



NEWPORT
KENTUCKY

City of Newport, Kentucky Planning and Zoning Code Audit

January 21, 2025

Introduction

This document aims to audit the existing Newport Kentucky Planning and Zoning Code found in Chapter 153 (Planning) and related appendix (Zoning) of the Codified Ordinances. The city embarked on this process as they considered modernizing its planning, zoning, and subdivision regulations to ensure that the city's land use regulations address modern activities, various administrative and interpretation issues, and generally make the code easier to understand. This document was developed following discussions with staff and also the consultant's experience drafting regulations for communities across Kentucky and the nation.

This report intends to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards and provide options for improvement. This document also includes a proposed outline for a reorganized code. That suggested outline would completely reorganize the regulations into a code that will improve usability by staff, residents, business owners, and city officials.

It is important to remember that this audit does not necessarily identify every issue or individual problem with the existing regulations but focuses on broader issues that will need direction before any text amendments. Once staff and city officials have had an opportunity to review and provide feedback on this document, the city can decide on the next steps toward a modern planning and zoning code.

Themes for Improvement

Based on the initial input from the city and our review of the document, there are four major themes for improvement that will help achieve many of the goals set out for this project. This part of the report intends to summarize each proposed theme and provide a direction or options to address them. The major themes of improvement include:

1. Reorganize and reformat the regulations to improve usability;
2. Streamline and clarify the procedures for development;
3. Restructure the district and use regulations;
4. Modernize the substantive standards of the regulations; and

The following pages incorporate a discussion on each of these major themes.

1. REORGANIZATION AND REFORMATTING OF THE CODE

In an effort to modernize the overall code and improve how users interact with the code, we recommend the following changes:

1(A) Consolidate Regulations into a Single Document within Chapter 153

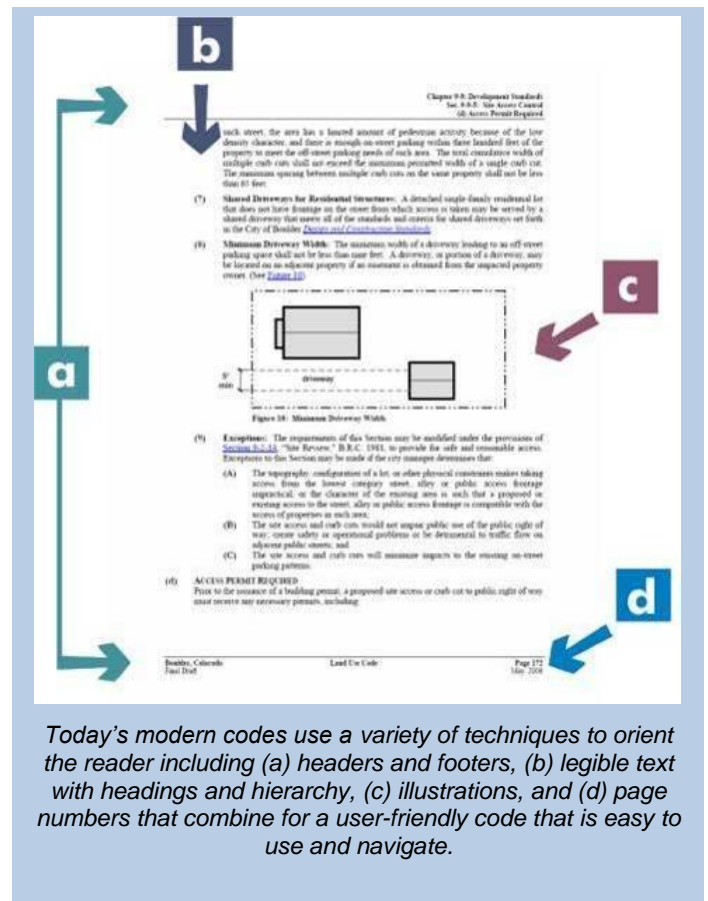
One of the major goals of this entire project is to clean up and reorganize the planning and zoning regulations so that they are easier to use and interpret. To accomplish this will require some reorganization of the current codified ordinances because certain regulations, such as the historic preservation regulations, may be better suited in the same chapter as all the other zoning regulations. Additionally, most of the critical pieces of zoning regulations are codified as an appendix of Chapter 153 rather than embedded as a complete ordinance. For this reason, we recommend that the city consider the following changes:

1. Move the historic preservation regulations that are not related to the establishment, makeup, or duties of the Newport Historic Preservation Commission (HPC) into the updated planning and zoning code. Currently, all information related to the applicability of Certificate of Appropriateness (COA) reviews, historic landmark/district designation, and related review criteria are located in Chapter 32 of the Newport Codified Ordinances. Moving the COA information and criteria to the planning and zoning code will help clarify applicability and consolidate all of the design and review regulation into a singular location. The language related to the actual establishment, makeup, and duties of the HPC can remain in Chapter 32, similar to the establishment of the Planning and Zoning Commission (PZC) and the Board of Adjustment (BOA).
2. Incorporate the zoning regulations that are now considered an appendix into Chapter 153 of the Codified Ordinance. This is intended to clarify the relationship of all of the planning and zoning regulations. After discussions with staff, there is no clear historical information on why some of the zoning was formatted as an appendix, and this is an unusual approach compared to other zoning codes in Kentucky and elsewhere.
3. Reorganize all of the language into sections and subsections based on function of the regulations such as, administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, lighting, etc.). The table on the following page summarizes a proposed restructuring of the Newport Planning and Zoning Code. While most of the chapters are self-explanatory (e.g., architectural, landscaping, and signs), others will be chapters with general requirements that apply to most, if not all, development in the city. For example, the new Section 153.01 (General Provisions) will include the overall purpose of the code, transitional regulations (described later), required compliance, etc. The new Chapter 153.04 (General Development Standards) will include several sections of regulations that do not rise to the need of an individual chapter (e.g., fencing, lighting, and performance standards).

CHAPTER 153: PLANNING AND ZONING CODE	
Section	Section Name
153.01	General Provisions
153.02	Zoning Districts and Principal Uses
153.03	Accessory and Temporary Uses
153.04	General Development Standards
153.05	Architectural and Historic Preservation Standards
153.06	Landscaping and Screening
153.07	Parking, Access, and Mobility
153.08	Signs
153.09	Subdivision Design
153.10	Administration and Enforcement
153.11	Nonconformities
153.12	Definitions

1(B) Improve Referencing

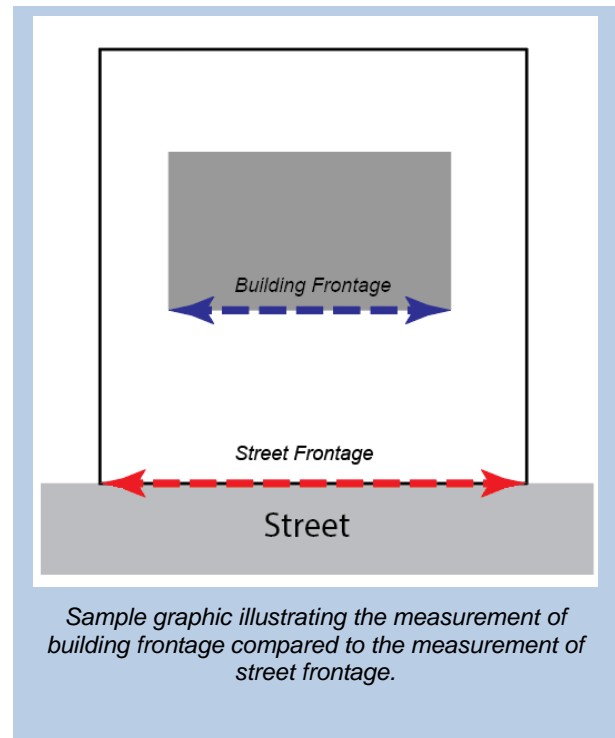
A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new code. The final step in the update process will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the codes so that users can easily click on the cross-reference and be taken to the appropriate section or graphic. It is important to note that formatting techniques such as headers and footers will only be available in the PDF format of the planning and zoning code that will be used during the update process. Other elements, such as hyperlinked cross-references and all the graphics will be available in both the PDF format and the codified version of the code on the American Legal Publishing website.



1(C) Illustrate Additional Key Concepts, Standards, and Processes

Modern development codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts. Unfortunately, the current planning and zoning code does include a few images, specifically in the Sign Overlay District, but the photographs and graphics are poorly reproduced, making it challenging to determine the standard and related sign placement. There are numerous standards, such as fencing, signage, and parking, which would benefit from including graphics for clarity. In addition, illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages and vastly improve the readability of a code.

The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and summarize detailed information lists. In addition, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.



All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new code. Additionally, language will be included in the new Section 153.01 (General Provisions) that will establish that the text of the regulations control in the case of any conflict.

1 (D) Eliminate Submittal Requirements

There are a couple of examples where the current regulations list the exact number of plans and information required as part of the city's review procedures (e.g., Section 16.1: Zoning Permits). Not only does this add to the length of the regulations, but it also complicates matters when the city wants to amend the submittal requirements because the lists are part of the adopted text, and any change requires a text amendment. Therefore, this audit recommends that the specific application submittal requirements be removed from the new regulations and maintained as a checklist outside the code. This makes the code less cumbersome and ensures changes in application submittal requirements can be easily made without formal amendments to the code. Ultimately, the city could also move the applications and submittal checklists to digital formats that can be uploaded to the city website or emailed to potential applicants.

2. UPDATE ADMINISTRATIVE REVIEW PROCEDURES

One of the more important attributes of an effective zoning code is that the review procedures are efficient, logical, and easily understood. In particular, the board or department responsible for the review should correspond with the required level of review. Newport utilizes several procedural reviews in the administration and enforcement of its land-use regulations, but they lack enough clarity to let a typical reader understand the step-by-step processes and the criteria that staff and the boards use in making their decision.

2(A) Consolidate Procedures into One Section and Clarify Review Criteria

The trend in land-use regulations is to consolidate all procedural provisions into one main section. Consolidation enables the code user to locate, in one place, all procedures and the applicable review criteria governing each type of development review (e.g., permits, rezonings, conditional use permits, subdivisions, variances, etc.). As noted earlier in this audit, the review procedures related to COAs and the establishment of local historic districts or landmarks should be brought in from Chapter 32 and located in the procedural section of the updated planning and zoning code.

One of the critical parts of modernizing the procedures beyond consolidation is establishing clear review criteria for each procedure. Most of the city's current procedures have some type of criteria or considerations for making a decision, but they are not always clearly highlighted. The updated procedures will clearly state the criteria and ensure that they align with the KRS and other case law. Good review criteria give the applicable review board a solid understanding of what they need to consider when making a decision, which can make for more defensible decisions.

Another suggested improvement is including a "common review requirements" section before the list of procedures. This introductory section will include important information that is relevant to all procedures. For example, this new section could include provisions covering such common topics as public notice and public hearing requirements, authority to apply, and application filing fees (currently in a stand-alone article). In addition, this section prevents the code from repeating this same information for every procedure.

2(B) Clarify Roles (Planning and Development Director)

The current code uses the term Zoning Administrator and Development Services Director as the interchangeable person overseeing the administration and enforcement of the planning and zoning code. During the update of the Historic Preservation Commission ordinance, the language was changed to identify the Planning and Development Director as the person in charge of that set of regulations. At the same time, it was clarified that they could delegate any activities to other staff members, including the Historic Preservation Officer. The city might want to clarify that same issue in the planning and zoning code so that there is one formal person who is responsible for all regulations, but they can delegate certain activities to other staff members including a zoning administrator, code enforcement officer, etc. This approach does give the city some flexibility because, in certain cases, they may appoint the Planning and Development Director to be the zoning administrator, or it can be officially passed on to another person in the city. This recommendation is not a necessity to modernize the code but is intended to create some consistency amongst related ordinances.

2(C) Incorporate an Alternative Equivalency Procedure

The city currently has provisions for considering variances where an applicant can request a reduction or lowering of an established standard. The city might consider adding an "alternative equivalency" procedure that would allow an applicant to propose an alternative to an established standard that equals or exceeds the intent of the original standard. Instead of doing something less, an applicant may have a creative method of meeting the intent of a standard that is not a variance and would not meet the standard of practical difficulty or unnecessary hardship. For example, an applicant may suggest using a public art installation instead of screening outdoor storage with landscaping or a fence. The alternative equivalency review can be a valuable tool that could, for example, allow an applicant to propose a buffering, lighting, or architectural option that was perhaps not envisioned in the code language but would be a better solution. The review of such application would be as a conditional use, through the Board of Adjustment. The review and decision would be specific to the site and the proposed alternative rather than setting a precedent. As with all review procedures, there should be review criteria for the applicant to consider.

2(D) Add Transitional Regulations

The current regulations do not fully address what happens to applications under review when the planning and zoning code is amended and the updated regulations become effective. Therefore, this audit recommends incorporating a new section called "transitional regulations" within the new Section 153.01 (General Provisions) that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new code or future amendments are adopted. The provisions will allow an application, in general, to be processed under the rules in place at the time a complete application is submitted. Additionally, the transitional regulations section will include language stating that violations before the enactment of the revised code shall remain violations after the effective date of the regulation.

2(E) Include a Complete Application Provision

Part of the overall improvement to the new regulations will be clarifying the steps in various review procedures. To ensure accountability and responsibility for moving applications forward for the city and the applicant, the city should consider a "complete application" requirement. A complete application provision explicitly authorizes the staff to review submitted applications and decide if they are "complete" and should be formally accepted for further review and action.

The provision, which would apply to all development applications, would state that no processing would begin on an application until after a formal determination by staff that such application is "complete." Applications are complete when they contain all the required exhibits, including reports, maps, plans, and the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the city from processing incomplete applications, which is frustrating to staff, decision-makers, and applicants. Generally, if the staff determines an application is "incomplete" and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have three to five days to review and decide that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit or risk rejection of the application and loss of the application fee. Staff can also have some authority to waive requirements if they are deemed inconsequential to demonstrating compliance with the code.

3. RESTRUCTURE THE DISTRICTS AND USE REGULATIONS

One of the critical goals of this project is to enhance the opportunity for development while also streamlining the city's land use regulations. One of the approaches to accomplishing this goal is to evaluate the existing zoning district structure (number and types of districts), where and how uses are allowed, and the specific standards that apply to those districts and uses. Since the districts are one of the core elements of the regulations, we recommend the city consider the recommendations on the following pages.

3(A) Consider Revisions to the Existing Zoning District Structure

Newport has a number of zoning districts, including base zoning and overlay zoning districts. Given the range of development within Newport, this is not unexpected and the current districts serve a critical purpose. Following a review of the existing zoning districts, the uses allowed in each district, digital maps of the city, and the standards applied to development (e.g., lot area, setbacks, lot coverage, building size, etc.), it appears that there is an opportunity to make a few changes to enhance the district structure and accomplish the vision for a modern code.

The following are descriptions of some significant changes suggested for the zoning district structure and principal use changes. Please note that these are preliminary recommendations; there may be more adjustments to the proposed lot area requirements and other standards as we dig deeper into the existing development.

- **Rename and clarify the R-2H District.** There has been some confusion about the role and applicability of the current R-2H District. The district, which is called Residential Two Hillside, implies that it is similar to the R-2 (Residential Two District), but the reality is that it is closer aligned to the R-1 District, just in the hillside areas of Newport. The uses allowed in the district are single-family detached and single-family attached. Two-family dwellings are not allowed in the R-2H, but are allowed in the R-2. For the purposes of the Newport code, single-family attached is an alternate name for zero lot line developments where a building looks like a two-family rowhouse, but the lot line runs down the shared party wall, so there is only one-family unit per lot. For this reason, it would be appropriate to rename the R-2H to the R-1A (Residential One Attached) District, with additional clarification of the allowed uses. The city's hillside control regulations will still apply to the development.
- **Consider Elimination of the Urban Residential Overlay District (URO).** The URO District appears to be meant to promote the development of single-family homes and redevelopment of substandard housing in an area that is zoned R-3. The overlay district is not shown on the current zoning map and as noted in the section-by-section, there are provisions that can be incorporated into the R-3 zoning district to accommodate the same intent utilizing infill development standards and use-specific criteria as part of general zoning review. At this point in time, there does not appear to be a real need to maintain the district in the zoning code.
- **Determine the Need for the Professional Office (PO) District.** The city has established a PO District in the zoning code, but it is not located on the zoning map. Unless the city foresees a need to have a primarily office zoning district, this district can be eliminated from the code.

- **Refine the Transitional Zone.** The current Transitional Zoning District (TZD) was written with the idea of providing a significant amount of flexibility in potential land uses. Developers pursuing projects in the TZD have to go through a development process that is somewhat similar to the PUD review process. Unfortunately, the zoning district is unclear about how to address changes of uses in existing structures nor does it allow a lot of uses by-right. Much of the existing districts is used for industrial, office, and some retail uses. The city should consider incorporating the TZD into the permitted use tables described in this audit and establish that certain uses, such as clean, light industrial, office, and some other limited uses may be established without a lengthy review process. The current review process can then be used for other uses that may be proposed in the future, including, but not limited to, residential, mixed-use, or retail. The procedure itself should also be refined to clarify the process and when it is applicable.
- **Clarify the Roles of Base and Overlay Zoning Districts.** The city has established a number of overlay districts to achieve a variety of goals within the zoning code. All of the information on overlay districts should be consolidated under one main section with clarity on conflicts and how the rules apply to each overlay. This includes incorporating the provisions from the overlay districts established for the historic districts. Additionally, all active overlay districts should be shown on the zoning map or otherwise incorporated into the zoning code. For example, the sign overlay district could be changed into a special sign district with boundaries shown on a map embedded in the code rather than on the zoning map.
- **Consider a Public and Institutional District.** The city might want to consider the addition of a public and institutional district for the purposes of identifying and protecting large areas of such uses, including, but not limited to, city facilities, schools, local parks, the courthouse etc. Currently, such uses are shown as zoned for other uses, or it is unclear from the zoning map if any zoning district applies. Furthermore, this designation can give a little more flexibility in the provision of accessory uses or layout of uses that are unique to public and institutional uses.

3(B) Clearly Define and Reorganize Permitted and Conditional Uses

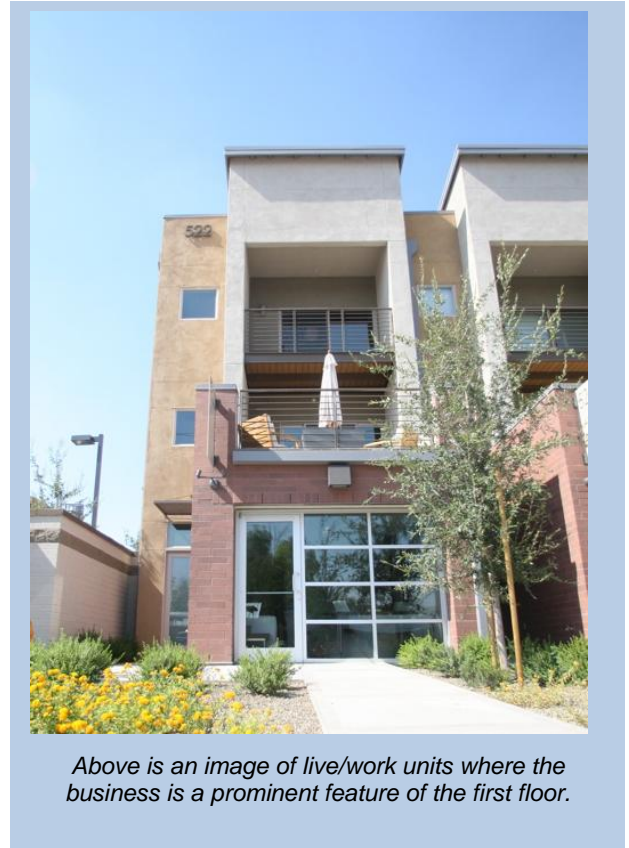
We recommend that the updated regulations include one consolidated use table to illustrate where and how land uses are permitted within each zoning district. The current code does use similar tables; however, they are divided by classification of zoning districts (e.g., residential districts, commercial districts, industrial district, etc.). In some cases, certain conditional uses are simply listed after the table. This prevents someone from assessing how a use might be allowed in other zoning districts and creates potential for inconsistency in the use of terminology across districts. The city currently lists each use and how it is permitted in the individual chapters related to the applicable district. Furthermore, use-specific standards, especially standards for individual conditional uses, are located in each of the district regulation chapters. The city's current approach makes it impossible to compare how and where a particular use is permitted in different zoning districts. Utilizing tables to illustrate allowed uses within each district is an effective method of illustrating uses in a single district and district-to-district comparisons. Additionally, this approach helps ensure consistency in the name of uses.

TABLE 1216-3: PRINCIPAL USES													
Land Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	B-1	B-2	B-3	I-1	I-2	P-1 ²¹	Use-Specific Standards See Section:
Agricultural Uses													
Agricultural	C	C											1216.06(a)
Residential Uses													
Bed and Breakfast Establishments	C												1216.06(b)
Dwellings, Multi-Family ²²					P	P							
Dwelling, Single-Family	P	P	P	P									
Group Homes	PS	PS	PS	PS	C	C							1216.06(c)
Skilled Nursing or Personal Care Facilities					C	C	C	PS	C			PS	1216.06(d)
Public, Institutional, and Recreational Uses													
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	PS	1216.06(e)
Cemeteries	C	C	C	C	C	C						P	
Cultural Facilities	C	C	C	C	C	C	P	P	P			P	
Educational Institutions (Higher Education)								P				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C				C		P	1216.06(f)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs							C	C	C			PS	1216.06(g)
Government Offices and Buildings (No Outdoor Activities)	C	C	C	C	C	C	P	P	P	P	P	P	
Hospitals							C	C					1216.06(h)

Above is an example of a permitted use table from another community that shows the list of permitted uses in the left-hand column and all of the zoning districts across the top row. The districts are color-coded to illustrate residential districts (yellow), business districts (red), industrial districts (purple), and public districts (blue).

The current list of uses that the city includes in the existing code will need to be reviewed but are generally in line with modern codes. Some updates will have to be made to ensure that newer uses are addressed (e.g., short-term rentals) and others, like group homes and gas stations, comply with state law. This code audit does include a recommendation to include definitions for each use to provide additional criteria for similar use determinations.

When updating the list of permitted principal uses, the city should consider opportunities for allowing use types that are becoming more common in places like Newport. On previous pages, this code audit includes recommendations for a variety of housing types, but a growing number of communities are specifically allowing for breweries and distilleries (in both commercial and industrial settings) as well as for live/work opportunities. Such uses are common in both commercial and industrial areas in other cities. Live/work opportunities is a type of use that was common in the 1950s and 1960s and has become popular again. They are homes being used for both businesses and residential uses, but the business is a primary focus of the building, unlike home occupations. Additionally, the city may also want to revise how they allow mixed-use buildings in the current business districts. Currently, mixed use buildings with apartments are a conditional use in the CBD District, but mixed-use buildings are fairly common in central areas, such as Monmouth Street. This may be an example where we can integrate the use of “permitted with standards” to establish clear standards for when mixed-use buildings are allowed, and how they are designed (residential on upper floors only). Live/work units, which are a less intense mix of uses may be an appropriate use type in the CBDF under the same situation. This approach could provide new business investments in these districts while also creating more housing options for the city as a whole. Finally, this is also an excellent opportunity to look back at recent inquiries into the city's zoning to see if there have been any new uses that people have sought recently, not addressed in the current code, but could be appropriate in particular districts.



3(C) Clarify Accessory and Temporary Use Standards

One of the significant issues identified with the current code is accessory uses and structures. This is not unusual because regardless of whether a community has room to grow or is entirely built up, every community constantly deals with accessory uses. The existing contains some regulations for accessory uses, but not many for temporary uses, and those regulations that exist are scattered throughout the existing document. The updated code should consolidate all of these regulations within a single section because it is easy for residents to go to one section to find all the applicable requirements. In updating the regulations, the city should consider the following:

- All the regulations need to be reorganized to clarify where and how each accessory use is permitted within each zoning district. This reorganization will be accomplished by creating a use table for accessory uses similar to the type proposed for principal uses, as discussed earlier. This approach will ensure consistency in terms and standards regardless of the zoning district.

- The standards should establish clear rules for the most common accessory uses, such as satellite dishes, swimming pools, and detached structures. Additionally, the standards will be updated to reflect current state and federal laws, for example, exempting small satellite dishes under one meter in diameter or providing for amateur radio towers.
- The entire set of regulations related to accessory uses and buildings in Newport is generally outdated. First, the provisions can be overly broad because of the statement “customary accessory buildings and structure” There are a lot of examples of customary accessory buildings that may need some tailored regulations. Detached accessory garages, especially those with alley entrances, may require different setbacks than detached sheds. There are no specific provisions for accessory dwelling units, which could be considered an accessory building. Accessory dwelling units are smaller, secondary units that are allowed on the same lot as another home. They are often referred to as granny flats or in-law suits. There are ways to allow for this type of dwelling without substantially changing the densities of the areas where they are allowed. Finally, the regulations are also silent on a lot of basic accessory uses such as patios, decks, and porches, some of which can have substantial massing to them. We recommend a complete overhaul of the accessory use regulations to modernize the standards.
- Solar arrays are addressed in an “accessory device” ordinance outside of the zoning code. However, the city may want to consider moving certain provisions into zoning where the device may be considered an accessory structure.
- The city has noted that they want to take a look at potential regulations for short-term rentals (e.g., AirBnB, VRBO, etc.). Regulating short-term rentals can be a challenge, especially if the main issues are operation in nature (registration, noise, etc.), but the city can set some general zoning standards for the uses related to whether it is the principal or accessory use of the building, how parking needs to be included, and the districts where allowed. The latter issue may result in short-term rentals being suggested for the business districts where mixed-use is allowed rather than in core residential neighborhoods.
- The new section should also include standards for other modern accessory uses such as donation drop-boxes, outdoor storage, and outdoor sales areas. One consideration is making a distinction between outdoor storage (sometimes bulk sales) and outdoor display areas that commercial businesses use along private walkways.
- The new code should address common temporary uses, including, but not limited to, seasonal sales, food trucks, temporary gravel parking (for development under construction), construction structures, and temporary events. There appears to be minimal guidance for temporary uses in the current code.



Above are examples of a detached accessory dwelling unit (top) and attached accessory dwelling unit (bottom).



New technology is allowing for smaller-scale solar panels that help promote energy efficiency.

4. MODERNIZE THE SUBSTANTIVE STANDARDS

Another major theme in updating the city's regulations is revising the development standards (e.g., signs, parking, landscaping, etc.) to increase the quality of development in the city and to make the various standards clear and predictable. As described earlier in this section of the report, the proposed strategy is to enhance standards and then streamline the review for those applicants who meet all the standards. For those who want to vary the standards or approach development in a different manner, the applicant will have to go through various review boards depending on their specific request.

4(A) Strengthen and Expand the Existing Development Standards

The following are some development standards that the city currently has that could be improved as part of a code update:

- **Parking and Access Standards**

We identified several recommended improvements to the existing parking and loading requirements throughout this document. However, as with many standards, the city can be more progressive with regard to parking. The current regulations are typical of most communities, with a minimum number of spaces required and minimum setbacks for parking areas. After ongoing discussions with staff, the intent of this update is to take an approach to parking standards that is growing in popularity where the code eliminates the parking space ratios for the majority of businesses, but requires an applicant to demonstrate they have enough parking for the nonresidential use as part of the submission. Regulations will include that will give the staff sufficient leeway to deny the application based on the amount of parking suggested through the use of common background materials from various planning and engineering sources. This approach will also allow applicants to count a certain amount of on-street parking with close proximity as part of the parking requirements. Given that most businesses want to have a decent amount of parking, and many financial institutions require it as part of any funding, a business is already likely to only locate where parking is available. There is no significant need for listing specific parking ratios in a zoning code. Parking requirements for residential uses will still be included with some updates. In addition to updating the parking requirements, the city should incorporate standards for drive-through facilities (location and waiting space length) for more uses than banks and might want to consider adding guidance for bicycle parking requirements to encourage safe bicycling parking options. The updated regulations should also address electric vehicle charging stations and potentially ridesharing stops.



Illustration of porous pavement used in a parking lot to allow stormwater to pass through the pavement.

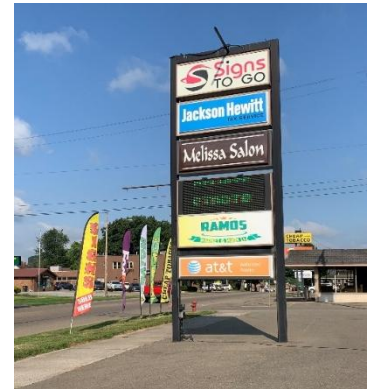
- **Landscaping and Screening**

The city has some basic landscaping and screening standards in the existing Section 9.16 that are focused on the separation of different uses, but there is not a lot of guidance on the actual requirement. There is a lot the city can do to enhance landscaping screening without creating an extraordinary burden on property owners. Updated standards should be added that expand on the land use buffering with a focus on screening between residential and commercial or industrial uses that is scaled based on the intensity of the nonresidential use. Additionally, new standards should be added to require internal and perimeter landscaping for large parking areas to help soften larger areas of pavement. Such requirements can be done in a way to give flexibility in meeting the standards as well as allowing such landscaped areas to serve as natural stormwater management

systems. The tree regulations that are in the current Section 9.29 should be consolidated into the landscaping and screening provisions and refined based on past issues, including potentially reevaluating the number of trees required for parking lots. Currently, there are several examples of major mixed use developments that have occurred where the number of trees required is excessive given the scope of the development. The updated standards could scale the requirement based on the size of the parking lot or garage, with larger parking areas requiring more trees per space than a small lot.

- **Signage**

The sign regulations will require work to help clarify what types of signs are allowed while also addressing some legal issues. In 2015, the Supreme Court ruled on a sign case that makes it almost impossible for a city to regulate a sign based on the message. This means that the city can no longer have different rules for real estate signs, professional nameplates, and other message-based signs, as the regulations do now because the only way to administer the rules is to look at the message of the sign. This ruling has the biggest impact on the regulation of temporary signs, which is where the city has the most content-based regulations. As we work through the update of the sign chapter, we will work closely with the City Attorney to make sure that the sign regulations comply with case law while also meeting the needs of the city. In addition to the legal changes, the entire section should be updated with graphics and a simpler approach to clarifying which class of signs are permitted in each district. The terminology for certain signage should be reconsidered based on common terms. For example, there are a couple of sections where the city references signs with “individual letters only.” This can be clarified by referencing channel letters but there also should be some consideration for small graphics or logos that may not fall within the definition of individual letters. Finally, the update of the sign regulations should reassess allowances for digital signage as the technology and use of such signs continues to rapidly change and have become a more common approach to signage.



4(B) Add New Development Standards

In addition to modernizing and expanding existing development standards, there are a number of new development standard types the city might want to consider incorporating into a code update, including:

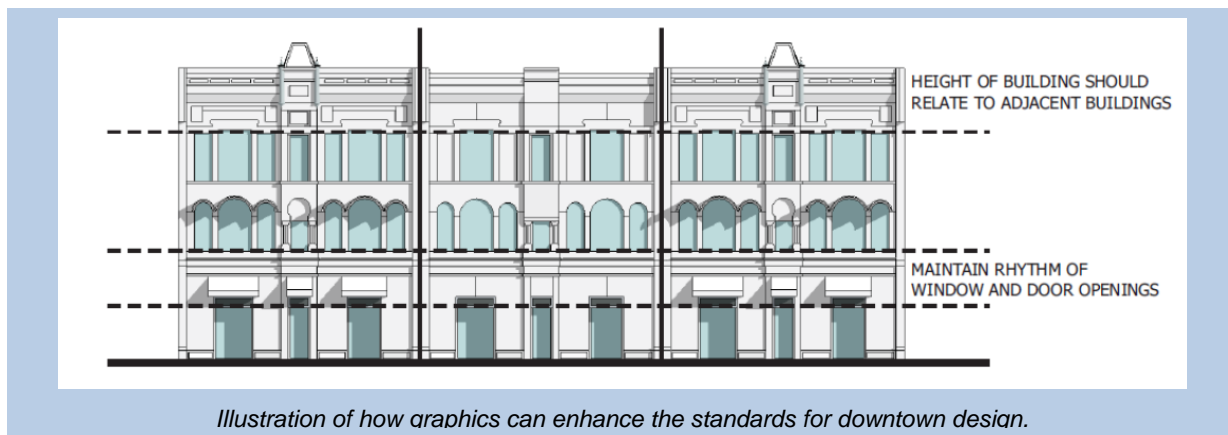
- **Infill Compatibility Standards**

One of the biggest issues with the city's current standards is that there are a lot of development standards that are applied in a one size fits all manner across a large swath of a single zoning district, even if development occurred at very different times. For example, there are a number of blocks in the R-3 District where none of the homes meet the 10-foot front yard setback requirement because the homes were built before the current zoning was in play. The same can be said about all building setbacks, accessory buildings, building heights, etc. The city should consider incorporating infill compatibility standards to help build in tailor dimensional standards without having to create numerous zoning districts. This also may help replace the need for the current Urban Residential Overlay District. These would be a general set of standards that would allow an applicant to construct a building that reflects the predominant site characteristics of buildings in the same block without getting a variance. For example, someone building on a vacant lot in an R-3 District could build with the front of the house five feet from the back of the sidewalk if the majority of homes along the same block face were setback five feet, as compared to the setback requirement in zoning. The same idea can be applied to allowances for accessory or principal building height, accessory building locations, side yard setbacks, front yard setbacks, and dwelling sizes. This should help reduce variance requests, encourage reinvestment, and ensure compatibility within a specific block rather than across an entire zoning district.

- **Architectural Standards**

The city does not have any architectural standards other than the historic guidelines for the York Street, East Row, and Buena Vista Historic Districts. There are “Recommended Monmouth Street Business District Design Review Guidelines” from 2011 that are reflective of historic preservation guidelines but are not applied in the same manner. The city is currently working on some adjustments to this that will take place as part of a separate process. At the same time, it is possible to include some basic architectural standards that will focus mainly on massing of buildings and other physical elements that will ensure that new infill development or major redevelopment will reflect a similar character as nearby buildings and/or will have a beneficial visual impact for the community.

Below is an example of architectural standards that could be applied to ensure the height and rhythm of window and door openings are maintained. These standards should be written in a manner that will not require any additional types of review.



- **Green Infrastructure**

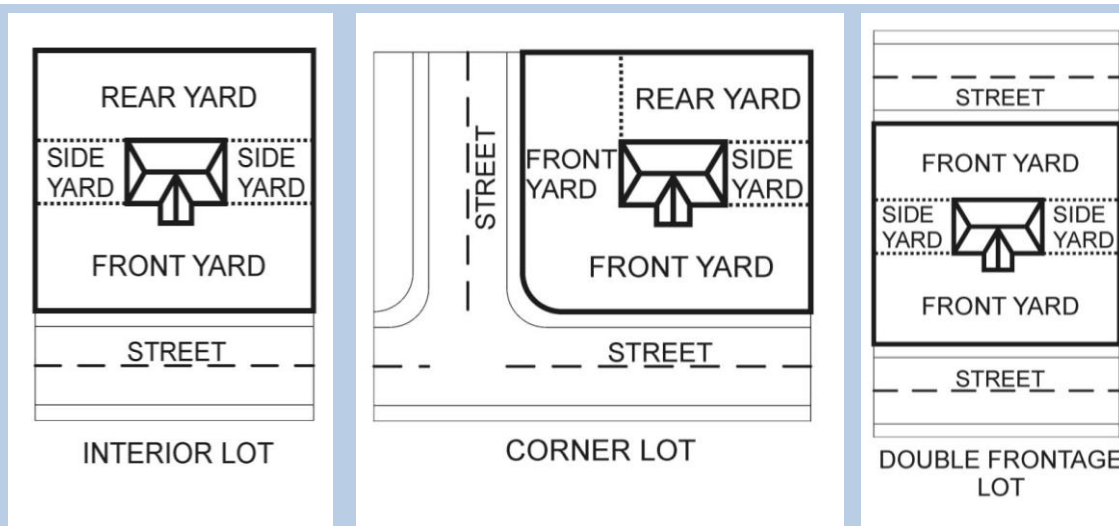
Since any code update would likely include zoning and subdivision regulations, now is the time to determine if the city wants to encourage, or require, various elements of green infrastructure or sustainable development. Simply put, green infrastructure is where natural areas or natural processes are utilized to deal with things like stormwater runoff as an alternative to gray infrastructure, which includes culverts, pipes, and other manmade forms of infrastructure. Examples of green infrastructure include utilizing pervious pavement (not typically allowed for streets but possible for sidewalks), encouraging the use of more native vegetation that can minimize erosion, or allowing for the installation of rain gardens or bioswales that are natural areas designed to accommodate stormwater runoff. Options for green or sustainable development included provision for the use of pervious pavement on private property, green roofs, and grass swales in landscaping. If the city wants to work towards accommodating greener infrastructure options or more sustainable development options, we will work with the City Engineer and staff to determine acceptable forms of green infrastructure and the best practices that should be applied through standards.

4(C) Flexibility for Some Design Standards

The city has a mix of development types and intensities that range from urban and compact to suburban and industrial. Because of the range of development intensities, this audit recommends incorporating some flexibility in the design standards that will provide for distinctions between more urban, compact development and areas that are more suburban in character. For example, the landscaping, and particularly the screening standards, should provide options for meeting any of the requirements so that someone building a compact development in the older areas of Newport are not required to have wide buffer yards because the standards are one-size-fits-all. On the other hand, a large commercial complex with multi-family apartments behind it might not need as extensive screening if there are wider setbacks and more vegetation. Wherever possible, the standards should be written to be predictable and easy to interpret yet include some flexibility to encourage more creativity in design.

4(D) Clarify Rules of Measurement

As suggested throughout this code audit, the revised code should list all dimensional requirements in a summary table (e.g., density requirements, building heights, setbacks). In addition, the code should contain a section devoted to rules for measuring dimensions. Such rules should be explicit (e.g., to measure a setback, the rules might state, "measure from the furthestmost projection of structure and any abutting right of way line"), and exceptions and permitted encroachments should be clearly defined. There is currently minimal guidance on how the city measures specific requirements, and this type of section can be greatly beneficial to the interpretation of the code.



Illustrations such as these help code users understand how yards and setbacks are measured for various lot types.

Section-by-Section Analysis of the Existing Code

This part of the report sets forth a section-by-section review of the current planning and zoning code. It identifies any proposed changes in either organization or substance based on our initial discussions with the city and its boards. This section is not intended to provide line-by-line edits but to identify critical issues that should be addressed in the code update. While all the text should be reviewed and updated as appropriate, this part of the document aims to outline only the significant changes, additions, and deletions.

CHAPTER 153: GENERAL PROVISIONS

This section covers some basic information that is also covered in the zoning code that is part of the appendix. The following are some recommended changes:

- The definitions within this section should be updated and consolidated into a single section on definitions.
- Terminology related to job titles and roles such as “Development Services Director” and “Zoning Administrator” need to be updated and applied consistently. If the city wants to continue to use the term “Zoning Administrator,” then, at a minimum, the use of the term “Development Services Director” should be updated to “Planning and Development Director.” Furthermore, language will be added to clarify that any mention of certain staff titles may also include that person’s designee.
- The remainder of this section should be rolled into the new Section 153.01 (General Provisions) for the consolidated code.

CHAPTER 153: COMPREHENSIVE PLAN

Much of this section mimics the language in KRS related to the definition of a comprehensive plan and the required contents. The updated code should incorporate an abbreviated section on the comprehensive plan in the new Section 153.01 (General Provisions) with a cross-reference to KRS so that the majority of the language does not need to be included in the city’s ordinances. Sections 153.26 (Amendments) and 153.27 (Comprehensive Plan Adopted by Reference) should be maintained.

CHAPTER 153: ZONING

This section provides a very broad overview of the purpose of zoning, the manner of adoption, and how amendments are approved. The first two subsections can be consolidated into an overall purpose statement in the new Section 153.01 (General Provisions). Subsection 153.42 on the manner of adoption can also be incorporated into the new Section 153.01 as a way of establishing when zoning was adopted in Newport. The remaining language related to adoption and amendments should be consolidated into the administrative procedure for amending the map and text.

CHAPTER 153: SUBDIVISIONS

This section provides some very basic provisions for the subdivision of land. The KRS does establish some of the baseline requirements for subdivisions, as noted by cross-reference in this section, however, there does not appear to be any clear guidance on the actual review procedure for subdivisions nor any basic subdivision design standards that would apply (i.e., stormwater design, street design, etc.). The city could consider incorporating a new section on subdivision design that will include some basic subdivision design principles such as lot design (i.e., rectangular lots preferred, length of streets, etc.) as well as cross-references to any applicable infrastructure design standards, especially for streets and stormwater. Additionally, the new code could include a subsection that spells out the actual review

procedure for subdivisions. While the city is largely built out and may not see any significant subdivisions in the future, the establishment of condominium plats and the potential for consolidation of lots or other replats is a possibility and should be clarified.

CHAPTER 153: OFFICIAL MAP

The language of this section is common to most zoning codes. This section would benefit from some reformatting and reorganization including, but not limited to:

- The provisions of Section 153.76 (Contents) should be eliminated or refined. The current zoning map does not include identification of all water courses or any parks, playgrounds, or public schools. Most zoning codes do not specify all the detailed information that is required for the zoning map other than stating that the zoning districts will be identified on an official zoning map and, perhaps, some rules for interpretation.
- Sections 153.77 and 153.78 both relate to adoption and modification of the map that can be handled by incorporating the provisions in the amendment procedure.
- Section 153.80 (Construction Restricted) is really an applicability/compliance requirement that applies to more than just the zoning map. This language should be updated and moved into the new Section 153.01 (General Provisions).
- Section 153.81 (Variance) needs to be incorporated into the administration and procedural requirements in the updated code and then revised to make it clear where variances are allowed or prohibited, based on the KRS. For example, the language will need to be updated to cross-reference or incorporate the provisions of KRS 100.247 that prohibits the granting of variances for uses not allowed in the zoning district (a.k.a., a use variance) or one that alters the density of uses.
- The penalty section will be incorporated into the new Section 153.10 (Administration and Enforcement).

APPENDIX ARTICLE I: A ZONING ORDINANCE

This language will be updated and incorporated into a robust purpose statement in the new Section 153.01 (General Provisions).

APPENDIX ARTICLE II: AUTHORITY AND PURPOSE

This language will be carried forward to the new Section 153.01 (General Provisions).

APPENDIX ARTICLE III: SHORT TITLE

This language will be carried forward to the new Section 153.01 (General Provisions).

APPENDIX ARTICLE IV: INTERPRETATION

This language will be carried forward to the new Section 153.01 (General Provisions).

APPENDIX ARTICLE V: CONFLICT

This language will be carried forward to the new Section 153.01 (General Provisions).

APPENDIX ARTICLE VI: SEVERABILITY CLAUS

This language will be carried forward to the new Section 153.01 (General Provisions).

APPENDIX ARTICLE VII: DEFINITION

This article includes definitions for some of the most commonly used terms in the zoning code. As noted earlier, this entire definition chapter should be updated comprehensively while the code is updated. All major land uses and terms should be defined, and unused terms should be deleted. Any definitions found within other sections of the existing code or the historic preservation regulations will be moved to the new Section 153.12 (Definitions).

APPENDIX ARTICLE VIII: ESTABLISHMENT OF ZONES

These provisions are common to all zoning codes and will be carried forward as a subsection of the new Section 153.02 (Zoning Districts and Principal Uses).

APPENDIX ARTICLE IX: GENERAL REGULATIONS

This article contains a lot of small sets of regulations that don't rise to the need of having their own articles. Most of this language will be carried forward with some general clean-up and reorganization including:

- Section 9.10 (Application of Zoning Regulations) will be split up with regulations related to lot sizes, reduction, etc. consolidated with a general set of regulations applicable to site development that will be located with the zoning district regulations. It will be supplemented with graphics.
- The accessory use provision under Section 9.10 will be incorporated into the new Section 153.03 (Accessory and Temporary Uses).
- Section 9.11 on nonconformities will be moved to the new Section 153.11, which is a section dedicated entirely to nonconformities. The city may want to allow for the expansion of language on repairs or maintenance to first, simplify how the percentage of change is calculated (cubic content can be a challenge to determine) and whether this would apply in circumstances of extreme weather or fire, and to what extent. Most communities have clear language about what happens if a nonconforming use or structure is destroyed or partially destroyed by weather or fire. If so, the city should also determine if they will provide an exception for nonconforming residential uses. Quite often, nonconformity language can be interpreted to not let someone rebuild their nonconforming dwelling if it burns to the ground, which can pose issues for financing as banks are not taking on the risk of insuring such homes. As such, the city may want to allow any nonconforming home to be rebuilt within the same building envelope, regardless of destruction. However, should it voluntarily be demolished, then zoning compliance will be required.
- Section 9.12 (Exceptions and Modifications) will be updated and clarified with graphics. It will also be consolidated into the new Section 153.02 related to site development standards (e.g., lot area, maximum height, etc.) so that it is near the related requirements.
- Section 9.13 (Conditional Buildings and Uses) will be updated and moved to the new Section 153.10 (Administration and Enforcement) with a separate subsection on conditional use permit procedures.

- Section 9.14 (Building Regulations) will be carried forward into the site development standards within the section on zoning districts. While some communities have moved away from the minimum dwelling size requirements to increase opportunities for housing affordability and choice, the city's requirements are not significantly large. However, the city may want to consider reducing the minimum dwelling size requirement of 600 square feet for all dwellings unless specified in the provided table because that can be interpreted to apply to residential dwelling units outside of the residential zoning districts. Many of the commercial districts allow for mixed-use structures that could include apartments that may be efficiencies or one-bedrooms, both of which may be smaller if located in residential zoning districts.
- Section 9.15 (Move and Set) will be cleaned up and moved to the new Section 153.04 (General Development Standards).
- Section 9.16 (Screening Area) will be updated and incorporated into the new Section 153.06 (Landscaping and Screening).
- Sections 9.17 and 9.18 on outdoor swimming pools will be incorporated into the new Section 153.03 (Accessory and Temporary Uses).
- Section 9.19 (Development Plan Requirements) should be incorporated into the new Section 153.10 (Administration and Enforcement) as part of the procedural requirements for administration.
- Section 9.20 (Air Rights) will be carried forward into the new Section 153.04 (General Development Standards).
- Section 9.21 (Flood Damage Prevention) is a duplicate of the language found in Chapter 152 of the Codified Ordinances. While some of the definitions should be maintained in zoning to address any references to certain flood terms, either Section 9.21 should be eliminated with a simple applicability requirement and a cross-reference to Chapter 152 in the new Section 153.01 (General Provisions) or Chapter 152 should be eliminated and then the flood prevention regulations will be consolidated into a new section of the updated zoning code. Most communities maintain flood regulations outside of zoning but some do maintain these regulations in zoning for the ease of one ordinance addressing development issues.
- Section 9.22 (Regulations Concerning Design and Construction of Improvements) should be enhanced and inserted into the new Section 153.09 (Subdivision Design) as suggested in the first section of this audit.
- Section 9.23 (Creation of a Design Review Board) should be moved into the new Section 153.10 (Administration and Enforcement) with cross-reference to the more robust language of Chapter 32 related to the Urban Design Review Board (UDRB). The UDRB should also be incorporated into the review procedures of the new Section 153.10 (Administration and Enforcement), where appropriate, to better illustrate their involvement in design review.
- Section 9.24 (Planned Unit Development Regulations (PUD)) should be carried forward to the new Section 153.02 on zoning districts or should be incorporate as a separate section that is strictly about PUDs. As part of this update, the city should consider some minor clean up and changes to the regulations including:
 - The provisions related to minimum area of a PUD could be updated to allow for the PZC to authorize a smaller PUD if it will potentially result in certain densities. This could be used if a developer wanted to propose a complete redevelopment of a block or two of land adjacent to the CBD or Newport on the Levee that may need some flexibility in uses or density.

- The current language uses the terms “plat” and “plan” somewhat interchangeably. This needs to be clarified as there are some limited potential for PUDs that will not require subdivision platting or replatting. The entire procedure can be cleaned up for clarification. This also includes clarification of when the zoning amendment occurs as certain PUDs are shown on the zoning map.
- Section 9.25 (Hillside Development Controls) should be incorporated into the new Section 153.04 (General Development Standards) or alternatively, into a new section on environmental regulations that could address hillsides, trees, floodplains (regulations or a cross-reference), and any other environmental standards.
- Section 9.26 contains regulations for the parking and storing of various non-passenger vehicles. This language should be updated and incorporated into the new Section 153.07 (Parking, Access, and Mobility).
- Section 9.27 (Bus Shelter Regulations) may be better suited as part of the city’s general business regulations as while bus shelters are allowed uses, the shelters are only allowed when connected to local transit agencies and likely only in the right-of-way. As such, it may be simpler to move these regulations to another part of the codified ordinances.
- Section 9.28 (City Center Overlay District) should be carried forward to the new Section 153.02 (Zoning Districts and Principal Uses).
- Section 9.29 (Trees) should be incorporated into the new Section 153.04 (General Development Standards) or alternatively, into a new section on environmental regulations that could address hillsides, trees, floodplains (regulations or a cross-reference), and any other environmental standards.
- Section 9.30 on cell towers and small cell system towers should be carried forward to the new code and incorporated into the new Section 153.04 (General Development Standards). There should be a cross-reference to the regulations in any permitted use table because cell towers have the potential of being principal or accessory uses on a site.
- Section 9.31 (Urban Residential Overlay Zone) is established as an overlay zoning district, albeit not on the current zoning map. However, the zone can only be used in conjunction with the R-3 zoning district and appears to provide for a “fix” to nonconforming lot sizes and as a way to encourage single-family homes. The city should consider whether this overlay district is necessary or if some adjustments can be made to the R-3 District in order to streamline development of the desired uses and then require conditional use permits for any other forms of development.
- Section 9.32 (Transition Zone Regulations (TZD)) should be updated and clarified in the manner discussed in the first part of this code audit.
- Section 9.33 (Sign Overlay District) provides for some very specific guidance for signage in designated areas of the city, particularly Newport on the Levee. The graphics for this section need to be completely redone with new photographs. As noted in the first part of this audit, this overlay district should either be shown on the map or established as a special sign district with a map embedded in the zoning code.

APPENDIX ARTICLE X: ZONING REGULATIONS

In general, all of the zoning districts will remain with cleanup or modifications as noted in earlier parts of this audit. With the addition of the use table, improved definitions, and clear use-specific standards, where needed, the updated version of this article will be easier to understand. Staff has already identified a number of uses where there is a need to modify definitions or provide some additional regulations that will be incorporated into the new Section 153.02 (Zoning Districts and Principal Uses). Additional suggestions for change include:

- Creating one universal provision that states that all development is subject to other applicable sections of the zoning code, including parking, landscaping, signs, etc. Currently, such language is included in each main set of zoning districts under a section titled “Other Development Controls.”
- Some provisions, such as performance standards related to odor, noise, and lighting, will be moved to an appropriate section in the new Section 153.04 (General Development Standards).
- Uses will be incorporated into a single use table with a list of all uses and columns for each zoning district. The table will include similar abbreviations of P = Permitted Use, X = Prohibited Use and C = Conditional Use. In some instances, the updated code may include a new abbreviation of PS = Permitted with Standards, where certain use-specific standards are applied either across all placement of such uses or in certain districts. For example, under the residential zoning districts, there are special provisions after the current use table related to the conversion of single-family dwellings into a two-family dwelling. That can be incorporated in a better manner through the reformatting.
- All accessory use provisions will be consolidated and incorporated into Section 153.03 (Accessory and Temporary Uses).
- As noted, we will be addressing some uses that have not been specifically addressed as of yet. This includes addressing short-term rentals such as AirBnBs, sober living homes, and Accessory Dwelling Units (ADUs).

APPENDIX ARTICLE XI: PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

These provisions will be carried forward to a new subsection under the new Section 153.04 (General Development Regulations) with some potential revisions to apply certain standards, such as those related to sound, across a broader set of districts as certain issues apply to commercial developments as much as industrial. The noise regulations should be updated to simplify the provisions as much as possible in order to make for easier enforcement. Additionally, the city may want to consider moving the noise regulations out of zoning to allow for easier enforcement.

APPENDIX ARTICLE XII: FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

This article will be updated and moved to the new Section 153.04 (General Development Regulations). In particular, the following changes should be considered:

- The classification of fences should be expanded to address living fences, beyond hedges, and temporary fencing.
- A provision should be added to address short pieces of fencing that can be used as a decorative feature at a development entrance or on a residential lot.
- The classification and maximum height of fences can be a little complicated to understand as written. Reformatting the information into a table with additional graphics will help clarify what types of fences are allowed in what districts and yards.

- The measurement of fence or wall height should be updated to clarify whether the measurement is from the natural grade at the base of the fence or some other location. Additionally, new regulations can be added to prevent berming or other artificial methods of increase fence height.

APPENDIX ARTICLE XIII: OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

As noted in the first part of the audit, this article will be updated to address uses such as electric vehicle charging stations, ridesharing stops, and generally update the standards. Depending on the approach the city wants to take with parking requirements, the ratios will be eliminated to allow for some flexibility or will be updated to reflect modern requirements. Graphics will be added to better illustrate space dimensions. The access control regulations will also be carried forward. Provisions will also be added for vehicle waiting spaces that occur with drive-throughs.

APPENDIX ARTICLE XIV: OFF-STREET LOADING AND/OR LOADING REGULATIONS

As with the off-street parking standards, this section will be updated and enhanced with graphics.

APPENDIX ARTICLE XV: SIGN REGULATIONS

As noted in the first part of this document, the language in this article will be completely updated and incorporated into a new section of the planning and zoning code. The language will be enhanced with numerous graphics. Additionally, the regulations for the Sign Overlay District can potentially be moved into the sign regulations so that all of the sign standards are grouped together in one area of the zoning code.

APPENDIX ARTICLE XVI: ADMINISTRATION

This entire article will be carried forward into the updated code with reorganization and some minor modifications to clarify the procedures and review criteria. Additional changes will be made to ensure the use of consistent terminology for the various forms of review.

APPENDIX ARTICLE XVII: AMENDMENT PROCEDURE INCLUDING BUT NOT LIMITED TO CHANGE IN ZONING

This article identifies the basic procedure and requirements for amending the zoning map and the zoning text. The language from this article will be incorporated into the new procedural sections and updated to reflect all requirements of the KRS.

APPENDIX ARTICLE XVIII: BOARD OF ADJUSTMENT

Like other city boards and commissions, the Board of Adjustment is established in Chapter 32 of the Codified Ordinances. However, there is some duplicative information in this article that will be removed and replaced with a cross-reference to the applicable section to maintain consistency in how the boards are treated. The powers of the board, procedures, and other provisions will be maintained as part of the updated Section 153.10 (Administration and Enforcement) with several enhancements to make it easier to understand the procedures and review criteria. All of the information will be cross-checked with the most recent version of the KRS.

APPENDIX ARTICLE XIX: SCHEDULE OF FEES

The current statement in this article will be moved to the new Section 153.10 (Administration and Enforcement).

APPENDIX ARTICLE XX: REASONABLE ACCOMMODATION IN LAND USE AND ZONING REGULATION

This article should be rewritten to ensure that aligns with recent state law and case law. The current provisions do not necessarily address parts of the KRS related to “residential care facilities for handicapped persons” that would generally fall under the requirements of this article. The updated section can be incorporated into the procedural review for specified land uses.

Outline of Updated Planning and Zoning Code

The following is a suggested outline for an updated Newport Planning and Zoning Code reflecting the reorganization and substantive changes discussed in this report. The table below sets forth the proposed structure of chapters within an updated code for reference purposes. This table is followed by a summary of the overall purpose of each chapter and a general description of the contents of each chapter.

CHAPTER 153: PLANNING AND ZONING CODE	
Section	Section Name
153.01	General Provisions
153.02	Zoning Districts and Principal Uses
153.03	Accessory and Temporary Uses
153.04	General Development Standards
153.05	Architectural and Historic Preservation Standards
153.06	Landscaping and Screening
153.07	Parking, Access, and Mobility
153.08	Signs
153.09	Subdivision Design
153.10	Administration and Enforcement
153.11	Nonconformities
153.12	Definitions

SECTION 153.01 GENERAL PROVISIONS

This section will include introductory provisions, including the purpose and intent of the planning and zoning code, severability, and transitional regulations. This section is not intended to include any development standards or substantive regulations but will specify that compliance with the code is mandatory.

SECTION 153.02: ZONING DISTRICTS AND PRINCIPAL USES

This section will establish all zoning districts, their purpose statements, and identify where and how principal uses are permitted in all zoning districts. The use table, described earlier in this report, will be followed by a section that contains all of the use-specific standards, whether the use is a conditional use or permitted but with additional requirements. This section will also incorporate provisions for Planned Unit Developments and all the lot and site development standards (e.g., lot area, setbacks, height, etc.), with additional graphics.

SECTION 153.03: ACCESSORY AND TEMPORARY USES

This section will contain all regulations related to accessory and temporary use regulations with improvements as stated in the first two parts of this code audit. The focus will be on creating appropriate standards for Newport that are scaled for the applicable neighborhood.

SECTION 153.04: GENERAL DEVELOPMENT STANDARDS

This section will be where we propose to group several small standards that do not generate a need for individual sections but are important nonetheless. For example, there will be a section on hillside development control, trees, exterior lighting, performance standards, trash receptacles, and other supplemental regulations.

SECTION 153.05: ARCHITECTURAL AND HISTORIC PRESERVATION STANDARDS

As discussed in the first part of this code audit, this section will be new for the city and will establish some very basic architectural standards for the Monmouth Street District (not historic preservation standards) to ensure building infill compatibility. Additionally, the applicable historic preservation standards from the existing Chapter 32 (including cross-references to the guidelines) will be incorporated into this section.

SECTION 153.06: LANDSCAPING AND SCREENING

This section will encompass enhanced landscaping and buffering standards to ensure the buffering of incompatible uses.

SECTION 153.07: PARKING, ACCESS, AND MOBILITY

This section will address off-street parking spaces, loading spaces, circulation, and general access, with some changes to encourage implementation of the plan recommendations and other amendments discussed in other parts of this document. As part of the update, adjustments will be made to clarify the applicability of the standards to building expansions and site changes, updating parking space requirements, and all of the standards related to parking and access.

SECTION 153.08: SIGNS

This section will include the updated sign regulations, including the expanded use of graphics and general updates to create content-neutral sign regulations.

SECTION 153.09: SUBDIVISION DESIGN

This section will contain an expanded set of design and improvement requirements for subdivisions that goes beyond the basic cross-references that exist in Chapter 153. At a minimum, this section will incorporate some basic subdivision design principles used by many communities and cross-references to appropriate public improvement specifications.

SECTION 153.10: ADMINISTRATION AND ENFORCEMENT

This section will summarize the roles and responsibilities of staff and the decision-making boards. The section will also include all zoning and subdivision review procedures in a step-by-step format with clear review criteria. The section will incorporate the common review requirements section discussed earlier in the report that will include standards that apply for all procedures, including, but not limited to, cross-references to the fee requirements, complete application requirements, notices, and common procedural requirements that are otherwise duplicated in all of the current procedural language. This section will also include the provisions for enforcement of the code, including violations, penalties, and remedies.

SECTION 153.11: NONCONFORMITIES

This section will incorporate updated language to address the grandfathering of any uses, structures, or lots that will no longer comply with the zoning code after the amendment is adopted.

SECTION 153.12: DEFINITIONS

The last section will be the revised and updated section that consolidates all of the definitions from the entire planning and zoning code and incorporates any general rules of construction or interpretation that apply to the codes.