

ORDINANCE NO. 02-12

AN ORDINANCE RELATING TO ESTABLISHMENT OF RURAL RESIDENTIAL
DEVELOPMENT IN THE UNINCORPORATED AREAS OF MADISON COUNTY,
KENTUCKY

WHEREAS, the Madison County Fiscal Court has the authority pursuant to KRS 100, to enact ordinances to cause the establishment of Rural Residential Development; and,

WHEREAS, this ordinance will establish areas of the unincorporated areas of Madison County, Kentucky, to be established as Rural Residential Development so as not to diminish the value of areas of residential or commercial properties or cause detrimental or adverse health or welfare of the residents of Madison County, Kentucky;

WHEREAS, this ordinance authorizes the amending of the current Madison County, Kentucky, Subdivision Regulations to incorporate the following Rural Residential Development classifications;

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Madison, Commonwealth of Kentucky, as follows:

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.

317 Rural Residential Development – Following is a summary of the basic guidelines for development of rural residential developments as a major subdivision, other requirements may be imposed as deemed appropriate by the Planning Commission or required by other sections of the regulations. The following requirements do not apply to minor plat divisions.

1 TO 5 ACRE TRACTS –

The purpose of this section is to make provisions for smaller tract development that has a greater impact on the infrastructure because of the density of the area being developed.

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

All developments shall front onto an existing county or state roadway with a pavement width of 20 feet or more.

Minimum of 6-inch water line is required and shall provide fire flow.

OVER 5 ACRES UP TO 10 ACRES –

The purpose of this section is to make provisions for larger tract development that has a lesser impact on the infrastructure because of the density of the area being developed.

If involving 4 or more tracts or a new street, this development will follow the Preliminary and Final plat process.

Water Service

1. If there is no current water service available to the property the developer may continue with the development with no water service required to be made available to the newly proposed lots.
2. If water service is currently available to the property, the developer shall provide water at their sole expense to all tracts involved within the proposed development. It shall be the responsibility of the appropriate water district to specify the line size for adequate domestic water.

Road Requirements

All developments shall front onto an existing county or state roadway with a pavement width of 20 feet or more. If the pavement is less than 20 feet in width the developer may exercise their option to widen the road to 20 feet of pavement to the closest 20 feet wide road at their sole expense in accordance with Section 308.17 of the current Subdivision Regulations.

Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 3 of the current edition of the Subdivision Regulations, with the following exceptions:

1. The new roads shall not be less than 20 feet in pavement width with a minimum 50 feet right of way, in accordance with all other Street Construction Requirements as recorded in Section 308.16 of the current Subdivision Regulations being complied with in its entirety.
2. Curbs and gutters may be omitted provided proper ditching of the drainage and road sides are done in accordance with Section 310.4 of the Current Subdivision Regulations.
3. Sidewalks may be omitted.

Minimum 250 feet lot frontage, Minimum 125 feet front building setback, and 50 feet side setback.

Re-Division of 5-10 Acre Tract Development

Once a development is approved by the Planning Commission complying with the above requirements, any proposal to further divide or re-divide any tracts in the original plat that increases the density beyond the original approved proposal, the following additional requirements shall be mandated. Before the re-division can be approved the developer or person(s) desiring the change will be required to design the development to provide for the following additional requirements throughout the entire development:

1. Minimum 6 inch water line shall be provided with fire flow as required in Section 311 of the current Subdivision Regulations;
2. Fire Hydrants shall be provided as required in Section 311.21 of the current Subdivision Regulations;
3. The re-division shall be required to comply with the requirements set forth for higher density development as set forth in the 1-5 acre tract development section herein.

TRACT DEVELOPMENT OVER 10-19 ACRES –

If involving 4 or more tracts or a new street, this development will follow the Preliminary and Final plat process.

Water Service

1. If there is no current water service available to the property the developer may continue with the development with no water service required to be made available to the newly proposed lots.
2. If water service is currently available to the property, the developer shall provide water at their sole expense to all tracts involved within the proposed development. It shall be the responsibility of the appropriate water district to specify the line size for adequate domestic water.

Road Requirements

If the development fronts onto an existing state or county road with a minimum of 16 feet pavement width, no additional improvements of the road will be required. Approval of the new entrances will be required by the road department. Development on existing roads less than 16 feet in width will be considered on a case-by-case basis.

Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 3 of the current edition of the Subdivision Regulations, with the following exceptions:

1. The new roads shall not be less than 16 feet in pavement width with a minimum 50 feet wide right of way, in accordance with all other Street Construction Requirements as recorded in Section 308.16 of the current Subdivision Regulations being complied with in its entirety; or,
For new roads designed for private ownership and maintenance the roads shall be constructed as follows:
Gravel Road with a 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.

Road width shall be not less than 20 feet, with a minimum 50 feet wide access easement.

Road shall be privately maintained with a notation on the plat stating "The owners of the property agree to assume full liability and responsibility for any construction, maintenance, reconstruction, snow removal, cleaning or other needs related to the private roads. If in the future the owners request the road to be changed from a private road to a public road, the owners agree that before acceptance of such streets by the County Government, the owners shall bear full expense of reconstruction to make the road conform fully to the minimum road standards as set forth in the current Subdivision Regulations".

2. Curbs and gutters may be omitted provided proper ditching of the drainage and road sides are done in accordance with Section 310.4 of the Current Subdivision Regulations.
3. Sidewalks may be omitted.

Access easements shall not be permitted in lieu of constructing a road meeting county standards.

Minimum 250 feet lot frontage, Minimum 125 feet front building setback, and 50 feet side setback.

Re-Division of 10-19 Acre Tract Development

Once a development is approved by the Planning Commission complying with the above requirements, any proposal to further divide or re-divide any tracts in the original plat that increases the density beyond the original approved proposal, the following additional requirements shall be mandated. Before the re-division can be approved the developer or person(s) desiring the change shall be required to design the development to provide for the following additional requirements throughout the entire development:

1. Minimum 6 inch water line shall be provided with fire flow as required in Section 311 of the current Subdivision Regulations;
2. Fire Hydrants shall be provided as required in Section 311.21 of the current Subdivision Regulations;
3. The development shall front onto a county or state roadway that has a pavement width of 20 feet. If the pavement is less than 20 feet in width the developer may exercise their option to widen the road to 20 feet of pavement to the closest 20 feet wide road at their sole expense in accordance with Section 308.17 of the current Subdivision Regulations.

4. The re-division shall be required to comply with the requirements set forth for higher density development as set forth in the 1-5 acre tract development section herein.

TRACT DEVELOPMENT OVER 20 ACRE TRACTS –

If involving 4 or more tracts or a new street, this development will follow the Preliminary and Final plat process.

Water Service

1. If there is no current water service available to the property the developer may continue with the development with no water service required to be made available to the newly proposed lots.
2. If water service is currently available to the property, the developer shall provide water at their sole expense to all tracts involved within the proposed development. It shall be the responsibility of the appropriate water district to specify the line size for adequate domestic water.

Road Requirements

If the development fronts onto an existing state or county road with a minimum of 16 feet pavement width, no additional improvements of the road will be required. Approval of the new entrances will be required by the road department. Development on existing roads less than 16 feet in width will be considered on a case-by-case basis.

Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 3 of the current edition of the Subdivision Regulations, with the following exceptions:

1. For new roads to be accepted for County maintenance, the new roads shall not be less than 16 feet in pavement width with all other Street Construction Requirements as recorded in Section 308.16 of the current Subdivision Regulations being complied with in its entirety.
2. For new roads designed for private ownership and maintenance the roads shall be constructed as follows:
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.

Road width shall be not less than 16 feet with a minimum 50 feet wide access easement.

Road shall be privately maintained with a notation on the plat stating "The owners of the property agree to assume full liability and responsibility for any construction, maintenance, reconstruction, snow removal, cleaning or other needs related to the private roads. If in the future the owners request the road to be changed from a private road to a public road, the owners agree that before acceptance of such streets by the County Government, the owners shall bear full expense of reconstruction to make the road conform fully to the minimum road standards as set forth in the current Subdivision Regulations".

3. Curbs and gutters may be omitted provided proper ditching of the drainage and road sides are done in accordance with Section 310.4 of the Current Subdivision Regulations.
4. Sidewalks may be omitted.

Access easements shall not be permitted in lieu of constructing a road meeting county standards.

Minimum 250 feet lot frontage, Minimum 125 feet front building setback, and 50 feet side setback.

Re-Division of Over 20 Acre Tract Development

Once a development is approved by the Planning Commission complying with the above requirements, any proposal to further divide or re-divide any tracts in the original plat that increases the density beyond the original approved proposal, the following additional requirements shall be mandated. Before the re-division can be approved the developer or person(s) desiring the change shall be required to design the development to provide for the following additional requirements throughout the entire development:

1. Minimum 6 inch water line shall be provided with fire flow as required in Section 311 of the current Subdivision Regulations;
2. Fire Hydrants shall be provided as required in Section 311.21 of the current Subdivision Regulations;
3. The development shall front onto a county or state roadway that has a pavement width of 20 feet. If the pavement is less than 20 feet in width the developer may exercise their option to widen the road to 20 feet of pavement to the closest 20 feet wide road, at their sole expense in accordance with Section 308.17 of the current Subdivision Regulations.
4. The re-division shall be required to comply with the requirements set forth for higher density development as set forth in the 1-5 acre tract development section herein.

(Changed Format)

402.6 Uses Allowed					
1. Single-Family Residential	UC-1	RC-1	C	R-1	R-7
Detached single-family dwellings Conventional (built on-site) Manufactured housing Mobile homes	P	P	P	P	P*
Single-Family dwelling clusters	P	P			
2. Multi-Family Residential	UC-2	RC-2			
Duplex Apartments Group Quarters	P	P			
Home Occupations: allowed in all residential districts as conditional uses.					
3. Neighborhood Commercial	UC-3	RC-3	C		
Home Occupations	C	C	C		
Bldg. Materials, hardware	P	P	P		
General Variety	P	P	P		
Farm Supplies	P	P	P		
Convenience Food Stores	P	P	P		
Apparel & Accessories					
Office Supplies & Equipment					
Eating Places	C	C	P		
Sporting Goods	C	C			
Florists	P	C			
Gift Shops	C	C			
Laundry, Cleaners	C	C	P		
Photo Supplies					
Barber/Beauty Shops	P	P	P		
Printing/Copying					
Mini Warehouses	C	C			
Service Stations			P		
Garages	C		C		
Furniture Repair	C		C		
Air Conditioning/Heating					
Physicians/Dentists	P	C			
Optometrists/Chiropr.	P	C			
Medical labs, etc.					
Attorneys, Accountants	P	C			
Architects, Engineers	P	C			
Small Animal Veterinary	P	C	C		
Amusement, Entertainment					
Riding Stables	P	P	P		
Other	C	C	C		
3. Neighborhood Commercial continued ...	UC-3	RC-3	C		
Educational Services					
Dance, Art, acting, music and Related	C	C	C		
Nursery					
Retail Nursery	P	P	P		

4. General Commercial	UC-4	RC-4			
Transportation/Utilities					
Home Occupations	C	C			
Trucking/Moving	P	P			
Post Office	P	P			
Telephone Company	P	P			
Radio/TV Stations	P	P			
Utility Companies	P	P			
Bus Lines	P	P			
Taxi Cabs	P	P			
Air Cargo Service	P				
Wholesale Trade					
Durable Goods	P	P			
Non-Durable Goods	P	P			
Retail Trade					
Building Materials/Hardware	P	P			
Farm Supplies/Equipment	P	P			
General Variety	P	P			
Convenience Food Stores	P	P			
Vehicle Sales	P	P			
Mobile/Manufactured Home Sales	P	P			
Apparel & Accessories	P	P			
Furniture	P	P			
Office Supplies/Equipment	P	P			
Eating Places	P	P			
Pharmacies	P	P			
Used Merchandise	P	P			
Sporting Goods	P	P			
Bookstores/New Stands	P	P			
Jewelry	P	P			
Auto Parts (new parts)	P	P			
Florists	P	P			
Pet Shops	P	P			
Gift Shops	P	P			
Monument Sales	P	P			
Glass Sales	P	P			
Ice	P	P			
4. General Commercial continued...	UC-4	RC-4			
Retail Trade continued...					
Music Equipment/Supplies	P	P			
Commercial Nursery	P	P			
Finance, Insurance & Real Estate					
Banks, Credit Company	P	P			
Insurance/ Real Estate Company	P	P			
Investment Companies	P	P			

Personal Services					
Laundry/Cleaners	P	P			
Photo Supplies	P	P			
Barber/Beauty Shops	P	P			
Shoe Repair	P	P			
Funeral Services	P	C			
Travel Services	P				
Health Club, Spa, etc.	P	P			
Business Services					
Advertising/Public Relations	P				
Printing/Copying	P	P			
Janitorial/Maintenance	P	P			
Computers/Related	P				
Rentals	P	P			
Research/ Testing	P				
Mini Warehouses	P	P			
Auto Services/Repair					
Service Stations	P	P			
Garages	P	C			
Miscellaneous Repair					
Electrical, Watches	P	P			
Furniture Repair	P	P			
Air Conditioning/Heating	P	P			
Health Services					
Physicians, dentists, optometrists, Chiropractor, medical labs, etc	P	P			
Professional Services					
Attorney, Accountant	P	P			
Architects, Engineers	P	P			
Small Animal Veterinary	P	P			
Amusement/Entertainment					
Theaters, Bowling	P	P			
Billiards, Skating	P	P			
Riding Stables	P	P			
Other	C	C			
*Riding stables are also a permitted use in RC-7 and R-7					
4. General Commercial continued...	UC-4	RC-4			
Educational Services					
Dance, Art, acting, music and Related	P	P			
5. Light Industry (See also Section 402.7)	UC-5	RC-5			
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			
For a detailed listing of Light Industry and Hazardous Industry uses see Section 402.7 of these regulations.					
6. Public/Semi-Public Uses	UC-6	RC-6	C	R-6	
Churches and related uses	Permitted use in all sub-districts except C-5, RC-5, R-8, R-11.				
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 electrical 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 the information on the proposed change for consideration in their planning activities. Cellular telecommunications facilities (see appendix F for detailed regulations regarding the location of antenna towers).				
Civic/Charitable Organizations	Permitted use in UC-4, RC-4 and Conditional use in UC-3, RC-3 and C.				
6. Public/Semi-Public Uses continued...	UC-6	RC-6	C	R-6	
Government Services such as Offices, fire stations, libraries, Auditoriums	Permitted uses in UC-3, UC-4, UC-5, UC-6, RC-4, RC-5, RC-6, C, R-6				
Schools	Permitted use in all sub-districts except UC-4, UC-5, RC-4, RC-5, R-8, R-11.				
Recreation, such as parks and Playgrounds	Permitted uses in all sub-districts except UC-5, RC-5, R-8 and R-11.				
Golf Courses	Permitted uses in UC-1, UC-4, UC-6, RC-1, RC-4, RC-6 and R-6.				
7. Agricultural	UC-7	RC-7	C	R-7	
Agricultural Crops Horticultural Crops Livestock and Products Poultry and Products	P	P	P	P	

Each section of this Ordinance shall be considered severally, and the invalidity of any portion of it shall not affect the validity or enforcement of any other portion.

That the County Clerk cause this ordinance to be published in accordance with the appropriate Kentucky Revised Statutes.

This Ordinance No. _____ shall become effective on the date of the second reading and adoption.

DATE OF FIRST READING: March 26, 2002

MOTION BY: Larry Combs

SECONDED BY: William H. Tudor

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE FORNISS PARK
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

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✓
✓
✓

DATE OF SECOND READING: April 23, 2002

MOTION BY: Forniss Park

SECONDED BY: Tudor, William H.

VOTE: YES NO

JUDGE, KENT CLARK
MAGISTRATE LARRY COMBS
MAGISTRATE FORNISS PARK
MAGISTRATE WILLIAM TUDOR
MAGISTRATE BILLY RAY HUGHES

✓
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[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:
[Signature]
MADISON COUNTY CLERK