3.C.

COMMONWEALTH OF KENTUCKY
SPENCER COUNTY

ORDINANCE NO. 282

AN ORDINANCE AMENDING THE TAYLORSVILLE-SPENCER COUNTY JOINT PLANNING & ZONING REGULATIONS TO REGULATE THE BUILDING OF STRUCTURES WITHIN THE BREACH ZONE OF DAMS LOCATED WITHIN THE PLUM CREEK WATERSHED OF SPENCER COUNTY, KENTUCKY.

WHEREAS, the Spencer County Plum Creek Watershed Conservancy District was created for flood control for the waters of Plum Creek in Spencer County, Kentucky, and,

WHEREAS, the District has been advised by the Federal and State authorities, particularly that action must be taken to secure and regulate structures located within the "breach zone" of the 5 watershed dams located within the Plum Creek Watershed, more particularly dams number 12, 15, 16, 17 & 18, referred to as Heady, Crenshaw, Herndon, Schultz and Williams accordingly, as depicted on the attached copy of the watershed map, in the event of the failure of any or all of said dams, and,

WHEREAS, said watershed commissioners have been advised the District and the County of Spencer could be subject to fines and penalties in the event action is not taken to regulate structures in the event of the failure of the dams, and,

WHEREAS, pursuant to the inherent and constitutional powers of the County of Spencer, under the Kentucky Constitution Chapter 100 of the Kentucky Revised Statutes

regarding the authorization of counties to adopt Planning & Zoning Regulations, and,

WHEREAS, to promote and regulate health and the public welfare and safety, and,

WHEREAS, the County deems is in the public interest to regulate dwellings below the dams, and,

WHEREAS, a public hearing was held by the Taylorsville-Spencer County Joint Planning & Zoning Commission on April 20, 2006, at 7:00 p.m., pursuant to KRS 100.211(2) regarding the proposed text amendment to the Planning & Zoning Regulations.

THEREFORE, BE IT ORDAINED by the County of Spencer, the Taylorsville-Spencer County Joint Planning & Zoning Regulations are hereby amended to read as follows:

> Article X to add Section 1003 - Building in breach zones of Dams 12, 15, 16, 17 or 18 of the Spencer County Plum Creek Watershed Conservancy Districts:
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> No structure, as defined in Article I, Section 103, Paragraph 36, to be occupied by a person, shall be located, extended, converted or substantially altered which is or would be within the breach zone of dams 12, 15, 16, 17, and 18, located in the Spencer County Plum Creek Watershed Conservancy District in Spencer County, Kentucky, without compliance with the following requirements and no permit shall be issued by the Administrator for any new structure unless and until the applicant agrees and complies with the following requirements:
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> A. All structures occupied by any person, must be elevated or constructed so that the lowest floor of the structure, elevated to or above the breach flood elevation level, and,
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> B. The foundation of a structure will withstand a breach wave if a dam failure will occur.

C. The structure has been approved by the Kentucky Division of Water, dam safety and compliance division;

3. Special flood hazard (breach zone of dams) are those areas located below the dam subject to flooding, inundation or damage as a result of a breach or failure of the dam as determined by the Kentucky Division of Water.

4. A dam is any impounding structure that is either 25 feet in height, measured from downstream toe to the crest or has a maximum impounding capacity of 50 feet of water or more as defined by the Kentucky Division of Water.

5. The property owner shall be required to provide the engineering analysis and design as approved by a licensed engineer for the Commonwealth of Kentucky as needed.

Any Ordinance inconsistent herewith is hereby repealed.

The Ordinance shall be effective upon it's passage and publication.

WITNESS our hands this the _____ day of _____, 2006.

_____

DAVID JENKINS, County Judge Executive

ATTESTED BY:

_____

JUDY PUCKETT, County Clerk

Date of First Reading _____
Date of Second Reading _____
Date Published _____