

**ORDINANCE 2012-08-02**

**AN ORDINANCE THAT THE PROPOSED TEXT AMENDMENTS OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF BELLEVUE, KENTUCKY ATTACHED HERETO BE APPROVED.**

**WHEREAS**, the proposed text amendments to the Official Zoning Ordinance of the City of Bellevue were initiated by the City of Bellevue Planning and Zoning Commission; and

**WHEREAS**, the Bellevue Planning and Zoning Commission conducted a public hearing on August 2, 2012 to solicit public comment on the proposed text amendments to the Official Zoning Ordinance, and has reviewed the written record which is attached hereto and incorporated herein by reference; and

**WHEREAS**, it is necessary to review and update the Official Zoning Ordinance of the City of Bellevue through amendments, additions, deletions and insertions, and;

**WHEREAS**, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to provide text for the type of zones which may be used and the regulations which may be imposed in each zone; and

**WHEREAS**, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to regulate the activity on land, regulate buildings, structures and signs, regulate open spaces, regulate intensity of use, regulate districts of special interest, and regulate fringe areas of each district; and

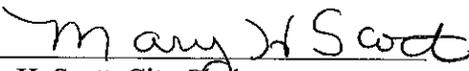
**WHEREAS**, the Bellevue Planning and Zoning Commission has found it necessary to update the Official Zoning Ordinance of the City of Bellevue to regulate the placement of fences within the city.

**NOW, THEREFORE**, be it ordained by the Bellevue City Council that the text amendments attached hereto be approved and that the Official Zoning Ordinance be updated to reflect these changes.

APPROVED:

  
\_\_\_\_\_  
Mayor Edward Riehl

Attest:

  
\_\_\_\_\_  
Mary H. Scott, City Clerk

1st reading 8-9-12

2nd reading 9-12-12

Publication 9-20-12

**SECTION 12.6 - GENERAL REGULATIONS:**

1. *Fences* are permitted to be located up to the property line (the property owner shall be responsible for verifying the exact location of the property line).
2. All *fences* and/or wall heights shall be measured along the *fence* or wall locations.
3. Barbed wire or sharp pointed *fences* are not permitted with the exception of Section 12.5 (2).
4. A combination *fence* and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The *fence* portion must be of the class and height permitted within this Ordinance for the applicable *zone*. Said measurement shall be made at and along the location of the fence and retaining wall. Where difference in grade require "guards" per Kentucky Building Code (KBC), fencing and/or guards shall meet the minimum standards of this ordinance and the KBC.
5. When an existing non-conforming *fence* is replaced, it shall be replaced to conform to the code requirements. When it is determined by the *Building Inspector* and/or *Zoning Administrator* that a non-conforming *fence* is fifty percent (50%) or more deteriorated, the property owner shall be required to remove the nonconforming *fence* and any replacement shall be in conformance with the existing code regulations.
6. The property owner shall be responsible for verifying and complying with any fencing restrictions that may be in his chain of title, including *subdivision* restrictions.
7. When a *fence* is installed along a public right-of-way, excluding an *alley*, the posts or supporting members of the *fence* shall face inwards towards the property being fenced in and the "finished" side shall face the public right-of-way.
8. ~~No *fence* shall be located closer than twelve (12) inches to a public sidewalk.~~
9. Posts and pilasters may extend one (1) foot above the height limit if they are an integral part of the *fence* design.
10. Article XII, Figure 12-2 shall be utilized to determine *fence* location with respect to *front*, *side* and *rear yards*.
11. A *fence* shall be permitted to locate elsewhere than on the same *lot* with the *building* or *use* served provided that the *lots* share an edge or a boundary.