

Ordinance Bk # 3, 11.

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PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 922.0

AN ORDINANCE DECLARING AN EMERGENCY AND EXEMPTING AFFECTED
NONCONFORMING PROPERTIES FROM CERTAIN PROVISIONS OF COUNTY
ORDINANCE 920.0 AS AMENDED (ZONING ORDINANCE)

Be it ordained by the Fiscal Court of the County of Pendleton, Commonwealth of Kentucky:

WHEREAS, on March 2, 2012, a large area of Pendleton County was struck by a devastating tornado, and

WHEREAS, as a result many residents in the affected area suffered widespread catastrophic damage to their property, and

WHEREAS, in excess of two hundred (200) homes and buildings were damaged or destroyed by the tornado, and

WHEREAS, both the Commonwealth of Kentucky and the Federal Government have declared Pendleton County to be a "Disaster Area" eligible for state and federal assistance, and

WHEREAS, the Pendleton County Fiscal Court has declared an emergency exists in Pendleton County, and

WHEREAS, due to the large number of affected property owners that are expected to request permission to rebuild nonconforming use structures the Pendleton County Fiscal Court finds that certain provisions of County Ordinance 920.0 as amended (Pendleton County Zoning Ordinance) would be unduly burdensome on both the affected property owners and the Pendleton County Board of Adjustments, and

WHEREAS, THE Pendleton County Fiscal Court desires to exempt affected property owners from certain provisions of the Pendleton County Zoning Ordinance respecting nonconforming use, and to allow them to rebuild homes and buildings of the same dimension and at the same location of their damaged homes or buildings. Said exemptions are to be granted under specific requirements as set forth herein below.

NOW THEREFORE, Be it ordained by the Fiscal Court of Pendleton County, Commonwealth of Kentucky as follows:

Section 1. Declaration of Emergency: The Pendleton County Fiscal Court declares that an emergency exists within Pendleton County as a result of a tornado(s) that occurred on March 2, 2012. The name of the emergency is March 2, 2012 Tornado Disaster. Said disaster resulted in widespread damage to or destruction of over two hundred (200) homes or buildings in Pendleton County, Kentucky.

Section 2. Limited Exemption from Ordinance 920.0 as Amended: Property owners with nonconforming structures which were damaged or destroyed during the March 2, 2012 Tornado Disaster shall be permitted to rebuild such nonconforming structures without approval by the Pendleton County Joint Planning Commission or the Pendleton County Board of Adjustment subject to the following:

- A. The damaged or destroyed nonconforming structure shall have been a legal nonconforming structure prior to the damage or destruction on March 2, 2012. The nonconforming structure shall have been damaged or destroyed by high winds or debris during the emergency, the March 2, 2012 Tornado Disaster. Non-affected properties and structures are not subject to this Ordinance and shall comply with the provisions of Pendleton County Ordinance 920.0 as amended.
- B. The nonconforming structure must be rebuilt in the exact same location as the damaged structure. Rebuilt structures shall not encroach on setback lines to any greater extent than did the damaged structure that is being replaced.
- C. The rebuilt structure shall be of the same use and character as the damaged nonconforming structure.
- D. Prior to rebuilding, the property owner shall notify the Planning Administrator, in writing, that the nonconforming structure is going to be rebuilt. The notice shall describe the location and type of construction of the proposed replacement structure sufficiently to allow the Planning Administrator to make a determination that the new structure meets the requirements of this Ordinance. Said notice shall be given to the Planning Administrator prior to the commencement of construction of the new structure and the Planning Administrator shall grant site approval prior to the commencement of construction. Failure to provide such notice shall result in the property being subject to the provisions of the Pendleton County Zoning Ordinance and excluded from the exemptions provided by this Ordinance.
- E. Fees for permits from Pendleton County Planning and Zoning shall be waived for structures that are subject to this ordinance. Structures excluded from this Ordinance shall be subject to the regular fee schedule.
- F. In the event the new structure does not comply with the terms of this Ordinance, the provisions of the Pendleton County Zoning Ordinance shall apply and the property owner must comply with said provisions prior to construction.
- G. As required by Ordinance 920.0 Section 6 (B) (1), construction must commence within one (1) year of March 2, 2012. If construction has not commenced within one (1) year, the nonconforming use shall be deemed to have been abandoned and the right to further nonconforming use shall be terminated unless an extension has been granted by the Board of Adjustments as set forth in Ordinance 920.0 Section 6 (B)(1).
- H. Nothing in this Ordinance shall be deemed to permit a change in location, character or use of the nonconforming structure. Any proposed changes shall be submitted and processed under the terms of the Pendleton County Zoning Ordinance.
- I. Nothing in this Ordinance shall be deemed or interpreted by any individual, business, court or other body to have revoked or superseded the

provisions of Pendleton County Ordinance 920.0 as amended. The terms of this ordinance are limited exclusively to nonconforming structures that were damaged or destroyed by high winds or debris during the emergency, the March 2, 2012 Tornado Disaster.


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Nothing in this Ordinance shall be interpreted to require the Pendleton County Fiscal Court to approve exemptions from the Pendleton County Zoning Ordinance as amended in the event of future disasters or in the event of losses suffered by individuals due to other natural causes. The sole intent and purpose of this Ordinance is to provide relief to victims of the March 2, 2012 Tornado Disaster emergency.

Section 3. Effective Date of this Ordinance: Pursuant to KRS 67.078, there shall be no second reading or publication and this ordinance shall take effect upon its passage.

Enacted this 13th day of March, 2012.

ATTEST:


Henry W. Bertram
Pendleton County Judge/Executive


Vicky King
Pendleton County Fiscal Court Clerk