

CITY OF BELLEVUE

ORDINANCE NO. 2021-06-05

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF BELLEVUE, KENTUCKY, TO ALLOW FLEXIBILITY AND REGULATE OUTDOOR DINING AND ENTERTAINMENT AS PERMITTED AND CONDITIONAL USES.

WHEREAS, the Board of Council authorized the filing of an application to the City of Bellevue Planning & Zoning Commission for text amendments to the Zoning Ordinance for the City of Bellevue, Kentucky, to allow flexibility and regulate outdoor dining and entertainment as permitted and conditional uses in Bellevue; and

WHEREAS, the City of Bellevue Planning & Zoning Commission held a public hearing May 24, 2021, and recommended changes to the Zoning Ordinance to allow more flexibility in allowing outdoor seating for Bellevue restaurants and taverns.

NOW, THEREFORE, BE IT ORDAINED by the Board of Council of the City of Bellevue:

Section 1

That the text of the official Zoning Ordinance is hereby amended as follows:

ARTICLE VII – DEFINITIONS

SECTION 7.0 – WORDS AND PHRASES:

RESTURANTS AND EATING ESTABLISHMENTS. ~~An restaurant is an~~ establishment selling food items ordered from a menu, prepared on the premises for immediate consumption, ~~and receives a minimum of fifty percent (50%) of its gross receipts from the sale of food.~~ These RESTAURANTS AND EATING ESTABLISHMENTS shall include:

~~A. **FAST SERVICE RESTURANTS.** Any structure where cooked food and beverages primarily intended for immediate consumption are available upon a short waiting time, and are packaged or presented in such a manner that they can be readily eaten outside the premises where they are sold; and where the facilities for on premises consumption of the food and beverages are insufficient for the volume of food sold in the establishment.~~

A. **CARRY OUT or DRIVE THRU.** An establishment ~~preparing and~~ offering food and beverages, which are prepared to be ~~sold only inside the building and are packaged to be carried and~~ consumed off the premises. ~~Food and beverages are served in disposable containers. This establishment does not include a drive thru facility. This classification includes pizza delivery, snack bars, etc.~~

B. DRIVE IN. An establishment offering food and beverages ~~which are sold within the building, or to persons where the consumption is encouraged~~ while in ~~motor~~ a vehicles on the premises. Food is generally provided by “car-hop” or self-service. in an area designated for drive in or drive thru service, and for consumption on or off the premises. Food and beverages are served in disposable containers.

BC. SIT-DOWN RESTURANTS. Those restaurants which provide indoor seating arrangements, and prepares and sells foods and beverages to the customer in a ready to consume state with full or limited table service. ~~through one (1) of the following methods of operation:~~

~~a. FULL SERVICE.~~ An establishment where customers are normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed. This establishment may contain *outdoor dining areas.*

~~b. LIMITED.~~ An establishment offering food and beverage service to patrons who order and pay before eating. Food and beverages may be consumed on the premises, taken out or delivered. Table service is generally not provided. This classification includes cafeterias and buffet-style service.

SECTION 10.10 – NC-1 (NEIGHBORHOOD COMMERCIAL-ONE ZONE):

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. 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 XVIII of this Ordinance:

10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:

- a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
- b. Such area shall not exceed ~~forty (40)~~ eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating ~~indoor dining area~~.
- c. Entertainment shall ~~not~~ be permitted within the outdoor dining areas subject to applicable law.
- d. Accessory structures associated with the use ~~Such area~~ shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
- e. ~~Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.~~

SECTION 10.11 - NC-2 (NEIGHBORHOOD COMMERCIAL-TWO ZONE):

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. 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 XVIII of this Ordinance:

10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed ~~forty (40)~~ eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating ~~indoor dining area~~.
 - c. Entertainment shall ~~not~~ be permitted within the outdoor dining areas subject to applicable law.

- d. Accessory structures associated with the use ~~Such area~~ shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
- e. ~~Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.~~

SECTION 10.12 – NC-3 (NEIGHBORHOOD COMMERCIAL-THREE ZONE)

B. ACCESSORY STRUCTURES AND USES:

- 1. Customary accessory structures and uses.
- 2. Fences and walls, as regulated by Article XII of this Ordinance.
- 3. Signs, as regulated by Article XV of this Ordinance.
- 4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. 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 XVIII of this Ordinance:

...

- 10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed ~~forty (40)~~ eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating ~~indoor dining area.~~
 - c. Entertainment shall ~~not~~ be permitted within the outdoor dining areas subject to applicable law.
 - d. Accessory structures associated with the use ~~Such area~~ shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
 - e. ~~Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.~~

SECTION 10.13 - SC (SHOPPING CENTER) ZONE

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.
4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. 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 XVIII of this Ordinance:

10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed ~~forty (40)~~ eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating ~~indoor dining area.~~
 - c. Entertainment shall ~~not~~ be permitted within the outdoor dining areas subject to applicable law.
 - d. Accessory structures associated with the use ~~Such area~~ shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
 - e. ~~Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.~~

SECTION 10.17 - C-1 (COMMERCIAL-ONE ZONE)

B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures and uses.
2. Fences and walls, as regulated by Article XII of this Ordinance.
3. Signs, as regulated by Article XV of this Ordinance.

4. Outdoor eating and drinking area with a capacity of no more than ten (10) seats.

C. 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 XVIII of this Ordinance:

10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:

- a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
- b. Such area shall not exceed ~~forty (40)~~ eighty (80) percent of the maximum seating capacity of the entire premises, including indoor and outdoor seating ~~indoor dining area.~~
- c. Entertainment shall ~~not~~ be permitted within the outdoor dining areas subject to applicable law.
- d. Accessory structures associated with the use ~~Such area~~ shall not be permitted to locate within any minimum required front, side, or rear yards, except where a variance has been approved by the Board of Adjustment.
- e. ~~Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.~~

Section 2

That any ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.

Charlie Cleves, Mayor

ATTEST:

Mary H. Scott, City Clerk/Treasurer

1st reading: 6/9/2021

2nd reading: 6/15/2021

Publication: 6/24/2021