

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2007-10**

AN ORDINANCE AMENDING ORDINANCE NO. 84-4, "AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO" BY AMENDING ARTICLE 3 PERTAINING TO BED AND BREAKFAST FACILITIES; WITH REPEALER CLAUSE, SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

** ** *

WHEREAS, on March 19, 1984, the City Council in and for the City of Russellville, Kentucky, enacted Ordinance 84-4 (as amended from time to time), and

WHEREAS, the City Council deems it to be in the best interests of the health, safety and welfare of the citizens of the City of Russellville to amend the Ordinance regarding bed and breakfasts;

NOW, THEREFORE, be it ordained by the City Council in and for the City of Russellville, Kentucky, as follows:

SECTION I. The following amendments are to be made:

A. Article 3 is hereby amended as follows:

3.15 BED AND BREAKFAST FACILITIES

Bed and breakfast facilities may be approved by the Board of Adjustment in R-1, R-2, R-3, and R-4 and B1 and B2 districts as a conditional permitted use provided that the following requirements are met:

3.15.2

~~3.15.1~~

Adequate off-street parking shall be required of each applicant with at least one paved parking space for each authorized guest room.

All plans for the construction of new parking must accompany the original applications. If non-resident employees are anticipated, additional off street parking may be required.

3.15.3 Business functions associated with the Bed and Breakfast located in a residential area shall not:

(a) Include more patrons than may be reasonably accommodated by the Bed and Breakfast bathroom facilities and available parking.

(b) Create unreasonable noise; or

(c) extend beyond a reasonable hour in the evening.

3.15.4

3.15.2

No meals shall be served to guests other than breakfast, and it shall only be served to registered guests. Guests may not be permitted to prepare food within the facility. Continental or full service breakfast may be served to guests per state permit. If all other applicable health regulations are met, additional food service may be provided to registered guests only. Under this Ordinance a Bed and Breakfast facility shall not operate a full service restaurant type facility.

(a) When a Bed and Breakfast is operating in a residential area and desires to provide dine-in meals or catered group meal services, the facility shall submit an application to the Board of Zoning Adjustments to obtain additional permits under separate zoning guidelines.

(b) Adequate on site parking must be available per 3.08.4 of the OFF STREET PARKING section of the Zoning Ordinance and established on-street parking may be utilized. On- street parking shall not interfere with the normal movement of traffic nor disrupt the environment of the residential area.

3.15.5

3.15.3

No other commercial activities of any kind shall be conducted on the premises. Commercial activities normally associated with Bed & Breakfast operations such as weddings, photography, antique sales, gift sales, baby and bridal showers, teas, spa services, business meetings etc. may be conducted. All applicable taxes shall be collected and paid in a timely manner to the appropriate

agencies. Adequate parking must be available and established on-street parking may be utilized.

3.15.6

~~3.15.4~~

~~One sign that is attached to the front wall of the building shall be allowed provided that it does not exceed four (4) square feet in size and is lighted only by indirect lighting. The sign may identify the name of the structure and other historical information and may contain the words "bed and breakfast", but it shall not have any advertising and shall be for identification purposes only. Signage shall comply with Article .4.14.~~

3.15.7

~~3.15.5~~

The number of guest rooms in a facility shall be limited by the Board of Adjustment by the size of the structure and density of the neighborhood and in no event shall it exceed five (5) bedrooms and the number of guests in a facility at any one time shall not exceed ~~fifteen (15) persons~~ the maximum number allowed by fire code.

~~3.15.6~~

~~The maximum length of stay of any guest at any one time shall be twenty-one (21) days.~~

3.15.8

~~3.15.7~~

Exterior modifications shall be allowed only if the facility would retain the look of a home and would not resemble a commercial establishment.

3.15.9

~~3.15.8~~

The establishment shall pass periodic inspections by agencies that oversee such an establishment, and it shall be licensed by all proper agencies. These certifications shall be posted in a conspicuous location along with telephone numbers for emergency services posted near each telephone.

3.15.10

~~3.15.9~~

A resident manager shall live in the facility during all periods of operation.

3.15.1

~~3.15.10~~

Before an application can be approved for a new Bed and Breakfast facility a signed consent form must be obtained from all adjoining property owners. The failure to obtain these consents shall automatically result in the disapproval of the application. A form

for this consent shall be prepared by the zoning administrator for use in all applications. Written notification by certified mail shall be given to all property owners within one hundred fifty (150) feet from any boundary line of the proposed facility. If a previously licensed and permitted Bed and Breakfast facility has ceased to operate for one hundred eighty (180) days, the facility manager/owner shall be required to re-apply as if it were a new facility.

3.15.11 ~~The approval of an application and issuance of a permit shall be a non-transferable, personal right that shall not pass with the property to subsequent owners. The failure of the applicant to actively participate in the management of the facility or if the facility is operated so that it duly interferes with the residential nature of the area shall be grounds for revocation of the permit.~~

Grounds for revocation of the permit:

(a) The failure of the applicant to actively participate in the management of the facility; or

(b) If the facility is operated so that it unduly interferes with the residential nature of the neighborhood; or

(c) Failure to observe the guidelines of this ordinance.

3.15.12 The issuance of a permit as a Bed and Breakfast facility may be transferable from one owner to another; however, the new owner shall be required to obtain a business license from the City of Russellville and otherwise, observe all articles within this ordinance.

Any permit to operate a Bed and Breakfast facility issued under this Ordinance shall not be transferable or assignable to any other property unless such transfer or assignment is authorized by the Board of Zoning Adjustment, however such authorization shall not be unreasonably refused because all residential districts, B1 and B2 of the city are approved for Bed and Breakfast facilities. See 3.15

3.15.13 If an applicant has been refused a permit to operate a Bed and Breakfast in the areas identified in 3.15, the Board of Zoning Adjustment shall issue Findings of Fact and Conclusions of Law within seven (7) business days of its hearing. The applicant shall then have thirty (30) days after the Board of Zoning Adjustment

issues its written Findings of Fact and Conclusions of Law to appeal this decision to Logan Circuit Court.

II. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

III. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

IV. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted the 3rd day of July, 2007.

SECOND READING and passage on the 7th day of August, 2007.



GENE ZICK, MAYOR

ATTEST:



BOB RIGGS, CITY CLERK

Ayes: Davenport, Lanny; Jones, Russell; McPherson, Lanny; Stratton, Mark; Whipple, Jack.

Nays: none.

Absent: none.

Abstaining: Phillips, Chuck.

**FINDINGS OF FACT AND RECOMMENDATION
OF
LOGAN JOINT CITIES/COUNTY PLANNING COMMISSION
IN RE: BED AND BREAKFAST ORDINANCE
ORDINANCE NO. 2007-10**

This matter having come before the Logan Joint Cities/County Planning Commission (Commission) on August 2 2007, on the proposed ordinance number 2007-10 of the City of Russellville regarding the operation of a Bed & Breakfast, and the Commission having heard a review of the proposed Ordinance by Bill Pearson, and finding that there were no objections or changes recommended to the Ordinance, and the Commission being otherwise sufficiently advised, does hereby enter the following as its FINDINGS OF FACT:

FINDINGS OF FACT

1. Due notice of the Hearing was given and a quorum was present.
2. The Ordinance was fully discussed by the Members. Mr. Pearson, citing reasons which the Commission accepted, stated that there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan.
3. The Commission accepts the Ordinance which is incorporated herein by reference.
4. Incorporated herein by reference as if fully copied herein are the audio tapes and Minutes of the meeting.

RECOMMENDATION

The Commission having considered the Ordinance and the evidence presented, having made its FINDINGS OF FACT, on motion of John Cates, seconded by Gerald Hildebrand, passed on roll call vote by those present, the Ordinance was unanimously approved by those present, and the Logan Joint

Cities/County Planning Commission does hereby recommend to the City Council of the City of Russellville that the Bed & Breakfast Ordinance No. 2007-10 be approved, and this is the final action of the Commission on this Ordinance.

This 6th day of August, 2007.

THE JOINT LOGAN CITIES/COUNTY
PLANNING COMMISSION

by:


KEN ROBBINS, Chairman

Received on behalf of the
City of Russellville, Kentucky,
this 6 day of August, 2007.


GENE ZICK, MAYOR
CITY OF RUSSELLVILLE

3600BANDBORDINANCE

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY

The City Council of Russellville, Kentucky, has enacted Ordinance 2007-10 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 84-4, 'AN ORDINANCE DIVIDING THE CITY OF RUSSELLVILLE AND AREAS WITHIN ITS JURISDICTION INTO ZONES, SETTING FORTH GOALS, OBJECTIVES, AUTHORITY, THE TITLE TO WHICH THE ORDINANCE MAY BE REFERRED, GUIDELINES FOR INTERPRETATION THEREOF, AND DEFINITIONS; DIVIDING THE CITY INTO DISTRICTS AND BOUNDARIES AND PROVIDING FOR THE ZONING OF ANNEXED LANDS; STATING GENERAL PROVISIONS APPLICABLE TO ZONING DISTRICTS; DESCRIBING THE ZONING DISTRICTS AND THE BASIC REQUIREMENTS; STATING PROVISIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS; STATING PROVISIONS APPLICABLE TO PLANNED DEVELOPMENTS; STATING PROVISIONS APPLICABLE TO ZONING ADMINISTRATION; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE WITH A SEVERABILITY CLAUSE AND A REPEALER CLAUSE PROVIDING FOR THE EFFECTIVE DATE AND RECORDING OF THIS ORDINANCE AND ALL AMENDMENTS THERETO' BY AMENDING ARTICLE 3 PERTAINING TO BED AND BREAKFAST FACILITIES; WITH REPEALER CLAUSE, SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE."

In accordance with KRS 86A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

1. This Ordinance has been enacted to amend the existing zoning ordinance as it pertains to the location of Bed and Breakfast facilities within the City of Russellville, Kentucky.
2. This Ordinance sets forth what type of business activities and services may be offered by a Bed and Breakfast facility.
3. A permit is required to operate a Bed and Breakfast facility, this permit may be revoked, the details of which are found within this Ordinance.
4. This Ordinance contains a severability clause and repealer clause.
5. The full text of this Ordinance is available for copying and inspection at City Hall, Russellville, Kentucky, during normal business hours.

The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on July 3, 2007, and a second reading conducted on August 7, 2007.

CERTIFICATION OF COUNSEL

I hereby certify the foregoing is an accurate summary of City of Russellville Ordinance 2007-10.

C. Robert Hedges
Russellville City Attorney
157 West Fifth Street
P. O. Box 335
Russellville, KY 42276-0335
270-726-9604

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2007-09**

** ** *

AN ORDINANCE ~~ADOPTING~~ AMENDING THE CITY OF RUSSELLVILLE, KENTUCKY, ANNUAL BUDGET FOR THE FISCAL YEAR JULY 1, 2006, THROUGH JUNE 30, 2007, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATING OF CITY GOVERNMENT

WHEREAS, an annual budget proposal and message has been prepared and delivered to the City Council; and,

WHEREAS, the City Council has reviewed such amended budget,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

Section 1:

The annual Budget for the fiscal year beginning July 1, 2006 and ending June 30, 2007, is hereby ~~adopted~~ amended as follows:

See Exhibits "A" and "B" attached hereto.

Section 2:

The regulatory license fee established by Ordinance No. 83-6, including any amendments, shall be five (5%) percent of the gross receipts from the retail sale of Alcohol Beverages.

Section 3:

The totals on this budget are based on numbered line items contained in the "Proposed Budget" sections on a computer printout on file in the City Clerk's office and designated "2006-2007 Proposed Budget Worksheet". Before any expenditures are made for any department that would cause any line item to be exceeded, or within ten (10) days after the financial statement for the preceding month is made to the City Council, a sworn statement reporting the amount of and necessity for those expenditures shall be submitted to the Mayor, and this provision of this Ordinance shall serve as the statutorily required notice to the Mayor of the Council's action requiring that statement.

Section 4:

This Ordinance shall be effective upon its passage and publication according to law.

FIRST READING conducted on the 19th day of June, 2007.

SECOND READING being conducted on the 28th day of June, 2007.

Gene Zick
GENE ZICK, MAYOR

ATTEST:

Bob Riggs
BOB RIGGS, CITY CLERK

Ayes: Davenport, Jimmy; Jones, Russell; McPherson, Lanny; Phillips, Chuck;
Whipple, Jack.

Nays: none.

Absent: Stratton, Mark

Abstaining: none

**ESTIMATED REVENUE
AMENDED BUDGET
Fiscal Year 2006 / 2007**

Exhibit "A"

Department	General Fund	Carpenter Center	Municipal Road Aid & LGEAF	Capital Projects Grant Funds	Water / Sewer	Debt Redemption Grant Fund	DeGraffenried Fund	Police/Fire Incentive
Property Taxes	962,110 920,934	-	-	-	-	-	-	-
Fines and Forfeitures	(5,340) (41,586)	-	-	-	-	-	-	-
Occupational Taxes	2,789,462 2,845,389	516,054 408,962	-	-	-	-	-	-
Governmental Revenue/Transfers	54,453 30,907	-	213,142 111,900	-	-	-	-	122,381 120,120
Code Enforcement	760 44,641	-	-	-	-	-	-	-
Interest	28,969 16,382	-	1,614 1,000	-	3,099 9,571	-	43,892 34,165	-
Charges for Services	239,663 220,607	-	-	-	3,875,414 3,855,777	-	-	-
Alcohol License Fee	182,507 192,015	-	-	-	-	-	-	-
Previous Year Carryover	299,488 490,148	-	97,580 18,495	87,256 0	54,285 0	-	1,068,387 1,058,885	-
Franchise Taxes	42,212 42,885	-	-	-	-	-	-	-
Loan Proceeds	957,366 156,000	-	-	-	706,290 42,000	-	-	-
Carpenter Center	-	94,331 76,133	-	-	-	-	-	-
Grants	45,156 24,094	-	-	200,000 600,000	-	155,308 200,000	-	-
TOTAL	\$5,596,806 \$4,942,416	\$ 610,385 \$ 485,095	\$ 312,336 \$ 131,395	\$ 287,256 \$ 600,000	\$4,639,088 \$3,907,348	\$ 155,308 \$ 200,000	\$1,112,279 \$1,093,050	\$ 122,381 \$ 120,120

Exhibit "B"

**APPROPRIATIONS
AMENDED BUDGET
Fiscal Year 2006 / 2007**

Department	General Fund	Carpenter Center	Municipal Road Aid & LGEAF	Capital Projects Grant Funds	Water / Sewer	Debt Redemption Grant Fund	DeGraffenried Fund	Police/Fire
Administrative	690,148 642,309	-	-	-	-	-	-	-
Police	1,867,025 1,950,578	-	-	-	-	-	-	90,021 93,000
Fire	772,537 800,173	-	-	-	-	-	-	32,360 27,120
Streets	719,638 528,708	-	290,418 107,464	-	-	-	-	-
Cemetery	273,386 271,601	-	-	-	-	-	-	-
Parks	448,253 450,372	-	-	-	-	-	-	-
Service Center	113,765 104,386	-	-	-	-	-	-	-
Civic Interests	712,054 194,288	-	8,000 8,000	-	-	-	34,437 18,979	-
Water	-	-	-	-	2,359,668 2,218,329	155,308 200,000	-	-
Sewer / I & I	-	-	-	-	1,766,187 1,640,484	-	-	-
Carpenter Center	-	610,385 485,095	-	-	-	-	-	-
High Lick & New Mtr Water Project	-	-	-	87,256 200,000	287,233 0	-	-	-
John St. & Manshart Sewer Projects	-	-	-	200,000 400,000	226,000 0	-	-	-
TOTAL	\$5,596,806 \$4,942,415	\$ 610,385 \$ 485,095	\$ 298,418 \$ 115,464	\$ 287,256 \$ 600,000	\$4,639,088 \$3,858,813	\$ 155,308 \$ 200,000	\$ 34,437 \$ 18,979	\$ 122,381 \$ 120,120

Estimated Fund	\$	-	\$	-	\$	13,918	\$	-	\$	-	\$	-	\$	1,077,842	\$	-
Balance End of Fiscal Year	\$	-	\$	-	\$	15,931	\$	-	\$	48,535	\$	-	\$	1,074,071	\$	-