMISSION**  
**November 7, 2023**  
**MINUTES**

Newport Municipal Building, 998 Monmouth Street, 1<sup>st</sup> Floor Multi-Purpose Room

*The public can access the meeting through the live stream on  
Facebook.com/CityofNewportKY or YouTube/CityofNewportKY*

A special meeting of the Newport Planning & Zoning Commission was held on Tuesday, November 7, 2023, at 5:00 p.m. at the Newport Municipal Complex, 998 Monmouth Street, Newport, Kentucky.

In Attendance were Ron Rawe-Chairperson, Neal Connor, Joe Klare, Bill Kreutzjans, Willis Gregory, Planning and Development Director Brian Steffen, and City Attorney Dan Braun. Absent were City Engineer Steve Berling and City Manager Thomas Fromme.

**Approval of Minutes:**

A motion by Bill Kreutzjans, seconded by Neal Connor, to approve the regular meeting minutes for August 22, 2023, as presented.

**Roll Call:**

Willis Gregory	Yes
Neal Connor	Yes
Joe Klare	Yes
Bill Kreutzjans	Yes
Ron Rawe	Yes

5-0 Motion carried- so ordered.

**PUBLIC HEARING:**

**Case PZ-23-12 Buena Vista Overlay Map:**

**Comments:** Planning and Development Director Brian Steffen requested this be removed from the agenda and sent back to the Newport Historic Preservation Commission for reconsideration due to pending legal action from the HP Meeting on October 25, 2023.

A motion by Neal Connor, seconded by Willis Gregory, to remove Case PZ-23-12 from the agenda and send it back to the Newport Historic Preservation for further consideration.

**Roll Call:**

Willis Gregory	Yes
Neal Connor	Yes
Joe Klare	Yes
Bill Kreutzjans	Yes
Ron Rawe	Yes

5-0 Motion carried- so ordered.



## NEWPORT KENTUCKY

A five-minute recess was taken at approximately 5:14 p.m., and the meeting resumed at approximately 5:20 p.m. with the following members present; Ron Rawe, Neal Connor, Joe Klare, Bill Kreutzjans, and Willis Gregory.

Prior to commencing the Public Hearing, all parties giving testimony were sworn in. All parties, including the applicant, City staff, Board Attorney, and those in support and opposition of the applicant, have a right to give testimony and cross-examination witnesses.

### **Case PZ-23-10 East Row Overlay Map:**

#### **Comments:**

Planning and Development Director Brian Steffen stated that over the summer, the city hired a consultant to help ensure we were following the proper protocol for KY statutes, KY Ordinances, and Zoning Codes. The Board of Commissioners approved the revisions in September. Since the approval, the P&Z Board is now required to hear cases to approve local historic district overlay maps. This provides extra protection for the Historic Districts and does not require more restrictions on the residents in these Historic Districts. Both these Historic Districts tonight have already received approval from the HP Commission and the City Commission years ago, which would negate the reason to bring them back to the HP Commission. The P&Z Board is here tonight to determine based on the 2020 Comprehensive Plan.

#### **Audience:**

- Paul Kramer, 839 Monroe Street, asked if this will affect budgetary procedures for the HP Board. The Planning and Development Director, Brian Steffen, advised that this will not change the budgetary process for the HP Commission.
- Brooks Parker, Pastor of the House of Deliverance Church, 626 Washington Street. The church owns lots on Robert Street, but if we wanted to build on these lots, if the provisions are approved, would properties in the district need to follow the new construction guidelines? Ron Rawe advised that if the property is located within the boundary, you must follow the latest construction provisions, obtain a COA, and appear before the HP Commission.

A motion by Bill Kreutzjans, seconded by Neal Connor, to approve case number PZ-23-10, sending a recommendation to the Newport Board of Commissioners for the creation of a design review overlay district in what is commonly known as the East Row Historic District. The area of the design review overlay, as represented on the provided map, is generally bounded by East 2nd St. to the North, East 10th St to the South, Oak St. to the East, and Washington Ave. to the West.

After having heard evidence and testimony, it is found that the proposed design review overlay district is in conformance with the City's Comprehensive plan. Testimony was heard in support of the overlay from City Staff, who presented evidence that the proposed overlay complies with relevant state statute, city ordinances, and comprehensive plan.

#### **Roll Call:**

Willis Gregory	Yes
Neal Connor	Yes
Joe Klare	Yes



## NEWPORT KENTUCKY

Bill Kreutzjans	Yes
Ron Rawe	Yes
5-0 Motion carried- so ordered.	

### **Case PZ-23-11 York Street Overlay Map:**

A motion by Joe Klare, seconded by Willis Gregory, to approve case number PZ-23-11, sending a recommendation to the Newport Board of Commissioners for the creation of a design review overlay district in what is commonly known as the York Street Historic District. The area of the design review overlay, as represented on the provided map, is generally bounded by West 7th St. to the North, West 11th St to the South, Orchard St to the East, and Columbia St to the West.

After having heard evidence and testimony, it is found that the proposed design review overlay district is in conformance with the City's Comprehensive plan. Testimony was heard in support of the overlay from City Staff, who presented evidence that the proposed overlay complies with relevant state statute, city ordinances, and comprehensive plan.

### **Roll Call:**

Willis Gregory	Yes
Neal Connor	Yes
Joe Klare	Yes
Bill Kreutzjans	Yes
Ron Rawe	Yes

5-0 Motion carried- so ordered.

### **Adjournment:**

A motion by Neal Connor, seconded by Bill Kreutzjans, to adjourn the meeting. Motion carried- so ordered. Accordingly, the meeting adjourned at approximately 5:45 p.m.

Approved: \_\_\_\_\_  
Ron Rawe, Chairperson

Attest: \_\_\_\_\_  
Tiffany Myers, City Clerk



# NEWPORT

KENTUCKY

## PLANNING AND ZONING COMMISSION APPLICATION

For Office Use:  
Case Number

BA-24-61

Date Received

12-18-23

Hearing Date  
(If Applicable)

1.23.24

*To be completed by applicant:*

1. Property Owner: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Site/Locaton: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

2. Applicant (if different than Owner): City of Newport

Contact Person: Brian Steffen

Address: 998 Monmouth Street, Newport, KY 41071

Phone: 859-292-3637 Email: bsteffen@newportky.gov

3. Who is the Point of Contact? Brian Steffen

### TYPE OF HEARING REQUESTED (CHECK APPLICABLE CATEGORY):

#### ZONING MAP AMENDMENT

Current zoning of property: \_\_\_\_\_

Proposed zoning of property: \_\_\_\_\_

Property PIDN (s) \_\_\_\_\_

- Legal description attached: This can be either a Metes and Bounds survey or a copy of the deed.
- Names and Addresses of the owner(s) of the adjacent properties.
- Letter or signature from the property owner authorizing the applicant to submit the application on their behalf (if applicable).
- Nine copies of required development plan.

### TEXT AMENDMENT

Section (s) of Zoning Ordinance of proposed change:

Section 10.3 Table 6, permitted and conditional commercial uses

Proposed text changes (attach additional sheets if needed)

Various amendments to permitted and conditional uses in the Commercial zones,

related, but not limited to tattoo / body modification shops and adaptive re-use

### DEVELOPMENT PLAN/ PRELIMINARY PLAT

Current zoning of property: \_\_\_\_\_

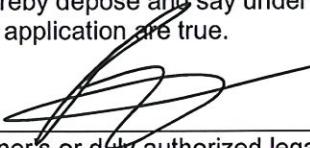
Property PIDN (s) \_\_\_\_\_

- Legal description attached: This can be either a Metes and Bounds survey or a copy of the deed.
- Letter or signature from the property owner authorizing the applicant to submit the application on their behalf (if applicable).
- Nine copies of required development plan.

### PLAT REVIEW

- Three copies of plat with legal description are required to be submitted with application. (plat shall have signature lines for the Mayor and Planning Commission Chairperson)

I hereby depose and say under the penalties of perjury that all of the statements contained in or submitted with this application are true.

  
Owner's or duly authorized legal agent's signature

City of Newport

County of Campbell

Commonwealth of Kentucky

Subscribed and sworn to before on this 18 day of December 2023

  
  
TIFFANY MYERS  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
May 14, 2027  
Notary ID# KYNP69851  
My Commission Expires \_\_\_\_\_

## SECTION 10.3 COMMERCIAL DISTRICT

Table 6

DISTRICTS						
CB D	NC	SC	PO	RFD	CBD F	1. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENTS
P	P	P	P	P	P	B. Outdoor dining areas as an accessory to Indoor dining and excluding use of the right-of-way, <u>except by permit.</u>
CBD	NC	SC	PO	RFD	CBD F	2. PERSONAL SERVICE ESTABLISHMENTS
C	X	X	X	P	X	<u>C. Tattoo Studio, Permitted use in CCO district only.</u>
X	X	P	X	X	X	29. FOOD CARTS, <u>FOOD TRUCKS.</u> *
C	C	C	C	C	C	<u>31. ADAPTIVE RE-USE</u>

\* Except otherwise by special permit

## D. CONDITIONAL USES:

2. The adaptive re-use of buildings shall conform to the provisions of section 9:13 C of this ordinance.

## G. TATTOO STUDIOS:

1. No person shall control, operate, conduct, maintain or manage any tattoo or body-piercing establishment or shall perform tattooing or body piercing on any person without complying with the requirements of this section. Failure to comply with any government regulation, health regulation, or zoning condition may result in the revocation of the occupational license and/or conditional use permit.

2. The Kentucky Administrative Regulations (902 KAR 45:065, 45:070) establishes rules regulating the construction, operational, and sanitation practices of tattoo studios to ensure services are provided in a safe and effective manner.

3. No person shall control, operate, conduct or manage any tattoo or body-piercing establishment, whether or not actually performing the work of tattooing or body piercing, without first obtaining a permit from the Northern Kentucky Independent Health District and occupational license.

4. When permitted as a conditional use, tattoo studios shall conform to the following conditions:

a. A tattoo studio shall be located a minimum of 1,000 feet from any other tattoo studio.

b. Tattoo studios must be located in existing principal commercial buildings and tenant spaces.

c. Tattoo Studios must be located entirely within their own tenant space, separated from any other businesses, and have direct access to the public right-of-way without entering other tenant spaces.

d. Tattoo Studios are subject to operating hours between 8AM and 8PM.

e. All application of tattoos and body piercing shall be done in an area not readily visible from the public rights-of-way in a manner approved by the Zoning Administrator.

f. Tattoo Studios shall subject to signage regulations contained in Section XV of this code.

## SECTION 10.2 RESIDENTIAL ZONES

TABLE 4:

<b>R-1</b>	<b>R-2H</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PERMITTED USES</b>
P	P	P	P	X	X	Single Family Dwelling (Detached)
X	P	P	P	P	P	Single Family Dwelling (Attached)
X	X	P	P	P	X	Two Family Dwelling
X	X	X	X	P	P	Multi Family Dwelling
P	P	X	X	P	P	Planned Unit Development
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Adaptive Re-use</u>

## D. CONDITIONAL USES:

6. The adaptive re-use of buildings or structures shall conform to the provisions of section 9:13 C of this ordinance.

## SECTION 10.4 INDUSTRIAL DISTRICTS

**TABLE 8**  
**PERMITTED USES: INDUSTRIAL ZONES**

(P signifies Permitted; X signifies not permitted; C signifies Conditional use)

I 1	I 2	PERMITTED USES:
<u>C</u>	<u>C</u>	<u>15. Adaptive Re-Use</u>

F. The adaptive re-use of buildings or structures shall conform to the provisions of section 9:13 C of this ordinance.

## SECTION 9:13 CONDITIONAL BUILDINGS AND USES

C. RE-USE OF PREVIOUSLY APPROVED OR “GRANDFATHERED” CONDITIONAL USE-EXISTING NON-CONFORMING BUILDINGS OR STRUCTURES: To prevent the abandonment of conditional use previously approved or existing non-conforming structures and to promote their adaptive re-use all zones within the city, previously approved or “grandfathered” conditional use structures may, subject to the approval of the Board of Adjustments, be approved as a new conditional use allowing higher residential density than the underlying zone would permit, the operation of a commercial, non-industrial, use or a combination of both subject to the following restrictions:

1. The adaptive reuse of a building or structure that existed prior to the effective date of this code may be considered by the Board of Adjustment through the conditional use permit process.
2. Screening pursuant to Section [9.16](#);
3. Development Plan requirements of Section [9.19](#);
4. Fences, walls and obstruction to view requirements of Article XII;
5. Sign regulations pursuant to Article XV;
6. In residential zones, the permitted commercial uses shall be compatible with the surrounding zone;
7. The adaptive re-use shall be located within the existing conditional use structure; and
8. The adaptive reuse of such pre-existing building shall only be allowed where the Board of Adjustment makes a determination that an existing building on the site cannot be readily used for a principal use that is otherwise allowed in the applicable zoning district, due to the design of the building.

9. The proposed use of the building shall be limited to principal uses that are specifically allowed in Table 6 and Table 4 of the Newport Zoning Code.
10. The proposed reuse of the building shall be one that the Board of Adjustment finds will have minimal impact on the surrounding neighborhood based on the consideration of the conditional use criteria contained herein.
11. The adaptive reuse application must demonstrate that the exterior appearance of the building shall not be altered unless otherwise approved by the Board of Adjustment as part of a conditional use approval. This shall not prevent the applicant from renovating the building so that it complies with all applicable building and fire codes.
12. If the pre-existing building is demolished or damaged more than 60 percent of the market value of the building, then the remainder of the building shall be demolished and the adaptive reuse approval shall expire. After such expiration, only a permitted use in the applicable zoning district may be authorized in accordance with this code.

D. REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the market value of the building, without prior approval of the zoning administrator, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this Ordinance- herein shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 9.11 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE:

B. NONCONFORMING USES:

3. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming use:
  - b. Abandonment. Abandonment shall be deemed to have occurred when the nonconforming activity ceases to operate and/or the premises are vacated so as to leave the property unoccupied for a period of at least one (1) calendar year, six (6) consecutive calendar months.

Definitions:

ADAPTIVE RE-USE: *The re-use or conversion of existing buildings or structures built prior to the effective date of this code, into a new use other than what it was originally intended or designed for.*

FOOD CART: Mobile unit which cannot independently travel on its own power, including trailers, set up on streets utilized to prepare or dispense food or food items for sale.

FOOD TRUCK: Motorized vehicle, able to operate on its own power, equipped to cook, prepare, sell, and dispense food or food items.

TATTOOING: *The act of producing scars on a human being or the act of inserting pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce indelible marks or figures visible through the skin. Tattooing shall also include body piercing and body modification.*

TATTOO STUDIO: *A facility in which tattooing, body piercing, or body modification is applied and certified by the Northern Kentucky Health Department as compliant with all regulations and state statutes.*

TATTOO ARTIST: *The person certified by the Northern Kentucky Health Department to engage in tattooing.*

**SECTION 18.7 DECISIONS OF THE BOARD OF ADJUSTMENT:**

B. A simple majority of the ~~total membership~~ *quorum* of the Board of adjustment as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

**§ 153.43 AMENDMENTS GENERALLY.**

(A) A proposal for amendment to any zoning regulation may originate with the Commission, or with the Board of Commissioners or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Commission before adoption. The Commission shall then hold at least one public hearing after notice as

required by KRS 424 and make recommendations to the Board of Commissioners to override the recommendation of the Commission.

*(B) A proposal to amend the text of any zoning regulation which must be voted upon by the city commission may originate with the planning commission or the city commission.*

~~(B-C)~~ All procedures for public notice, publication and adoption shall be made pursuant to the Kentucky Revised Statues.

(1995 Code, § 2.60.180)