

CITY OF DAYTON, KENTUCKY ORDINANCE NO. 2022#4

AN ORDINANCE AMENDING SUBSECTION 10.16 OF THE CITY OF DAYTON, KENTUCKY, ZONING CODE, CODIFIED IN CHAPTER 154 OF THE DAYTON CODE OF ORDINANCES TO MODERNIZE USE, DIMENSIONS, AND DEVELOPMENT CONTROLS WITHIN THE INDUSTRIAL ONE (I-1) ZONE.

WHEREAS, the City of Dayton has adopted a Zoning Ordinance (“Zoning Code”), Zoning Map, and Subdivision Regulations (collectively, “Zoning Regulations”) within the City of Dayton, Kentucky (“City”); and

WHEREAS, the Dayton Planning & Zoning Commission (“P&Z Commission”) serves as the planning unit related to Zoning Regulations in the City and makes recommendations to the Dayton City Council (“City Council”) regarding these regulations; and

WHEREAS, the City Council requested that P&Z Commission review and act upon a request to add a new section of the Zoning Ordinance to regulate residential infill development in the city (“Infill Development Regulations”); and

WHEREAS, the Dayton Planning & Zoning Commission held a public hearing, pursuant to advertised legal notice in accordance with KRS Chapters 100 and 424, on January 5, 2022, in Dayton, Kentucky, to review and recommend modifications related to the Industrial One (I-1) Zone and after due consideration recommends the changes within Chapter 154 of the Zoning Code; and

WHEREAS, at this public hearing and after due consideration of the evidence and testimony presented there, the Planning & Zoning Commission voted to recommend approval of a text amendment to the Industrial One (I-1) Zone of the Zoning Code ; and,

WHEREAS, the Dayton City Council, having reviewed the proposed text amendment to the Zoning Code, hereby concurs with the recommendation of the Dayton Planning & Zoning Commission to approve this text amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE DAYTON CITY COUNCIL AS FOLLOWS:

Section I

That the City of Dayton Zoning Code is hereby amended as follows, with words being deleted being ~~lined through~~ and words being added underlined as follows:

SECTION 10.16 I-1 INDUSTRIAL ONE ZONE:

A. PERMITTED USES: The following uses are permitted providing ~~all~~ these uses ~~comply~~ are ~~in compliance~~ with the performance standards as set forth in Article XV of this ordinance.

1. ~~The manufacturing, compounding, processing, packing, or assembling~~ Except for those uses that decompose by detonation, the manufacturing, compounding, processing, and assembling of the following products:
 - a. Food and beverage products, including bottling, packaging and canning.
 - b. Tobacco and smoking products.
 - c. Cosmetics, pharmaceuticals and toiletries.
 - d. Household appliances.
 - e. Electrical machinery, equipment and supplies.
 - f. Furniture and fixtures.
 - g. Office equipment.
 - h. Instruments for professional, scientific, or artistic use.
 - i. Metal products, finishing, welding, and stamps, excluding the use of blast furnaces or drop forges.
 - j. Toys, novelties, jewelry, household wares.
 - k. Pottery, glass, or ceramics, using kilns fired with electric or gas.
 - l. Textile and leather products.
- ~~a. Candy and confectionery products, food and beverage products except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing.~~
- ~~b. Cigars, cigarettes, and chewing tobacco.~~
- ~~c. Cosmetics, pharmaceuticals and toiletries.~~
- ~~d. Animated or illuminated billboards and other commercial advertising structures.~~
- ~~e. Electric appliances, television sets, phonographs, household appliances.~~
- ~~f. Electrical and electronic machinery, equipment and supplies.~~
- ~~g. Fountain and beverage dispensing equipment.~~
- ~~h. Furniture and fixtures~~
- ~~i. Instruments for professional, scientific, photographic and optical use.~~
- ~~j. Metal products and metal finishing, excluding the use of blast furnaces or drop forges.~~
- ~~k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.~~
- ~~l. Office equipment.~~

- m. ~~Pottery and figurines.~~
- n. ~~Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco, stone, and clay~~
- o. ~~Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope, and twine.~~
- 2. ~~Bottling and canning works.~~
- 3. ~~Body shops, service and repair of vehicles.~~
- 42. Engineering, laboratories and related offices. Industrial engineering consultant offices.
- 5. ~~Laboratories, offices, and other facilities in research, both basic and applied, conducted by or for and industrial organization or concern, whether public or private.~~
- 63. ~~Laundries and dry-cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.~~
- 74. ~~Machine shops.~~
- 85. ~~Printing, engraving, and related reproduction processes.~~
- 6. Government offices, maintenance shops or garages, including police and fire stations.
- 7. Technical or trade schools.
- 8. Electronics, including hardware and software development
- 9. ~~Public utilities right-of-way and pertinent structures.~~
- 10. ~~Publishing and distribution of books, newspapers, and other printed materials.~~

A. ACCESSORY USES:

- 1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
- 2. ~~Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.~~

~~a. Cafeterias~~

~~b. Coffee shops or refreshment stands~~

~~c. Soda or dairy bars~~

~~32.~~ Fences and walls, as regulated by Article XI of this ordinance.

~~43.~~ Signs, as regulated by Article XIV of this ordinance.

B. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment, as set forth in Article IX, Section 9.14 and Article XVIII of this ordinance:

1. Churches.
2. Public utility stations.

D. **AREA AND HEIGHT REGULATIONS, GENERAL:** Any site proposed for development in this zone must have access to an approved "industrial street" (internal or collector) ~~as provided for in Figure 1a.~~ In addition, all development must conform to the following:

- ~~1. Minimum tract for industrial development. Three acres, except that development of a smaller tract adjacent to an existing three-acre tract may be permitted.~~
- ~~12.~~ Minimum Lot area within minimum tract: - ~~one-quarter acre~~ 11,000 square feet
- ~~23.~~ Minimum lot width at building setback lines - 80 feet
- ~~34.~~ Minimum front Yard depth - ~~40~~ 5 feet
- ~~45.~~ Minimum side Yard width on each side of lot - ~~40~~ 5 feet
- ~~56.~~ Minimum rear yard depth: ~~40~~ 5 feet, ~~except that where the flood levee right-of-way forms the rear property line, no rear yard setback is required.~~
- ~~67.~~ Maximum Building Height - 40 feet or three stories.

~~E. AREA AND HEIGHT REGULATIONS, SMALL BUSINESSES:~~ The Planning and Zoning Commission may designate a contiguous area not greater than 10% of the entire I-1 (Industrial One) Zone for Small Businesses. Any site proposed for development in this zone must have access to an approved "industrial street" (internal or collector) as provided for in Figure 1a. In addition, all development must conform to the following:

- ~~1. Minimum lot area within minimum tract: 6,000 square feet~~
- ~~2. Minimum lot width at building setback line: 60 feet~~
- ~~3. Minimum front yard depth: 10 feet~~

4. ~~Minimum side yard width on each side of lot: 10 feet~~
5. ~~Minimum rear yard depth: 10 feet, except that where the flood levee right-of-way forms the rear property line, no rear yard setback is required~~
6. ~~Maximum building height: 40 feet or three stories~~

FE. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Article XI of this ordinance.
2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
3. Where any ~~yard of any use~~ permitted use in this zone abuts a residential zone, a minimum yard ~~requirement of 30~~ of 15 feet is required from the abutting residential property. Rear and side yards that abut a residential property shall have Class 5 fencing as regulated in Article XIII. shall be provided, with a screening area, as regulated by Article IX, Section 9.17 of this ordinance. For purposes of this subsection, the term "residential zone" shall not include any zone with the designation "Phased Industrial One [(P)I-1]
4. A site plan as regulated by Article IX, Section 9.19 of this ordinance shall be required for any permitted use, substantial external modification or addition in this zone.
5. All vehicles, equipment, materials, and supplies used in connection with or repaired or worked as a component of the operation of the business must be parked or stored on the premises of the business, or in accordance with Article XI of this ordinance. Vehicles, equipment, materials, and supplies shall not be parked or stored on city streets, sidewalks, public property, or public rights-of-way.
5. ~~When exterior modifications or additions are proposed in the I-1 Zone, a site plan shall be submitted to the Planning Commission for their review, who shall make a determination whether or not the proposed improvements (new construction, an addition to existing development, accessory uses, parking and the like) are in general conformance with the requirements for section Article X, Section 10.16 of this ordinance.. If it is determined that the proposed improvements are in general conformance with section Article X, Section 10.16 of this ordinance, and all other applicable requirements of this chapter are met, the Planning Commission shall approve the plan and authorize the City Inspector/Zoning Administrator to issue a zoning permit for the proposal. Landscaping as approved by the Planning Commission shall be required within the minimum front yard.~~
6. ~~Where development is proposed that abuts an existing street right-of-way, that has not been adequately or clearly recorded, the site plan for such development shall be required to indicate the dedication (or rededication) of the adequate width for said right-of-way.~~
7. ~~Where any streets or alleys are closed (as illustrated on Figure 1a) easements for utilities shall be provided, where applicable.~~

6. Uses that include the rendering or refining of fats and oils on site are prohibited.
7. Uses that include animal or poultry slaughtering and/or dressing on site are prohibited.
8. Uses involving the storage and/or distribution of materials or products not manufactured on the premises (i.e., warehousing and distribution uses) are prohibited unless these materials or products are used by the business in an on-premises manufacturing process.
9. Uses must comply with all local, state, and federal regulatory standards for performance, including, but not limited to, noise, vibration and air quality.

Section II

This ordinance shall be in full force and effect from and after its adoption, approval, and publication as is required by law.

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: March 15, 2022
Second Reading: April 19, 2022



MAYOR BEN BAKER

ATTEST:



DONNA LEGER
CITY CLERK/TREASURER