

In February of this year the Planning Commission recommended several changes to the regulations that required the entire document to be reprinted. During the editing and copying process two pages of the regulations were unintentionally omitted and not discovered until later. Pages numbered 22 and 54 were the pages left out. I have attached these pages as they read previously, there have been no changes made in the context of these pages.

ADDITION OF ITEM 308.16 "G" IN THE SUBDIVISION REGULATIONS

Item "G" will be placed on page 21 of the Subdivision Regulations directly below the "Street Cross Section" and will read as follows;

- g. No major subdivisions (with 4 or more lots) shall be approved on a roadway with less than 20 feet of pavement width. The subdividor has the right to improve the entire roadway from the proposed development to the closest 20 foot wide roadway at the sole expense of the developer, in accordance with Section 308.17 Road Widening Specs.**

The current item "G" will be renumbered to item " **h. Curbs and Gutters**"...

AGRICULTURAL EXEMPTION PLATS

The Planning Commission felt it was necessary to revise the current regulations as it relates to those divisions of land that are solely for the purpose of agricultural divisions and provide a means for those plats to be exempt from the current subdivision regulations. The current regulations were not totally clear as to the procedures to be followed and the necessary information required for a plat to be considered as a legal agricultural exemption. Following are the recommended changes;

Article 4, Item 35 of the Subdivision Regulations

Currently reads,

"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 re-division 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."

The Planning Commission recommended the minimum acreage that could be considered for an agricultural exemption would be 20 acres as opposed to the current 5-acre allowance. The changes are as follows:

"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 re-division 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 15 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."

Along with the increase from 5 acres to 20 acres it is necessary to revise Section 107 item # 4 for further clarification as follows:

Section 107, Item 4 currently reads, " 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."

AGRICULTURAL EXEMPTIONS continued...

Section 107, Item # 4 will be revised to read as follows:

"Section 107, Item 4. When a tract of land is being divided and the property owner declares that the intended use is solely for agriculture, the owner must give testimony and a written, notarized, affidavit to the Planning Commission stating how the property is intended to be used solely for Agricultural purpose. The owner shall provide written documentation from the Property Valuation Administrator or the ASCS Offices that the property is being used as an active farm and will continue as such."

AMENDING SECTION 214 FINAL PLAT – SUBDIVISION REGULATIONS

In February with the last revision of the regulations, the Planning Commission recommended the following changes to be made, however when the corrections were being made this section was overlooked. The Planning Commission recommended that it was the intent to include the first coat of asphalt in the requirement for road base.

The current regulations read as follows:

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 road base, 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.

Following is the recommended change for this section:

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 road base, 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, and two (2) inches of bituminous base, 2) waterlines, 3) drainage structures, 4) soil erosion control measures, and 5) curbs and gutters.

RURAL RESIDENTIAL DEVELOPMENT

The Planning Commission saw a need to develop a set of guidelines that would allow for some low density residential development and provide some alternatives for farmers seeking to release some of their farm lands to help offset the tobacco cuts. Following are the recommended guidelines for such developments divided into tract sizes, with a summary of the basic minimum requirements:

• **1 to 5 ACRE TRACTS –**

The developer will be required to follow the current subdivision regulations.

*Minimum road width of the existing road shall be 20 feet of pavement.

*Minimum 6 inch water line required.

*One house per lot or tract.

*An Approved Septic System (Madison County Health Department).

*Any further subdivision of lots will be required to be submitted to the Madison County Planning Commission.

• **Over 5 ACRES to 10 ACRE TRACTS**

This development , if involving 4 or more tracts, will follow the process as a Preliminary and Final Plat.

*Water Line – Three Options (Existing 4-inch line, an approved cistern or an approved well).

*Road – Current regulations followed, minimum 20 feet pavement on existing road. For new roads to be constructed, curb, gutter and sidewalks may be waived upon written request if deemed appropriate by the Commission.

*Lot Frontage – 250 feet minimum, Setback 125 feet minimum from the front property line, side property line setback 50 feet.

*An Approved Septic System (Madison County Health Department).

*One Dwelling per Tract

*Any further subdivision of lots will be required to be submitted to the Madison County Planning Commission and may require the infrastructure to be improved to comply with the current subdivision regulations.

• **TRACT DEVELOPMENT OVER 10 ACRES**

This development , if involving 4 or more tracts, will follow the process as a Preliminary and Final Plat.

*Road – If development fronts on existing county road with a minimum width of 16 feet, no additional improvements of the road will be required. Approval of the new entrances will be required to be approved by the County Road Department Supervisor. Roads less than 16 feet will be addressed on a case by case basis.

If a road has to be built within the development there are two options:

- A. 50 foot easement; 20 feet of blacktop, curbs, gutters may be waived if requested in writing; May become part of the County's Road System upon the Fiscal Courts approval.
- B. 30 foot ingress and egress access easement; Road Maintenance Agreement (between all property owners); The road stays a private road owned by the property owners.

*Water – 4-inch line; an approved cistern or an approved well

*Tract Frontage – 350 feet; front setback 125 feet from the front property line; side setback 50 feet

*One Dwelling Per Tract

*An Approved Septic System (Madison County Health Department)

*Any further subdivision of lots will be required to be submitted to the Madison County Planning Commission and may require the infrastructure to be improved to comply with the current subdivision regulations.

SECTION 407, GREENSPACE BUFFERS FOR SPECIAL AREAS

The Comprehensive Plan and Land Use Regulations call for green space buffers around special areas (in addition to general landscape buffers requirements applicable to separation of land uses and development plans).

The purpose of the landscape buffer is to provide protection to these areas (largely under state and federal control) because of their unique historical/cultural (Ft. Boonesboro, Whitehall), environmental (Lake Wilgreen, KY River, Berea's lakes, Wildlife Management area, National Forest), or strategic (Bluegrass Depot) characteristics.

Each of the special areas has unique qualities and call for flexibility in designing standards. The width and composition of the green space buffer will depend upon specific site conditions; dense vegetation needed to protect scenic values, or wildlife, and leaf litter, ground cover, etc. to protect water quality. The Planning and Codes Office together with a designated representative of the special area in question will conduct an on-site review and make recommendations to the Planning Commission.

The range of widths for the different types of special areas shall be as follows:

Historical/Cultural:

Ft. Boonesboro State Park -	200 to 250 feet
Whitehall State Shrine -	200 to 250 feet
Designated Historic Sites-	50 to 200 feet

Environmental:

Kentucky River	150 to 250 feet
Lake Wilgreen	150 to 350 feet (includes Corp of Engineers buffer)
Smaller Streams-Blue Line Stream	50 to 100 feet
Berea's lakes	Regulated by Berea College
Central KY Wildlife management Area	200 to 300 feet
Daniel Boone National Forest	150 to 250 feet

Strategic:

Bluegrass Army Depot	100 to 150 feet
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