

ORDINANCE 06 - 2019

AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, APPROVING A WAIVER FOR RESURRECTION CHURCH, INC., UNDER SECTION 9.22 OF THE FORT WRIGHT ZONING CODE, TO THE REQUIREMENT THAT ANY PROPOSED DEVELOPMENT WHICH DOES NOT CONSTITUTE A SUBDIVISION MUST HAVE SIDEWALKS

WHEREAS, Resurrection Church, Inc., owns property located at 3701 Madison Pike, Fort Wright, Kentucky 41011, upon which it intends to build a church (the "Property"); and

WHEREAS, Bayer Becker, Inc., on behalf of Resurrection Church, Inc., has requested that the Fort Wright City Council waive the requirement contained in Section 9.22 of the Fort Wright Code of Ordinances that "[a]ny proposed development which does not constitute a subdivision, shall be require to provide. . . sidewalks" (the "Sidewalk Requirement"); and

WHEREAS, Section 9.22 of the Fort Wright Code of Ordinances provides that the requirements contained in that section may be specifically waived; and

WHEREAS, the Fort Wright City of Council desires to waive the Sidewalk Requirement with respect to the Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY, AS FOLLOWS:

SECTION I

That the Fort Wright City Council hereby waives the Sidewalk Requirement with respect to the Property. This waiver shall only apply to the Property and is based on representations made to the City through site plans provided by Bayer Becker, Inc.

The City Council hereby finds that the Sidewalk Requirement with respect to the Property is unnecessary for the following reasons. First, sidewalks do not exist to the north or south of the Property, and based on the current highway design, exceptional physical conditions exist, with the steep topography in both directions, making it very challenging to construct sidewalks. Second, given the absence of sidewalks in the surrounding area, it would be unsafe to encourage sidewalk traffic in front of the Property because it would require pedestrians to walk on KY-17 to reach the sidewalk.

SECTION II

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on June 19, 2019.

CITY OF FORT WRIGHT, KENTUCKY

By: 

David Hatter, Mayor

ATTEST:


Susan Ellis, City Clerk

FIRST READING: 6/5/2019

SECOND READING: 6/19/2019

PUBLICATION: 7/1/2019


NOTICE OF ADOPTION, TITLE AND SUMMARY OF
CITY OF FORT WRIGHT, KENTUCKY
ORDINANCE NO. 6-19

I certify that the following is the Title and Summary of Ordinance No. 6-19 of the City of Fort Wright, in Kenton County, Kentucky, which was adopted on the 19th day of June, 2019:

ORDINANCE NO. 6-19: AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, APPROVING A WAIVER FOR RESURRECTION CHURCH, INC., UNDER SECTION 9.22 OF THE FORT WRIGHT ZONING CODE, TO THE REQUIREMENT THAT ANY PROPOSED DEVELOPMENT WHICH DOES NOT CONSTITUTE A SUBDIVISION MUST HAVE SIDEWALKS

Ordinance 6-19 waives the requirement under Section 9.22 of the Fort Wright Zoning Code for Resurrection Church, Inc., located at 3701 Madison Pike, Fort Wright, Kentucky 41011, to provide a sidewalk.

I, Todd McMurtry, an attorney licensed to practice law in the Commonwealth of Kentucky, for Hemmer DeFrank Wessels PLLC, City Attorneys for the City of Fort Wright, in Kenton County, Kentucky, do hereby certify that this Notice of Adoption, Title and Summary of **Ordinance No. 6-19** was prepared by me, and that it represents an accurate description of the summary of the contents of the Ordinance. The full text of the Ordinance, its Exhibits, and other information relative to the Ordinance, are on file at the office of the City Clerk of the City of Fort Wright, Kentucky, in the Fort Wright Municipal Building, 409 Kyles Lane, Fort Wright, Kentucky 41011.



Todd McMurtry, City Attorney for Fort Wright, Kentucky
Hemmer DeFrank Wessels PLLC