

ORDINANCE NO. 2023-O-12

AN ORDINANCE WAIVING THE SIDEWALK REQUIREMENTS REQUIRED BY THE INDEPENDENCE ZONING CODE FOR PHASE 40 OF TIMBER VIEW

WHEREAS, The City of Independence requires sidewalks in all developments; and

WHEREAS, there are situations where the sidewalk requirements are impractical, and Section 6.09(B) allows the legislative body to make major modifications to the Improvements for Development if any of the following are met:

1. That unusual topographical or exceptional physical conditions exist; or
2. That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions; or
3. That compliance with the regulations could cause an unsafe situation; or
4. That the proposed modification or adjustment would create a materially safer situation than complying with the regulations; or
5. That the proposed modification or adjustment is more compatible with the character of the surrounding neighborhood than complying with the regulation.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I

That the attached Exhibit "A" which is the Storm Drainage Map for Phase 40 of Timber View, shows highlighted in yellow where sidewalks would normally be required and where the Independence City Council agrees to a waiver of the requirements for a sidewalk, pursuant to Section 6.09 of the Independence Zoning Ordinance on the basis:

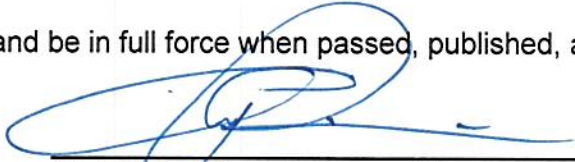
That the proposed modification or adjustment is more compatible with the character of the surrounding neighborhood than complying with the regulation.

SECTION II

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.


SECTION III

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Rawe, City Clerk

First Reading June 5, 2023
Second Reading: August 7, 2023
Ayes: 6
Nays: 0

PUBLICATION DATE: 08/18/2023