

CITY OF BELLEVUE

ORDINANCE 2015-01-01

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 December 18, 2014 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 short term rental units by owner occupants; and

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 _____

2nd reading _____

Publication _____

Text Amendment – Gas Station definition in Form-based Code

This amendment will change the term Gasoline in the Specific Function table 21-14 to Gas Station which is defined in Section 7 of the zoning code. This change will reduce confusion between the terminology between the form based code and the other parts of the code.

Text Amendment – Form-based code Signage Update

The proposed text better connects the sign ordinance to the form-based code.

- Section 21.4 K (a) is revised to:
 - There shall be no signage permitted beyond Section 15 and that specified in this section.
- Section 15.8 (2) be revised to include dimensional provisions for temporary signage in form-based code district:
 2. Temporary Advertising Displays shall not exceed the height limitation as specified in Section 10.16 (C)(7) for location in the Industrial-One (I-1) *zone*, Section 10.12 (D)(6) for location in the Neighborhood Commercial-Three (NC-3) *zone* and Section 10.13 (D)(3) for location in the Shopping Center (SC) *zone*, ~~and~~ Section 10.17 (D)(4) for location in the Commercial-One (C)(1) *zone* and Table 21-9 for locations in the T5 and T5.5 zones.

Text Amendment – Short-Term Rentals

City staff has been in discussions with citizens about allowing the permission of short-term rentals. These types of rentals are typically through a service such as AirBnB and HomeAway. City staff has collaborated with the Clerks department to ensure that the proposed uses are strictly regulated.

Article 7 – Definitions

Short-term Rental: An owner-occupied dwelling unit or portion of an owner-occupied dwelling unit that is rented or leased to one person, family or entity no more than a thirty-day basis. The owner shall occupy the premise for the majority of the calendar year. This use shall be regulated as a *Home Occupation* under Section 9.11 and owner shall provide emergency contact information to the city. The premise shall be subject to inspection as determined by the *Building Inspector*.

Text Amendment - Mobile Food Services

The City is working to legalize mobile food trucks in anticipation for their utilization in future events and the 2015 All-Star Games. The language below is a modified version of the Covington regulations which have been in place since 2011. In general mobile food vending is something that needs to be regulated and also encouraged as it provides diversity of street activities and enhances vibrancy of the city's commercial districts.

SECTION 9.25 – MOBILE FOOD VENDING SERVICE.

- A. Mobile food vending services may be permitted only in commercial zones , provided that all of the following criteria are met:
1. The mobile food vending service must be located entirely on private property and shall not be located in any required setback, sight distance triangle, buffer, or public right-of-way unless permission is specifically granted by Zoning Administrator.
 2. Any operator of a mobile food vending service must receive and display a valid zoning compliance permit from the Zoning Administrator.
 3. The maximum duration of a mobile food vending service permit is for 30 days at one location, renewable up to two additional times, for a total period of 90 days per calendar year at a single location.
 4. The operator of a mobile food vending service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to the City.
 5. If the operator of a mobile food vending service is issued a notice of any municipal code violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.
 6. Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than ten feet from the mobile food vendor.
 7. The hours of operation shall be between 6:00 a.m. and 10:00 p.m or special conditions determined by the City.
 8. The event shall not locate in any minimum required parking spaces for other businesses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. The Zoning Administrator may require additional parking to alleviate the congestion. If enough parking cannot be provided, the use may not be located on the site.
 9. Any person(s) so engaged shall not be relieved from complying with the provisions of this section by reason of association with any local dealer, trader, operator, merchant, organization, or auctioneer, or by conducting the mobile food vending service in connection with, as part of, or in the same name of any local dealer, trader, operator, merchant, organization, or auctioneer.
 10. The mobile food vendor must meet all applicable local and state codes.