

COMMISSIONERS ORDINANCE NO. O-2020-015

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

WHEREAS, the City of Newport, Kentucky Planning and Zoning Commission, upon application for various text amendments, held a public hearing upon such request after giving notice as required by KRS Chapter 424 on August 25, 2020 (as part of Hearing PZ-20-04); and,

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

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

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

SECTION I

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

SECTION 9.17 OUTDOOR SWIMMING POOLS: PRIVATE

All private swimming pools shall be regulated according to the following requirements:

1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings.

2. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted

within any required yards of the lot and shall be a minimum of three (3) feet from any side yard lot line, nor within the limits of any public utility right of way easement.

3. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall (only classes 1, 3, 4, and 5 are permitted as regulated in Article XII of this Ordinance) at least five (5) [~~four (4)~~] feet in height but not exceeding a height of seven (7) feet and of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence.

4. Glare from floodlights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.

5. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the City of Newport. Any water used in the operation of a swimming pool, other than from a public source, shall be approved of by the appropriate Health Department.

SECTION 9.18 OUTDOOR SWIMMING POOLS: PUBLIC, SEMI PUBLIC AND COMMERCIAL:

All public, semipublic and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted

within any required yards of the lot, or closer than twenty-five (25) feet from any abutting property, or within the limits of any public utility right of way easement.

2. The swimming pool or the property which the pool is located shall be surrounded by a fence or wall (only classes 1, 3, 4, and 5 are permitted as regulated by Article XII of this Ordinance) at least five (5) [~~four (4)~~] feet in height, but not exceeding the height as herein required, and of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence.

3. Glare from floodlights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties.

4. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the City of Newport. Any water used in the operation of a swimming pool, other than from a public source, shall be approved of by the appropriate Health Department.

5. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noise, voices, or music which is loud enough to cause complaints from said adjacent residential property owners.

SECTION 10.3 COMMERCIAL DISTRICT**TABLE 6****PERMITTED AND CONDITIONAL USES: COMMERCIAL ZONES**

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

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

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

DISTRICTS						
<i>CBD</i>	<i>NC</i>	<i>SC</i>	<i>PO</i>	<i>RFD</i>	<i>CBDF</i>	
						1. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENTS
P	P	P	X	P	P	A. Art supplies, Candy Store, Drug Store, Hardware Store and/or Garden Supplies, Florist, Grocery, Retail Bakery Sales or other food Store, Lunch Counter or Soda Fountain, Delicatessen or Restaurant (excluding Drive-Ins) and Bookstore.
P	[X]P	[X]P	P	P	P	B. Outdoor dining areas as an accessory to Indoor dining and excluding use of the right-of-way.
X	X	P	X	X	X	C. Drive-In Restaurants or Premises used for the sale, dispensing or serving of food or beverages outdoors or where customers may serve themselves or carry out and consume the food refreshments or beverages on the premises.
X	C	P	X	X	X	D. Gasoline Service Station, Tire and Auto Service Center, limited to indoor service bays only.
X	C	C	X	X	X	E. Convenience Stores with Retail Gasoline Sales.

CBD	NC	SC	PO	RFD	CBDF	
						2. PERSONAL SERVICE ESTABLISHMENTS
P	P	P	P	P	P	A. Barber Shops, Beauty Shops, Funeral Homes, Dry Cleaning and Laundry Pick-up Stations, Radio and Television Service, Photography Studio and Travel Bureau.
X	X	P	X	X	X	B. Pawn Shop, Rent to Own Stores

CBD	NC	SC	PO	RFD	CBDF	
						3. GOVERNMENT SERVICES
P	P	P	P	P	P	A.[.] Library, Post Office, Police and Fire Stations, City and County <u>Buildings</u> , Courthouses and related services.
						4. PROFESSIONAL SERVICE ESTABLISHMENTS
P	P	P	P	P	P	A. Advertising Agencies, Accountants, Architects, Engineers, Interior Decorators, Planners, and Surveyors; Banks and other Financial Institutions; Employment Agencies; and related offices or services including Blueprinting/Photocopying and Job Printing.
						5. MEDICAL AND HEALTH CARE SERVICES
P	P	P	P	P	P	A. Physicians, Dentists, Eye Care Professionals and related offices.
X	P	P	P	C	P	B. Laboratories including medical, dental and optical.
P	P	P	P	P	P	C. Fitness Centers such as Health Clinics and Health Spas.

CBD	NC	SC	PO	RFD	CBDF	
						6. SHOPPING OR DURABLE GOODS ESTABLISHMENTS including
P	X	P	X	P	P	A. Antiques, Wearing Apparel and Accessories Stores, Shoe Stores, Dry Goods, Fabric Shop, Stationer, Gift Shop, Photographic Supplies, and Hobby Shop; Records, and Musical Instrument Stores; Sporting Goods and Bicycle Stores; (Pet Shop, including Grooming Shop and Obedience School Music, Paint, Wallpaper and Floor Coverings not permitted in RFD); and Variety Stores.
P	X	P	X	P	P	B. Department Stores, Discount Stores, Major Appliances, and Furniture; Glass, China and Pottery Store; Jewelry Store; Leather Goods and Luggage Store; and, Office Appliances and Supplies.
						7. INDOOR COMMERCIAL AMUSEMENT RECREATION AND ENTERTAINMENT
P	X	P	X	P	C	A. Theater, Bowling Alley, Gymnasium, Tennis Facilities, Roller or Ice Skating Rink, Lodge.
X	X	X	X	P	X	B. (Cinemas, Aquariums, Cybertainment, and Virtual Reality Facilities, Indoor/Outdoor Music Venue, and Temporary Festivals)
P	X	P	X	P	X	C. Tavern
P	X	X	X	X	X	D. Charitable gaming, with approved license, permitted in CCO District only.
C	X	X	X	P	P	E. Micro-brewery, micro-distillery
<u>C</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>C</u>	<u>F. Commercial Event Center (only within an existing structure in the CBD and CBDF Zones)</u>
X	P	P	X	X	C	8. AUTOMOBILE AND BOAT PART SALES

CBD	NC	SC	PO	RFD	CBDF	
X	P	P	X	X	X	9. AUTOMOBILE SERVICE
X	C	P	X	X	X	10. AUTOMOBILE SALES NEW AND USED, AND REPAIR IN A TOTALLY ENCLOSED BUILDING AND NO LESS THAN ONE-HALF (1/2) ACRE OF LAND
X	X	P	X	X	C	11. CAR WASH COMPLETELY INDOORS, SELF-SERVICE CARWASH, AUTOMATIC OR SEMI-AUTOMATIC CAR WASH
P	P	P	P	P	P	12. COMMERCIAL PARKING LOTS AND STRUCTURES
C	X	X	P	X	C	13. NEWSPAPER OFFICE INCLUDING PRINTING

(Table continued on next page.)

CBD	NC	SC	PO	RFD	CBDF	
P	X	P	X	X	P	14. PACKAGE LIQUOR (<u>EXCLUDING DRIVE-THROUGHS</u>)
P	X	P	X	P	P	15. WINE STORE(<u>EXCLUDING DRIVE-THROUGHS</u>)
P	P	P	X	X	P	16. TEMPORARY SEASONAL USES SUCH AS CHRISTMAS TREE SALES, NURSERY PLANTS, FRUIT STAND COMPLETELY UNDER SHELTER
P	P	X	P	X	P	17. VETERINARIANS
P	X	P	P	P	P	18. SCHOOLS TEACHING PHOTOGRAPHY, DANCE MUSIC, ART, LANGUAGE, TRADES INCLUDING BARBER AND BEAUTICIAN SCHOOLS
P	X	P	P	X	P	19. MASS TRANSIT TERMINALS INCLUDING BUS AND TAXI SERVICES
P	X	X	X	X	X	20 AUCTIONS
C	X	X	C	P	X	21. HOTEL/MOTEL
P	X	X	X	X	X	22. ADULT ENTERTAINMENT
X	X	X	C	C	X	23. RADIO STATION AND TV STATION
X	X	X	X	X	C	24. BOAT SALES NEW AND USED, SERVICE AND REPAIR IN A TOTALLY ENCLOSED BUILDING
C	X	X	X	P	P	25. RESIDENTIAL - IN CBDF ONLY SINGLE AND TWO FAMILY USES ARE PERMITTED. ANY MULTI-FAMILY UNITS IN THE CBDF MUST BE APPROVED BY THE BOA. TWO FAMILY UNITS REQUIRE 4,000 SQUARE FEET LOT SIZE MINIMUM, MULTI-FAMILY IS PERMITTED IN CBDF (CCO) AND SUBJECT TO DEVELOPMENT PLAN REVIEW.
X	X	P	X	X	P	26. TOOL AND EQUIPMENT RENTAL AND/OR SALES, EXCEPT THAT IN THE CBD ZONE THERE MUST BE A MINIMUM LOT SIZE OF ONE-HALF (1/2) ACRE

CBD	NC	SC	PO	RFD	CBDF	
X	X	X	X	X	X	27. PUBLIC/PAROCHIAL SCHOOL FACILITIES
P	P	P	P	P	P	28. LIBRARIES
X	X	P	X	X	X	29. FOOD CARTS
P	X	X	X	X	X	30. FREE STANDING WALK-UP ATM'S WITHOUT A PRIMARY BUILDING

SECTION II

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

PASSED: First reading September 17, 2020

PASSED: Second reading September 21, 2020

Jerry R. Peluso, Mayor

ATTEST:

Amy B. Able, City Clerk

PUBLISHED: Online September 22, 2020 on the City website, www.newportky.gov, with URL reference published in the Campbell County Recorder October 1,, 2020 as allowable per KRS 424.145.