

ORDINANCE NO. 00-02  
AMENDMENT TO ORDINANCE NO. 99-11  
SUBDIVISION AND LAND USE REGULATIONS

DATE ADOPTED: February 22, 2000  
MOTION BY: Billy Ray Hughes  
SECONDED BY: Forniss Park

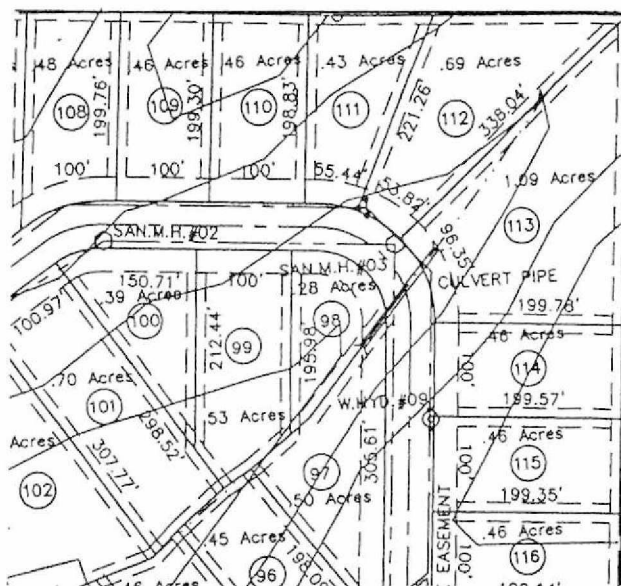
VOTE:	YES	NO
Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Forniss Park	<input checked="" type="checkbox"/>	_____
Magistrate William Tudor	<input checked="" type="checkbox"/>	_____
Magistrate Larry Combs	<u>absent</u>	_____
Judge Kent Clark	<input checked="" type="checkbox"/>	_____

Kent Clark  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:

Mary Jane Winter  
County Clerk

# SUBDIVISION REGULATIONS OF MADISON COUNTY, KENTUCKY



MADISON COUNTY FISCAL COURT

JUNE, 1999  
(Revised February 2000)

# MADISON COUNTY FISCAL COURT

Kent Clark, Judge Executive

## Magistrates

Larry Combs

Billy Ray Hughes

Forniss Park

William Tudor

# PLANNING COMMISSION

## Members

David Bohannon

Tish Carr

Chandler Combs

Robert Farmer (Chair)

Wanda Pennington

William Witt

## County Attorney

Marc Robbins

## Administrative Official

Duane Curry

## TABLE OF CONTENTS

A.	ARTICLE I: General Provisions .....	1
	100 Title .....	1
	101 Authorization .....	1
	102 Purpose .....	1
	103 Jurisdiction .....	2
	104 Consistency with Other Provisions.....	2
	105 Separability and Severability.....	2
	106 Amendment.....	2
	107 Authority .....	2
	108 Minimum Requirements .....	3
	109 Granting of Waivers.....	3
B.	ARTICLE II: Administration and Enforcement .....	4
	200 Madison County Planning Commission.....	4
	201 Appointing Authority.....	4
	202 Term of Office .....	4
	203 Vacancies.....	4
	204 Oath of Office .....	4
	205 Removal.....	4
	206 Meetings and Procedures .....	4
	207 Duties .....	5
	208 Employing Planners or Other Persons .....	5
	209 Finances.....	5
	210 General Procedures .....	5
	211 Informal Advisory Meeting .....	5
	212 Minor Plat Requirements .....	6
	213 Preliminary Plat .....	7
	214 Final Plat .....	10
	215 Plat Requirements .....	11
	216 Enforcement.....	12
	217 Plats of Record.....	12
	218 Penalties .....	12
	219 Administrative Personnel .....	13
	220 Appeals .....	13
C.	ARTICLE III: Design and Improvements .....	14
	300 Purpose.....	14
	301 Minimum Standards.....	14
	302 Developer's Responsibility .....	14
	303 Site Conditions .....	14
	304 Lot Development .....	15
	305 Lot Layout.....	15
	306 Building Setback Line .....	16
	307 Lot Identification .....	16
	308 Transportation .....	16
	309 Public Utilities/Facilities .....	23
	310 Storm Water Drainage System .....	24
	311 Water Supply System .....	26
	312 Electric, Telephone, and Gas Service.....	29
	313 Provision of Utility and Drainage Easements .....	29

314 Community Facilities and Open Space .....	30
315 Mobile Home Park Requirements .....	31
316 Construction Guarantees .....	31
D. ARTICLE IV: Definitions .....	33
400 Definitions.....	32
E. APPENDIXES	
A. Minor Plat Submittal Packet	
B. Preliminary Plat Submittal Packet	
C. Final Plat Submittal Packet	
D. Plat Requirements Checklist	
E. Fee Schedule	
F. Flood Plain Development Procedures / Requirements	
G. Specifications For Portland Cement Concrete Streets	
H. Development Plan Requirement Checklist	

## **ARTICLE I**

### **General Provisions**

#### **100 Title**

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of Madison County, Kentucky," and shall hereinafter be referred to as "These Regulations."

#### **101 Authorization**

These regulations are adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Sections 100.273 (1), 100.111 (22), 100.277, 100.281, 100.283, 100.285, 100.287, 100.291, and 100.292. The Madison County Fiscal Court has fulfilled the requirements set forth in KRS 100.273 (2) as a prerequisite to the adoption of these regulations, and is thereby designated as the administering agency.

#### **102 Purpose**

Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, etc., a pattern has been established which usually determines how well community needs for the various land uses will be met. It also determines, to a great extent, how well the community will be able to meet these needs.

After land has been subdivided and publicly recorded, it is very difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area eventually becomes a public responsibility in that streets must be maintained and various public services must be provided to the area. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is therefore a matter of serious public concern. It is in the best interest of the general public that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

These subdivision regulations are designed to provide for the harmonious development of the subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open space; for traffic, utilities, recreation, light, air, and access of firefighting equipment; for avoidance of population congestion through requirements for minimum lot widths and areas; for adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

### **103 Jurisdiction**

On and after the date of adoption, these regulations shall govern each and every subdivision of land within the limits of Madison County, excluding the incorporated areas of Richmond and Berea, and Berea's one-mile area of jurisdiction.

### **104 Consistency with Other Provisions**

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or highest standards shall apply.

### **105 Separability and Severability**

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision thereof which is not itself void or invalid.

### **106 Amendment**

The Fiscal Court may from time to time adopt amendments that will tend to increase the effectiveness of these regulations. These regulations and amendments thereto may be changed or amended by the Fiscal Court after a public hearing by giving due notice as required by KRS 424.

### **107 Authority**

The Fiscal Court's authority and responsibilities for these regulations are stated in KRS 100.277 as follows:

1. No person or his agent shall subdivide any land before securing the Planning Commission's approval of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the county clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the chairman or other duly authorized officer of the Planning Commission.
2. No person owning land comprising a subdivision, or his agent, shall transfer, sell, or agree to sell, any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission, and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from

penalties provided, or deprive the purchaser of any right or remedies he may otherwise have.

3. Any street or other public ground, which has been dedicated, shall not be accepted by the Planning Commission until Final Plat approval has been granted.

The developer or developer is required to submit certain maps (plats) of his subdivision to the Planning Commission, which contain such information as to permit a proper evaluation by the Planning Commission and other agencies of the county.

4. When a tract of land is being divided and the property owner declares that the intended use is for agriculture, the owner must give testimony to the Planning Commission stating how the property is intended to be used solely for agricultural purpose.

### **108 Minimum Requirements**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, and general welfare justify such increases.

### **109 Granting of Waivers**

Where the Planning Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional, unique, physical, or human conditions, it may modify these regulations to the extent necessary to relieve the undue hardship. The granting of any waiver shall be based upon the developer or applicant making a written request to the Planning Commission. In granting such modifications, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of these regulations. No modifications shall be granted that would be detrimental to promotion of public health, safety, and general welfare.

## **ARTICLE II**

### **Administration and Enforcement**

#### **200 Madison County Planning Commission**

The Planning Commission shall consist of seven (7) citizen members who shall be residents of Madison County.

#### **201 Appointing Authority**

The County Judge Executive shall appoint the members of the Planning Commission with the approval of the Fiscal Court.

#### **202 Term of Office**

The term of office for members shall be four (4) years, except for the initial appointment, which shall be for staggered terms of one (1) to four (4) years.

#### **203 Vacancies**

Vacancies shall be filled within sixty (60) days by the County Judge Executive. If the County Judge Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

#### **204 Oath of Office**

All members of the Planning Commission shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Madison County.

#### **205 Removal**

Any member of the Planning Commission may be removed by the County Judge Executive for inefficiency, neglect of duty, malfeasance, or conflict of interest.

#### **206 Meetings/Procedures**

The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance. Regular meetings shall be held at least six (6) times annually. Special meetings shall be held at the call of the Chair of the Planning Commission and at such other times as the Planning Commission may determine. All

meetings shall be open to the public. The Planning Commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question and if any member is absent or disqualified from voting, indicating the fact.

A simple majority of the total membership of the Planning Commission (four) shall constitute a quorum. A member having a financial interest in the outcome of any application before the Planning Commission shall disclose the nature of the interest and shall disqualify himself from voting on the question, and shall not be counted for purposes of a quorum. If it is discovered that a member failed to properly excuse himself, his vote on the issue in question will be void. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the Planning Commission bylaws, or for elements of the comprehensive plan or regulations.

### **207 Duties**

The Planning Commission shall be responsible for administering these regulations, including approval of any amendments to the ordinance.

### **208 Employing Planners or Other Persons**

The Planning Commission may employ a staff or contract with planners or other persons, as it deems necessary to accomplish its assigned duties.

### **209 Finances**

The Fiscal Court may appropriate out of general revenues for the expenses and accommodations necessary for the work required in this ordinance. The Planning Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties.

### **210 General Procedures**

The review of subdivisions within Madison County shall follow the procedures outlined in Sections 211-220 below.

### **211 Informal Advisory Meeting**

In addition to these formal requirements, the developer has the option of submitting an informal proposal to the Planning Commission in order to determine the reasonableness of proceeding with a formal application. The developer should notify the Planning Commission at least ten (10) working days prior to its regularly scheduled meeting of his

intention to subdivide property and request an advisory meeting for review of a sketch plat.

The sketch plat may be in pencil, on a sheet of paper of adequate size to show the subdivided area at a scale of 100 ft. per inch, or other suitable scale. The sketch plat should include (as a minimum) the following information:

- a. Name of the subdivision, date, direction, and scale.
- b. Name and addresses of property owner(s).
- c. A vicinity sketch map showing general location, existing roads, surrounding property, and major physical features.
- d. A generalized layout of the property showing shape, approximate dimensions, and total acreage.
- e. Generalized layout of proposed streets and lots.
- f. Available and proposed utilities.
- g. Relationship to services, including schools, parks, etc.
- h. Intended use for all parcels of land.

### **212 Minor Plat Requirement**

At the time the application is filed (including a request for informal advisory meeting), the Administrative Official shall determine whether the proposed subdivision constitutes a major or minor subdivision. To qualify for consideration as a Minor Plat, a subdivision must meet one of the following requirements:

- a. Where a subdivision contains no more than three (3) lots (counting the remainder of the original tract), fronts on an existing public street, and involves no opening, widening, or extension of streets or utilities along the street.
- b. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
- c. Where up to and including three (3) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.
- d. Where there is a need to make technical revisions to a recorded Final Plat of an engineering or drafting nature or similar small change.
- e. When a Minor Plat on any roadway has been approved, no contiguous Minor Plats, or Minor Plats in the same or related ownership on that roadway shall be considered within a twenty-four (24) month period.

Subdivision plats submitted for commercial or industrial development shall be considered major plats and are subject to preliminary and Final Plat approval.

In meeting these requirements, if the Administrative Official determines the conditions of the plat warrant further discussion by the Planning Commission, he will schedule the plat

for the next meeting so that a further determination can be reached after consideration by the Commission.

### **212.1 Processing**

**212.11 Submittal** - All Minor Plat submissions will be done so using the *Application For Minor Subdivision Approval* from Appendix A. *The Plat Requirements Checklist* (Appendix D) should be followed as a guide for preparation of the plat itself. It will be completed and submitted along with the application. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Minor Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

**212.12 Number of Copies** - The developer shall submit five (5) copies of the Minor Plat with required supplementary information to the Administrative Official. However, if the plat is recommended for review by the Planning Commission, a total of twenty (20) copies will be submitted.

**212.13 Plat Review** - Upon the determination that an application for minor subdivision meets the above requirements, the following procedure shall be followed:

- a. The Administrative Official will forward such a plat to the Chairman of the Planning Commission.
- b. The Chairman shall approve or disapprove the plat, or he may waive his authority and recommend the plat be considered by the entire Planning Commission (as with a Preliminary Plat).

### **213 Preliminary Plat**

The purpose of the Preliminary Plat is to provide the Planning Commission with a graphic statement of the proposed improvements to the subject tract of land. No improvements shall be made on the land to be subdivided until the Preliminary Plat has been approved. The Preliminary Plat is "preliminary" in the sense that the Planning Commission may make suggestions or request suggestions from other qualified agencies towards improving the design or improvement standards presented by the developer. Upon Planning Commission approval of the Preliminary Plat, the developer is authorized to proceed with the development of the approved plan and construction of public facilities. If the proposed subdivision is to be constructed in more than one phase, the developer shall show the entire proposed development on the plat. Phases of development shall occur in such a way as to minimize the cost of extending utilities.

## **213.1 Processing**

**213.11 Submittal** - The developer shall apply for consideration of a preliminary subdivision plat using the *Application For Preliminary Plat Approval* found in Appendix B. Such application shall be submitted to the Administrative Official along with the plat and the *Plat Requirements Checklist* (Appendix D) on the third Monday of the month (by noon) prior to the meeting date of the Development Review Team (the last Wednesday of the month). At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Preliminary Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) feet per inch, and shall be on one or more sheets 24 x 36 inches in size.

**213.12 Number of Copies** - The developer shall submit twenty (20) copies of the Preliminary Plat with required supplementary information to the Administrative Official for distribution to the Development Review Team and the Planning Commission for the purpose of review and recommendations.

**213.13 Plat Review** - The Development Review Team shall conduct a technical review of all plats and submit written comments to the Planning Commission no later than ten (10) working days prior to the Planning Commission work session. These comments will focus upon any concerns and/or conditions that need to be addressed regarding the plat.

The Planning Commission shall review the report of the Development Review Team and shall receive additional information at its regular work session meeting. The developer or an authorized representative shall be present at the meeting to answer questions or provide additional information. A majority of the discussion regarding the plat shall be conducted during the work session meeting. The intent of the work session is to address all of the pertinent information necessary for approval by the Commission. Conditions not yet met will be recorded into the minutes of the work session. The conditions will be met before the plat can be voted on, with any exceptions being determined by the Commission.

Final consideration of proposed Preliminary Plat will normally be made during a Planning Commission business meeting (regular or special called). In determining whether a Preliminary Plat shall be granted approval, the Planning Commission shall consider the following:

- a. Conformance with plat requirements.

- b. Adequate allocation of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business, and industry.
- c. Distribution of population and traffic in a manner to create conditions favorable to health, safety, convenience, and the harmonious development of the community.
- d. Comments from agencies and officials. Notice shall be given to the city government if the subdivision includes a street extending into the city's jurisdiction.
- e. Comments expressed by the public at a Planning Commission meeting.

No Preliminary Plat shall be approved until an access permit has been obtained from the state highway department (if applicable). In addition, a representative of the local Natural Resources Conservation Service office will review and approve the drainage and soil erosion control plan for the development prior to approval of the plat.

**213.14 Planning Commission Action** - Within sixty (60) days of the Planning Commission business meeting on the Preliminary Plat, it shall make one of the following decisions: (1) approve the plat, (2) approve the plat subject to conditions, (3) disapprove the plat, unless such time is extended by agreement of the Planning Commission and the developer, or (4) postpone taking action for specific stated reasons for up to thirty (30) days. If the Planning Commission finds that the Preliminary Plat does not meet the requirements of the regulations, it shall either disapprove the plat, or conditionally approve the plat, subject to specified revisions, within the same time period. Failure of the Planning Commission to act on the plat within the specified time shall be considered as approval of the plat. Approval of the Preliminary Plat by the Planning Commission does not constitute final approval of the subdivision, but is merely an authorization to proceed with the preparation of the Final Plat and construction of public facilities.

In the event of disapproval or conditional approval of the Preliminary Plat, a statement in writing by the Planning Commission, setting forth the reasons for disapproval or the conditions of approval, shall be entered into the records of the Planning Commission.

**213.15 Effective Period of Approval** - At such time as a Preliminary Plat has been approved by the Planning Commission, one copy shall be returned to the developer for compliance with final approval requirements. Such approval shall be effective for one (1) year from the date of approval. During that time, the general terms and conditions under which the preliminary approval was granted will not be affected by any changes to these regulations. An extension of six (6) months may be granted provided

the developer submits a written request to the Planning Commission and they approve such request.

**213.16 Adjustment of Preliminary Plat Requirements** - The Planning Commission may waive the requirements in any individual case where, in the Commission's judgment, such a waiver would be in the public interest and would eliminate undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of the regulations. In granting any adjustment, the Planning Commission shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements so adjusted.

Any waiver of these regulations shall be specifically requested in writing by the developer with reference to the particular section to be waived. This request shall be accompanied by the submission of the Preliminary Plat and be entered in the minutes of the review meeting.

**213.17 Amendment of Preliminary Plat** - If, after the Planning Commission has approved a Preliminary Plat, the developer desires to make a change in the number of lots, alignment or other substantial changes of streets, or use of previously dedicated property, an "Amended Preliminary Plat" must be filed in accordance with procedures previously described.

## **214 Final Plat**

The Final Plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements (including any conditions stipulated in the Preliminary Plat) have been met. The Final Plat shall conform substantially to the Preliminary Plat as approved, and it may constitute only a portion of the Preliminary Plat which the developer proposes to record and develop. No Final Plat shall be approved until at least thirty (30) days following the approval of the Preliminary Plat. No Final Plat will be reviewed by the Planning Commission at the business meeting until the following improvements have been completed: 1) the roadbase, consisting of four (4) inches of number 2 stone and six (6) inches of D.G.A. for a total (after compaction) of ten (10) inches, 2) waterlines, 3) drainage structures, 4) soil erosion control measures, and 5) curbs and gutters.

**214.1 Submittal** - Within one (1) year of approval of the Preliminary Plat, the developer shall file the Final Subdivision Plat for review and action by the Planning Commission. Failure to submit the Final Plat within a year's time shall require re-approval of the expired Preliminary Plat. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and they approve such a request.

The developer shall apply for consideration of a Final Subdivision Plat using the *Application For Final Plat Approval* found in Appendix C. Such application shall be submitted to the Administrative Official along with the plat and the *Plat Requirements Checklist* (Appendix D) no later than ten (10) working days prior to the meeting date of the Development Review Team. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Final Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

**214.2 Number of Copies** – Twenty (20) copies of the Final Plat, together with any street profiles or other plans that may be required, shall be submitted to the Administrative Official.

**214.3 Plat Review** - Sufficient copies of the Final Plat shall be transmitted to the Development Review Team who will check said plat as to computations, certification, monuments, etc., and will insure that all the required improvements have been completed to the satisfaction of county engineering standards. The Development Review Team shall submit a written report to the Planning Commission. In case a security bond, certified check, or irrevocable commercial letter of credit has been posted, the developer's engineer will provide a detailed breakdown of the individual development costs for the project as well as the % of work completed on each improvement. The developer's engineer will verify that the amount is sufficient to cover the cost of the required improvements yet to be completed.

**214.4 Planning Commission Action** - Within thirty-five (35) days after the review of the Final Plat, the Planning Commission shall approve or disapprove the plat. Failure of the Planning Commission to act upon this Final Plat within thirty-five (35) days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and the developer will be notified of the reasons for disapproval. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any streets, other public way, or ground. When streets have been constructed, inspected, and approved, the dedicated street or public way shall be accepted for maintenance by the county within forty-five (45) days and shall be a public way for all purposes.

## **215 Plat Requirements**

The requirements for submission of Minor, Preliminary, and Final Plats have been consolidated into the *Plat Requirements Checklist* found in Appendix D.

## **216 Enforcement**

Chapter 100 of the Kentucky Revised Statutes enables the Planning Commission to establish standards for local development as well as to establish the procedures necessary for implementing these standards. The Statutes also include specific provisions for the enforcement of these regulations and penalties for the violation thereof. These provisions are set forth in Sections 217-220 below.

## **217 Plats of Record**

Much of the authority for regulating land subdivision comes from the necessity for recording parcels of land with the County Clerk as a condition for transfer of ownership. These conditions are set forth in KRS 100.277 and cited in Section 107 of these regulations.

**217.1 Recording of Plat (KRS 100.344)** - All Final/Minor Plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the Final/Minor Plat, the Administrative Official shall return one (1) copy of the plat to the developer with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A Final/Minor Plat shall be recorded within one year of approval by the Planning Commission or else the approval automatically expires. The developer may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration.

**217.2 Land Sold in Violation (KRS 100.341)** - When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record, as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations.

## **218 Penalties**

The Kentucky Revised Statutes further specify the powers and penalties available to the Fiscal Court for insuring compliance with these regulations.

**218.1 Enforcement by Fiscal Court (KRS 100.377)** - The Fiscal Court shall have a cause of action for all appropriate relief, including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder.

**218.2 Penalties (KRS 100.991)** - Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991, or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction be fined no less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

### **219 Administrative Personnel**

Kentucky Statutes place the authority of enforcement with the Fiscal Court. The Fiscal Court, however, may delegate its administrative and enforcement authority to various agents responsible to it. In other situations, it depends on other county departments for information and advice.

### **220 Appeals**

State statutes also specify the course of action available to persons or entities that disagree or claim to be injured or aggrieved by action of the Planning Commission.

**220.1 Appeals from Planning Commission Action** - Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the Planning Commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the Planning Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review.

## **ARTICLE III Design and Improvements**

### **300 Purpose**

The Planning Commission is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas, including land subject to flooding within Madison County. Furthermore, the Planning Commission is responsible for insuring that such standards are enforced during development as a condition of subdivision approval.

### **301 Minimum Standards**

The standards set forth in this section are considered to be minimum acceptable standards of design for safe, efficient, and economical county development. Where the Planning Commission determines that excess capacity facilities are needed, as defined in the respective sections, the legislative body shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

### **302 Developer's Responsibility**

Generally, the developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this ordinance. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

For all commercial, industrial, public/semi-public, and multi-family residential projects, the developer is required to submit a development plan. The development plan will be reviewed in keeping with the requirements of Sections 212-215 of the Subdivision Regulations (as applicable). See Appendix H (Development Plan Checklist) for required information.

### **303 Site Conditions**

**303.1 Land Suitability** - If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life, or property, the Planning Commission shall not approve the land for subdivision unless adequate methods are proposed by the developer for solving problems that will be created by the development.

The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, or welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities, or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

**303.2 Natural Features** - The street plan and lot arrangement of a proposed subdivision shall be so designed as to preserve natural features such as trees, streams, natural lay of the land, and disposition of the topsoil.

### **304 Lot Development**

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

**304.1 Lot Width** - Section 402.5 of the Madison County Land Use Management Regulations identifies lot widths for specific land uses.

**304.2 Lot Area Requirements** - The minimum lot area for development in the county is one (1) acre. A greater area than that specified above may be required if, in the opinion of the County Health Officer, there are potential health hazards due to drainage, soil, or other factors.

**304.3 Single Building Per Lot** - Each separate principal use building shall be situated on a separate and single subdivided lot of record.

### **305 Lot Layout**

**305.1 Lot Lines** - All side lines of lots should be at right angles to straight streets and radial to curved street lines.

**305.2 Corner Lots** - Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.

**305.3 Double Frontage Lots** - Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots or (b) when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

**305.4 Topography** - All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems. Any

slope of 30% or more is considered to be unsuitable for construction and improvements. The engineer will designate all areas on the plat where the slope is 30% or greater. Should the developer request a waiver of this requirement, a detailed plan must be provided identifying the specific measures to be taken to reduce the potential problems. Construction or other activity in or along a stream that could in any way obstruct flood flows will require a permit. Any development of property that lies within the floodplain shall submit a development plan which shall be reviewed by the administrative official and the chair of the planning commission. The chair of the Planning Commission may approve or disapprove the site plan or waive his authority and recommend that the plan be considered by the entire planning commission. See Appendix F for the necessary permit requirements and procedures.

**305.5 Land Remnants** - If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

### **306 Building Setback Line**

Where not otherwise specified by requirements of the land use management regulations, the minimum building setback line from the centerline of the street shall be fifty (50) feet. Along major highways, the setback line shall be one hundred twenty-five (125) feet from the center of the roadway.

### **307 Lot Identification**

**307.1 Monuments** - Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their location marked on the Final Plat.

**307.2 Lot Numbers** - All parcels of land in a subdivision, other than streets, shall be given a consecutive lot number. This applies also to lots intended for non-residential use.

**307.3 Property Numbering System** - Individual lots shall be given a street address by the County 911 Office.

### **308 Transportation**

Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience, and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation, including pedestrian and bicycle.

**308.1 Streets** - Streets, as ways for the movement of vehicular traffic, serve two principle functions: (a) the movement of people and goods and (b) access to

adjoining properties. Unfortunately, these two functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two functions.

**308.11 Street Classification System** - The following functional street classification shall be considered in the planning of a subdivision:

- a. Federal and State Highways - Primarily designed to move vehicles at moderate speeds and connect communities.
- b. County Roads - Primarily designed to move vehicles at low to moderate speeds and to channel local traffic from rural communities and subdivisions to highways.
- c. Frontage or Service Roads - Roads that are designed to provide access to property adjacent to major highways at moderate rates of speed. They normally run parallel to the major highway and have access to it at intersections with other highways or county roads.
- d. Local Streets - Streets that are located within subdivisions and primarily designed to provide access to individual lots. Cul-de-sac streets (streets with only one end open to traffic and the other end terminated by a turn-around) are allowed.

### **308.12 Street Classification Standards**

TYPE OF STREET	MINIMUM RIGHT OF WAY (FT)	MINIMUM PAVEMENT WIDTH* (FT)	MINIMUM LANE WIDTH (FT)	GRADE		NUMBER OF LANES
				MAX.	MIN.	
Highways/ Arterials	100	24	12	6%	0.5%	2-4
County Roads	50	20	10	8%	0.5%	2
Local (Subdivision)	50	20	10	12%	0.5%	2
Cul-de-sac <sup>(a)</sup>	50	24	10	15%	0.5%	2
Frontage/ Service Roads	40	20	10	8%	0.5%	2

<sup>(a)</sup>Turn-around diameters are 100 ft. for R-O-W and 80 ft. for pavement.

NOTE: In addition to the grade requirements above, where subdivision streets intersect with other streets/roads, a minimum area 150 feet in length with no more than a 6% slope will be provided.

**308.13 Conformance with Plan** - The arrangement, location, character, width, grade, and construction of all streets shall conform to the Transportation Plan Element of the Comprehensive Plan, and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

**308.14 Responsibility for Streets** - The developer shall construct all subdivision streets including all clearing, grading, laying of subbase, base, pavements, culverts, bridges, and related structures, sewer mains, and structures in accordance with current county standards.

**308.15 General Street Design Criteria** - The following guidelines shall be used in the review of subdivision layout:

- a. **Blocks** - The width of a residential block should accommodate two (2) tiers of lots. Block length should be at least four hundred (400) feet, but not exceed twelve hundred (1200) feet.
- b. **Street Intersections** - Multiple intersections involving the junction of more than two (2) streets shall be avoided; street intersections shall be aligned opposite one another, otherwise

offsets between intersections shall be greater than one hundred twenty-five (125) feet between center lines.

Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each along the R-O-W line twenty (20) feet from the intersection. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

- c. Street Names - Street names shall be selected which will not duplicate nor be confused with names of other existing streets in Madison County. Proposed streets which are clearly in alignment with existing streets shall bear the name of that street. Generally, no street should change direction by 90+ without a name change.
- d. Street Signs - Subdivisions shall have permanent street signs installed by the developer according to county standards.

Dedication of Right-of-Way – The developer shall dedicate a minimum of fifty (50) feet as a right-of-way for streets within the subdivision. Subdivisions along existing county roads or federal/state highways shall dedicate such additional right-of-way as needed to meet the standards set by the Transportation Plan. When the subdivision is located on only one side of an existing street, only one-half of the additional right-of-way shall be provided. Provisions are made for private access easements for Minor Plats with the inclusion of a fifty (50) foot right-of-way where the potential for further development exists.

- e. Dead-End Streets - Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan and only if a temporary turn-around satisfactory to the Fiscal Court is provided. Dedicated rights-of-way on dead-end streets shall extend to the tract boundary, and reserve strips which might be used to control access to adjacent property are prohibited.
- f. Half-Streets - Dedication of new half-streets along tract boundaries shall not be permitted except to complete the other half where street has been previously platted.
- g. Streetlights – the developer shall provide a street light at the entrance to the subdivision. The county shall pay for maintenance of said light. Other streetlights may be provided

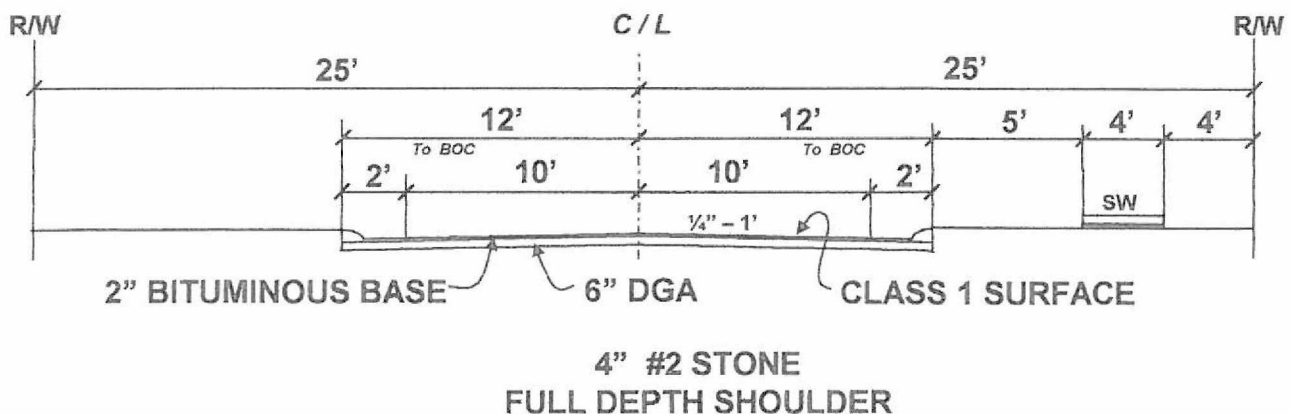
(and maintained) within the subdivision at the developer's expense.

**308.16 Street Construction** - Streets shall be constructed in conformance with the following requirements:

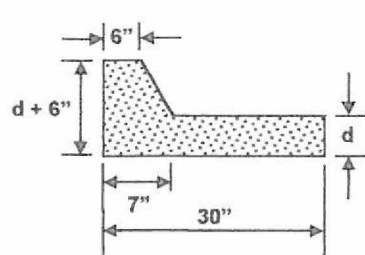
- a. Grading and Embankments - The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material on which the embankment will be superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten ton three wheel roller, sheep's-foot roller, or other approved type roller.
- b. Cut Section Excavation - Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.
- c. Solid Rock Excavation - If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and back filled to meet the requirements above.
- d. Subgrade Preparation - Prior to the construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.
- e. Concrete Streets - shall be plain concrete (no mesh). Pavement thickness for residential streets shall be a minimum of six (6) inches of concrete placed on a minimum of three inches of aggregate base. Collector or arterial streets must be specifically designed for the predicted loadings they will carry. For detailed specifications, see the Appendix.
- f. Bituminous Concrete on Macadam Base - The macadam base shall consist of four (4) inches of #2 stone and six (6) inches of

D.G.A. for a total after compaction of ten (10) inches. Once final stone is placed as set out herein the developer shall place two (2) inches of base blacktop. After the subdivision is 75% developed (defined as 75% of lots having completed houses constructed thereon) the developer may petition for permission to place one (1) inch of sand-mix based blacktop. For streets primarily serving industrial and commercial areas, the base will be a total of twelve (12) inches after compaction. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches of Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction, and then compacted with a five (5) to ten (10) ton roller. The developer will notify the responsible county official in charge of streets at least seventy-two (72) hours before putting down the base or blacktop. For streets primarily serving industrial and commercial areas, the base shall be a total of twelve (12) inches after compaction. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches of Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction, and then compact with a five (5) to ten (10) ton roller. The developer will notify the responsible county official in charge of streets at least seventy-two (72) hours before putting down the base or blacktop.

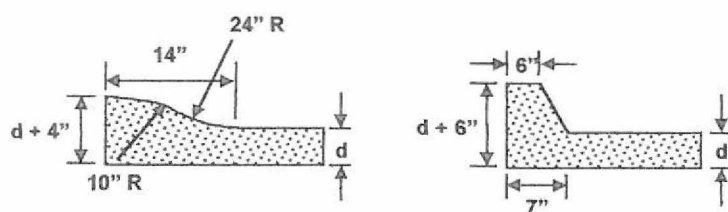
### Street Cross Section



g. Curbs and gutters. The specifications for curbs and gutters are as follows:



Concrete Curb and Gutter Design



Integral Curb Designs

Note: Other Designs May Be Acceptable If Submitted For Approval

The developer is responsible for contacting the Madison County Road Supervisor prior to beginning construction on subdivision streets, and to make appointments for periodic inspections at various stages of street construction.

**308.2 Walkways** - If sidewalks are provided, they shall meet the following requirements and shall be the responsibility of the developer.

**308.21 Residential Subdivisions** - In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than one hundred (100) feet. Sidewalks shall be required on one side of the street where the predominant lot width is less than two hundred (200) feet. Sidewalks will not normally be required where the predominant lot width is over two hundred (200) feet.

Where a resident block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10) foot easement may be required by the Fiscal Court.

When the street is a cul-de-sac and sidewalks are required on one (1) side of the street only, the sidewalk shall be extended around the cul-de-sac to include all lots that front on the cul-de-sac.

**308.22 Commercial Development** - Sidewalks shall be required by the Fiscal Court for all commercial lots.

**308.23 Standards** - Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4) inch dense grade gravel subbase.

**308.3 Bikeways** - A bikeway may be required in lieu of a sidewalk in areas where schools, parks, or other public facilities exist and may cause a high volume of

bicycle traffic, to insure the safety of the cyclists and encourage greater use of the bicycle as an alternate means of transportation.

**308.31 Bicycle Paths** - Shall include only those bicycle facilities whereby a separate right-of-way is set aside for the exclusive use of cyclists to the exclusion of motorized vehicles and pedestrians. One-way bike paths shall be at least four (4) feet wide and pave with concrete or bituminous paving material. Two-way bike paths shall be at least eight (8) feet wide.

**308.32 Bicycle Lanes** - Shall include those bicycle facilities where a portion of a street is designated by a raised curb or painted lane stripe, for the exclusive use of cyclists. Bike lanes shall be prominently marked as such and be one-way in direction on each side of the street and a minimum of four (4) feet wide.

**308.33 Bicycle Routes** - Shall include those existing or proposed streets that are determined by specific analysis to be suitable for the safe operation of bicycles. Bike routes do not provide for the exclusive use of bicycles but require sharing the street with other vehicles, and are designated by a map of public distribution and/or by the official "Bike Route" sign.

### **309 Public Utilities/Facilities**

The administration of these regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage, and energy supply. Where necessary, the Planning Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

**309.1 Sanitary Sewage Treatment Service** - Where a public sanitary sewer system is available, as determined by the Planning Commission, sanitary sewers shall be installed by the developer to adequately serve all lots with connections to the public system.

**309.2 Package Treatment Plants** - Where a public sanitary sewer system is not reasonably accessible, a neighborhood or "Package" disposal system may be installed for commercial or industrial development according to standards determined by the County Health Officer and the Natural Resources and Environmental Protection Cabinet. When a package treatment plant is to be used, the developer shall provide a system for financing future operation/maintenance costs.

**309.3 Individual Sewage Disposal Systems** Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed, subject to the approval and conditions of the County Health Officer, based on the requirements of the Kentucky On-Site Sewage Disposal Systems Regulations (902 KAR 10:081, and 902 KAR 10:085).

**309.4 Future Service** - Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

**309.5 General Standards** - Subject to the specific determination to the contrary by the Planning Commission or other agency, the following general standards shall apply: The minimum size sewer pipe connection to any parcel shall be four (4) inches inside diameter (I.D.). The minimum sewer pipe line to be used in a residential subdivision shall be of eight (8) inches I.D., except that a six (6) inch I.D. line may be used to serve no more than four (4) dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

**309.6 Plans Required** - The developer shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the Preliminary Plat for Planning Commission approval. Such plans shall be prepared by a registered civil engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system, including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, rock soundings, and length of drainage fields required.

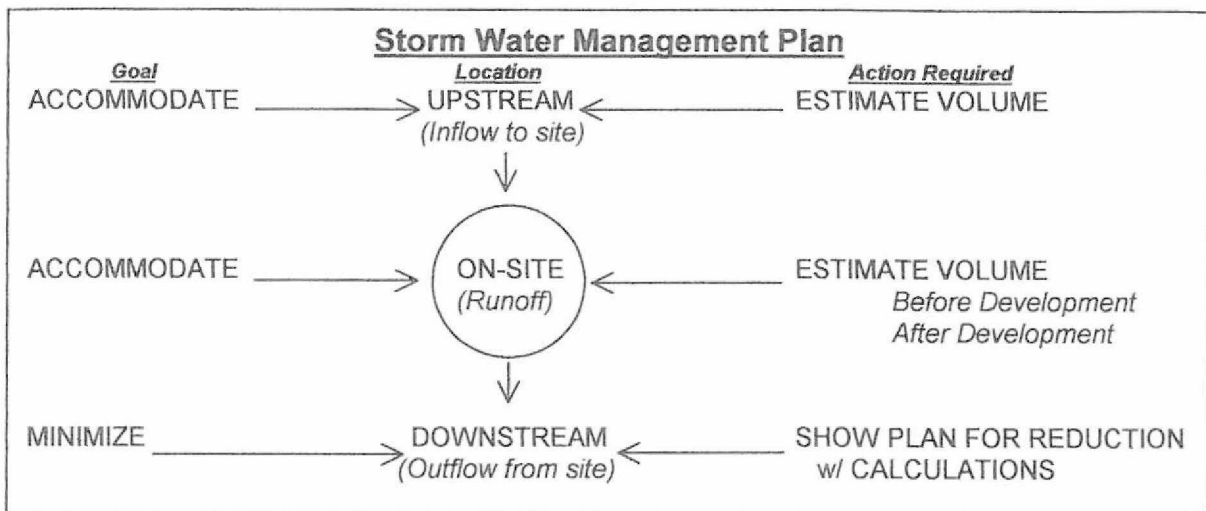
**309.7 Oversized Facilities** - When it is determined necessary, the developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision. In these cases, the county may reimburse the developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

### **310 Storm Water Drainage System**

Provision shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on an average frequency of one hundred (100) years. The proposed system shall be subject to the review and approval of a representative from the local Natural Resources and Conservation Service (NRCS) office.

**310.1 Plans Required** - The developer shall submit plans for the proposed storm water drainage system with the filing of the Preliminary Plat. The plan will then be submitted to the local NRCS office for review. Approval will be certified by acknowledgement with a signature on a certification line on the plat.

The plan must provide for holding excess runoff on site. Runoff following completion of the subdivision is not to exceed runoff prior to development. Drain boxes shall be constructed in accordance with specifications provided by the county. Any culvert pipe buried six (6) feet or more in depth shall either be reinforced concrete or double coated (inside and out) corrugated metal.



**310.2 Disposal Beyond Subdivisions** - Where an adequate public storm sewer is available at the subdivision boundary, the developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the developer may be required by the Planning Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal.

**310.3 Oversized Facilities** - When it is determined necessary, the developer may be required to install drainage structures in excess of those required to serve the subdivision. In these cases, the County may reimburse the developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

**310.4 Ditches (Swales)** – When runoff from an area reaches a site as overland flow, it must be intercepted and collected. This can be accomplished with ditches. As with sewers, the amount of runoff determines the design of the ditch. The cross section of the ditch must be designed to fit the circumstances and accommodate the flow. A “V” ditch is most economical to build. If the ditch is

located where people are likely to step in it, a shallow, flat-bottomed, or curved ditch is better. If the ditch is to carry a large volume of runoff, a trapezoidal ditch is more efficient. To determine the required cross-sectional area of the ditch, use the following equation:

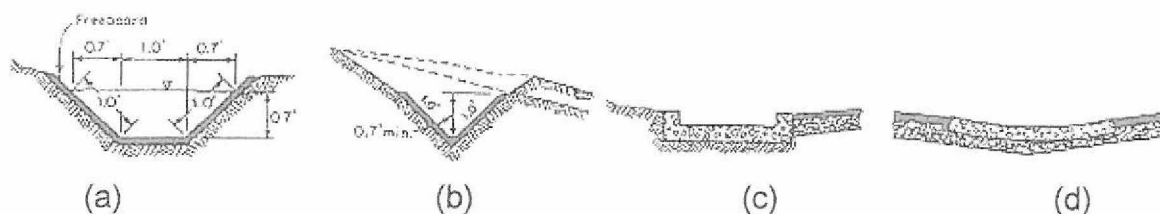
$$A_R = \frac{Q}{V}$$

$$V = \frac{1.486}{n} R_H^{2/3} S^{1/2}$$

Where  $A_R$  = cross-sectional area required (ft<sup>2</sup>)  
 $Q$  = quantity (cfs)  
 $V$  = velocity (fps)

Where  $n$  = coefficient of friction  
 $R_H$  = hydraulic radius,  $\frac{\text{area}}{\text{wetted perimeter}}$  or  $\frac{a}{p}$   
 $S$  = slope (ft/ft)

Types of ditches: a) trapezoidal ditch, b) "V" ditch, c) flat-bottomed ditch, d) curved ditch



### 311 Water Supply System

Where a public water supply is available, the developer shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the county's or rural water district's distribution system. The distribution system shall be in accordance with the current county standards, as well as the standards of the Natural Resources and Environmental Protection Cabinet and the State Fire Rating Bureau.

**311.1 Plans Required** - The developer shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains, and fire hydrants.

### 311.2 Residential Subdivisions (Includes Mobile Home Parks)

#### 311.20 Water Supply

- a. Water mains shall be not less than six (6) inches in diameter, including fire hydrant branch connections installed in conformity with the minimum requirements of the county. Where size and physical

characteristics indicate, the developer may be required to install mains of a larger diameter.

- b. Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of eight hundred (800) feet, eight (8) inch or larger mains must be used.
- c. Eight (8) inch mains shall be used where dead-end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.
- d. The distribution system shall be equipped with a sufficient number of valves, so located that breakage or other interruption will not cause the shutdown of any portion of a main greater than eight hundred (800) feet.
- e. Approval of the county shall be obtained prior to the issuance of a building permit.

**311.21 Fire Hydrant Installation** - Fire hydrants shall be spaced not farther than one thousand (1000) feet apart as measured over hard-surface roads. In no event shall the distance between a fire hydrant and a building exceed three hundred (300) feet as measured on an all-weather road.

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the county.
- b. Fire hydrants shall be able to deliver two hundred fifty (250) gallons per minute with a friction loss of not more than two-and-a-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two (2) two-and-a-half (2 1/2) inch outlets and a large pumper outlet of four-and-a-half (4 1/2) inch I.D.
- d. A gate valve with box must be installed between the main and the hydrant.

### **311.3 Industrial, Commercial, and High Density Residential Development**

#### **311.30 Water Supply**

- a. Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b. Approval of the county shall be obtained prior to the issuance of a building permit.

#### **311.31 Fire Hydrant Installation**

- a. Fire hydrant spacing shall be not less than that required for residential areas referred to above, and, in addition, each building shall have hydrants within the following distances:
  1. 300 feet distance - 1 hydrant
  2. 500 feet distance - 3 hydrants
  3. 1000 feet distance - 5 hydrants
- b. No part of the exterior of the building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant. Distances are to be measured along the shortest feasible exterior route (never measured through buildings) for laying hose.
- c. Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry building, and at least fifty (50) feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.
- d. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the county.
- e. Fire hydrants shall be able to deliver one thousand (1000) gallons per minute with a friction loss of not more than two-and-a-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- f. Fire hydrants shall be equipped with not less than two (2) two-and-a-half (2 1/2) inch outlets and a large pumper outlet of four-and-a-half (4 1/2) inch I.D.
- g. A gate valve with box must be installed between the main and the hydrant.

### **311.32 Administrative Procedure**

- a. During the installation of all water lines and fire hydrants and other related equipment, the developer and/or his contractor must notify the county so they can inspect said improvements. No improvements shall be covered or concealed until the county has approved them.
- b. Upon completion and approval, the county must certify in writing that all improvements have been accepted and approved by the Fiscal Court.
- c. No building permits may be approved until this certification has been made.

**311.33 Oversized Facilities** - Whenever the county or rural water district deems it appropriate and necessary, the developer may be required to install water mains, fire hydrants, and valves in excess of state requirements. In these cases, the water utility may reimburse the developer for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

**311.34 Public Water Unavailable** - In subdivisions where rural water district supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the Preliminary Plat. Wells should be located a minimum of twenty-five (25) feet from property lines, one hundred (100) feet uphill from septic tanks or other sewage systems, and forty (40) feet from lakes or drainage ways.

### **312 Electric, Telephone, and Gas Service**

Electric and telephone services shall be provided within each subdivision. Gas service may be required where reasonable accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the Final Plat. Telephone, electric and street lighting wires, etc. may be constructed underground.

### **313 Provision of Utility and Drainage Easements**

The developer shall set aside permanent easements for placement and access to maintenance of public and private utilities and drainage, in accordance with the requirements of these regulations. The specific use of the easement shall be indicated on the plat.

**313.1 Location of Easements** - Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

**313.2 Dimensions of Easements** - The minimum width for utility easements shall be thirty (30) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width. Where all utilities are being placed underground in the same easement, the Planning Commission may require a minimum separation of two (2) feet between water and electric lines.

**313.3 Restrictions** - No fences, principal or accessory buildings or other structures shall be permitted within easements. Any overhanging or obstructing limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

## **314 Community Facilities and Open Space**

The process of land subdivision and development represents a long-term commitment to a particular land use and movement pattern, good or bad. It is, therefore, the point in time of a county's development that the planning process is actually implemented with respect to securing the land needed for public services.

**314.1 Reservation of Land** - Where a proposed park, playground, school site, or other public use is to be located completely or in part in a proposed subdivision, such proposed public use, if not dedicated to public use or conveyed to the appropriate public body, may be reserved by the Fiscal Court for a period not more than two (2) years from the date of approval of the final subdivision plat. During this time the affected public agency may acquire the reserved area for its fair market value or by another appropriate method.

After the two (2) year period has elapsed, if the affected public agency has not acquired such land area or arranged with the owner for a satisfactory extension of such period, the owner may dispose of the property in conformance with the law.

The developer shall give consideration to dedicating or reserving the land for facilities, which will be needed by the future residents, such as public buildings, shopping facilities, and churches.

**314.2 Unforeseen Development** - Where considered essential by the Planning Commission in its review of large scale or planned unit development not anticipated in the adopted plans, the Planning Commission may require the reservation for purchase of such areas of an extent and location suitable for the

needs created by such development for parks, schools, streets, or other public use for no more than two years.

### **315 Mobile Home Park Requirements**

Mobile home parks shall meet all appropriate requirements of this ordinance in addition to state requirements as provided in K.R.S. 219.310 to 219.40, and Kentucky Administrative Regulations 902 KAR Chapter 15. No mobile home park shall be permitted unless it is on a municipal sewage disposal system.

### **316 Construction Guarantees**

**316.1 Completion of Improvements** - Prior to the submission of the Final Plat to the Planning Commission for approval, the developer shall complete all required improvements to the satisfaction of the appropriate county agency who will certify their satisfactory completion in writing to the Planning Commission.

**316.2 Performance Bonds** - The developer may execute and file guarantees of construction with the county in lieu of actual installation or completion of all required improvements when requesting approval of the Final Plat. No Final Plat will be reviewed at the business meeting until such time as minimum improvements to include the roadbase, water lines, soil erosion control measures, storm water drainage and curbs and gutters are completed. However, no structure on a lot can be sold for occupancy until such time as all improvements applicable to that lot are completed.

A bond shall be filed with the county in an account not less than one hundred fifteen percent (115%) of the cost as the developer's engineer shall estimate and determine to be reasonably necessary to complete all of the improvements required to be done by the developer (including measures to control erosion and sedimentation, when applicable) and also any related fees for field inspection. The County Road Department Supervisor will verify then approve the estimate prior to the filing of the bond. The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or Irrevocable Commercial Letter of Credit approved by the Fiscal Court and County Attorney. The bond shall be executed by the developer as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint bond and severally obligates faithful performance of any and all work and the construction and installation of all improvements required to be done by the developer together with all engineering and inspection costs and fees incurred by the county. The bond shall contain the further condition that should the developer fail to complete all work and improvements required to be done by him within twenty-four (24) consecutive calendar months of the date of approval of the Final Plat, or within mutually agreed upon extension not to exceed twelve (12) consecutive calendar

months, that the county may at its option cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the developer elects to deposit cash, certified check, or approved negotiable United States Treasury Certificates, the county shall be authorized, in the event of any default on the part of the developer in the performance of any work or construction of any improvements for which the cash or negotiable bond has been deposited, to cause the required work to be done and to withdraw that amount required for payment of all cost therefore. The bond shall be filed with the County Clerk.

At such time that the developer has completed such improvements specified in the bond guarantee, he shall notify the County Engineer (or delegated representative) who will inspect the improvements, and, if all are in conformance with the requirements, will notify the Fiscal Court in writing and recommend the release of seventy-five percent (75%) of the bond. Twenty-five percent (25%) shall be retained as guarantee of the improvements against the incorporator of faulty materials or poor workmanship for a period of two (2) years after the date that the construction was accepted by the county.

**316.3 Maintenance and Repair of Improvements** - The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means, and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the county. Upon completion of work and before public acceptance, the developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision or the billing of the developer for such service performed by the county. Payment shall be guaranteed by the performance bond or letter of credit.

**316.4 Liability Insurance** - The developer shall furnish such insurance as deemed necessary by the Fiscal Court, which shall indemnify and save harmless the county from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Fiscal Court, but in no case shall be allowed to expire earlier than one (1) year from the date of construction of improvements is accepted for maintenance by the county. A copy of the insurance policy shall be filed with the County Clerk.

## ARTICLE IV Definitions

### 400 Definitions

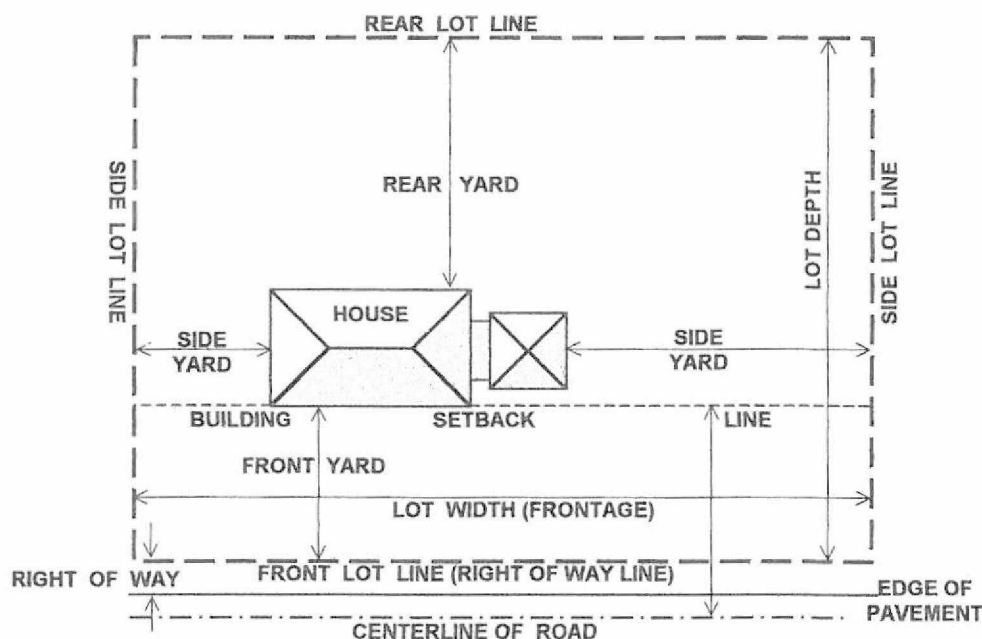
For the purpose of these Subdivision Regulations, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the person includes association, firm, partnership, trust, governmental body, corporation, and organization, as well as individual; the word structure includes building; the word occupied includes arranged, designed, or intended to be occupied; the word used includes arranged, designed, or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive. Other words and terms shall have the following respective meanings.

1. **Administrative Official** - Any department, employee, or advisory, elected, or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control legislation.
2. **Agricultural Use** - See "Subdivision"
3. **As-Built Plans** - Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.
4. **Bikeway** - A way or portion of a way intended and designated primarily for bicycle traffic.
5. **Building Setback Line** - A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way lines.
6. **Certifications** – Signatures of appropriate agencies to the effect that the specific requirements applicable to them have been satisfied by the developer.
7. **Cities** - Refers to the incorporated areas of the cities of Richmond and Berea as it existed at the time of the adoption of these regulations and including any revisions thereto.
8. **Comprehensive Plans** - Plans, or portions thereof, adopted by the Planning Madison County Planning Commission in accordance with KRS 100.183-100.197 showing the general location and extent of present and proposed physical facilities,

including housing, commercial and industrial uses, major streets, parks, schools, and other community facilities. This plan also establishes the goals, objectives, and policies of the community.

9. **County** - Refers to the territory of Madison County.
10. **Developer** - Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.
11. **Development Plan** - Development plan means written and graphic material for provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.
12. **Development Review Team (DRT)** – A body consisting of representatives of the respective utility companies, communications companies, County Road Department, Office of Planning and Development, and the Natural Resources Conservation Service office, as well as the chairman of the Planning Commission, who meet for the purpose of reviewing Minor, Preliminary and Final Plats and Development Plans to ensure that appropriate improvement standards are met.
13. **Engineer** - Refers to the engineer employed or contracted by the County for the purpose of administering the operation of public facilities and inspecting the plans and construction of these public facilities.
14. **Grade** - The inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.
15. **Easement** - Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.
16. **Improvements** - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers. Utility lines of all types, street name signs, property number signs, trees, etc.
17. **Lot or Parcel** - A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds; for the purpose of sale, lease, or separate use. Such lot shall have frontage on an approved public street.

18. **Lot Area** - The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.
19. **Lot, Corner** - A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
20. **Lot Depth** - The average horizontal distance between front and rear property lines of a lot.
21. **Lot Frontage** - The front of a lot is that portion nearest to the street. For the purpose of determining yard requirement. For corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.
22. **Lot-of-Record** - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.
23. **Lot, Through or Double Frontage** - A lot, of which the opposite ends abut on streets.
24. **Lot Width** - The distance between the two side property lines of a lot measured along the building setback line.



25. **Mobile Home Park** - A parcel of land available to the public with sites for locating two or more mobiles, manufactured homes, modular homes, or any residential structure not wholly site built, and including any service building, structure, enclosure, or other facility used as a part of the park.
26. **Owner** - Any individual, firm, association, corporation, governmental agency, or any other legal entity whose name last appears on the tax roles as owner of the land proposed to be subdivided.
27. **Planning Commission** – The legally constituted body of seven (7) members appointed by the Judge Executive with the approval of the Fiscal Court, to carry out the planning, land use, and subdivision responsibilities as described in K.R.S. 100.
28. **Plat** - The map of a subdivision.
  - A. **Sketch Plat** - A preliminary sketch indicating the developer's general objectives and desires in regard to the future development of his land, presented to the Fiscal Court for its informal consideration.
  - B. **Minor Plat** - The drawings and supplementary material indicating the proposed layout of a subdivision that would have a lesser impact on the long-range development of the county. May not be required to be submitted to the Planning Commission for its consideration.
  - C. **Preliminary Plat** - The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
  - D. **Final Subdivision Plat** - The final map, drawing, or chart upon which the developer's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.
29. **Public Facility** - Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers (including parks), and cemeteries.
30. **Right-of-Way** - Land used generally for streets, sidewalks, alleys, easements, or other public uses. Right-of-way also refers to the distance between lot property lines which generally contains not only the street pavement, but also sidewalks, grass areas, and underground and above ground utilities.
31. **Setback Line** - See "Building Setback Line".

32. **Sidewalk** (or walkway) - A way or portion of a way intended primarily for pedestrian traffic.
33. **Street** - A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.
34. **Street Classification** - See Section 308.11 of these regulations.
35. **Subdivision** - The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural use and not involving a new street should not be deemed a subdivision. The term shall relate to the process of subdivision or to the land subdivided; any division or redivision of land occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
36. **Unit** - A portion of a subdivision selected for development as one (1) of a series of stages.

*APPENDIX A*

**MADISON COUNTY  
PLANNING & DEVELOPMENT  
503 S. Keeneland Drive  
Richmond, KY 40475  
(606) 624-4734 / (606) 624-4780  
Fax#(606) 624-4736**

June 23, 1999

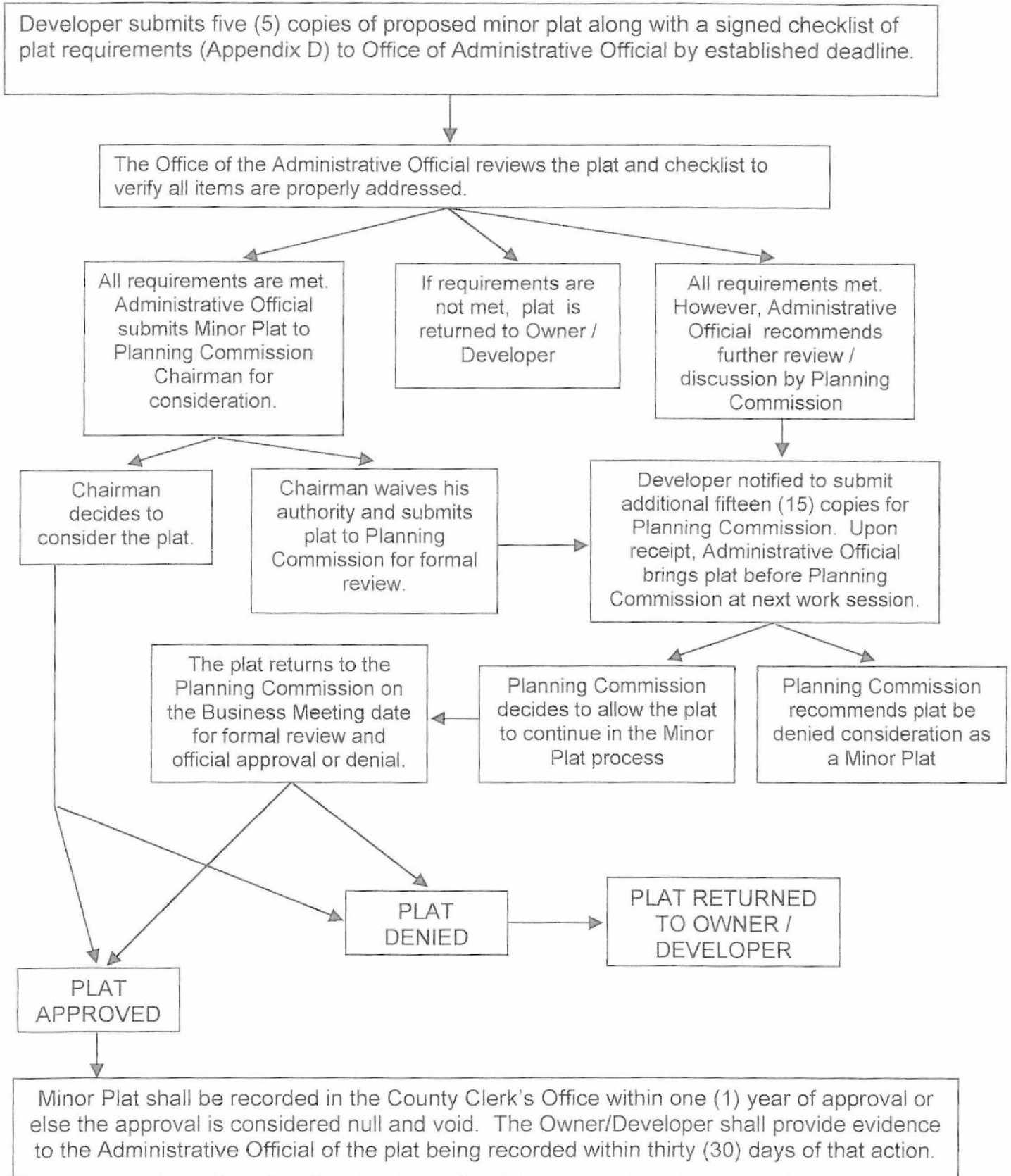
Madison County Fiscal Court has adopted regulations that govern the subdivision of land. Land subdivision is the first step in community development. After land has been subdivided it is very difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. Therefore, the welfare of the entire community is effected in many important respects.

In an effort to ensure that all things are considered in a proposed subdivision of land, this guide has been prepared as a checklist of the minimum requirements necessary for the Planning Commission to review your proposal. Please follow it carefully. Should you have any questions, or if this office can assist you in any way, please feel free to call. Copies of the entire subdivision regulations are available for purchase in the office of the Administrative Official.

Sincerely,

Duane S. Curry  
Administrative Official

# MINOR PLAT SUBMITTAL PACKET



## Minor Plat Submittal Packet

### MINOR PLAT REQUIREMENTS

The Administrative Official shall determine whether the proposed subdivision constitutes a major or minor subdivision. To qualify for consideration as a minor plat, a subdivision must meet one of the following requirements:

- a. Where a subdivision contains no more than three (3) lots (counting the remainder of the original tract), fronts on an existing public street, and involves no opening, widening, or extension of streets or utilities along the street.
- b. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
- c. Where up to and including three (3) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.
- d. Where there is a need to make technical revisions to a recorded final plat of an engineering or drafting nature or similar small change.

Any plat that does not meet these criteria is considered to be a major plat.

When a minor plat on any roadway has been approved, no contiguous minor plats, or minor plats in the same *or* related ownership on that roadway shall be considered within a twenty-four (24) month period.

Subdivision plats submitted for commercial or industrial development shall be considered major plats and are subject to preliminary and final plat approval.

In meeting these requirements, if the Administrative Official determines the conditions of the plat warrant further discussion by the Planning Commission, he will schedule the plat for the next meeting so that a further determination can be reached after consideration by the Commission.

Processing:

1. All minor plat submissions will be done so using the **Application For Minor Subdivision Approval** and the **Plat Requirements Checklist (Appendix D)**. Both should be completed thoroughly, with the checklist being followed as a guide for preparation of the plat itself. It will be completed and submitted along with the application. Failure to address all items on the application or checklist may prevent the plat from being reviewed in a timely manner.

## *APPENDIX A*

2. The sub-divider shall submit five (5) copies of the minor plat with required supplementary information to the Administrative Official. However, if the plat is recommended for review by the Planning Commission, a total of twenty (20) copies will be required.
3. Upon the determination that an application for minor subdivision meets the above requirements, the following procedure shall be followed:
  - a. The Administrative Official will forward such a plat to the Chairman of the Planning Commission.
  - b. The Chairman shall approve or disapprove the plat, or he may waive his authority and recommend the plat be considered by the entire Planning Commission (as with a preliminary plat).
4. All minor plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the minor plat, the Administrative Official shall return one (1) copy of the plat to the sub-divider with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A minor plat must be recorded within one year of approval by the Planning Commission or else the approval is considered null and void. The sub-divider may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration for their review and approval. The sub-divider shall provide the Planning Commission with evidence of the plat being recorded within thirty (30) days of that action.

APPENDIX A

**APPLICATION FOR MINOR SUBDIVISION APPROVAL**

Application # \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_

The undersigned applies for minor subdivision approval under the provisions of the Subdivision Regulations of the Madison County Planning Commission

Signature \_\_\_\_\_

Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Minor subdivision approval is requested under the following provision: (circle)

1. Where a subdivision contains three (3) or fewer lots, counting the remainder of the original tract, and fronts and existing public street, and involves no opening, widening, or extension of streets or utilities, and conforms to the adopted subdivision and land use regulations and comprehensive plan of Madison County, Kentucky.
2. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
3. Where up to and including five lots of record are consolidated to create a lesser number of parcels and involve no new public improvement.
4. Where there is a need to make technical revisions to a recorded final plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.

---

**FOR OFFICIAL USE ONLY**

Date Received \_\_\_\_\_ Received by \_\_\_\_\_

Action by Planning Commission \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ Chairperson Signature \_\_\_\_\_

APPENDIX B

**MADISON COUNTY  
PLANNING & DEVELOPMENT  
503 S. Keeneland Drive  
Richmond, KY 40475  
(606) 624-4734 / (606) 624-4780  
fax#(606) 624-4736**

June 23, 1999

Madison County Fiscal Court has adopted regulations that govern the subdivision of land. Land subdivision is the first step in community development. After land has been subdivided it is very difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. Therefore, the welfare of the entire community is effected in many important respects.

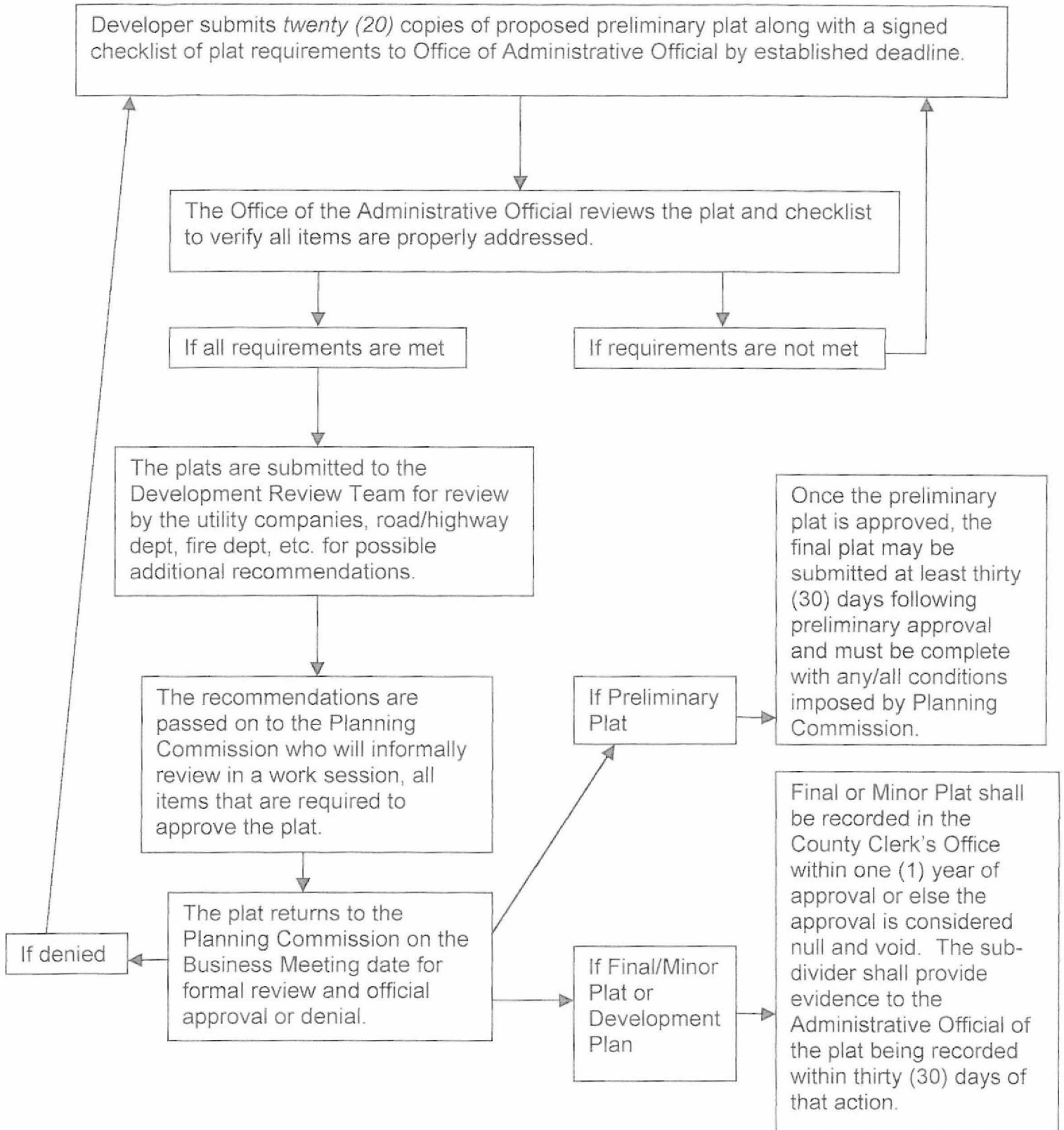
In an effort to ensure that all things are considered in a proposed subdivision of land, this guide has been prepared as a checklist of the minimum requirements necessary for the Planning Commission to review your proposal. Please follow it carefully. Should you have any questions, or if this office can assist you in any way, please feel free to call. Copies of the entire subdivision regulations are available for purchase in the office of the Administrative Official.

Sincerely,

Duane S. Curry  
Administrative Official

APPENDIX B

## DEVELOPMENT PLAN & SUBDIVISION PLAT (PRELIMINARY & FINAL) SUBMITTAL PACKET



## APPENDIX B

### Preliminary Plat Submittal Packet

The review of subdivisions within Madison County shall follow the following procedures:

1. All preliminary plat submissions will be done so using the **Application For Preliminary Plat Approval** and the **Plat Requirements Checklist (Appendix D)**. The purpose of the checklist is to ensure that all of the minimum requirements for the plat are addressed in the plat in an effort to avoid any unnecessary delays of review. Failure to address all items on the checklist will prevent the plat from being reviewed by the Development Review Team and Planning Commission on the dates for which it was submitted. Both the checklist and the application should be completed thoroughly, with the checklist being followed as a guide for preparation of the plat itself. The developer (or his appointed representative) will complete and sign these two documents. Both will be submitted (along with any other pertinent information) no later than ten (10) working days prior to the meeting date of the Development Review Team (See schedule of meeting deadlines issued by the Administrative Official).
2. The sub-divider shall submit twenty (20) copies of the preliminary plat (with required supplementary information) to the Administrative Official.
3. The plats for the proposed subdivision of land must be reviewed in the Development Review Team meeting and the Planning Commission Work Session Meetings. It will be officially voted upon at a Planning Commission Business Meeting (Regular or Special). These meeting dates and deadlines for submittals are predetermined and must be adhered to. Please request a copy of the schedule of meetings and deadlines associated with these dates.

No major subdivisions (with 4 or more lots) shall be approved on a county roadway with less than twenty (20) feet of pavement. The sub-divider has the right to petition the Fiscal Court to improve the county roadway or request permission from the Fiscal Court to improve the roadway at his/her costs.

APPENDIX B

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

Application # \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_

1. Name of Applicant (owner of record) \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
2. Name of Surveyor or Engineer \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
3. Name of Subdivision \_\_\_\_\_
4. Locational Description \_\_\_\_\_  
(In addition, please attach a copy of legal description)
5. Proposed Use \_\_\_\_\_
6. Present Land Use Designation \_\_\_\_\_
7. Proposed Land Use Changes \_\_\_\_\_
8. Number of Lots \_\_\_\_ Smallest lot: No. \_\_\_\_ Sq.Ft. \_\_\_\_ Area of Tract \_\_\_\_\_
9. Do you propose deed restrictions? \_\_\_\_\_(yes/no)
10. What type of sewage disposal do you propose? \_\_\_\_\_

11. List all proposed improvements and utilities
- | Improvement | Item  |
|-------------|-------|
| a. _____    | _____ |
| b. _____    | _____ |
| c. _____    | _____ |
| d. _____    | _____ |
| e. _____    | _____ |

12. Waivers requested from plat or design requirements
- | Section Number | Item  |
|----------------|-------|
| a. _____       | _____ |
| b. _____       | _____ |
| c. _____       | _____ |
| d. _____       | _____ |
| e. _____       | _____ |

13. List other materials submitted with this application
- | Item     |
|----------|
| a. _____ |
| b. _____ |
| c. _____ |
| d. _____ |
| e. _____ |

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Engineer/Surveyor

APPENDIX B

**FOR OFFICIAL USE ONLY**

Date Received \_\_\_\_\_ Received by \_\_\_\_\_

Date of Meeting of Planning Commission \_\_\_\_\_

Action by Planning Commission \_\_\_\_\_

\_\_\_\_\_

If plat was rejected, reason(s) for rejection \_\_\_\_\_

\_\_\_\_\_

Waivers approved (if any) \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ Chairperson Signature \_\_\_\_\_

APPENDIX C

**MADISON COUNTY  
PLANNING & DEVELOPMENT  
503 S. Keeneland Drive  
Richmond, KY 40475  
(606) 624-4734 / (606) 624-4780  
fax#(606) 624-4736**

June 23, 1999

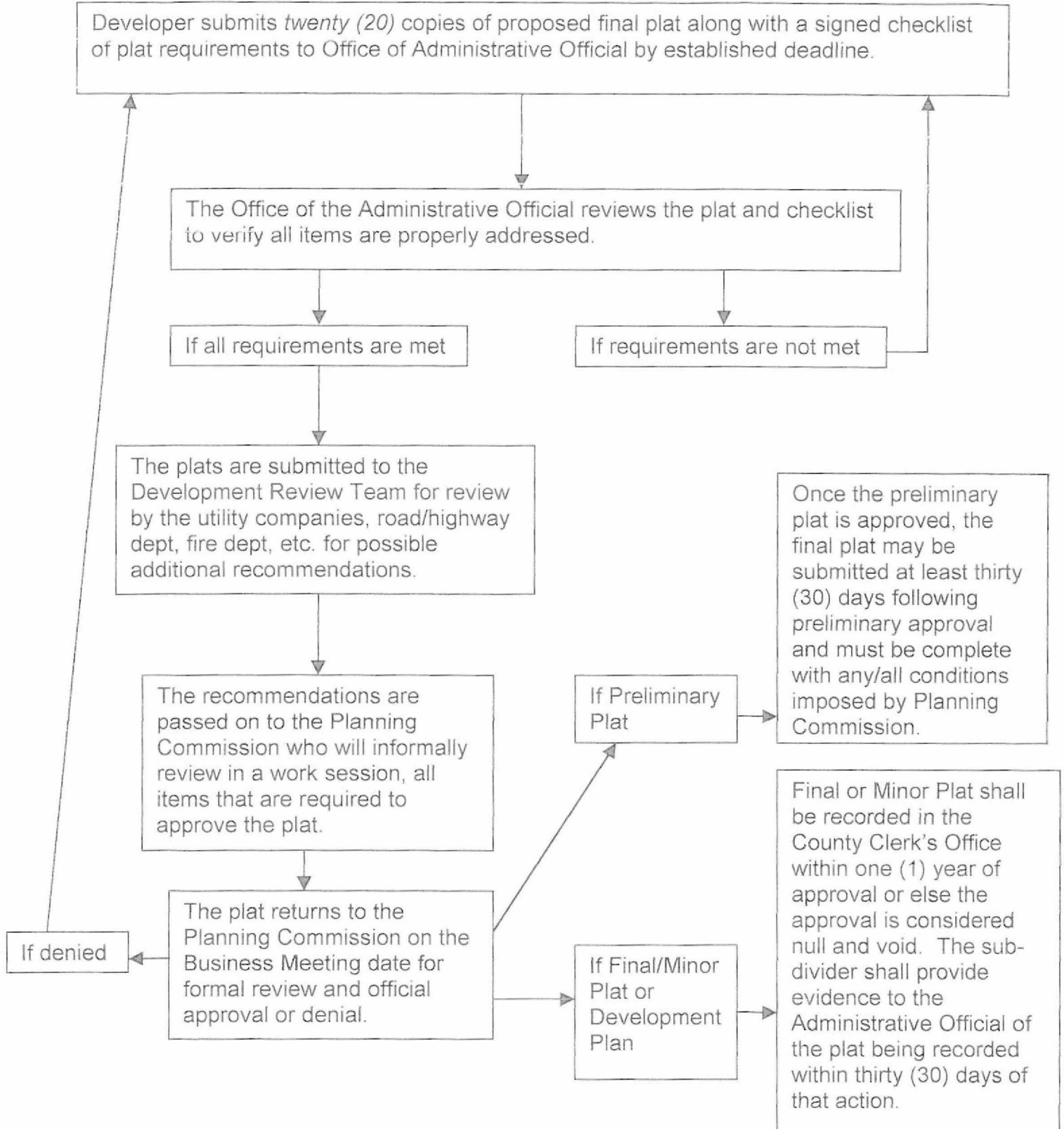
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Sincerely,

Duane S. Curry  
Administrative Official

## DEVELOPMENT PLAN & SUBDIVISION PLAT (PRELIMINARY & FINAL) SUBMITTAL PACKET



## APPENDIX C

### Final Plat Submittal Packet

The final plat serves as a plat of record for public recording and transfer of land and as a check to assure that subdivision requirements (including any conditions stipulated in the preliminary plat) have been met. The final plat shall conform substantially to the preliminary plat approved, and it may constitute only a portion of the preliminary plat that the sub-divider proposed to record and develop. No final plat shall be approved until at least thirty (30) days following the approval of the preliminary plat.

Building permits shall not be issued for construction of new buildings until such time that the final plat has been approved.

The review of subdivisions within Madison County shall follow the following procedures:

1. All final plat submissions will be done so using the **Application For Final Plat Approval** and the **Plat Requirements Checklist (Appendix D)**. The purpose of the checklist is to ensure that all of the minimum requirements for the plat are addressed in the plat in an effort to avoid any unnecessary delays of review. Failure to address all items on the checklist will prevent the plat from being reviewed by the Development Review Team and Planning Commission on the dates for which it was submitted. Both the checklist and the application should be completed thoroughly, with the checklist being followed as a guide for preparation of the plat itself. The developer (or his appointed representative) will complete and sign these two documents. Both will be submitted (along with any other pertinent information) no later than ten (10) working days prior to the meeting date of the Development Review Team (See schedule of meeting deadlines issued by the Administrative Official).
2. The sub-divider shall submit twenty (20) copies of the preliminary plat with required supplementary information to the Administrative Official.
3. The plats for the proposed subdivision of land must be reviewed in the Development Review Team meeting and the Planning Commission Work Session Meetings. It will be officially voted upon at a Planning Commission Business Meeting (Regular or Special). These meeting dates and deadlines for submittals are predetermined and must be adhered to. Please request a copy of the schedule of meetings and deadlines associated with these dates.

## APPENDIX C

4. All final plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the final plat, the Administrative Official shall return one (1) copy of the plat to the sub-divider with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A final plat must be recorded within one year of approval by the Planning Commission or else the approval is considered null and void. The sub-divider may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration for their review and approval. The sub-divider shall provide the Administrative Official with evidence of the plat being recorded within thirty (30) days of that action.

APPENDIX C

**APPLICATION FOR FINAL PLAT APPROVAL**

Application # \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
2. Name of Surveyor or Engineer \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_
3. Name of Subdivision \_\_\_\_\_
4. Date Preliminary Plat Approved \_\_\_\_\_
5. Have all required improvements been installed? \_\_\_\_\_ (yes/no)  
If no, include detailed estimates of cost and a statement relative to the  
method of improvement guarantee.
6. Do you propose deed restrictions? \_\_\_\_\_ (yes/no) If yes, please  
attach a final copy.
7. Waivers requested for plat or design standards.  
Section Number Item  
  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_  
e. \_\_\_\_\_
8. List other materials submitted with this application.  
Item  
a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_  
d. \_\_\_\_\_  
e. \_\_\_\_\_  
f. \_\_\_\_\_

---

**FOR OFFICIAL USE ONLY**

Date Received \_\_\_\_\_ Received by \_\_\_\_\_  
Date of Meeting of Planning Commission \_\_\_\_\_  
Action by Planning Commission \_\_\_\_\_  
If plat rejected, reason(s) for rejection \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Chairperson Signature \_\_\_\_\_

APPENDIX D

**Plat Requirements Checklist**

This checklist will be used for preparing any of the three (3) types of plats (Minor, Preliminary, and Final). The following information shall be included (unless accompanied by a written request for waiver) for any of the plats in which the block does not have an "N/A" inside it. Please place an "X" in the corresponding box in the respective column (M – Minor, P – Preliminary, and F – Final) to the right to show that you have included that item on the plat. Upon completion, please sign and date the appropriate spaces at the end and include this checklist along with your application upon submission to the Administrative Official.

	M	P	F
A. Name of subdivision, date, label, type of plat, graphic scale, north arrow, acreage to be divided, purpose of plat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Name, address and telephone number of property owner, sub-divider (if other than owner), and developer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Name, address, and seal of the registered professional engineer or land surveyor responsible for preparation of the plan and supplementary plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Names of adjacent property owners of record and abutting subdivisions and streets.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Vicinity sketch map, at a scale of two thousand (2,000) feet per inch or greater, showing the subject property and surrounding land within one-half (1/2) mile, and including existing roads with at least one intersection of common reference, scale, north arrow, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown, along with how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and prepared shopping facilities, schools, and parks should be designated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. The proposed subdivision shall be shown at a scale of not less than one hundred (100) feet per inch (except where sheet size is prohibitive). Boundaries of the tract will be drawn showing approximate bearings and distances.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. The plat will show physical features, including streams, wooded areas, existing structures, ponds, and sink holes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Existing topographic contours at an interval of not greater than ten (10) feet shall be shown for the subject property. Where topographic conditions warrant, a contour interval of five (5) feet may be required. Contours shall be shown on all plats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX D

**PLAT REQUIREMENTS (CONTINUED)**

	M	P	F
I. Location, dimensions, and names of existing streets, railroads, easements, municipal boundaries, or other public properties, and significant features shall be shown within and adjacent to the plat for a minimum distance of two hundred (200) feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Location of existing sewers, fire hydrants, water mains, storm drains, and power transmission lines with capacities (as applicable).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Location, right-of-way, and pavement width of proposed streets, fire hydrants, and utility and drainage easements laid out according to sound planning principles. All streets and private drives that will enter onto a county road shall require the review and signature of the County Road Supervisor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L. Radii of streets, points of curvature, lengths of arcs.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
M. Street names selected so as not to duplicate any other within the County.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
N. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and front, side, and rear building setback lines may be written in on the deed. Lot or parcels shall be laid out according to sound planning principles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Designation and acreage of all parcels and areas to be used for non-residential purposes, including parcels reserved or dedicated for public use and utility installations. All such parcels shall be assigned parcel numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P. Location of monuments and pins, which shall be placed at the intersection of property lines, the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q. Note indicating the lot number and area in square feet of the smallest lot in the subdivision.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
R. Subdivision plats being submitted for industrial or commercial development shall include additional information as required by the Planning Commission.	N/A	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX D

**PLAT REQUIREMENTS (CONTINUED)**

	M	P	F
S. Floodplain Development. Chapter 151 of the Kentucky Revised Statutes requires approval from the Kentucky Division of Water & the Madison County Administration prior to any construction or other activity in or along a stream that could in any way obstruct flood flows. This construction activity includes, but is not limited to; construction or reconstruction of any dam, embankment, levee, dike, bridge, fill or other obstruction in the floodplain of any stream in the Commonwealth; residential and non-residential structures and remodeling of the same, including mobile and manufactured homes and historic structures. 1. No new residential structures may be constructed in a floodway. 2. Nothing can be placed in a floodway that will cause any rise in Base Flood Elevations. Engineering Analysis is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUPPLEMENTARY PLAT REQUIREMENTS**

The following items of supplementary information shall be submitted with, and considered as part of, the plat (as applicable)

A. Copy of completed subdivision application form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Description of physiographic characteristics, including soil types, slope, permeability rates, ground water, depth to bedrock, sinkholes, flood frequency.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Statement of deed restrictions and protective covenants, if any.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Typical street-cross sections showing roadbed construction, curbs, gutters, sidewalks, and relationship of underground utilities.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
E. Plans for showing provisions for domestic water supply. The water system shall include a statement that there is adequate water supply and pressure to support the proposed development.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
F. Drainage/Soil Erosion Control Plan. The developer shall indicate (on a supplemental attachment) the plan for controlling drainage and soil erosion both during and upon completion of development. The location and specifications of such controls as silt fences, staked by hay bales, detention ponds, etc. shall be shown. The drainage plan shall include contours, location and size of culverts, retention/detention	N/A	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX D

**SUPPLEMENTARY PLAT REQUIREMENTS (CONT).**

M P F

ponds, and other drainage structures, and calculations of runoff estimates before and after development. The plans will show certification of approval by a representative from the local Natural Resources Conservation Service office. Erosion control measures will be emplaced in conjunction with initial site preparation activities.

- |    |   |  |
|----|---|--|
| G. | Certification on plat showing that streets and utilities have been approved by the appropriate agencies and conform to general requirements and minimum standards of design. Property fronting on a state or federal highway must receive approval from the State Highway Department of Transportation for ingress and egress. Property fronting on a county road must receive approval from the County Road Supervisor for ingress and egress. Street light may be required. | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |
| H. | Certification on plat of title showing that the applicant is the owner, and a statement by such owner dedicating streets, rights-of-way, and any other sites for public use. See appropriate form.  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |
| I. | Copy of site evaluation application from County Health Officer. A plan for sanitary sewage disposal will be shown. Certification on plat by the County Health Officer when individual sewage disposal or water systems are to be installed.   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |
| J. | Certification on plat surveyor or engineer as to the accuracy or survey and plat. See appropriate form.   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |
| K. | Certification that the sub-divider has complied with one of the following alternatives:<br>1. All the improvements have been installed in accordance with the requirements of these regulations,<br>or<br>2. A security bond, certified check, or irrevocable letter of credit has been posted with the Administrative Official in sufficient amount to assure such completion of all required improvements. Sufficient amount is determined by the developer's engineer.     | N/A <input type="checkbox"/> <input type="checkbox"/><br><br>N/A <input type="checkbox"/> <input type="checkbox"/> |
| L. | Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk.   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |

APPENDIX D

M P F

M. Certification on plat by the County Clerk that the plat is accepted for filing and recording.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

*I hereby certify that I have addressed all of the applicable minimum requirements for the subdivision of land, I further understand if all items are not properly addressed, this plat will not be reviewed by the Planning Commission.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

APPENDIX E

**MADISON COUNTY PLANNING COMMISSION FEE SCHEDULE**

Preliminary Plat	\$75.00 + \$2.50 per lot
Final Plat	\$50.00
Minor Plat	\$40.00
Development Plan	\$100.00
Conditional Use Permit	\$100.00
Variance	\$100.00
PUD or Condominium Regime	\$75.00
Appeals	\$150.00
Subdivision and Land Use Regulations	Separate schedule for published items
Land Use Map Amendment	\$150.00 + notice + newspaper notices
Compensation to Planning Commission Members	\$50.00 per meeting attended
Compensation for Special Meeting to review plat, hear zone change or variance	\$50.00 per meeting plus + \$25.00 per member attending, Codes Enforcement Officer, Planning Advisor, and County Attorney
Compensation to Board of Adjustments	\$50.00 per member attending
Board's Secretary	1 ½ x hourly wage

# APPENDIX F. Flood Plain Development Procedures / Requirements

## DUTIES OF THE LOCAL ADMINISTRATOR

The duties of the Local Administrator are included in Article 4, Sections 1, 2, 3 & 4 of your Flood Damage Prevention Ordinance. The County Floodplain Administrator is familiar with the State, Federal and County Flood Damage Prevention Ordinance.

- For specific ordinance requirements or locating floodplain areas in the County Floodplain Administration Office
- State and local permits are required to be obtained prior to any activity in the community's Special Flood Hazard Areas. This includes new or substantially-improved structures, filling, bridges, etc. (If activity is not in the floodplain, any state or local floodplain permit is required).

The County Floodplain Administration Office will be responsible for:

1. Locating and identifying local floodplain areas with the County, and provide base flood elevation data.
2. Issuance of permits for activity in the floodplain areas.
3. Provide advice and assistance in State procedures and requirements for obtaining permits. Applications and instructions for obtaining permits are available in the Administrator's Office.
4. Perform on-site inspections of permitted projects to verify the project is in compliance with permits.
5. Require and maintain a copy of the Elevation Certificate from applicant.
6. Investigation of floodplain complaints and issue notices of violations.

Commonwealth of Kentucky  
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET  
Department for Environmental Protection  
Division of Water

INSTRUCTIONS TO APPLICANTS FOR  
APPROVAL OF CONSTRUCTION IN A FLOODPLAIN

Chapter 151 of the Kentucky Revised Statutes and related regulations require approval by the Natural Resources and Environmental Protection Cabinet prior to the construction or reconstruction of any dam, embankment, levee, dike, bridge, fill or other obstruction in the floodplain of any stream in the Commonwealth. In order to comply with this statute, anyone who proposes such an activity must submit to this Cabinet an application and one (1) set of such plans, drawings, and specifications as are necessary for a determination of the proposed project's compliance with state laws and regulations and of the effects of the project on the floodway and the flooding of the stream. The application and other information shall be sent to:

Floodplain Management Section  
Division of Water  
14 Reilly Road  
Frankfort, Kentucky 40601  
Telephone: (502) 564-3410

The applicant is responsible for proper design, engineering and construction of the proposed project. The Cabinet's approval of the plans does not relieve the applicant from any liability related to construction, operation, or maintenance of the project.

Each application shall be made on the standard form available from, and in the manner specified by, the Cabinet's Division of Water. [NOTE: The application shall not be considered complete until all information required by the Division has been properly submitted.] The application shall be made in the name of the owner, but may be submitted by an authorized agent of the owner. (If submitted by the agent, a Power of Attorney or other authorization by the owner should be included with the application.) The owner must own or have easement or other rights to all property on which the project is to be located, including all areas that are to be entered onto or disturbed by the construction process (for dams, this applies also to the area that would be inundated during an occurrence of the appropriate design flood). KRS 151.260 requires that all plans and specifications submitted with the application be prepared by a professional engineer licensed to practice in Kentucky unless this requirement is waived by the Division. In order to facilitate handling and storage, the information accompanying the application should be on standard size sheets between 8 X 10 inches and 17 X 22 inches (24 X 36 inches for dams). The following listing identifies the types of information generally required for the Division's analysis. In some cases additional information as specified by the Division may be required.

1. - **General:** All plans submitted must prominently display at least the following information regarding the proposed project: Name of the project, date, scale, name of stream, direction of flow, purpose and intended use, scheduling of activities, and location. Photographs of the proposed construction site looking both upstream and downstream at each cross-section and other points of interest are generally useful and may be required. All elevations shall be given with respect to mean sea level. Also, a north arrow shall be provided where applicable. A public notice will be required unless waived by the Division, see Section #9 on the following Page.
2. **Bridges or Fills:** A properly completed Stream Construction Permit Application Data Sheet; a map showing the location of the proposed project and showing the stream far enough upstream and downstream to determine the approach and discharge flow conditions above and below the site (500 feet minimum); a section of USGS quadrangle map indicating general location of the project; the drainage area and the method of determining the design flow; the finished floor elevations of all houses located within 1000 feet of the project; field-surveyed cross-sections (referenced to MSL) of the stream at the site of the project showing conditions both before and after construction and extended to at least the elevation of the extreme flood of record plus three feet, preferably at intervals of not more than one hundred (100) feet; additional cross-sections every one hundred (100) feet for five hundred (500) feet upstream and downstream--the final required number and spacing of cross-sections shall be based on whatever is necessary to determine the effects of the proposed construction on the flow and flooding of the stream, but in general no fewer than four sections shall be provided in each direction. Cross-sections shall be presented with left and right appearing as they would for an observer looking downstream. See typical cross-section detail requirements below.

3. **Dams:** A properly completed Dam Construction Permit Application Data Sheet; the project location (provide portion of USGS quadrangle map); the hazard classification determined by the design engineer to be appropriate (justification for the classification may be required by Division of Water); plans and specifications of sufficient detail to show spillways and other hydraulic and structural features to afford a basis for judgement as to the safety of the structure. In the case of class "B" or class "C" dams (as defined by Division of Water regulations), the Division will require complete design plans in accordance with the minimum design criteria set forth in 401 KAR 4:030. (Copies of this regulation are available from the Division.) [NOTE: The owner must own or have adequate easement rights for the property on which the dam is to be constructed and on the entire reservoir area (up to the level of the appropriate design flood).]
4. **Channel Relocations:** A properly completed Stream Construction Permit Application Data Sheet; a project location map (preferably USGS quadrangle map); **the finished floor elevations of all houses located within 1000 feet of the project;** surveyed cross-sections referenced to mean sea level, of both proposed and existing channel with left and right appearing as they would for an observer looking downstream; the cross-sections should extend to at least the height of the extreme flood of record with sections taken at the upstream and downstream ends of the relocation, and sufficient sections taken in between to adequately portray changes in stream gradient and geometry, preferably at intervals of not more than one hundred (100) feet; no fewer than three cross-sections should be submitted; at least one cross-section should be submitted for the channel one hundred (100) feet downstream of the proposed relocation. See typical cross-section requirements in #8 below.
5. **Pipeline Stream Crossings (for crossings that are not covered under 401 KAR 4:050):** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); a profile along the pipe; the diameter of pipe; the material and the weight of pipe in pounds per linear foot, and the weight and type of anchorage; and all data requested under **Bridges or Fills** presented above.
6. **Aerial Crossings:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); a profile along crossing showing supports, water surface elevation, and distance above water at closest point.
7. **Fixed Docks, Piers, Wharves, Water Intakes, etc:** A properly completed Stream Construction Permit Application Data Sheet; a location map (preferably USGS); the elevation of docks, top of structure, extreme high water, and normal pool; and the distance that the structure will project into stream.
8. **Cross-Section Requirements (see typical drawing):**
  - (1) All cross-sections shall be obtained by field survey. All sections shall be taken perpendicular to stream flow presented with left and right appearing as they would for an observer looking downstream.
  - (2) The horizontal scale shall be such that one inch (1") represents no more than two hundred feet (200'). The vertical scale shall be such that one inch (1") represents no more than twenty feet (20'). This requirement may be waived by the Division upon the request of the applicant if another scale is determined more appropriate.
  - (3) The cross-sections shall be designated by horizontal stationing with station 0 + 00 designating the most downstream section, 1 + 00 indicating a section one hundred (100) feet upstream, and so on (see sketch representing typical plan view).
9. **Public Notice Information:**

As part of the stream construction permit issuance procedure, the applicant must provide notice to all parties who might be affected by the construction for which a permit has been requested. Public notice may be provided by either of the following methods:

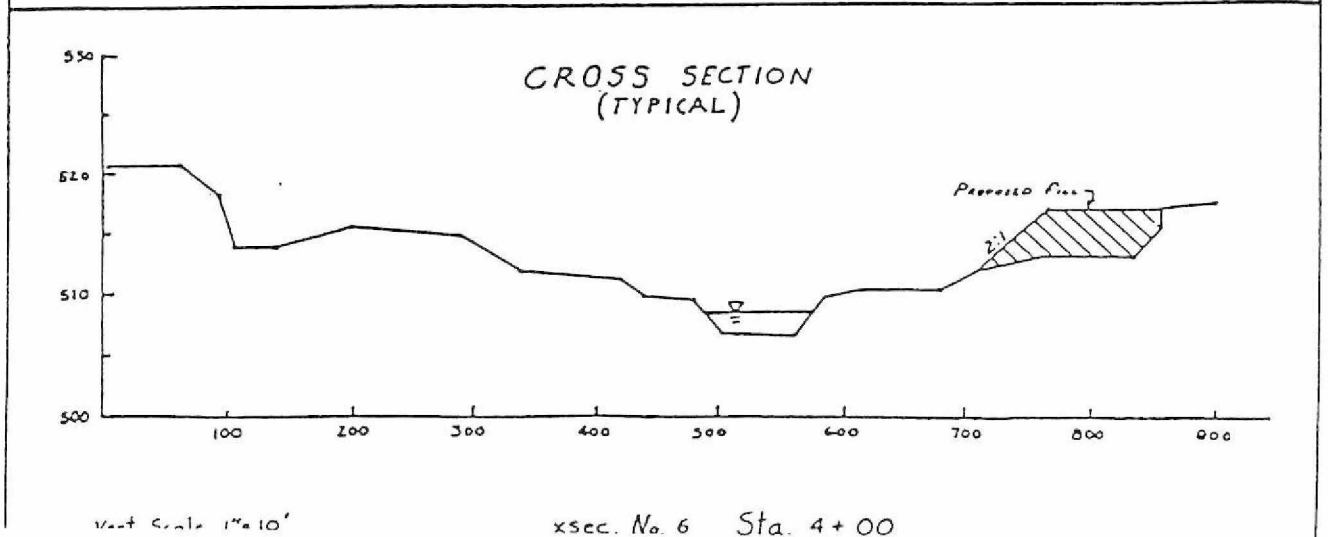
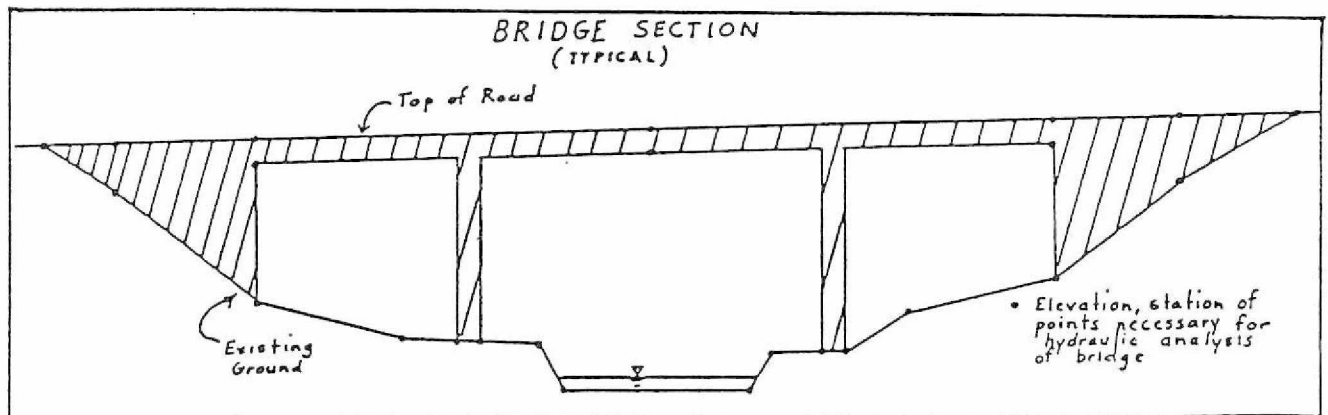
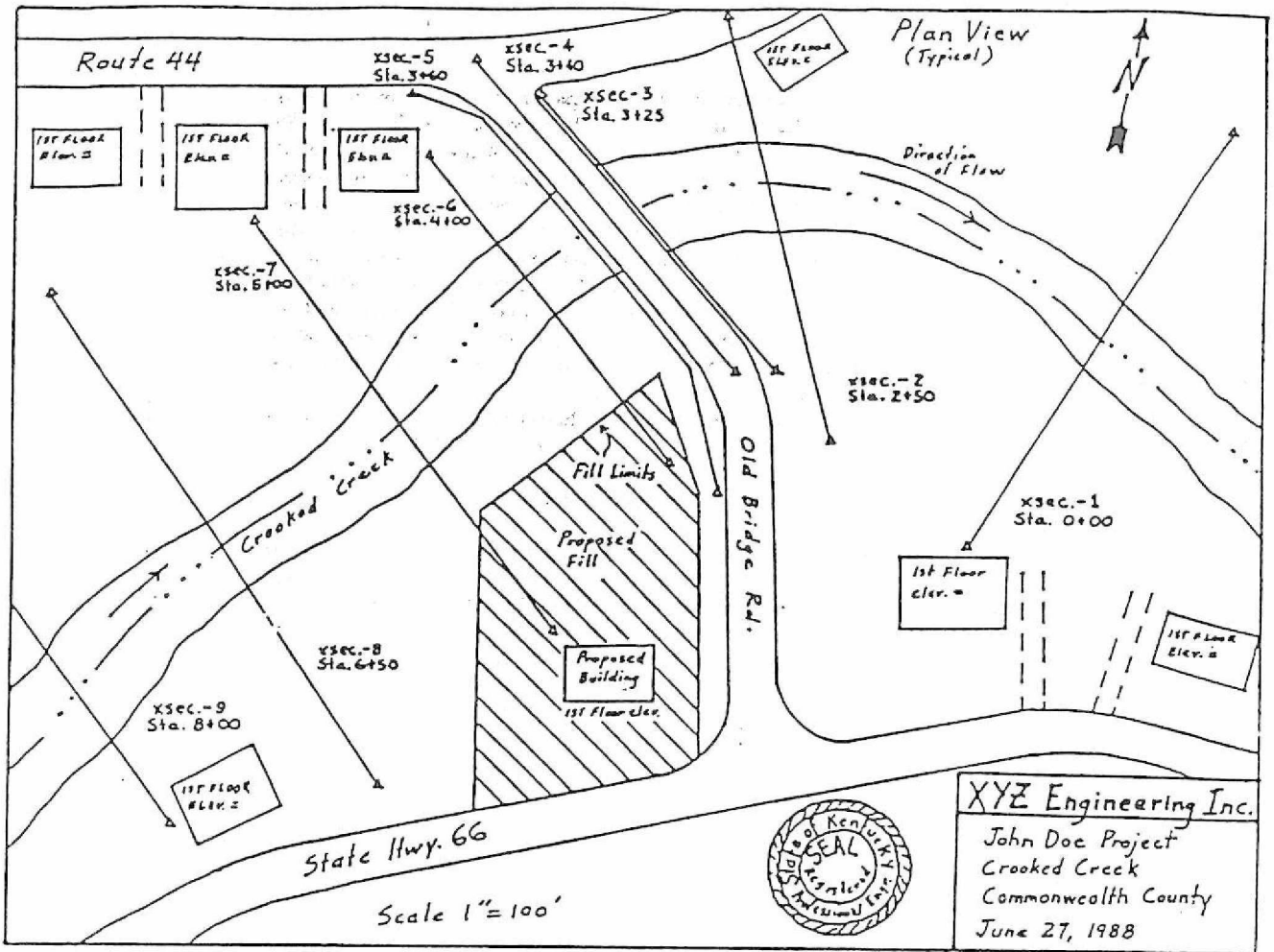
- (1) Publishing a notice in the newspaper or newspapers having greatest circulation in the area of the proposed construction. The notice shall provide at least (a) the name of the applicant, (b) the location, the nature and the extent of the proposed construction, and (c) a statement indicating that any comments and objections are to be directed to the Division of Water. The notice shall prominently display address and telephone number of the Division of Water's Floodplain Management Section, which are given at the beginning of these instructions. The notice shall run for a period of three (3) consecutive days or printings of the newspaper. However, if the newspaper is published weekly, two (2) consecutive printings may be allowed upon request of the applicant. Proof of public notice through the newspaper must be provided to the Division. The public notice shall be at least three column inches in size, but must in all cases be large enough that all of the information required is readable.
- (2) Submitting affidavits from all parties who reside, own property, or have other legitimate property interests in the affected areas. The affidavit must contain a complete description of the proposed construction; a place for concerned parties to sign indicating that they have read the statement and that they understand that a permit application is being submitted or has been submitted to the Division; and the Division's address and telephone number with explanation that comments and objection are to be directed to this agency. All affidavits shall be submitted to the Division of Water, Water Resources Branch for review.

Under certain circumstances, where flooding impacts are negligible, the Division may waive the public notification requirement. If desired, the Division can provide more detailed information regarding the circumstances under which such a waiver might be issued.

### EXAMPLE OF PUBLIC NOTICE

#### —Public Notice—

Notice is hereby given that (NAME AND ADDRESS), has filed an application with the Natural Resources and Environmental Protection Cabinet to (BRIEF DESCRIPTION OF CONSTRUCTION). The property is located (LOCATION DESCRIPTION, INCLUDE MILES FROM NEAREST TOWN OR MAJOR ROAD INTERSECTION AND NAME OF STREAM). Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601. Phone: (502) 564-3410.



COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows.

1. OWNER: \_\_\_\_\_  
Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

2. AGENT: \_\_\_\_\_  
Give name of person(s) submitting application, if other than owner.

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

3. ENGINEER: \_\_\_\_\_

P.E. NUMBER: \_\_\_\_\_

4. DESCRIPTION OF CONSTRUCTION: \_\_\_\_\_  
Give specifications and type of the proposed construction and tell purpose of the project.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. LOCATION OF CONSTRUCTION: \_\_\_\_\_  
Give county name, directions from nearest town, stream name and mile, latitude, longitude, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. ESTIMATED BEGIN CONSTRUCTION DATE: \_\_\_\_\_
7. ESTIMATED END CONSTRUCTION DATE: \_\_\_\_\_
8. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE.
- (a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:
- \_\_\_ PUBLIC NOTICE IN NEWSPAPER HAVING GREATEST CIRCULATION IN AREA (provide copy)
- \_\_\_ PROPERTY OWNER AFFIDAVITS (contact Division of Water for requirements)
- (b) \_\_\_ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE (contact Division of Water for requirements):
- \_\_\_\_\_
- \_\_\_\_\_
9. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT  
(Give name and title of person(s) contacted and provide copy of any approval city or county may have issued):
- \_\_\_\_\_
- \_\_\_\_\_
10. LIST OF ATTACHMENTS: \_\_\_\_\_  
List plans, profiles, or other drawings and data submitted. A map should always be provided.
- \_\_\_\_\_
- \_\_\_\_\_
11. I CERTIFY THAT THE "OWNER" OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (including, for dams, the area that would be impounded during the design flood): \_\_\_\_\_ (Initial here).
12. REMARKS: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all of the information provided is true and correct.

Signature: \_\_\_\_\_  
Owner or Agent sign here (Agent should provide copy of Power of Attorney)

Date: \_\_\_\_\_

SUBMIT APPLICATION AND ATTACHMENTS TO:

Division of Water  
Water Resources Branch  
Floodplain Management Section  
14 Reilly Road  
Frankfort, Kentucky 40601

## APPENDIX G

### SPECIFICATIONS FOR PORTLAND CEMENT CONCRETE STREETS

#### 1.) General

Concrete subdivision streets shall be plain concrete (no mesh). Pavement thickness for residential streets shall be a minimum of six (6) inches of concrete placed on a minimum of three (3) inches of aggregate base. Collector or arterial streets must be specifically designed for the predicted loadings they will carry.

#### 2.) Concrete Quality

2.1 Concrete shall be mixed and delivered according to the requirements of ASTM C94. "Specification for Ready Mixed Concrete."

2.2 The Concrete mixture shall meet the requirements for Class "A" concrete as per the current Kentucky Transportation Cabinet's Standard Specifications for Road and Bridge Construction, except the maximum water/cementitious material content shall be 0.45. Water reducers (normal, mid-range or superplasticizers) maybe used and slump may exceed Standard Specifications limits provided a w/c ratio of 0.45 is not exceeded.

2.3 The concrete shall be air-entrained with a target air content of 5.5%. Individual batches may test between 4 and 8 percent.

2.4 If concrete is placed using slip form equipment, the slump must be maintained so as to prevent edge slump and shall not exceed 2 inches.

#### 2.5 Material Ingredients

2.5.1 Cement, Aggregates, and Chemical Admixtures – Cement, aggregates and chemical admixtures shall meet the appropriate ASTM requirements or be from sources approved by the Kentucky Transportation Cabinet, Department of Highways.

2.5.2 Fly Ash – Fly Ash may be used at the discretion of the contractor and ready mix producer within the following limits

2.5.2.1 If class "F" fly ash is used, the maximum quantity shall be 20 percent by weight of the total cementitious content (cement plus fly ash)

2.5.2.2 If class "C" fly ash is used, the maximum quantity shall be 30 percent by weight of the total cementitious content (cement plus fly ash).

All fly ash used shall be supplied from a source currently approved by the Kentucky Transportation Cabinet, Department of Highways.

#### 3.) Subgrade and Base Requirements.

The subgrade shall be brought to a firm and unyielding condition by compacting it to a uniform density.

All soft and unyielding material and portions of the subgrade that will not compact readily when rolled or tamped shall be removed and replaced with suitable material.

Concrete shall not be placed on a soft, spongy, frozen, or otherwise unsuitable subgrade. The subgrade shall be reasonably moist when concrete is placed upon it.

All utility trenches and structure excavations under the pavement shall be backfilled in a manner to prevent subsequent settlement. Well compacted granular materials, placed in maximum one (1) foot layers, or controlled low strength material (flowable fill) should be used to within 6-12 inches of final subgrade elevation. The top 6-12 inches should be constructed with the same material as adjacent subgrade.

The base course shall be crushed limestone meeting requirements of the Kentucky Transportation Cabinet's Standard Specification for DGA, Crushed Stone Base or size No. 610's. The minimum 3-inch thickness should be compacted to an unyielding condition and uniform density. The base should be moistened just ahead of the concrete placement.

#### 4.) Concrete Placement and Finishing

Before placing concrete, freestanding water, snow, ice or other frozen materials shall be removed from the subgrade, or base. All forms shall be clean and secured in position.

## APPENDIX G

Concrete shall be placed, struck off, consolidated and finished to plan grade with a mechanical finishing machine, vibrating screed, or by handfinishing methods when proposed by the contractor in advance of the project and approved by the inspector.

In lieu of fixed forms (including curb and gutter sections when placed separately in advance of the mainline pavement), the contractor may place concrete with a slip form paver designed to spread, consolidate and screed the freshly placed concrete in one complete pass of the machine. Construction may be half width (with a longitudinal construction joint) or full width, at the contractor's option.

Pavement shall be properly sloped to provide for adequate drainage.

After concrete has been struck off and consolidated, a bull float may be used to remove any high or low spots. The pavement should be checked by means of a 10 feet, or greater, highway straightedge.

A final skid resistant surface shall be provided by means of a burlap drag, broom, or tining operation.

### 5. Curb or Curb and Gutter Construction

When pavements include a curb section, the construction may be accomplished in any of a variety of ways at the contractor's option. Construction provisions include the following:

- 5.1 Integral curb construction with pavement. Pavement in this case may be constructed half-width or full width.
- 5.2 Separate construction of curb and gutter either prior to or after construction of the mainline pavement. When placed prior to mainline pavement construction, these sections may be used as forms for pavements placement.
- 5.3 Separate construction of header curb. When this type construction is used the pavement must be tied to the curb (due to cold joint construction) by use of deformed steel bars. Contractor must obtain approval of this procedure from inspector with details provided.
- 5.4 Details for permissible curb or curb and gutter design are shown in attached drawing. A roll or header curb design is permitted except where the curb is constructed as a separate operation (cold joint design). In that case, a header curb is required. Other designs, when submitted by the contractor, may be allowed, when approved by the inspector.

### 6. Curing

Concrete shall be cured by application of a curing compound meeting appropriate ASATM requirements. It shall be applied uniformly at a rate of not less than 1 gallon per 200 square feet as soon as possible after the water sheen has disappeared from the surface of the concrete.

In cold weather (when the ambient temperature during the first 48 hours after placement is expected to fall below 35° F) insulated blankets should be used as coverings in lieu of, or in combination with, the curing compound.

### 7. Joints

- 7.1 General – Concrete pavement shall include expansion, contraction, and longitudinal joints. Transverse joints are expansion and contraction joints, which shall be continuous across the pavement lane including the curb. Longitudinal joints are parallel to the pavement lanes. Construction joints are necessary when the placement of concrete is delayed. The location of transverse construction joints may be either planned (coincidental with a contraction joint) or emergency (not coincidental with a contraction joint). Longitudinal joints shall be centered between pavement lanes.

The construction of pavements shall comply with joint details provided as a part of these specifications. Any deviation must be proposed by the contractor for exception approval by the

## APPENDIX G

inspector. For cul-de-sacs or turnarounds, the contractor shall propose a special jointing pattern to be reviewed and approved by the inspector.

### 7.3 Contraction Joints

Transverse contraction joints shall be Type 2. They may be sawed or grooved with a metal jointing tool, equal to a depth of  $\frac{1}{4}$  of the pavement thickness. (If the soffit-cut saw or equal is used, saw cut depth shall be in accordance with manufacturer's recommendation.)

The spacing of contraction joints shall be no greater than 15 feet on centers.

If sawed joints are used, they shall be sawed early enough to control cracking, but late enough to prevent raveling. These joints shall be cleaned and sealed (with a hot poured or cold applied sealer manufactured for this purpose).

### 7.4 Construction Joints

Transverse construction joints shall be used wherever the placing of concrete is suspended for such time as to potentially cause a cold joint. A transverse construction joint shall be Type 3, with smooth bars if the joint occurs at the location of a contraction joint. A transverse construction joint shall be Type 4 with deformed tie bar if the joint occurs at any other locations.

### 7.5 Longitudinal Joints

When half width paving is used and the longitudinal joint becomes a cold joint, the contractor may elect to use one of several types of construction. These include: 1.) A keyway design with no steel (see joint detail for keyway details), 2.) Deformed bars (1/2 or 5/8 diameter, 24 inches long @ 3 foot centers) with or without keyway or, 3.) smooth bars (3/4 inch diameter, 12 inches long and 14 inches on center).

When full width paving is used (or when curb and gutter sections are used (or when curb and gutter sections are used as forms and concrete is placed full width between them in one operation), the centerline of the pavement shall be sawed (as for transverse contraction joints). Longitudinal joints shall be cleaned and sealed as required for transverse joints.

### 7.6 Isolation Joints

These joints are required to adequately separate the pavement at drainage inlets, manholes, etc. Details are shown by attachment.

## 8. Opening to Traffic

The pavement shall be protected from use of traffic for a period of 7 days, or until the concrete has reached a minimum compression strength of 3,000 psi (Based on cylinder test results where specimens have been cured and handled in accordance with provisions of ASTM C31 for putting a structure into service, or based on in-place core results).

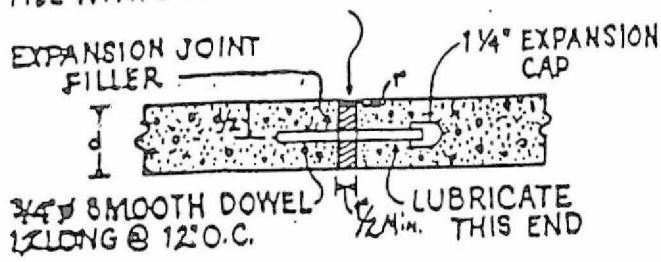
## 9. Testing

Acceptability of concrete for strength shall be based on cylinder tests where specimens have been prepared, handled, cured, etc. in accordance with current provisions of ASTM C31 for a check on the adequacy of the mix design.

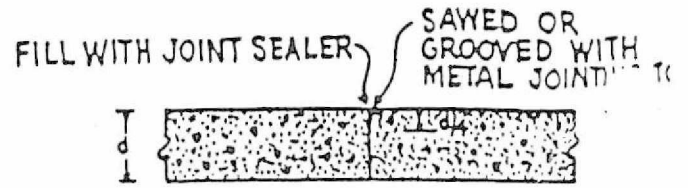
Tests for slump and air content are to be made in accordance with current ASTM procedures C143, C231, or C173.

APPENDIX G

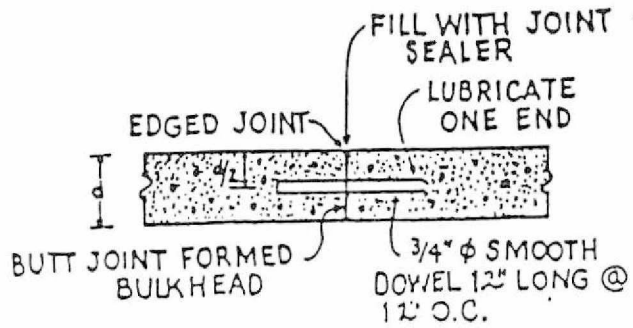
FILL WITH JOINT SEALER



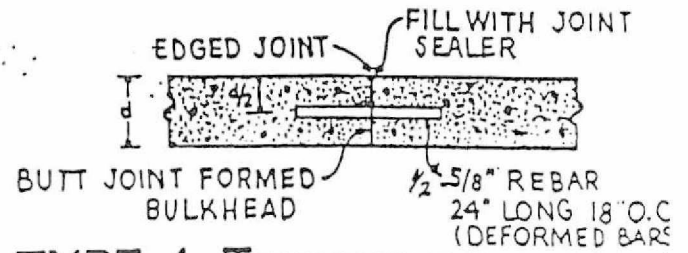
TYPE 1-Expansion Joint



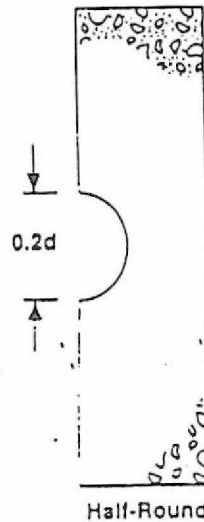
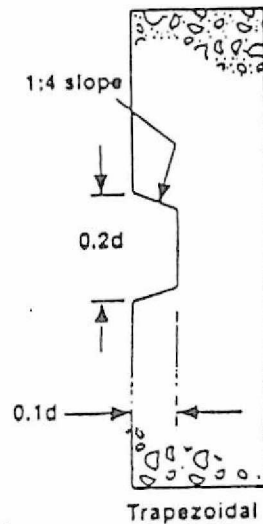
TYPE 2-Transverse Contraction Joint  
(sawed or grooved joint)



TYPE 3-Transverse Construction Joint  
(planned-coincide with contraction joint)

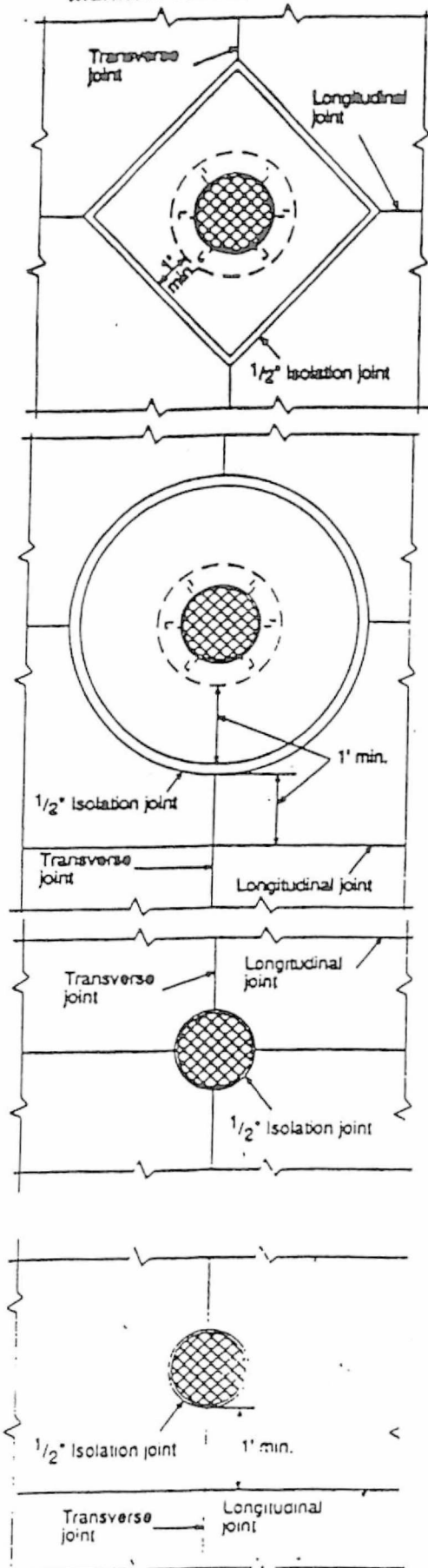


TYPE 4-Transverse Construction Joint  
(emergency-not coincide with contraction)

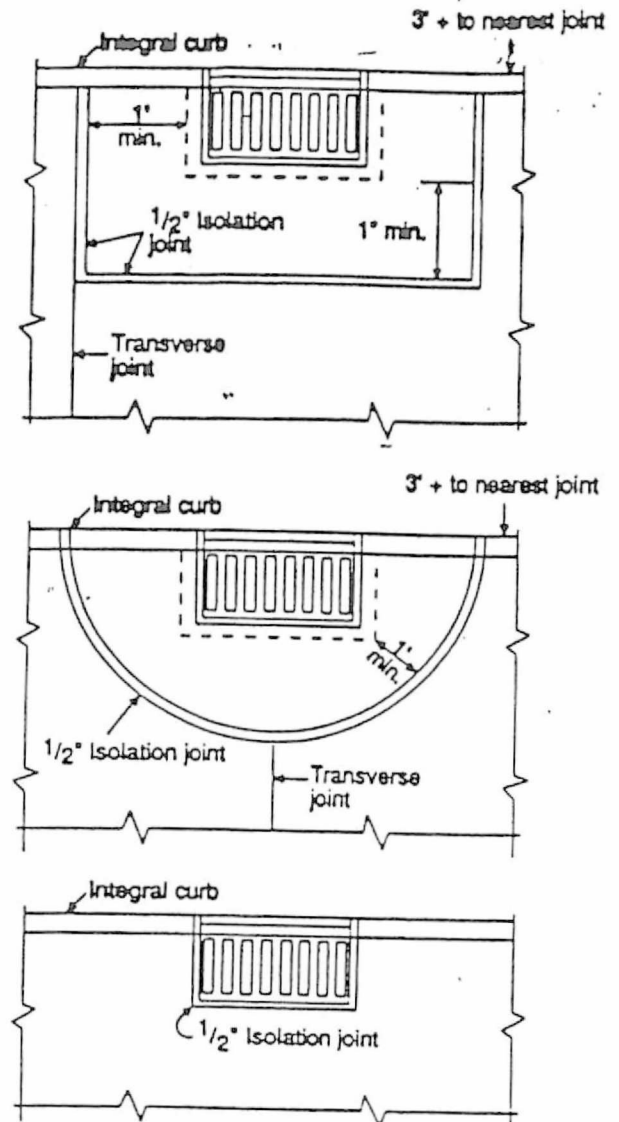


Standard keyway dimensions

**APPENDIX G**  
**Manhole covers**



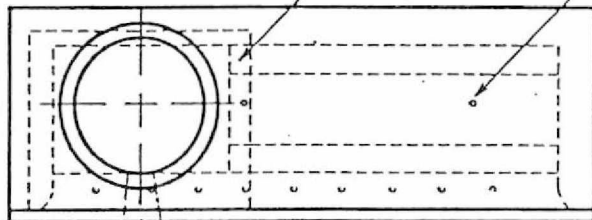
**Drainage inlets**



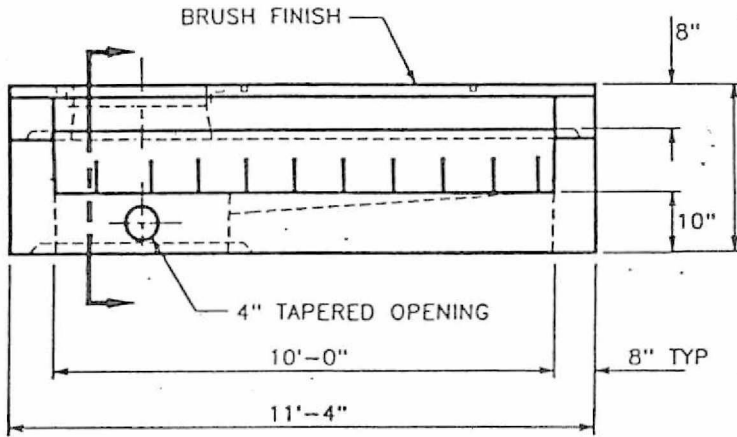
CONCRETE: 3500 PSI AT 28 DAYS  
 REINFORCED WITH #5 BAR AT 12" C/C  
 TYPICAL EXCEPT IN TOP SLAB. TOP  
 SLAB HAS SPACING OF 6" C/C  
 WEIGHT: 8757 LBS (COMPLETE UNIT)  
 MINIMUM 2" REBAR COVERAGE  
 ALL REBAR IS GRADE 40  
 UNIT IS AVAILABLE AS RH, LH OR SAG  
 TO BE USED IN CONJUNCTION WITH  
 RDB-270-03

GROOVE TO FIT TOP OF  
 CURB BOX INLET TYPE A  
 BOTTOM PHASE OR RISER

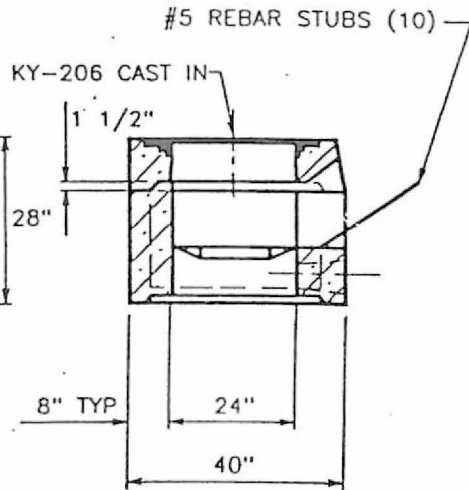
INSERTS FOR HANDLING



TOP VIEW



FRONT VIEW



SECTION VIEW

CURB BOX INLET TYPE A:  
 TOP PHASE

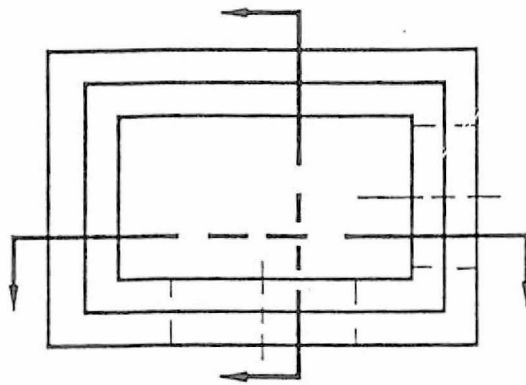
TELEPHONE NO: (606) 259-1484 (615) 793-1920	DATE: 3-23-89	REVISION:	DRAWING NO: SW-170
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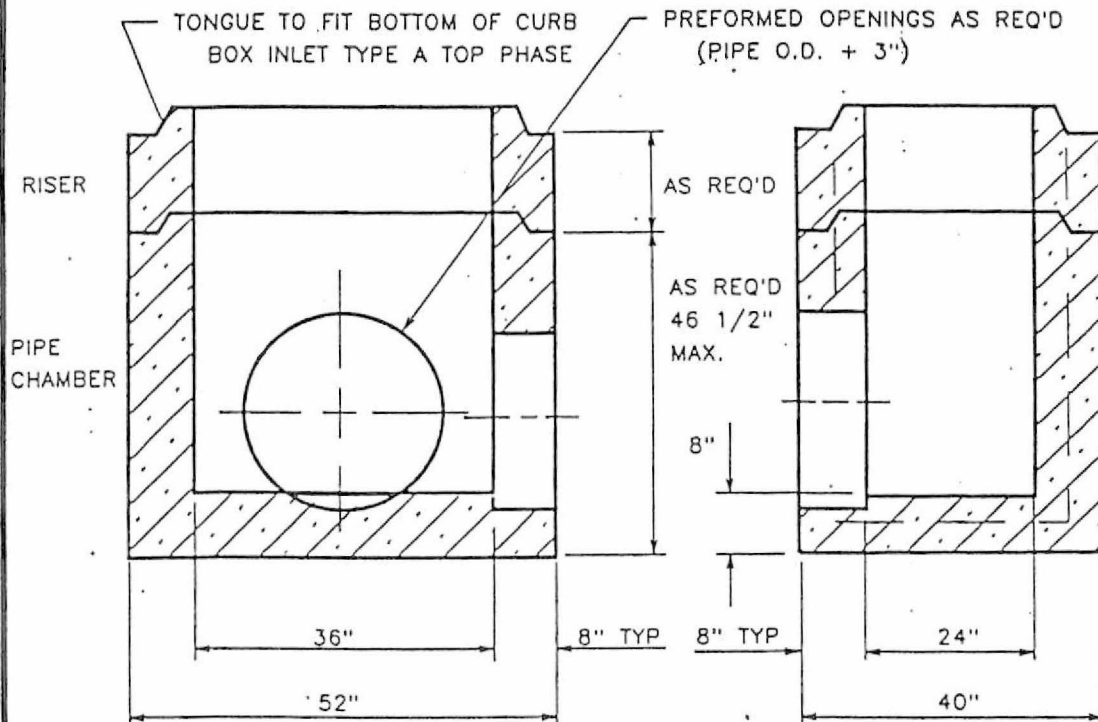
cloud

Cloud Concrete Products, Inc.  
 Lexington  
 Nashville

APPENDIX G



CONCRETE: 3500 PSI AT 28 DAYS  
 BOX AND RISER IS REINFORCED WITH  
 #5 REBAR AT 12" C/C E.W.  
 REBAR IS GRADE 40  
 CONSEAL SUPPLIED FOR ALL JOINTS  
 MINIMUM 2" REBAR COVERAGE  
 WEIGHT: BOX MAX. - 4925#  
 RISER - 1263#/FT  
 TO BE USED IN CONJUNCTION WITH  
 RDH-270-03



CURB BOX INLET TYPE A:  
 BOTTOM PHASE (WITH BOTTOM)

KY.

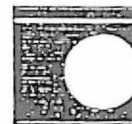
CDHAWB

TELEPHONE NO:  
 (606) 259-1484  
 (615) 793-1920

DATE:  
 3-22-89

REVISION:

DRAWING NO:  
 SW-190



Cloud

Cloud Concrete Products, Inc.  
 Lexington Nashville

APENDIX H

**DEVELOPMENT PLAN REQUIREMENT CHECKLIST**

A development plan means written and graphic material for provision of a development. It should include, but is not limited to, the following information (a yes indicates information is provided):

	YES	NO
1. Name and address of property owner/developer	<input type="checkbox"/>	<input type="checkbox"/>
2. Name of development, date, direction, scale	<input type="checkbox"/>	<input type="checkbox"/>
3. Intended land-use/nature of development	<input type="checkbox"/>	<input type="checkbox"/>
4. Vicinity map showing general location, surrounding property And major physical features	<input type="checkbox"/>	<input type="checkbox"/>
5. General layout of property showing shape, approximate Dimensions, and total acreage	<input type="checkbox"/>	<input type="checkbox"/>
6. Streets and lots (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
7. Utilities (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
8. Relationship to services (schools, parks, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
9. Dimensions of buildings and other structures	<input type="checkbox"/>	<input type="checkbox"/>
10. Intensity of use	<input type="checkbox"/>	<input type="checkbox"/>
11. Density of development	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>
13. Drainage plan	<input type="checkbox"/>	<input type="checkbox"/>
14. Landscape plan	<input type="checkbox"/>	<input type="checkbox"/>
15. Soil erosion plan	<input type="checkbox"/>	<input type="checkbox"/>
16. Proposed signs	<input type="checkbox"/>	<input type="checkbox"/>
17. Land use designation	<input type="checkbox"/>	<input type="checkbox"/>
18. Other _____	<input type="checkbox"/>	<input type="checkbox"/>

# MADISON COUNTY, KENTUCKY LAND USE MANAGEMENT REGULATIONS



**MAY, 1999**  
(Revised February, 2000)

# MADISON COUNTY FISCAL COURT

Kent Clark, Judge Executive

## Magistrates

Larry Combs

Billy Ray Hughes

Forniss Park

William Tudor

# PLANNING COMMISSION

## Members

David Bohannon

Tish Carr

Chandler Combs

Robert Farmer (Chair)

Wanda Pennington

William Witt

## County Attorney

Marc Robbins

## Administrative Official

Duane Curry

## TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I INTRODUCTION	1
ARTICLE II GENERAL PROVISIONS	2
200 Title	2
201 Authority	2
202 Purpose	2
203 Jurisdiction	2
204 Minimum Requirements	2
205 Consistency with Other Provisions	3
206 Separability and Severability	3
207 Relation to the Comprehensive Plan	3
208 Repeal of Conflicting Ordinances	3
209 Effective Date	3
ARTICLE III ADMINISTRATION AND ENFORCEMENT	4
300 The Fiscal Court	4
301 The Planning Commission	4
302 The Board of Adjustments	6
303 The Office of Planning and Development	14
304 Certificates of Land Use Restrictions	15
305 Violations	16
ARTICLE IV THE USE OF LAND AND STRUCTURES	18
400 Purpose	18
401 Organization and Procedures	18
402 Land Use Classification and Districts	23
403 Land Use Boundaries	38
404 Parking Requirements	39
405 Landscaping Requirements	42
406 Sign Regulations	43
407 Supplementary Regulations	48
ARTICLE V DEFINITIONS	50
APPENDIXES	
A. Application For Land Use Map Amendment	
B. Notice Of Hearing - Sign Requirements/Specifications	
C. Notice Of Hearing - Newspaper Notice	
D. Notice Of Hearing – First Class Mailing	
E. Cellular Telecommunications Facilities	
F. Fee Schedule	
G. Development Plan Requirement Checklist	
H. Manufactured / Mobile Home Regulations	

## ARTICLE I

### INTRODUCTION

This ordinance is designed to guide land use decisions in Madison County as a means of implementing the county's Comprehensive Plan. It is the desire of the Madison County Fiscal Court and the Planning Commission that through the use of this document, future development may take place in an orderly fashion.

The ordinance is intended to be a practical guide for understanding the land use process in Madison County. It is written in such a way as to provide flexibility in design and development while being careful to protect the health, safety, and general welfare of citizens. One goal of the ordinance is to void excessive regulation and costs. A second goal is to recognize the differences that exist in Madison County and to take these differences into account in guiding land use decisions. Finally, the ordinance attempts to spell out in sufficient detail, how to go about getting things done.

## ARTICLE II

### GENERAL PROVISIONS

#### 200 TITLE

This ordinance shall be known and may be cited to as the Madison County Land Use Management Regulations.

#### 201 AUTHORITY

These regulations are adopted under the authority granted in Kentucky Revised Statutes (K.R.S.), Chapter 100.

#### 202 PURPOSE

The purpose of this ordinance is to promote public health, safety, morals, and the general welfare of Madison County, to facilitate orderly and harmonious development and the visual or historical character of the area, and to regulate the density of population and the intensity of land use in order to provide for adequate light and air. In addition, these land use management regulations are designed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers. These regulations are used also to protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, prime agricultural land and other natural resources, and other specific areas of the county which need special protection.

#### 203 JURISDICTION

On and after the date of adoption, these regulations shall govern the use of land and structures in Madison County, excluding the incorporated areas of Richmond and Berea, and Berea's one-mile area of jurisdiction.

#### 204 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare warrants such increases.

**205 CONSISTENCY WITH OTHER PROVISIONS**

Whenever there is a discrepancy between minimum standards set forth in these regulations and those of other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or highest standard shall apply.

**206 SEPARABILITY AND SEVERABILITY**

Should any section or provision of these regulations be for any reason, held void or invalid, it shall not affect the validity of any other section or provision thereof which is not itself void or invalid.

**207 RELATION TO THE COMPREHENSIVE PLAN**

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the Comprehensive Plan for Madison County. The section of the plan dealing with the use and management of land and development should serve as a primary reference in administering these regulations.

**208 REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**209 EFFECTIVE DATE**

This ordinance shall become effective from and after the date of its approval and adoption by the Madison County Fiscal Court.

---

(date)

## ARTICLE III

### ADMINISTRATION AND ENFORCEMENT

#### 300 THE FISCAL COURT

The Madison County Fiscal Court consists of a Judge Executive and four magistrates, all elected for four-year terms. This body is responsible for overall governance of the county. They meet twice each month and on call as needed in order to transact the county's business.

The Fiscal Court's specific responsibilities as pertains to planning and development activities fall into two categories:

1. The development, adoption, administration and amendment of laws, regulations, and rules (ordinances, resolutions, orders, etc.) for conduct of the county's affairs. The body adopts the Comprehensive Plan which serves as the general guide for future growth and development. The Fiscal Court also makes the final decisions regarding all applications for land use changes, and oversees the administration of subdivision regulations and building codes.
2. The hiring or appointment of personnel (as appropriate) to carry out the work of planning and development to include the County Planning Commission, the Development Review Team members, the Board of Adjustments, Administrative Official/Codes Officer, legal counsel, planning consultant, and others.

#### 301 THE PLANNING COMMISSION

The Madison County Planning Commission shall consist of seven (7) members, six (6) of which are citizen members, and the seventh is a member of the Fiscal Court. The Planning Commission as constituted at the time of adoption of this ordinance shall continue in power. Future appointments shall be in keeping with the requirements of this section.

##### 301.1 Appointing Authority

The Judge Executive shall appoint the members of the Planning Commission with the approval of the Fiscal Court.

##### 301.2 Term of Office

The term of office of the member of the Fiscal Court shall be the same as the official tenure in office. The term of office for the citizen members shall

be four years, except the term of office for citizen members first appointed to the commission shall be staggered so that a proportional number serve one, two, three, and four years respectively, and later appointments or re-appointments shall continue the staggered patterns.

### **301.3 Vacancies**

Vacancies shall be filled within sixty (60) days by the Judge Executive with approval of the Fiscal Court. If the Judge Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

### **301.4 Oath of Office**

All members of the Planning Commission, shall, before taking office, qualify by taking the oath of office as prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Madison County.

### **301.5 Removal**

Any member of the Planning Commission may be removed by the Judge Executive with approval of the Fiscal Court for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Judge Executive shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the commission, which shall be open to the public. The member removed shall have the right of appeal from the removal in the circuit court.

### **301.6 Meetings and Procedures**

Regular meetings of the Planning Commission shall be held a minimum of once each month during the year. The Planning Commission may hold regular meetings more frequently if deemed appropriate. Special meetings shall be held at the call of the chair and at such other times as the commission may determine. All meetings shall be open to the public. The commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or disqualified from voting, indicating that fact. The Planning Commission shall elect a chairman and vice-chairman, and adopt a set of bylaws to guide the conduct of its affairs in keeping with the provisions of this ordinance.

A simple majority of the total membership of the commission (four) shall constitute a quorum. A member having a financial interest in the outcome of any application before the commission shall disclose the nature of the interest and shall disqualify himself/herself from voting on the question, and shall not be counted for the purpose of a quorum. If it is discovered that a member failed to properly excuse himself/herself, his/her vote on the issue in question will be void. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that a vote of the simple majority of the total membership shall be necessary for the adoption of amendments to the commissions bylaws, elements of the comprehensive plan, or regulations.

#### **301.7 Duties of the Planning Commission**

1. Prepare a comprehensive plan for Madison County.
2. Review and amend the comprehensive plan as necessary.
3. Review and act upon all applications for the subdivision of land.
4. Review all proposed amendments to the subdivision regulations.
5. Review and act upon all applications for amendments to the land use regulations.
6. File certificates of land use restrictions.

#### **301.8 Finances/Employment**

The Fiscal Court may appropriate out of general revenues for the expenses and accommodations necessary for the work of the Planning Commission. The Planning Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties. With approval from the Fiscal Court, the Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its duties.

### **302 THE BOARD OF ADJUSTMENTS**

The Board of Adjustments shall consist of five (5) members, all of whom are citizen members from Madison County. The board as constituted at the time of adoption of this ordinance shall continue in power. Future appointments shall be in keeping with provisions of this section.

### **302.1 Appointing Authority**

The Judge Executive, with the approval of the Fiscal Court, shall appoint the members of the Madison County Board of Adjustments.

### **302.2 Term of Office**

The term of office shall be for four (4) years, but the term of office for members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. The Board as constituted at the time of adoption of this ordinance shall continue in power.

### **302.3 Vacancies**

Vacancies on the board shall be filled within sixty (60) days by the Judge Executive with approval of the Fiscal Court. If the Judge Executive fails to act within that time, the Board of Adjustment shall fill that vacancy. When a vacancy occurs other than expiration of the term of office, it shall be filled for the remainder of that term.

### **302.4 Oath of Office**

All members, before taking office, shall qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within Madison County.

### **302.5 Removal**

Any member of the board of adjustments may be removed by the Judge Executive, subject to approval by the Fiscal Court, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Judge Executive shall submit a written statement to the board setting forth the reasons for removal, and the statement shall be read at the next meeting of the board, which shall be open to the general public. The member removed shall have the right of appeal from the removal in the circuit court.

### **302.6 Meetings and Procedures**

The board of adjustments shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the board at least seven (7) days prior to the meeting. The notice shall contain the date, time, and place for the meeting, be listed in the local newspaper at least seven (7) days in advance of a called meeting, and a copy of the agenda sent to the Judge Executive and the Fiscal Court.

A simple majority of the membership of the board of adjustments shall constitute a quorum. Any member of the board of adjustments who has direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself (herself) from voting on the question.

The board of adjustments shall adopt bylaws for the transaction of business. It shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the board and shall be available to the general public. A transcript of a board meeting shall be provided, if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

### **302.7 Powers and Duties of the Board**

In exercising its duties, the board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken. The concurring vote of the three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance, the board has the following specific responsibilities:

#### **302.71 Conditional Use Permits**

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community or uses which are specifically named in the land use management regulations which may be suitable only in specific locations in the subdistrict only if certain conditions are met.

The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit along with a reference to the specific section in the land use

management regulations listing the conditional use under consideration. The board shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in person for such cost.

Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree or that pre-requisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

The Administrative Official shall review all conditional use permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions listed on the conditional use permit. If the landowner is not complying with all of the listed conditions, the Administrative Official shall report the fact in writing to the chairman of the board. The report shall state specifically the manner in which the landowner is not complying and a copy of the report shall be provided to the landowner at the same time it is provided to the chairman of the board. The board of adjustments shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board finds that the facts alleged in the report are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

Once the board of adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.329. Thereafter said use, if it continues to meet the other requirements of the regulations will be treated as a permitted use.

When an application is made for a conditional use permit for land located within or abutting any residential district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, Administrative Official, and owner or person(s) renting or leasing of every parcel of property adjoining the property to which the application applies and such other persons as the local land use management ordinance or board of adjustments bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice is mailed. It shall be the duty of the applicant to furnish to the board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon to determine the identity and address of said owner. In the event said property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

All conditional use permits approved by the board of adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

### **302.72 Non-Conformities**

Within the districts established by this ordinance (and subsequent amendments) there exist lots, structures, and use of lands and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the forms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue but not to allow their enlargement, expansion, or extension.

### **1. Existing Non-Conforming Uses, Continuance, Change**

The lawful use of a lot or structure, existing at the time of adoption of any land use regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

A non-conforming use may lapse for a period of one year, without being considered abandoned. The property owner may appeal to the board of adjustments for an additional year prior to the end of the first year. Any lapse of a non-conforming use for a period of more than two years will result in the property being required to conform to existing land use regulations regarding appropriate uses.

A residential dwelling may be built upon a lot which was non-conforming at the time this ordinance was adopted even though such lot fails to meet the requirements for area or frontage or both, that are generally applicable in the district. However, dimensional requirements other than those applying to area or frontage (or both) of the lots, shall conform to the regulations for the district in which such lot is located. Variances must be obtained from the board of adjustments as described elsewhere in this ordinance.

### **2. Repairs and Maintenance**

Should any non-conforming structure or non-conforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

### **3. Enlargement or Expansion**

The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time these regulations were adopted, nor shall the board permit a change from one (1) non-conforming use to another unless the new non-conforming use is in the same or a more restrictive classification.

### **302.73 Variances**

The board shall have the power to decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

#### **1. Findings Necessary for Granting Variances**

Before any variance is granted, the board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance: 1) That the granting of the variance will not adversely affect the public health, safety or welfare, 2) will not alter the essential character of the general vicinity, 3) will not cause a hazard or nuisance to the public, and 4) will not allow any unreasonable circumvention of the requirements of these regulations. In making these findings, the board shall consider whether:

- a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district.
- b) The strict application of the provisions of this regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
- c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

The board shall deny any request for a variance arising from circumstances that are the result of the willful violations of the regulations by the applicant subsequent to the adoption of the regulation from which relief is sought.

A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

All variances approved by the board of adjustments shall be recorded at the expense of the applicant in the office of the county clerk.

### **302.74 Administrative Review**

The board of adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the administrative official in the enforcement of the land use management regulations. Such appeal shall be made within thirty (30) days.

#### **1. Procedure For All Appeals to the Board**

Appeals to the board may be taken by any person or entity, claiming to be injuriously affected or aggrieved by an official action or decision of any land use management enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives official notice of the action, by filing with said officer and with the board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The board will rehear any appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

#### **2. Public Notice of the Appeal Hearing**

The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

### **3. Appeals From the Board of Adjustments**

Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustments shall appeal from the action to the circuit court of Madison County. Such appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustments shall be a party in any such appeal filed in the circuit court.

## **303 THE OFFICE OF PLANNING AND DEVELOPMENT**

The Office of Planning and Development is responsible for general oversight of the Subdivision Regulations, Land Use Management Regulations, Building Codes, and 911 Addressing. This office is the recipient of all applications pertaining to these regulations.

### **303.1 Administrative Official**

The Administrative Official designated by the Judge Executive with approval of the Fiscal Court shall administer and enforce this ordinance. The Administrative Official may be provided with the assistance of other persons as the Fiscal Court may deem necessary.

For the purpose of the ordinance, the Administrative Official shall have the following duties:

- Upon finding that any of the provisions of this ordinance are being violated, notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- Order discontinuance of illegal uses of land, buildings, or structures;
- Order removal of illegal buildings or structures or illegal additions or structural alterations;
- Take any other action authorized by this ordinance to insure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on building permits and certificates of occupancy permits and such similar administrative duties as are permissible under the law;
- Make records of all official actions of this office relating to the administration and enforcement of the provisions of this ordinance including, but not limited to, written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of such matters.

- Issue building permits or certificates of occupancy, or both, in accordance with the literal terms of these regulations, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of these regulations.

### 304 CERTIFICATES OF LAND USE RESTRICTIONS

When land use restrictions are imposed, to include variances, conditional use permits, conditional land use management conditions, unrecorded preliminary subdivision plats and development plans, but not including land use management map amendments which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, board of adjustment, or Fiscal Court) which finally adopts or imposes the land use restriction. The certificates shall be in the form provided for in the appendix of these regulations, and shall be filed with the county clerk within thirty (30) days of the date upon which the body takes final action to impose or adopt the restriction. The Fiscal Court shall collect the county clerk's filing fee (not to exceed \$10.50) from the applicant at the time any processing is initiated which may result in the imposition, adoption, amendment or release of any land use restriction. The fee shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. The county clerk shall upon receipt of the fee, file and maintain these certificates among the official records of the office. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The county clerk shall maintain in the office a record of the name and address of the agency having custody of the official land use management map for each planning unit within the county.

When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as releases of encumbrances upon real estate.

The failure to file, to file on time, or to complete the certificate properly or accurately shall not affect the validity or enforceability of any land use restriction or regulation. An improper filing may be cured by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations.

When a land use management map amendment is filed for more than five (5) contiguous properties, or a land use restriction is imposed upon two (2) or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

## **305 VIOLATIONS**

### **305.1 Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof, with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereof as provided for in this ordinance.

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the circuit court. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review, provided any appeal of a Planning Commission action granting or denying a variance or conditional use permit shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the Fiscal Court grants or denies the map amendment for the same development. The Planning Commission shall be a party in any such appeal filed in the circuit court.

Any person or entity claiming to be injured or aggrieved by any final action of the Fiscal Court relating to a map amendment shall appeal from the action to the circuit court. Such appeal shall be taken within thirty (30) days after the final action of the Fiscal Court. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Fiscal Court shall be a party in any such appeal filed in the circuit court.

Persons speaking at the public hearing in favor of the decision being appealed are not required to be made parties to such appeal.

### **305.2 Penalties**

Violations or failure to comply with the requirements of this ordinance shall constitute a misdemeanor. Any person who so violates this ordinance or fails to comply with any of its requirements shall upon conviction be fined not less than ten (\$10) dollars, but no more than five hundred (\$500)

dollars for each conviction. In the case of lots or parcels that are sold or transferred, or contracted for sale or transfer in violation, shall be fined not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars for each lot or parcel involved. Each day shall constitute a separate offense.

## ARTICLE IV

### THE USE OF LAND AND STRUCTURES

#### 400 PURPOSE

The purpose of this section of the ordinance is to classify, regulate, and restrict the use of land and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, to regulate and limit the density of population, and to realize the general purposes set forth in Section 202 of this ordinance. In order to accomplish this purpose, Madison County is divided into land use districts and sub-districts.

#### 401 ORGANIZATION AND PROCEDURES

This ordinance consists of two parts:

1. The Text: The written portion of the ordinance contained herein.
2. The Map: An Official Land Use Management Map which accurately portrays the land use districts and land use areas as described in the text.

Once this ordinance has been adopted in accordance with the requirements of K.R.S. Chapter 100, the property owner may use his/her land as spelled out in these regulations. If a property owner wants to use his/her land in a way that is not allowed under the existing land use designation, he/she may submit an application to the administrative official requesting a change in the land use designation. Approval of such a change results in an amendment to the Official Land Use Management Map.

##### **401.1 Amending the Land Use Management Regulations**

The steps to be followed in requesting an amendment to the land use management regulations are as follows:

1. File an *Application For Land Use Map Amendment* (Appendix A) with the Planning Commission through the office of the Administrative Official. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). No fee is required for an amendment requested by any governmental agency.
2. A proposal to amend the Land Use Management Map may originate with the Planning Commission, the Fiscal Court, or

with an owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice has been given as required by this section, and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the Fiscal Court. The findings of fact and recommendations shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed change. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court without a recommendation of approval or disapproval. It shall take a majority of the entire Fiscal Court to override the Planning Commission's recommendation, and it shall take a majority of the Fiscal Court to adopt a land use management map amendment whenever the Planning Commission forwards the application to the Fiscal Court without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the Fiscal Court decides to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the Fiscal Court adopting the land use management map amendment shall be deemed to have been passed by operation of law.

3. A proposal to amend the text of the Land Use Management Regulations may originate with the Planning Commission or the Fiscal Court. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice as required by K.R.S. Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved, and shall state the reasons for its recommendation. In the case of a proposed amendment originating with the Fiscal Court, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the Fiscal Court to adopt the proposed amendment.

#### **401.2 Notice of Hearing on Proposed Map Amendment**

When a hearing is scheduled on an Application for Land Use Map Amendment, the owner or owner's representative shall provide notice to

the general public as required by statute, local regulations or ordinance. Such notice will include the following three (3) measures:

1. Notice of the hearing shall be posted on a sign conspicuously placed on the property for fourteen (14) consecutive days prior to the hearing. Sign requirements/specifications are defined in detail in Appendix B.
2. Notice of the hearing shall be published in the newspaper of general circulation in the county, for at least one day, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. The published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersects the street on which the property is located (if applicable). When the property in question is located at the intersection of two (2) streets the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property. Appendix C provides an example of an approved newspaper notice.
3. Notice of the hearing shall be given by US Postal Service Certified Mail, return receipt requested, at least fourteen (14) days in advance of the hearing. This notice will be provided to all property owners whose property adjoins the property of the proposed land use change (to include property across a street or road). It shall be the duty of the person or persons proposing the change to furnish to the Administrative Official the names and mailing addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the owner(s) of said property. Certification of this mailing shall be provided to the Administrative Official no later than three (3) days after the actual mailing, using photocopies of the PS Form 3800 Receipt for Certified Mail used on the certified letters for each of the applicable property owners. In addition, the owner or owner's representative will use the Planning and Development Office return address in the space provided on the back (hidden) side of the PS Form 3811 that is attached to the certified letter. This will result in the notification of receipt being returned to the Office of Planning and Development, thereby establishing certification that the notices were received by the respective adjoining property owners. Failure to adhere to all three requirements shall lead to the

proposed land use change being removed from the agenda of the scheduled meeting.

If an adjoining property is in condominium or cooperative form of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

4. When the Planning Commission or Fiscal Court originates a proposal to amend the land use management map, notice of the public hearing before the Planning Commission or Fiscal Court shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records of the property valuation administrator may be relied upon to determine the identity and address of said owner.
5. If the property the classification of which is proposed to be changed adjoins property in a different planning unit notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail to the Planning Commission of that planning unit.

#### **401.3 Planning Commission Review**

Upon the filing of an application of an amendment to the land use management regulations text or map, the Planning Commission shall study and review the application as provided in this ordinance and its bylaws. The Planning Commission may require the submission of additional information. In accordance with regulations in the preceding sections, the Planning Commission shall hold a public hearing.

After voting to recommend approval or disapproval to an amendment of the text of this ordinance, the Planning Commission shall forward its recommendation in writing to the Fiscal Court.

If the application is for an amendment to the land use management map, the Planning Commission must first find if the proposed amendment is in agreement with the adopted comprehensive plan. In the absence of such a finding, it must then find:

(within ninety days following the disapproval) to the Planning Commission requesting reconsideration based upon an application that is substantially different from that previously submitted. The Planning Commission shall consider the request at its next regular business meeting and make a determination as to whether the new proposal should be considered in a public hearing as required by these regulations.

## **402 LAND USE CLASSIFICATION AND DISTRICTS**

### **402.1 Levels of Uses Allowed**

There are three different ways in which the land may be used:

1. Permitted Uses: These are uses that are deemed to be the most appropriate uses, and are allowed in a district or area subject to the restrictions applicable to that district.
2. Conditional Uses: These are uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed within this ordinance.
3. Accessory Uses: These uses are subordinate or incidental to the principal use and located on the same lot with the principal use.

### **402.2 Classification of Land Uses**

The land use classification system allows for the following general types of land use, each of which is coded by a single digit:

1. Single-Family Residential Uses
2. Multi-Family Residential Uses
3. General Commercial Uses
4. Neighborhood Commercial Uses
5. Light Industrial Uses
6. Public and Semi-Public Uses
7. Agricultural Uses
8. Resource Extraction Uses

## 402.3 Guidelines for Land Uses in Madison County

### Residential Land Uses

Residential land use is the most extensive use of land in most urban areas, and second only to agricultural land in the unincorporated area of Madison County. Included under this category are single family residences and multi-family residences. The residence or home constitutes one of the most important parts of any community. The homeplace represents the single most significant investment that most people will make in their lifetime, and also is the place where they are likely to spend most of their time. Accordingly, residential land use should be given a great deal of special consideration in the overall development taking place in a given area. Uses that are detrimental to residential areas should be discouraged, or shielded from residential areas in such a way as to mitigate any detrimental effects.

#### Site Requirements

Land used for residential purposes should be level to gently sloping, with soils that are adequate to support lawns and landscaping, and geologically stable. The site should be provided with appropriate services to include water, electric, sewage disposal, gas, cable television, telephone, waste disposal, and related services as appropriate and feasible.

#### Relative Location

Residential land should be developed in close proximity to other residential areas, and clustered into neighborhoods. Neighborhoods should be in close proximity to convenience-type businesses, schools, and recreation areas. It is desirable that some of these supporting activities are found within reasonable walking distance for residents.

#### Types of Residential Areas

Residential land uses may be classified as single-family, multi-family, (two or more families), or group quarters (dormitories, nursing homes, etc.). It is desirable to allow for this diversity in order to meet the housing needs of different socio-economic groups in the county.

## Commercial Land Uses

Commercial activities include a variety of businesses that occupy a relatively small percentage of the total land used in the county. Businesses provide consumers with a range of goods and services that are in demand, and are used to meet basic needs or cultural wants.

### Site Requirements

Land used for commercial purposes should be level to gently sloping, with soils that are adequate to support building foundations, parking lots, and other associated structures. The site should be provided with appropriate services to include water (with sufficient pressure to support fire hydrants), electric, gas, telephone/cable, waste disposal, and other services, as deemed appropriate and feasible.

### Relative Location

Land used for commercial purposes shall be located at the intersections of major highways, or where major highways intersect with other important connector/collector roads. In addition, commercial activities may be located on major highways adjacent to existing commercial uses, but should not be allowed in long continuous strips that interfere with the effective flow of traffic. There should be allowances made for individual dispersed commercial activities that are not dependent upon a large consumer base. Finally, with the improvements in communications and information processing, the home has become a focal point for more businesses. These activities are allowed under the heading of home occupations.

### Types of Commercial Areas

For purposes of these regulations, two primary types of commercial activities are identified; 1) neighborhood or convenient type goods and services, and 2) general (highway) or shopping type goods and services. Convenient type commercial activities are those that involve frequent, small-scale purchases, require a relatively small consumer base, and can be acquired with very little travel time. Shopping type commercial activities include those that involve less-frequent, often more expensive purchases, a larger consumer base, and more travel time. When determining the location for a commercial activity, the function of the activity as described herein should be taken into consideration.

## Industrial Land Uses

Industrial activities also take up a relatively small portion of the total land being used in Madison County. Most of the industrial activities are confined to large industrial parks in Richmond and Berea, where the public infrastructure is adequate and there is reasonable access to major highways and possible railroads. Industrial activities generally concentrate large numbers of workers in small areas and need to be separated from other uses to reduce potential negative impacts on surrounding land.

### Site Requirements

Most manufacturers desire to locate on a site that is relatively flat with ample room for future expansion. The plant will likely be constructed on one level and may take up several acres of land. Industrial sites require a higher level of public services in terms of water, sewage disposal, electric, gas, and other utilities, than is true of other land uses. Soils should be capable of supporting all structures.

### Relative Location

The most desirable location is in an industrial park with other similar land use activities. However, it is realized that some manufacturers may find other locations more desirable. Manufacturing must have sufficient access to move raw materials and employees to the site, and to ship out finished products. Access to local protective services may be an important consideration as well. Accordingly, these sites shall be located on a highway or major collector road adjacent to existing industrial or commercial activities.

### Types of Industrial Areas

As described above, there are several different types of industrial areas:

1. Planned industrial parks
2. Small industrial clusters outside industrial parks
3. Dispersed individual industrial sites

These areas can also be classified as heavy or light depending upon the extent of activity, size and volume of goods, required storage areas, and scale of processing involved. Heavy industries shall be confined to industrial parks.

## **Public and Semi-Public Land Uses**

Public and semi-public land uses cover a broad spectrum of activities. The primary consideration is control by the public sector, or uses that by their nature take on the character of a public place. These land uses may involve local, state and federal governmental bodies, or non-profit, charitable organizations. They may take up large expanses of land (Bluegrass Army Depot) or micro-sites (cemetery). A number of these places have been designated as special areas or districts in these regulations.

### **Site Requirements**

It is difficult to make general statements about site requirements because of the great variety of activities included under this heading. An individual use may require practically no infrastructure (small cemetery), and may be situated on land that is not suitable for other uses (hiking trail).

### **Relative Location**

The same is true of relative location. Some public or semi-public uses may not require a high degree of access (wildlife area), while others would need to be located on a highway to attract tourists (Fort Boonesborough State Park).

### **Types of Public and Semi-Public Areas**

Included in the list of public and semi-public land uses would be those of an institutional nature (schools, fire stations, government offices), and those of an open space/recreational nature (Central Kentucky Wildlife Management Area, Whitehall State Shrine, etc.).

## **Agricultural Land Uses**

Agriculture occupies more land in Madison County than any other use. Farming involves a close working relationship with the natural environment, and reasonable access to agricultural suppliers and buyers. Agricultural uses are generally divided into the growing of crops, or the raising of livestock.

### **Site Requirements**

The best land for agricultural activities is described as prime farmland. This is land that has optimum physical conditions (soil quality, depth, gentle slope, adequate moisture, moderate climate,

etc.) to yield a high level of productivity. There are other lands designated as important farmlands that are slightly less capable than prime farmland, but still in need of special consideration. Grazing of livestock may occur on land that is not highly desirable for other uses.

#### Relative Location

Agricultural land uses are not always compatible with developed areas. Farming involves equipment, working conditions, noises, and odors, that are not amenable to urban type uses. It is desirable to protect farming areas from undesirable intensive development that encroaches upon or even surrounds croplands and pastures.

#### Types of Agricultural Areas

Agricultural areas may be crop oriented, livestock oriented, or a combination of the two. Much of the farming in Madison County today is done on a relatively small scale by part-time farmers. The type of farming will largely determine the types and number of farm-related structures, and the overall landscape appearance.

#### Resource Extraction Uses

Resource extraction includes the removal of natural resources directly from a site by use of equipment and machinery. In Madison County this involves the quarrying of rock material from surface or sub-surface sites, the digging of clay for commercial use, and removal of timber for commercial (exclusive of timber removal as an agricultural use) use.

#### 402.4 Land Use Districts

**Land Use Districts** are large geographic areas that carry a general classification of the types of land use activities that should take place in the unincorporated portions of the county. Madison County has been divided into five (5) of these areas, excluding the cities of Richmond and Berea.

**Urban Development Corridor (UC):** This is a large district that parallels I-75 from the vicinity of Silver Creek on the south to the Kentucky River on the north. This is the area in which a majority of land use activities and development have taken place. It consists of a strip of land that is several miles in width, the limits of which (designated on the official map) follow natural and man-made features. This area contains the appropriate infrastructure for support of the more intensive levels of development, or is

scheduled for public improvements that will support future development. The area is described as being in a state of urbanization, making the transition from predominantly rural to an urban character.

While much of the future growth and development in Madison County is expected to take place within the cities of Richmond and Berea, it is recognized that significant growth and development will take place within this corridor as well. This area will be the focus of the most intensive development (outside the cities), the widest range of land uses, and the highest degree of land use management.

The Urban Development Corridor is divided into seven sub-districts each of which allows specific uses:

**a. Sub-Districts:**

- UC-1 Urban Development Single-Family Residential**
- UC-2 Urban Development Multi-Family Residential**
- UC-3 Neighborhood Commercial**
- UC-4 General Commercial**
- UC-5 Light Industrial**
- UC-6 Urban Development Public & Semi-Public**
- UC-7 Urban Agricultural**

**Rural Development Corridors (RC):** There are four of these districts that parallel important federal or state highways. These narrow corridors have been the focus of considerable development primarily due their accessibility.

- **Highway 627**, from the Urban Corridor boundary to Fort Boonesborough State Park. This corridor is partially developed in residential subdivisions.
- **Union City Road**, from the Urban Corridor boundary to Union City. This is another corridor with a number of developing residential subdivisions.
- **Highway 52 East**, from the Urban Corridor boundary to just beyond Bybee. This corridor is more extensively developed, in a mixture of commercial and residential uses.
- **Highway 421 South**, from the Urban Corridor boundary south to the community of Big Hill. This corridor is presently being developed largely in residential subdivisions.

These four districts might be viewed as secondary development corridors. Here the intensity of development, the range of land

uses, and the degree of land use management will be less than in the Urban Corridor.

**a. Sub-Districts:**

- RC-1 Rural Development Single-Family Residential**
- RC-2 Rural Development Multi-Family Residential**
- RC-3 Rural Development Neighborhood Commercial**
- RC-4 Rural Development General Commercial**
- RC-5 Rural Development Light Industrial**
- RC-6 Rural Development Public and Semi-Public**
- RC-7 Rural Development Agricultural**

**Rural Communities (C):** There are a number of small rural communities scattered throughout Madison County. A number of these places were pockets of activity during the late 1800s and earlier 1900s. Most have subsequently lost their vitality and have declined to the point of being points of historical interest. The comprehensive plan envisions the revitalization of some of these communities to the point of being mini-rural growth centers around which small clusters of development might occur. Several already have some of the ingredients for revitalization; county crossroads, a small convenient type store, a church or two, a volunteer fire department, and strips of residences radiating out along the crossroads. These places offer a different lifestyle to their residents, and play a role in the cultural diversity of the county. The amount of development will be limited along with the variety of uses allowed and the degree of land use management.

**a. Sub-Districts:**

- C-1 Rural Community Single-Family Residential**
- C-2 Rural Community Multi-Family Residential**
- C-3 Rural Community Neighborhood Commercial**
- C-6 Rural Community Public and Semi-Public**
- C-7 Rural Community Agricultural**

**Rural Areas (R):** These districts comprise the bulk of land used in Madison County. The primary uses are agricultural, dispersed residential, and resource extraction. A considerable amount of the area is idle, largely due to its lack of suitability for development. Overall population density is low, and public infrastructure is quite limited. These areas are viewed as being the least intensively developed, with a smaller range of allowable uses, and the lowest level of land use management required.

**a. Sub-Districts:****R-1 Rural Single-Family Residential****R-6 Rural Public and Semi-Public****R-7 Rural Agricultural****R-8 Rural Resource Extraction**

**Special Areas (S):** These districts include all state and federal land-holdings, along with other public lands, water bodies, and environmentally sensitive areas. The Fiscal Court does not have authority to manage development within other public lands, but is concerned with what takes place in the unincorporated areas that surround them. The primary issue in these areas is protection; protection of these areas from inharmonious land uses and otherwise negative impacts that might result from nearby development.

Note: All existing residential subdivisions of ten (10) acres or more in size will be classified as single-family residential sub-districts (UC-1, RC-1, or R-1) according to their location.

**402.5 Site and Dimensional Requirements**

<u>Use</u>	<u>Requirements</u>
1. <b><u>Single-family Residential</u></b> (Note 1)	Minimum site: One (1) acre Minimum lot width: 100 feet (50 ft. on cul-de-sacs @ bldg.setback line) Maximum building height: 40 feet Front yard: 25 feet; 125 ft. from centerline of major highways Side yard: 10 feet Rear yard: 25 feet

Note 1: Site and dimensional requirements are same for conventional houses and individual mobile homes/manufactured houses. All manufactured/mobile homes shall be setup in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1/NFPA 501a, and the manufacturers recommended setup requirements. For additional requirements, see Appendix H, Manufactured/Mobile Home Requirements.

**Housing Clusters (Note 2)**

Note 2: Single-family dwellings may be clustered together at a maximum of four (4) units per acre. The four units may be clustered on one acre

with the remaining three acres (75%) retained as open space. The maximum number of dwelling units allowed in a single cluster is twelve (12). The minimum lot size shall be 9,000 square feet. All housing clusters are required to be on a city-type sewer system.

2. **Multi-family Residential** (Note 3)
- Minimum site: Five (5) acres
  - Minimum lot width: 100 feet
  - Maximum building height: 40 feet
  - Maximum density: Six (6) units/acre
  - Front yard: 25 feet
  - Side yard: 10 feet
  - Rear yard: 25 feet

Note 3: Includes duplexes. Multi-family residential developments will be allowed only where city sewer service is available.

**Mobile Home Parks** (Note 4)

Note 4: Mobile home parks must meet all of the state requirements as provided in K.R.S. 219.310 to 219.410, and Kentucky Administrative Regulations 902 KAR Chapter 15, as well as the requirements of the Madison County subdivision regulations. Maximum site size is 25 acres with a maximum density of 4 units per acre. No mobile home park shall be permitted unless it is on a municipal sewer system.

- Minimum lot width: 50 feet
- Maximum building height: 30 feet
- Front yard: 25 feet
- Side yard: 10 feet
- Rear yard: 25 feet

**Planned Mixed-Use  
Development**

- Minimum site: 20 acres
- Minimum lot width: 75 feet
- Other dimensional requirements dependent upon residential/business mix (use appropriate guidelines from this section).

3. **Neighborhood Business**

- Minimum site: One (1) acre
- Minimum lot width: 100 feet
- Maximum building height: 30 feet
- Front yard: 25 feet
- Side yard: 10 feet
- Rear yard: 20 feet

4. **General Business**

- Minimum site: One (1) acre

Minimum lot width: 100 feet  
 Maximum building height: 30 feet  
 Front yard: 25 feet  
 Side yard: 10 feet  
 Rear yard: 20 feet

5. Light Industrial

Minimum site: Two (2) acres  
 Minimum lot width: 200 feet  
 Maximum building height: 40 feet  
 Front yard: 50 feet  
 Side yards: 20 feet  
 Rear yard: 25 feet

6. Public and Semi-Public

Minimum site: One (1) acre  
 Minimum lot width: 100 feet  
 Maximum building height: 30 feet  
 Front yard: 25 feet  
 Side yards: 10 feet  
 Rear yard: 15 feet

7. Agricultural

Minimum farm site: Five (5) acres  
 Minimum house site: One (1) acre  
 Minimum lot width: 100 feet  
 Maximum building height: 40 feet

402.6 Uses Allowed:

	<u>UC-1</u>	<u>RC-1</u>	<u>C</u>	<u>R-1</u>	<u>R-7</u>
<b>1. <u>Single-Family Residential</u></b>					
Detached single-family dwellings					
Conventional (built on-site)	P	P	P	P	P*
Manufactured housing	P	P	P	P	P*
Mobile homes	P	P	P	P	P*
Single-Family dwelling clusters	P	P			
<b>2. <u>Multi-Family Residential</u></b>	<u>UC-2</u>	<u>RC-2</u>			
Duplex	P	P			
Apartments	P	P			
Group Quarters	P	P			
Mobile Home Parks	C	C			
<b>Home Occupations:</b> allowed in all residential districts as conditional uses.					
<b>3. <u>General Commercial</u></b>					
<b>4. <u>Neighborhood Commercial</u></b>	<u>UC-3</u>	<u>UC-4</u>	<u>RC-3</u>	<u>RC-4</u>	<u>C</u>
Home Occupations	C	C	C	C	C
Transportation/					

**Communications/Utilities**

Trucking/moving	P	P
Post Office	P	P
Telephone Co.	P	P
Radio/TV stations	P	P
Utility companies	P	P
Bus lines	P	P
Taxicabs	P	P
Air cargo service	P	

**Wholesale Trade**

Durable goods		P	P		
	<u>UC-3</u>	<u>UC-4</u>	<u>RC-3</u>	<u>RC-4</u>	<u>C</u>
Non-durable goods		P		P	

**Retail Trade**

Bldg. materials, hardware	P	P	P	P	P
Farm supplies/equip.		P		P	P
General/variety	P	P	P	P	P
Food stores	P	P	P	P	P
Vehicle sales	P			P	
Mobile/mfg. homes	P			P	
Apparel & accessories	P	P	P	P	
Furniture	P			P	
Office Supplies/equip.	P	P	P	P	
Eating places	P	P	P	P	P
Pharmacies		P		P	
Used merchandise		C		C	
Sporting goods	P	P	P	P	
Bookstores/newstands	P	P	P	P	
Jewelry		P		P	
Auto parts		P		P	
Florists	P	P	P	P	
Pet shops		P		P	
Gift shops	P	P	P	P	
Monument sales		P		P	
Glass sales		P			
Ice		P		P	
Music equip/supplies		P			
Commercial nursery		P		P	

**Finance, Insurance  
and Real Estate**

Banks, credit co.		P		P	
Insurance, real estate		P		P	
Investments		P			

**Personal Services**

Laundry, cleaners	P	P	P	P	P
Photo/supplies	P	P	P	P	

Barber/beauty shops	P	P	P	P	P
Shoe repair		P			
Funeral services		P		C	
Travel services		P			
Health club, spa, etc.		P		P	
<b>Business Services</b>					
Advertising/Public relations		P			
Printing/copying	P	P	P	P	
Janitorial/maintenance		P		P	
Computers/related		P			
Rentals		P		P	
	<u>UC-3</u>	<u>UC-4</u>	<u>RC-3</u>	<u>RC-4</u>	<u>C</u>
Research/testing		P			
Mini warehouses	P	P	P	P	
<b>Auto Services/Repair</b>					
Service stations,		P		P	C
Garages		C		C	C
<b>Miscellaneous Repair</b>					
Electrical, watches,		P			
Furniture repair		P		P	C
Air condit/heating			P		P
<b>Health Services</b>					
Physicians, dentists	P	P	P	P	
Optometrists, chirop.	P	P	P	P	
Medical labs, etc.	P	P	P	P	
<b>Professional Services</b>					
Attorneys, accountants	P	P	P	P	
Architects, engineers	P	P	P	P	
Veterinary	P	P	C	P	C
<b>Amusement, Entertainment</b>					
Theaters, bowling		P		P	
Billiards, skating		P		P	
Riding stables		P	P	P*	
Other	C	C	C	C	
* Riding stables also a permitted use in RC-7 and R-7					
<b>Educational Services</b>					
Dance, art, acting, music and related	C	P	C	P	
<b>5. Light Industry</b>	<u>UC-5</u>		<u>RC-5</u>		
Lumber/wood products	C		C		
Printing/publishing	P		P		
Fabricated metals	P		P		
Electronics	P		P		
Instruments	P		P		
Signs	P		P		

Pharmaceutical	P	P
Toys	P	P
Miscellaneous	C	C
Auto salvage yards	C	C

## 6. Public and Semi-Public Uses

Churches and related uses,	Permitted use in all sub-districts except C-5, RC-5, R-8 (This change allows churches and related uses in UC-7 and R-7 sub-districts).
Public Utilities	Public Utilities operating under the jurisdiction of the public service commission, the department of vehicle registration, the federal power commission, any municipally owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities (see definition of public service facilities). However, the utility in question shall provide the Planning Commission with information on the proposed change for consideration in their planning activities.
Civic/charitable organizations	Cellular telecommunications facilities (see Appendix F for detailed regulations regarding the location of antenna towers). Permitted use in UC-4, RC-4, and conditional use in UC-3, RC-3, and C.
Government services	
Offices, fire stations	Permitted uses in UC-3, UC-4, UC-5, UC-6, RC-4, RC-5, RC-6, C, and R-6.
Libraries, auditoriums	
Schools	Permitted uses except in UC-4, UC-5, RC-4, RC-5, and R-8.
Recreation	
Parks, playgrounds	Permitted uses in all districts except UC-5, RC-5, and R-8.
Golf courses	Permitted uses in UC-1, UC-4,

UC-6, RC-1, RC-4, RC-6, and R-6.

## 7. Agricultural

Agricultural crops  
 Horticultural crops  
 Livestock and products\*  
 Poultry and products\*  
 Flowers or ornamental  
 plants, and related  
 Dwellings for families  
 and persons engaged  
 in agriculture

Permitted uses in UC-7, RC-7, C,  
 and R-7

\* Livestock and poultry production in large quantities such as extensive high density feed lots are considered to be a conditional use in the agricultural district. A change in farming to these more intensive activities will require a conditional use permit.

## 8. Resource Extraction

### R-8

Quarrying	P
Commercial Logging	P

### **Accessory uses allowed in all residential districts (A).**

Storage sheds/buildings  
 Garages, carports  
 Swimming pools  
 Satellite dishes  
 Non-commercial greenhouses

**P = Permitted use**  
**C = Conditional use**  
**A = Accessory use**

## 403 LAND USE BOUNDARIES

### 403.1 Official Land Use Management Map

The districts and sub-districts described in this ordinance are shown on the Official Land Use Management Map. The Official Map shall be identified by the title "Official Land Use Management Map of Madison County" and shall bear the signature of the County Judge Executive, attested by the County Clerk, and bear the seal (of the county) located under the following words: "Official Land Use Management Map of Madison County, Kentucky, adopted \_\_\_\_ (date) \_\_\_\_."

When an amendment is made to the official map, it shall be posted on the map, along with the ordinance number, promptly following final approval by the Fiscal Court. No changes shall be made to the official map except in conformity with the procedures set forth in this section and in KRS 100. The Official Land Use Management Map shall be maintained in the Planning and Development Office and shall be the final authority as to the current land use classifications of Madison County.

### 403.2 Replacement of Official Land Use Management Map

In the event that the Official Land Use Management Map becomes damaged, destroyed, lost, or difficult to interpret due to the number of changes made, the Fiscal Court may by resolution adopt a new Official Land Use Management Map which shall supersede the prior map. The new map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the land use management regulations. The Official Land Use Management Map shall be identified by the signature of the Judge Executive, attested by the County Clerk, and bear the seal of the county under the following words: "This is to certify that this Official Land Use Management Map supersedes and replaces the prior map adopted (date of adoption of map being replaced) as part of the Land Use Management Regulations for Madison County."

### 403.3 Interpretation of Land Use District Boundaries

The following rules shall apply with respect to determining the location of land use management boundaries:

When uncertainty exists in the approximate location of a land use district boundary, the boundary shall be construed as following the center line of streets, highways, alleys, streams, canals, lakes, and railroad lines. It will also be construed as following the county limits boundary and platted property lines. A boundary indicated as

parallel to or extensions of features shall be so construed, with distances indicated on the map or determined by use of the map scale. Where physical or cultural features existing on the ground are at variance with those shown on the map, or in other circumstances not covered above, the Planning Commission shall interpret the district boundaries.

## **404 PARKING REQUIREMENTS**

### **404.1 General**

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces (if applicable) have been provided in accordance with the requirements of this section of the ordinance.

These provisions shall not apply to existing buildings or structures except where there has been a change of use. Where the new use involves additions or enlargements, additional parking spaces shall be provided as spelled out in this section.

Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided. If a building or structure is enlarged by fifty (50) percent or more in terms of the above characteristics, it shall comply with the full requirements set forth in this ordinance.

### **404.2 Location of Parking**

Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.

Parking spaces for two-family, multi-family, and group quarters shall be located on the same site as the principal use.

Parking spaces for commercial, industrial, or institutional uses shall be located on the site, or not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use may be approved by the Planning Commission.

No part of any parking space for multi-family residential dwelling units shall be located within ten (10) feet of the dwelling unit structure. No

parking area shall be located closer than ten (10) feet to any established street.

Parking spaces of adjacent properties may be shared provided there is a written agreement between the owners involved that provides evidence that sufficient spaces shall be available to meet the needs of both parcels.

#### **404.3 Number of Spaces Required**

<b><u>Uses</u></b>	<b><u>Spaces</u></b>
<b><u>Residential</u></b>	
Single-family, two-family	2 per dwelling unit
Multi-family	1 1/2 per bedroom
Group quarters	3 spaces for every 5 beds
Homes for senior citizens	1 per 2 beds
<b><u>Commercial</u></b>	
Service stations	1 per pump + 1 per bay + 1 per 200 sq. ft. gross floor area for office/retail
Hotels, motels	1 per sleeping room + 1 per 2 employees
Retail stores	1 per 200 sq. ft. gross floor area
Banks, offices, services	
High-volume traffic generation	1 per 150 sq. ft. gross floor area
Low-volume traffic generation	1 per 400 sq. ft. gross floor area
Restaurants, food places	1 per 100 sq. ft. gross floor area
Funeral homes	1 per 100 sq. ft. gross floor area
Motor vehicle sales	1 per 200 sq. ft. gross floor area
Other commercial	1 per 300 sq. ft. gross floor area
<b><u>Entertainment/Recreation</u></b>	
Bowling alley	4 per alley + 1 per 100 sq. ft. gross floor area for other uses
Theater	1 space per 3 seats
Sports arena, stadiums	1 per 3 seats
Parks, recreation areas	1 per 200 sq. ft. area within closed buildings, + 1space for every 3 persons facilities are designed to accommodate
Golf courses	2 per golf hole + 1 per 200 sq. ft. gross floor area of building
<b><u>Manufacturing</u></b>	1 per 2 employees on maximum shift
<b><u>Public/Semi-public</u></b>	
Libraries, museums	1 per 400 sq. ft. gross floor area

Day care facilities	1 per employee + 1 per 200 sq. ft. gross floor area
Elementary/middle schools	2 per class room
High schools	5 per class room
Civic clubs, related	1 per 4 seats
Churches	1 per 4 seats in sanctuary +1 per 200 sq. ft. gross floor area for classrooms/offices
Hospital/clinics	2 spaces per bed or 1 space per 150 sq. ft. gross area, whichever is greater

#### **404.4 Parking Lot Improvements**

All residential subdivisions (except minor plats) shall provide a minimum of two off-street paved parking spaces. In multi-family, commercial and industrial development projects, the required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be paved. Parking lots with less than 50 parking spaces and those to be used on an infrequent basis may request an extension of 24 months to meet this requirement. All parking lots and loading areas shall provide for proper drainage of surface water. The owner of the property used for parking and loading shall maintain the area in good condition, without holes, and free from dust, litter, and other debris. Any parking area that is intended to be used beyond daylight hours shall be properly illuminated. Any lights used to illuminate the parking lot shall be so arranged as to reflect light away from adjoining property.

Parking lots shall meet the accessibility requirements for the handicapped as provided for in federal requirements.

Parked vehicles shall not be allowed to hangover a landscape buffer, interior landscaped area, more than two and one-half (2 1/2) feet, nor to interfere with pedestrian walkways. Curbs or wheel stops shall be provided to avoid excessive overhang.

#### **404.5 Dimensional Requirements and Access**

A parking space shall provide a minimum area of one hundred seventy one (171) square feet (rectangular or otherwise, based on the angle of parking); nine (9) ft. wide by nineteen (19) feet in length, with the exception of parallel parking spaces which shall be a minimum of nine (9) feet in width by twenty-three feet in length). These requirements are exclusive of circulation areas. Circulation areas to include aisles and entrances/exits, shall be a minimum of fourteen (14) feet in width for one way traffic, and twenty-four (24) feet for two-way traffic.

All parking lots shall be designed in such a way as to insure that any vehicle entering or leaving the lot shall be in a forward motion. Access points shall be clear of any obstructions to visibility for vehicles or pedestrians, and shall be no closer than 125 feet from a street intersection. Parking lots shall be designed in such a way as to provide for safe, efficient traffic flow, and be properly marked with arrows and stop signs to reduce hazards both to vehicular and pedestrian movements.

## **405 LANDSCAPING REQUIREMENTS**

### **405.1 Purpose**

It is the intent of this section of the ordinance to provide for landscaping that will improve the aesthetic and functional quality of new development, and minimize the friction between different land uses.

### **405.2 Procedures**

The landscape provisions of this section of the ordinance shall be the responsibility of the developer of the property. Where the proposed development is creating a land use situation that is more intensive than the surrounding uses, it is the responsibility of the developer involved to provide a landscape buffer that will mitigate the differences between land uses.

The landscape plan shall be reviewed by the Development Review Team prior to approval of a development plan or preliminary plat. The Administrative Official shall be responsible for enforcement of this requirement, and shall not issue a building permit until the landscape plan has been approved. No certificate of occupancy shall be issued until the landscaping work is completed and approved by the Administrative Official.

All plants shall be living plants and suitable for the conditions of the site.

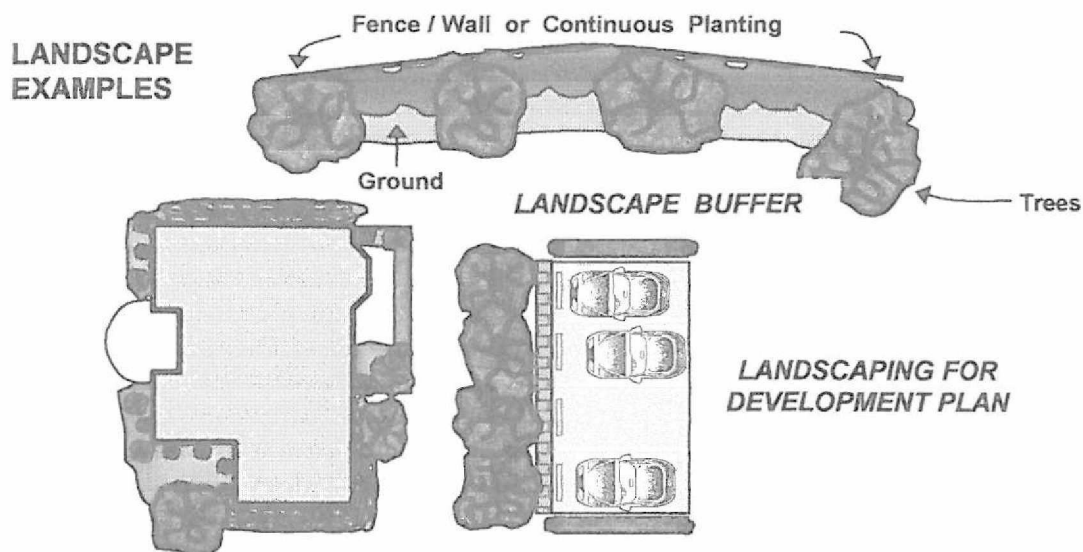
The property owner is responsible for the continued maintenance and replacement of all landscaping materials.

### **405.3 Landscape Buffers / Fences**

The landscape buffer shall be located within a designated easement with a minimum width of fifteen (15) feet, and shall provide for a continuous landscape buffer of shrubs, or combination of shrubs and trees that will effectively shield the proposed use from surrounding property with a different land use. Groundcover should be provided as part of the landscaped area. The Planning Commission may accept a wall or fence

barrier that will effectively serve this purpose as an alternative to landscaping.

When a subdivision or other development is being established in an area that is contiguous to a farm, the developer of the subdivision shall be responsible for providing a fence to separate the new development. The fence shall be constructed of woven wire, nine (9) gauge with twelve (12) inch stays, six (6) inch line posts, and a single strand of barbed wire on top. The centers of line posts will be twenty (20) feet with two (2) six and one-half (6 ½) feet steel "T" posts spaced between each line post. Corner posts shall be either (8) inches to ten (10) inches in length set in concrete or double braced.



#### 405.4 Parking Lots

In all multi-family residential, commercial, and industrial development (with 50 or more parking spaces), a minimum of five (5) percent of the parking area shall be landscaped, in addition to landscaping around the perimeter of the building, and any outer perimeter buffer requirements.

### 406 SIGN REGULATIONS

#### 406.1 Purpose

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs of all types, to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of areas, reduce sign

distractions and obstructions that may contribute to vehicular accidents, and reduce hazards to the public that may be caused by overhanging or projecting signs.

#### **406.2 Permits Required**

No sign (except those excluded below in Section 406.3) may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with provisions of these regulations. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial revision.

#### **406.3 Signs Excluded From Permitting**

The following signs are exempt from regulations under this section:

1. Signs not exceeding four (4) square feet in area that are normally associated with residential use (such as for property identification, trespassing, etc.)
2. Signs erected by or on behalf of or pursuant to authorization of a governmental body.
3. Official signs of a non-commercial nature erected by public utilities.
4. Church bulletin boards or identification signs.
5. Signs used to designate the name of a subdivision. Such signs shall be located at the entrance into the subdivision (may be within the right-of-way) and shall not exceed twenty-four (24) square feet in size.
6. Real estate signs indicating property for sale, rent, or lease. Such signs should not exceed six (6) square feet in residential areas, and twelve (12) square feet in commercial/industrial areas, shall be located on the property that is being advertised or promoted for sale, and shall be removed immediately after the transaction is completed.
7. Construction site identification signs, one per site, not to exceed forty (40) square feet. Such signs shall not be erected prior to issuance of a building permit and shall be removed within 10 days after occupancy.

8. Displays (including lighting) erected in connection with the observance of holidays (to be removed within 10 days following the holiday).
9. Signs erected in connection with elections or political campaigns no more than thirty-two (32) square feet in size and to be removed within three (3) days following the election or campaign.
10. Signs indicating a special event such as a grand opening, fair, carnival, circus, festival or similar event that is to take place on the lot where the sign is located. Such sign shall not exceed thirty (30) square feet, may be erected no sooner than two (2) weeks before the event, and must be removed within three (3) days after the event.

#### **406.4 Types of Signs**

1. Wall or facade sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure or sign surface, and that does not project more than two (2) feet from the building or structure.
2. Freestanding sign: A sign that is attached to, erected on, or supported by some structure (such as a pole or frame) that is not an integral part of or attached to a building or other structure whose principal function is other than support of a sign.
3. Internally illuminated sign: A sign where the source of illumination is inside the sign and light emanates through the message of the sign.
4. Off-premise sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located (a billboard is an example).
5. On-Premise sign: A sign that draws attention to or communicates information about a business, service, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

6. Temporary sign: A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to be completed within a reasonably short time, not to exceed sixty (60) days.

#### **406.5 Number of Signs**

For the purpose of determining the number of signs, a sign shall be considered to be a display surface or display device containing elements organized, related, and composed to form a unit. A two-sided or multi-sided sign shall be regarded as one sign.

Property having more than one street frontage shall be allowed one free-standing sign per street frontage. A shopping center or other multiple business building shall be limited to one free-standing sign per street frontage. An out-lot within a shopping center shall be allowed a separate free-standing sign. Each separate business (free-standing) shall be allowed one wall sign per street frontage.

#### **406.6 Sign Dimensions**

The maximum surface area of a wall sign shall not exceed twenty-five (25) percent of the total area of the building front upon which it is located.

The maximum surface area of a freestanding sign shall be two hundred (200) square feet, and the maximum height forty (40) feet.

#### **406.7 Setback Requirements**

A freestanding sign shall conform to the setback requirements of the district in which it is located. If there is no minimum yard requirement indicated, the minimum setback from the street pavement edge shall be 15 feet. At the intersection of highways the setback or signs shall be fifty (50) feet from the right-of-way line. Signs shall be designed and placed in such a manner as to not cause excessive light or glare for adjacent property.

#### **406.8 Temporary Signs**

All temporary signs (except those excluded in Section 406.3) shall require a permit. A permit is for a sixty (60) day period (plus construction time if applicable).

No temporary sign shall exceed forty (40) square feet in surface area.

Mobile or portable signs are a special type of temporary sign and must meet the following requirements:

1. They are not allowed in residential areas.
2. Mobile signs must not extend higher than eight (8) feet above the surface on which they are located.
3. Mobile signs shall not be placed in such a way as to create a safety hazard or impede traffic flow. They shall meet the setback requirements addressed in Section 406.7.
4. Each individual business or parcel of property shall be permitted only one mobile sign.
5. Mobile signs shall meet all requirements of other sections of this ordinance and related codes, as applicable.
6. Mobile signs may be allowed by permit for a period not to exceed sixty (60) days.

#### **406.9 General Requirements**

In addition to the requirements above, all permitted signs in the county shall adhere to the following regulations:

1. All wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Safety Code (most recent edition).
2. Illuminated signs shall emit light of a constant intensity. Waivers may be granted to signs that provide weather, time, public announcements/ information, and change copy electronically, or lights used with the observance of holidays.
3. No permanent sign or part thereof shall consist of banners, ribbons, streamers, spinners, or similar moving parts.
4. Any sign found to be non-conforming with these regulations at the time of their adoption shall meet the requirements dealing with non-conforming uses and structures.
5. No sign shall be placed in any public right-of-way except public signs such as traffic control signs and directional signs.

6. Should any sign become unsafe or be in danger of falling, or to be in need of repainting or other repair, the owner thereof, or the person maintaining the sign shall, upon receipt of written notice from the Administrative Official, proceed at once to put said sign into a safe and secure condition, or remove the sign. In the case of an abandoned sign, the owner of the property on which the sign is located is responsible for meeting these requirements.
7. Off-premise signs (including billboards) are prohibited.

## 407 SUPPLEMENTARY REGULATIONS

### 407.1 General

The purpose of supplementary regulations is to set specific conditions for various uses, classifications of uses, or areas where problems are frequently encountered, and are not covered elsewhere in these regulations.

Visibility at Street Intersections - on a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision in the area bounded by a line measuring twenty-five (25) feet from the intersecting right-of-way lines.

Fences, Walls, and Hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required rear or side yard or along the edge of a yard provided they not infringe upon the property line, or impair traffic visibility.

Accessory Buildings - Accessory buildings shall be located in the rear or side yard of a principal structure and shall not be erected within ten (10) feet of any property line.

Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Parking and Storage of Vehicles - No recreational vehicle, travel trailer, camper, coach, motorized dwelling, tent trailer, tent, or similar equipment shall be used for living, sleeping, or housekeeping purposes on a semi-permanent or permanent basis when parked or stored on residential lot or in any location not approved for such use. This requirement is not

intended to eliminate an occasional overnight use of such equipment by a visitor.

Solid Waste Management - Development plans for multi-family, commercial, and industrial uses shall include provisions for storage and disposal of solid waste. Containers for solid waste shall be of sufficient capacity to handle the waste being generated. Containers shall be placed in rear or side yards, and located in such a way as to be accessible by service vehicles. Containers shall be separated from the remainder of the developed area by an acceptable fence, wall, or vegetative screen. In the case of construction projects, all waste resulting from the construction, demolition, or remodeling shall be removed promptly from the site and disposed of in accordance with appropriate waste disposal laws.

Exceptions to Height Requirements - Height limitations described elsewhere in this ordinance do not apply to such items as belfries, spires, steeples, antennas, water tanks, air conditioning-heating units, chimneys, or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Loading Space Requirements - Loading spaces are required on commercial and industrial sites. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length (exclusive of driveways, aisles, and other circulation areas), and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

Protection Standards - Any manufacturer locating in an industrial district shall be required to submit information regarding storage, use, and disposal of any materials or substances which might be detrimental to public health, safety, and welfare. Agencies to be involved in the review of such information shall include the fire department, county health department, county utilities, and other agencies as deemed appropriate. No materials or waste shall be stored in such a way as to be transferred off the site by natural forces or causes. No fire, explosion, or related safety hazard shall be created or maintained on the site that could create a safety or health hazard beyond the site. There shall not be emitted from the site any excessive noise (beyond the average noise levels in the area), not any objectionable heat, glare, vibration, dust, smoke, dirt, vapors, gases, or toxic/noxious matter.

## ARTICLE V

### DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance. Words used in the present tense shall include the future; the word "building" shall include the word "structure"; the word "lot" includes the words "plot" or "parcel"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or intended to be "used"; the word "shall" is mandatory, "may" is permissive, and "should" is preferred.

1. Accessory Use or Structure: A use or structure subordinate to the principal use of land or the principal use of a building, and which is located on the same lot, serving a purpose customarily incidental to the principal land use or principal building use.
2. Administrative Official: An employee of the county authorized to administer any provision of the land use management regulations, subdivision regulations, and building or housing codes.
3. Agricultural Use: The use of a tract of at least five (5) contiguous acres of land for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
4. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
5. Automotive Repair: Repair of motor vehicles or trailers to include rebuilding or reconditioning of engines or transmissions, collision services, painting, parts replacement, upholstering, and related services.
6. Automotive Service Station: A place where gasoline, oil, and other products are offered for sale to the public, and lubrication, oil change, minor repair work and related services are provided.
7. Automotive Salvage Yard: The dismantling or disassembling of used motor vehicles, or the storage and sale of parts from such vehicles.
8. Buildable Lot Area: That part of the lot not included within the open areas required by this ordinance.
9. Building: Any structure having a roof supported by columns or walls, used or intended to be used for the support, shelter, protection, or enclosure of persons, animals, or property.
10. Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

11. Building Permit: A written permit issued by the Administrative Official authorizing the construction, repair, alteration or addition to a building or structure.
12. Building Setback Line: The line measured from the centerline of the street, beyond which no building or part thereof shall project, except as otherwise provided in this ordinance.
13. Cemetery: Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes to include columbarium, crematory, mausoleum, and mortuary, if operated in connection with and within the boundaries of such cemetery.
14. Chairperson: The person elected by the Planning Commission to be in charge of the body's meetings and other conduct of official business.
15. Comprehensive Plan: A plan of Madison County, adopted by the Planning Commission in accordance with the requirements of K.R.S. Chapter 100. These land use regulations were developed on the basis of the guidelines included in the plan and are intended to assist in its implementation.
16. Conditional Use: Uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.
17. Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustments, consisting of two (2) parts:
  - a. A statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit; and
  - b. A statement of the specific conditions which must be met in order for the use to be permitted.
18. County: Refers to the territory of Madison County, Kentucky.
19. Court: An open unoccupied and unobstructed space, other than yard, on the same lot with a building or group of buildings.
20. Day-Care Center: A facility for child care which meets the state requirements for such activity.
21. Density, Gross: The total number of dwelling units per total area of land to be developed.
22. Developer: Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations to carry out the development of land as defined herein, for such entity or for another.
23. Development Plan: A development plan is a written and graphic description of a development, including any and all of the following items; location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the developer.

24. Development Review Team (DRT): Body consisting of representatives of the respective utility companies, cable TV companies, telephone companies, county road department, and the Natural Resources Conservation Service office, as well as the chairman of the Planning Commission. Purpose is to review preliminary and final plats, to consider their effects on the DRT members' respective areas of responsibility/concern.
25. Display Sign: A structure that is arranged, intended, designed, or used as an advertisement, announcement, or direction, including a sign, billboard, or advertising device of any kind.
26. Driveway: An improved surface connecting a garage or parking area with the street.
27. Dwelling: A building or structure designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home, boarding or rooming house, motel or hotel.
28. Dwelling, Multi-Family: A building or portion thereof designed or used exclusively as the residence of three (3) or more families or housekeeping units living independently of each other.
29. Dwelling, Single-Family: A detached building occupied exclusively for residential purposes by one (1) family or housekeeping unit.
30. Dwelling, Two-Family: A detached residential building containing two (2) dwelling units designed for two (2) families or housekeeping units living independently of each other; also referred to as a duplex.
31. Dwelling Unit: One (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes, having only one (1) kitchen or kitchenette.
32. Easement: Authorization by a property owner for the use by others of any designated part of his/her property for a specified purpose and time as described in the conveyance of land by such easement.
33. Erosion Control Committee: A committee established by the Madison County Soil Conservation District to review and make recommendations on soil erosion control plans.
34. Essential Services: The erection, construction, alteration or maintenance, by public utilities or other governmental bodies of underground or overhead electric, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, fire hydrants, and other similar equipment and furnishings of adequate service for public health, safety, or general welfare, but not including buildings.
35. Family: A person living alone, or two (2) or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.

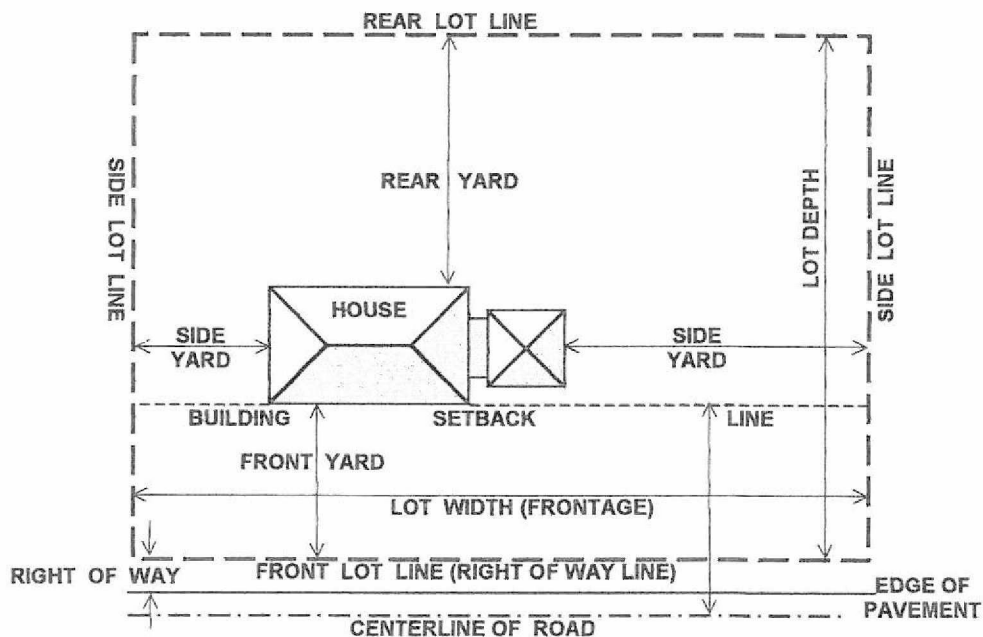
36. Frontage: Frontage shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. Where a lot abuts more than one street, the Planning Commission shall determine the frontage for purposes of this ordinance.
37. Garage: An accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.
38. Home Occupation: Professional offices, workshops, studios, and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupations include only those occupations which meet the following criteria:
- a) home occupations shall be incidental to the principal residential use and shall not occupy more than twenty-five (25) percent of the floor area of the dwelling unit;
  - b) home occupations shall result in no exterior evidence except for a permitted sign that the dwelling is used for a non-residential purpose;
  - c) home occupations shall not generate any atmospheric pollution, light, flashes, glare, odors, noise, vibration, or truck or other heavy traffic; and
  - d) no more than one (1) person not a member of the occupant family may be employed in a home occupation.
39. Improvements: Physical changes made to raw land and structures placed on or under the land surface, in order to make the land more useable for man's activities. Typical improvements would include grading, cutting and filling, street pavement, curbs and gutters, drainage ditches, storm and sanitary sewers, street name signs, property number signs, etc.
40. Junkyard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, packed, disassembled or handled, including auto-salvage yards, house wrecking yards, used lumber yards, places or yards for storage of salvage house parts and structural steel materials/equipment, but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvagable machinery in operable condition, or the processing of used, discarded, or salvaged materials as a minor part of manufacturing operations.
41. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
42. Lot: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title. A lot shall meet all of the appropriate land use management requirements.

All lots shall have minimum frontage on a public street or approved private streets as indicated in this ordinance.

43. Lot Area: The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.
44. Lot Corner: A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
45. Lot Coverage: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
46. Lot Depth: The average horizontal distance between the front and rear property lines of a lot.
47. Lot Frontage: The front of a lot is that portion nearest to the street for the purpose of determining yard requirements. For corner and through lots all sides of a lot adjacent to a street shall be considered frontage.
48. Lot-of-Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.
49. Lot, Through or Double Frontage: A lot of which the opposite ends abut on streets.
50. Lot Width: The distance between the two side property lines of a lot measured along the building setback line.
51. Manufactured Home: A single-family residential dwelling constructed in accordance with the federal act, manufactured after June 25, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Buildings, the construction of which is not preempted by the federal act, are subject to building requirements of KRS Chapter 198B.
52. Manufactured House: This term includes manufactured homes, mobile homes, recreational vehicles, mobile office or commercial units, add-a-rooms, or cabanas.
53. Manufacturing, Light: Manufacturing or industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; includes operation and storage within enclosed structures, and generation of low levels of industrial traffic.
54. Mobile Home: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed

- to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
55. Mobile Home Park: Any site, tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
  56. Modular Home: A dwelling unit constructed in accordance with the standards set forth in the state or local building code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home, or a series of panels or room sections transported on a truck and erected or joined together on the site.
  57. Non-conforming Use or Structure: An activity or a building, sign, structure, or portion thereof, which lawfully existed before the adoption or amendment of the land use management regulations, but which does not conform to all of the regulations contained in the land use management regulation which pertains to the district in which it is located.
  58. Noxious or Toxi Matter: Any matter such as dust, dirt, odors, vapors, gases, fumes, smoke, or radiation, which is inherently harmful, and likely to destroy life and impair health, or is capable of causing injury to the well being of persons, or damage to property.
  59. Nursery/Nursing Home: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.
  60. Open Space: An area open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and similar structures shall not be included.
  61. Public Service (Utility) Facilities: Included in this category are all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and includes office space, garage space, and warehouse space where such space is incidental to a service facility.
  62. Public Use: Public parks, playgrounds, schools, administrative and cultural buildings and structures, available for use by the general public.
  63. Residential Care Facility: A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities (See the Appendix for the requirements for locating these facilities and additional definitions).
  64. Semi-Public: Churches and related church use, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

65. Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground.
66. Variance: A departure from dimensional terms of the land use management regulations pertaining to the height, width or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.
67. Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. In the case of irregularly shaped lots, the Administrative Official shall be responsible for interpretation of the type yard. Refer to the following figure for types of yards.
- Yard Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
  - Yard Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
  - Yard Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.



## **Amending the Land Use Management Regulations**

The steps to be followed in requesting an amendment to the land use management regulations are as follows:

1. File an *Application For Land Use Map Amendment* with the Planning Commission through the office of the Administrative Official. At the time of filing an application, a non-returnable filing fee shall be paid according to the *Fee Schedule* (Appendix E). No fee is required for an amendment requested by any governmental agency.
2. A proposal to amend the Land Use Management Map may originate with the Planning Commission, the Fiscal Court, or with an owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice has been given as required by this section, and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the Fiscal Court. The findings of fact and recommendations shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed change. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court without a recommendation of approval or disapproval. It shall take a majority of the entire Fiscal Court to override the Planning Commission's recommendation, and it shall take a majority of the Fiscal Court to adopt a land use management map amendment whenever the Planning Commission forwards the application to the Fiscal Court without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the Fiscal Court decides to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the Fiscal Court adopting the land use management map amendment shall be deemed to have been passed by operation of law.
3. A proposal to amend the text of the Land Use Management Regulations may originate with the Planning Commission or the Fiscal Court. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall hold a public hearing after notice as required by K.R.S. Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved, and shall state the reasons for its recommendation. In

the case of a proposed amendment originating with the Fiscal Court, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the Fiscal Court to adopt the proposed amendment.

### **Notice of Hearing on Proposed Map Amendment**

When a hearing is scheduled for a proposal by a property owner to amend the Land Use Management Map, the owner or owner's representative shall provide notice to the general public as required by statute, local regulation or ordinance. Such notice will include the following three measures:

1. Notice of the hearing shall be posted on a sign conspicuously placed on the property for fourteen (14) consecutive days prior to the hearing. Sign requirements/specifications are defined in detail in Appendix B.
2. Notice of the hearing shall be published in the newspaper of general circulation in the county, for at least one day, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. The published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersects the street on which the property is located (if applicable). When the property in question is located at the intersection of two (2) streets the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property. Appendix C provides an example of an approved newspaper notice.
3. Notice of the hearing shall be given by first class mail (Appendix D) at least fourteen (14) days in advance of the hearing. This notice will be provided to all property owners whose property adjoins (to include property across a street or road) the property of the proposed land use management change. It shall be the duty of the person or persons proposing the change to furnish to the Administrative Official the names and mailing addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the owner(s) of said property. Certification of this mailing shall be provided to the Administrative Official no later than three (3) days after the actual mailing, using photocopies of the PS Form 3800 Receipt for Certified Mail used on the certified letters for each of the applicable property owners. In addition, the owner or owner's representative will use the Planning and Development Office return address in the space

provided on the back (hidden) side of the PS Form 3811 that is attached to the certified letter. This will result in the notification of receipt being returned to the Office of Planning and Development, thereby establishing certification that the notices were received by the respective adjoining property owners.

If an adjoining property is in condominium or cooperative form of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

4. When the Planning Commission or Fiscal Court originates a proposal to amend the land use management map, notice of the public hearing before the Planning Commission or Fiscal Court shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records of the property valuation administrator may be relied upon to determine the identity and address of said owner.
5. If the property the classification of which is proposed to be changed adjoins property in a different planning unit notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail to the Planning Commission of that planning unit.

### **Planning Commission Review**

Upon the filing of an application of an amendment to the land use management regulations text or map, the Planning Commission shall study and review the application as provided in this ordinance and its bylaws. The Planning Commission may require the submission of additional information. In accordance with regulations in the preceding sections, the Planning Commission shall hold a public hearing.

After voting to recommend approval or disapproval to an amendment of the text of this ordinance, the Planning Commission shall forward its recommendation in writing to the Fiscal Court.

If the application is for an amendment to the land use management map, the Planning Commission must first find if the proposed amendment is in agreement with the adopted comprehensive plan. In the absence of such a finding, it must then find:

1. That the existing land use classification given to the property is inappropriate, and the proposed land use classification is appropriate, or
2. 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 and which have substantially altered the basic character of such area.

In its deliberations, the Planning Commission may require the submission of a development plan. If a development plan is approved as part of the land use amendment, a certificate of land use restriction must be filed.

The Planning Commission shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for amendment to the land use management map be approved or disapproved, the Planning Commission shall forward its finding of fact and recommendation in writing to the Fiscal Court.

#### **Action by the Fiscal Court**

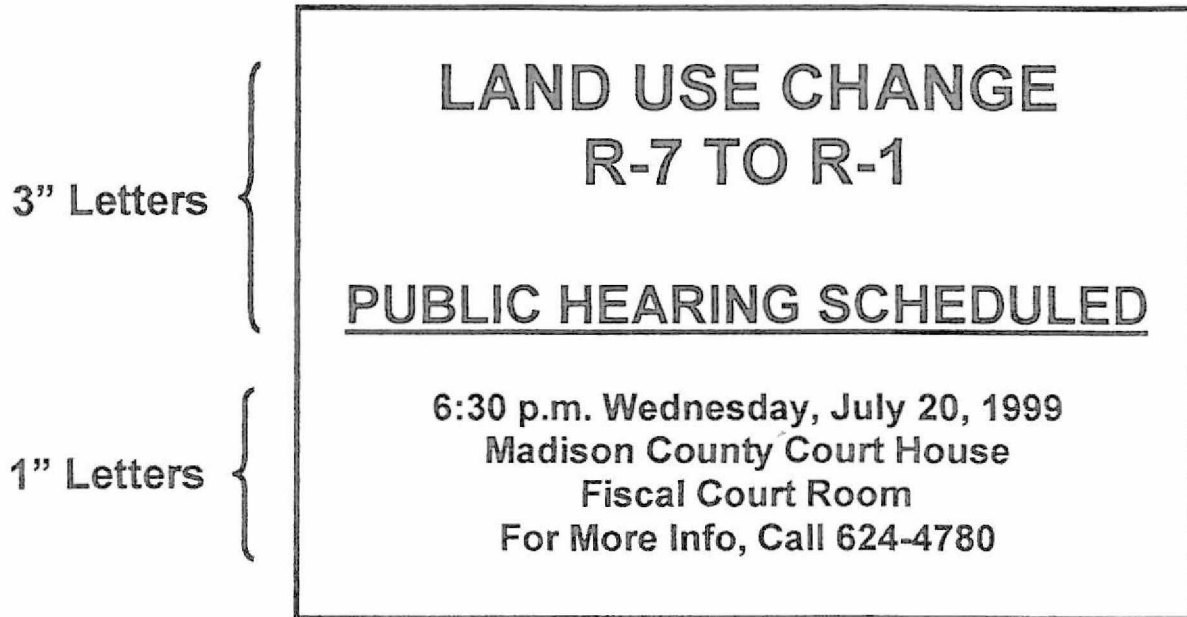
The Fiscal Court shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation from the Planning Commission. It shall take a majority vote of the Fiscal Court to override the recommendation of the Planning Commission.

The Fiscal Court shall not act upon a proposed amendment to the map of this ordinance until it shall have received the written findings of fact and recommendation from the Planning Commission. If the Planning Commission denied the requested amendment, before the Fiscal Court can approve such amendment, it must take a majority vote of the membership of the Fiscal Court to override the recommendations of the Planning Commission.

#### **Action Upon Disapproval.**

When an application for a land use change has been disapproved by the Planning Commission or Fiscal Court, a request for another land use change for that tract of land shall not be filed within twelve (12) months of the date of disapproval. However, the applicant may submit a letter (within ninety days following the disapproval) to the Planning Commission requesting reconsideration based upon an application that is substantially different from that previously submitted. The Planning Commission shall consider the request at its next regular business meeting and make a determination as to whether the new proposal should be considered in a public hearing as required by these regulations.

## SIGN REQUIREMENTS



The Madison County, Kentucky Land Use Management Regulations states that:

"Notice of the hearing shall be posted on a sign conspicuously placed on the property for fourteen (14) consecutive days prior to the hearing." Posting shall be as follows:

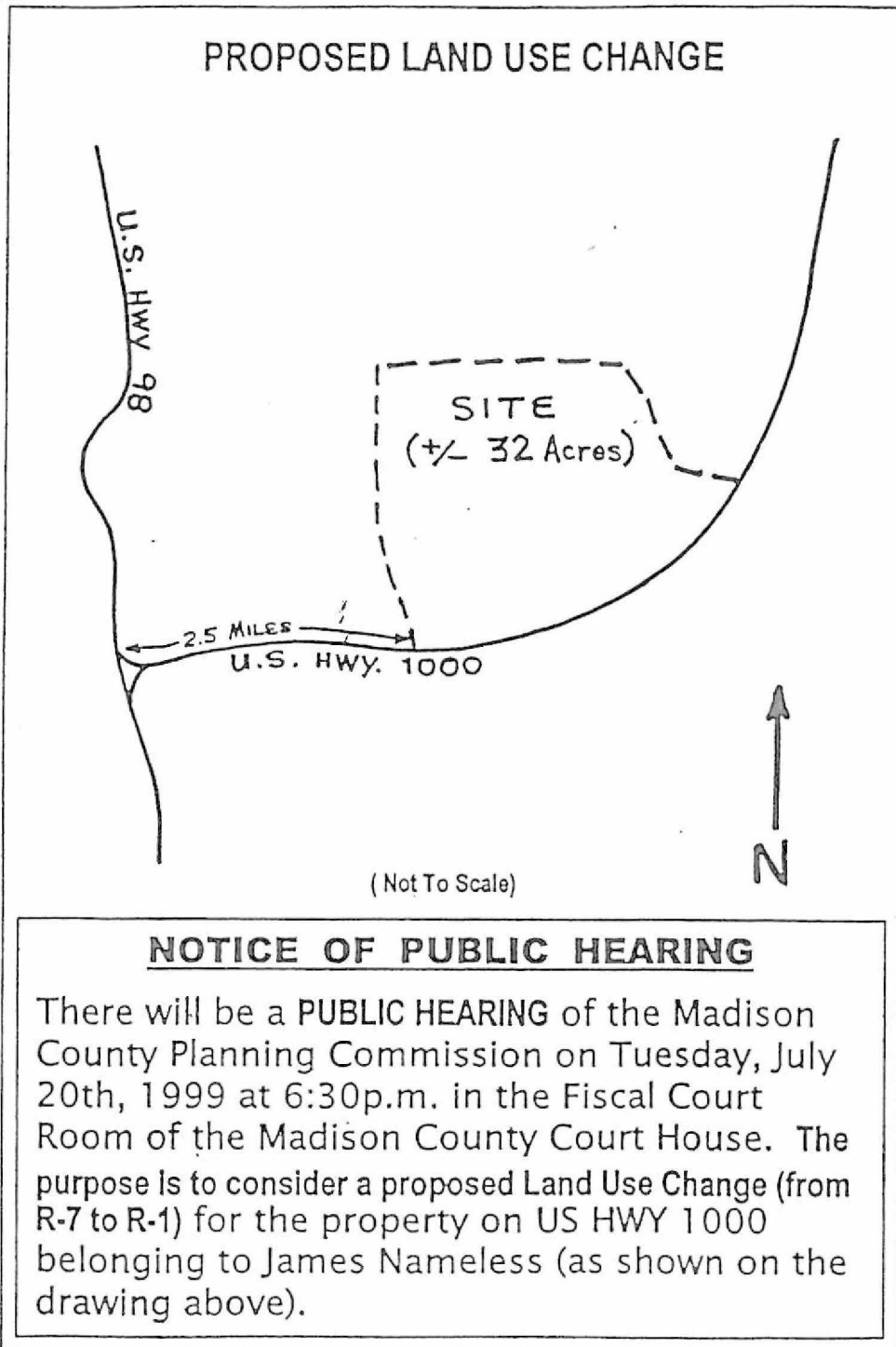
- A. The sign shall state "Land Use Change" immediately followed by the proposed classification change, all in letters three (3) inches in height. The time, date, and location of the public hearing shall be in letters at least one (1) inch in height as should the telephone number of the Administrative Official's office; and
- B. The sign shall be constructed of durable material.

***The format of the sign shown above is the recommended format for these notification signs.***

***Conspicuous placement*** means a location either near the proposed/existing entrance to the site or a point midway along the road frontage of the main road/highway providing access to the site. It must be placed so that the bottom of the sign is at least three (3) feet above anything (e.g. vegetation, soil, rocks, etc.) that might obstruct it's view. Care should be taken (by the owner/owner's representative) to ensure the sign remains in place and visible for the entire time it is posted.

***The sign must be in place at least fifteen (15) days prior to the hearing so that it can be viewed for the required fourteen (14) days.*** Once placed, the owner/owner's representative will call the Office of Planning and Development to inform them of the sign's placement.

## EXAMPLE OF NEWSPAPER AD



APPENDIX D

Madison County Planning Commission  
C/O Madison County Planning & Development  
503 S. Keeneland Drive  
Richmond, KY 40475

Date \_\_\_\_\_

Dear Property Owner:

The Madison County Planning Commission would like to inform you of a land use change request by a property owner in your neighborhood. We will hold a public hearing on this matter in order to provide county residents with an opportunity to support or object to the requested change. All pertinent information is listed below. If you need additional information, please contact the Administrative Official at the Madison County Planning & Development Office located at 503 S. Keeneland Drive (624-4780).

Address of Property requested for Land Use Change: \_\_\_\_\_  
\_\_\_\_\_

Land Use Change Requested: From: \_\_\_\_\_ To: \_\_\_\_\_

Owner of Property requesting Land Use change: \_\_\_\_\_  
\_\_\_\_\_

Address of Owner: \_\_\_\_\_  
\_\_\_\_\_

Name of Land Use Change Applicant: \_\_\_\_\_

Address of Land Use Change Applicant: \_\_\_\_\_  
\_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Time and Location of Public Hearing: \_\_\_\_\_

Sincerely,

Duane S. Curry  
Administrative Official

APPENDIX D

PS FORM

3800-1-1

MD-S-MD-ZORT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

3. Article Addressed to:

JOHN DOE  
100 DOE ST.  
RICHMOND, KY  
40475

4a. Article Number **2474 768 711**

~~RETURN RECEIPT REQUESTED~~

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-8-0223 Domestic Return Receipt

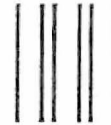
GREEN FORM

Thank you for using Return Receipt Service.

1

MD-S-MD-ZORT

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Madison County  
Planning & Development  
503 S. Keeneland Drive  
Richmond, KY 40475

WHITE FORM

PS FORM

3800



Z 474 768 711

CERTIFIED

Fold at line over top of envelope the right of the return address

PS Form 3800, April 1995

US Postal Service Receipt for Certified Mail No Insurance Coverage Provided. Do not use for International Mail (See Sent to)	
Sent to	JOHN DOE
Street & Number	100 DOE ST
Post Office, State, & ZIP Code	RICHMOND, KY
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

2

THE POST OFFICE WILL  
TEAR-OFF THIS PART →  
AND STAMP IT, THEN  
GIVE TO YOU.

★ ★ ★ →  
YOU MUST PHOTOCOPY  
THE STAMPED COPY OF  
THIS PART AND PROVIDE  
TO PLANNING & DEVELOPMENT  
OFFICE ASAP.

ABC ENGINEERS  
3333 RIVER CIRCLE  
ANYTOWN, KY  
40123

US Postal Service  
Receipt for Certified Mail  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	
JOHN DOE	
Street & Number	
100 DOE ST.	
Post Office, State, & ZIP Code	
RICHMOND, KY 40475	
Postage	\$ .33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

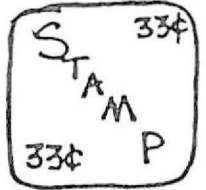
Fold at line over top of envelope to  
the right of the return address

CERTIFIED

Z 474 768 711

MAIL

ATTACH PS FORM 3800  
← TO FRONT SIDE OF  
ENVELOPE AS SHOW



JOHN DOE  
100 DOE ST.  
RICHMOND, KY  
40475

(FRONT SIDE OF ENVELOPE)

3

# BACKSIDE OF ENVELOPE

APPENDIX D (BACKSIDE OF ENVELOPE)

Is your RETURN ADDRESS completed on the reverse side?	<b>SENDER:</b> <input type="checkbox"/> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee):  1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery
	3. Article Addressed to: <b>JOHN DOE 100 DOE ST. RICHMOND, KY 40475</b>	4a. Article Number <b>Z474768711</b> <del>XXXXXXXXXXXX</del> 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD 7. Date of Delivery
5. Received By: (Print Name)	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent)		

PS Form 3811, December 1994 102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

(BACKSIDE OF ENVELOPE)

ATTACH TO BACKSIDE WITH THIS SIDE SHOWING (OF ENVELOPE)

100.987 Cellular Telecommunications Facilities - Regulations' ..

(1) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations, except for a county that contains a city of the first class as provided under KRS 278.650, may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in KRS Chapter 100 by officially registering with the Public Service Commission. The registration shall be in the form of an official resolution adopted by the local planning commission. Nothing in this section shall require a planning unit and legislative body or fiscal court to plan for and regulate the siting of cellular antenna towers.

(2) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for a county that contains a city of the first class as provided under KRS 278.650, and that has officially registered with the Public Service Commission shall:

(a) Submit a copy of the utility's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services within five (5) days of applying to the Public Service Commission for a certificate of necessity and convenience as required by KRS 278.020(1). The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit's jurisdiction; and

2. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction if that area contains either existing or proposed construction sites for cellular antenna towers;

(b) Include in any contract with a owner of property upon which a cellular antenna tower is to be constructed a provision that specifies in the case of abandonment a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and

(c) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. 332(c), KRS 278.030, 278.040, and 278.280.

(3) Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(4) After receiving the uniform application to construct a cellular antenna tower, the planning commission shall:

(a) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;

(b) Make its final decision to approve or disapprove the uniform application; and

(c) Advise the utility and the Public Service Commission in writing of its final decision within sixty (60) days commencing from the date that the uniform application is received by the planning commission or within a date certain specified in a written agreement between the local planning commission and the utility. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the utility to a specific date for the planning commission to issue a decision, it is presumed that the local planning commission has approved the utility's uniform application.

(5) (a) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the

**APPENDIX E** comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the planning commission approves the uniform application or the sixty (60) days time period has expired, whichever occurs first. If a planning commission rejects the uniform application to construct an antenna tower, the Public Service Commission may override the decision of the planning commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity requires the proposed construction.

(b) Any party other than the applying utility that is aggrieved by the final action of a planning commission under this section may intervene in the action to the Public Service Commission, but this appeal shall not automatically postpone action by the Public Service Commission.

(6) The planning commission may require the utility to make a reasonable attempt to co-locate additional transmitting or related equipment on any new or existing towers if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applying utility can successfully co-locate its transmitting and related equipment. If the local planning commission requires the utility to attempt co-location, the utility shall provide the local planning unit with a statement indicating that the utility has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that identifies the location of the tower which the applying utility will co-locate its transmission and related facilities on; or

(b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that:

1. Identifies the location of the towers which the applying utility attempted to co-locate on; and
2. Lists the reasons why the co-location was unsuccessful in each instance.

(7) The local planning commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.

(8) In the event of co-location, a utility shall be considered the primary user of the tower if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user. (Acts Ch. 23 § 2, effective July 15, 1998.)

#### 400 Definitions:

(1) "Cellular antenna tower" means a tower constructed for or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services;

(2) "Cellular telecommunications service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations;

(3) "Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower;

(4) "Personal communication service" has the meaning as defined in 47 U.S.C. sec. 332(f);

(5) "Uniform application" means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class; and

(6) "Utility" has the meaning as defined in KRS 278.010(3), (Acts Ch. 23) § 1, effective July 15, 1998.)

APPENDIX F

**MADISON COUNTY PLANNING COMMISSION FEE SCHEDULE**

Preliminary Plat	\$75.00 + \$2.50 per lot
Final Plat	\$50.00
Minor Plat	\$40.00
Development Plan	\$100.00
Conditional Use Permit	\$100.00
Variance	\$100.00
PUD or Condominium Regime	\$75.00
Appeals	\$150.00
Subdivision and Land Use Regulations	Separate schedule for published items
Land Use Map Amendment	\$150.00 + notice + newspaper notices
Compensation to Planning commission Members	\$50.00 per meeting attended
Compensation for Special Meeting To review plat, hear zone change or variance	\$50.00 per meeting plus + \$25.00 per member attending, Codes Enforcement Officer, Planning Advisor, and Co. Attorney
Compensation to Board of Adjustments	\$50.00 per member attending
Board's Secretary	1 ½ x hourly wage

## **DEVELOPMENT PLAN REQUIREMENT CHECKLIST**

A development plan means written and graphic material for provision of a development. It should include, but is not limited to, the following information (a yes indicates information is provided):

	<b>YES</b>	<b>NO</b>
1. Name and address of property owner/developer	<input type="checkbox"/>	<input type="checkbox"/>
2. Name of development, date, direction, scale	<input type="checkbox"/>	<input type="checkbox"/>
3. Intended land-use/nature of development	<input type="checkbox"/>	<input type="checkbox"/>
4. Vicinity map showing general location, surrounding property And major physical features	<input type="checkbox"/>	<input type="checkbox"/>
5. General layout of property showing shape, approximate Dimensions, and total acreage	<input type="checkbox"/>	<input type="checkbox"/>
6. Streets and lots (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
7. Utilities (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
8. Relationship to services (schools, parks, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
9. Dimensions of buildings and other structures	<input type="checkbox"/>	<input type="checkbox"/>
10. Intensity of use	<input type="checkbox"/>	<input type="checkbox"/>
11. Density of development	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>
13. Drainage plan	<input type="checkbox"/>	<input type="checkbox"/>
14. Landscape plan	<input type="checkbox"/>	<input type="checkbox"/>
15. Soil erosion plan	<input type="checkbox"/>	<input type="checkbox"/>
16. Proposed signs	<input type="checkbox"/>	<input type="checkbox"/>
17. Land use designation	<input type="checkbox"/>	<input type="checkbox"/>
18. Other _____	<input type="checkbox"/>	<input type="checkbox"/>

## APPENDIX H

### ***MANUFACTURED / MOBILE HOME REGULATIONS***

All manufactured / mobile homes shall be setup in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1/NFPA 501a, and the manufacturer's recommended setup requirements. In addition to the above requirements, the following shall be installed prior to occupying the structure:

1. The electrical system, including the main circuit box and all switches/outlets, to detect damaged coverings, lost screws or improper installations.
2. Adequate and operable smoke detection equipment shall be installed, one in each bedroom, and one in the vicinity of each bedroom.
3. All doors and windows shall be operable and general structural integrity of the unit shall be acceptable.
4. A landing shall be provided on the exterior of each exit door from the home meeting the following requirements:
  - a. Landing shall be placed not more than 8 ¼ inches below the threshold of the doorway.
  - b. Landing shall be a minimum 36 inches x 36 inches, constructed of a weather-resistant material.
  - c. Steps from the landing shall have a maximum riser height of 8 ¼ inches and a minimum tread depth of 9 inches.
  - d. Handrails shall be provided on all steps containing 3 or more risers. Handrail heights shall be not less than 30 inches nor more than 38 inches measured vertically above the nosing of the steps. Guardrails shall be provided on all porches/landings located more than 30 inches above the floor or grade level. Guards shall have intermediate rails spaced such that a 4-inch sphere cannot pass through the openings.
5. All homes shall be properly underpinned using material suitable for exposure to the weather.
6. All single and double-wide homes are required to have concrete block piers placed on concrete footing pads a minimum of 24 inches x 24 inches x 12 inches thick.
7. Setup and anchoring of the homes shall be in accordance with the manufacturer's listed instructions.
8. If a municipal-type sewer is not available, a septic system approved by the Madison County Health Department must be provided.

ORDINANCE NO. 00-02  
AMENDMENT TO ORDINANCE NO. 99-11  
SUBDIVISION AND LAND USE REGULATIONS

DATE ADOPTED: February 22, 2000  
MOTION BY: Billy Ray Hughes  
SECONDED BY: Forniss Park

VOTE:	YES	NO
Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Forniss Park	<input checked="" type="checkbox"/>	_____
Magistrate William Tudor	<input checked="" type="checkbox"/>	_____
Magistrate Larry Combs	<u>absent</u>	_____
Judge Kent Clark	<input checked="" type="checkbox"/>	_____

Kent Clark  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:

Mary Jane Winter  
County Clerk