

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 2025-04-01

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE FOR THE CITY OF BELLEVUE KENTUCKY RELATED TO ELECTRONIC SMOKING RETAILERS.

WHEREAS, the Board of Council of the City of Bellevue enacted an emergency Ordinance 2024-05-01 that imposed a moratorium related to vape store establishments for a one-year period to allow time for the City to study and consider vape shop regulations; and

WHEREAS, the City of Bellevue has adopted an Official Zoning Ordinance known as CHAPTER 158: ZONING CODE: 158.01 in the City Code of Ordinances; and,

WHEREAS, the Bellevue Planning & Zoning Commission was requested to review and act upon an application by the City of Bellevue to review and add text related to Vape Facilities; and,

WHEREAS, the Bellevue Planning & Zoning Commission held two public hearings on February 24, 2025 and March 24, 2025, respectively, to review proposed text to amend, and after due consideration of the evidence and testimony presented, the Commission voted to recommend to the City of Bellevue City Council the text amendment indicated below.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, KENTUCKY, AS FOLLOWS:

The addition of definitions to ARTICLE VII, SECTION 7.0 WORDS AND PHRASES:

ELECTRONIC SMOKING RETAILER. A business operation with at least 85% of sales dedicated to the sale of vapor products.

VAPOR PRODUCT: As defined in KRS 438.305 (16)

VAPE SHOP: Shall have the same meaning as Electronic Smoking Retailer.

The addition of a permitted use with conditions to ARTICLE X ZONE REGULATIONS, SECTION 10.13 (SC) SHOPPING CENTER ZONE

A. PERMITTED USES:

84. Electronic Smoking Retailer with the following conditions:

- a. Shall not be located within twelve hundred (1200) feet of any school or day care center**
- b. Shall not be located within six hundred (600) feet of another electronic smoking retailer**
- c. Shall not allow any minors in the building**

- d. Shall not sell alcoholic beverages
- e. Shall not be licensed as a Food Service Establishment
- f. Shall not have an entrance that opens to a common area with other retail establishments.
- g. Business shall not be transacted via drive-up window, or drive-through.

WHEREAS, the City Council, of the City of Bellevue Kentucky, having reviewed the proposed zoning text amendments, hereby concurs in the recommendation of the Bellevue Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF BELLEVUE KENTUCKY, CAMPBELL COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

That the Official Zoning Ordinance for the City of Bellevue, Kentucky, ARTICLE VII, SECTION 7.0 WORDS AND PHRASES, ARTICLE X, SECTION 10.13 SC (SHOPPING CENTER) ZONE, be amended as indicated above.

Read by title and a summary given on the 9th day of April, 2025.

Read and adopted after second reading by title and a summary given on the 14th day of May, 2025.

Dated this _____ day of _____, 2025.

Charlie Cleves, Mayor

ATTEST:

Lindy Jenkins, City Clerk/Treasurer