

**ORDINANCE NO. 03-03A**  
**AMENDMENT TO ORDINANCE # 00-02**

**AN ORDINANCE AMENDING ORDINANCE #00-02 THE MADISON COUNTY PLANNING AND ZONING REGULATIONS, REGARDING SIDEWALKS.**

**BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY, COMMONWEALTH OF KENTUCKY:**

**WHEREAS**, The Madison County Fiscal Court adopted certain Subdivision Regulations that require sidewalks to be constructed in certain new developments throughout the County;

**WHEREAS**, The subdivision regulations for the placement and maintenance of sidewalks needs to be amended to conform with the Americans with Disabilities Act;

**NOW, THEREFORE**, be it ordained by the Fiscal Court of the County of Madison: that section 308.2 of the Subdivision Regulations is hereby amended as shown by italicized text as follows:

**308.21 Walkways** – If sidewalks are provided, they shall meet the following requirements and shall be the responsibility of the developer *and shall be completed throughout the entire development prior to the county accepting maintenance responsibility of the road system and rights of way. Any letter of credit or other financial instrument securing the improvements required in a subdivision shall not be released until such time as the sidewalks are constructed pursuant to the following guidelines.*

**Standards for Accessible Design**

*In accordance with the provisions of the Federal Department of Justice, "28 CFR Part 36, ADA Standards for Accessible Design" Chapter 3, Pedestrian Accessibility" all sidewalks shall be designed and installed to be accessible to the physically disabled. The complete guidelines and requirements may be found on the Internet at their web address of, [www.usdoigov/crt/ada/adahoml.htm](http://www.usdoigov/crt/ada/adahoml.htm). The guidelines are made a part of this regulation by reference. It shall be the responsibility of the developer or his/her designee to become familiar with these regulations and ensure the strict compliance as prescribed in the referenced documents. Details of accessible sidewalks and curb cuts shall be provided on the plat where sidewalks are required.*

**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 lot sizes are one (1) acre minimum or larger, and will be required on both sides where lot sizes are permitted to be less than one (1) acre minimum by the Planning Commission. A waiver request for sidewalks may be presented to the Planning Commission for omitting sidewalks 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 Planning Commission.

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 on both sides of the street 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 sub-base.

**308.24 Maintenance of Walkway** – *It shall be the responsibility of the owner or person(s) entitled to possession of any house or other building within Madison County which abuts or borders upon any street, road, highway or public place to maintain the sidewalks abutting their property in good repair and free of any physical conditions that may cause accident or injury.*

*It shall be the responsibility of the owner or person(s) entitled to possession of any house or other building within Madison County which abuts or borders upon any street, road, highway or public place to remove or cause to be removed, all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of said sidewalk within 24 hours after such snow or ice shall have fallen or accumulated thereon.*

*Whenever any sidewalks are repaired, renewed or re-constructed, said work shall conform to the Madison County Subdivision Regulations Section 308.2 and shall be in compliance with the applicable standards of the Federal Government's American's with Disabilities Act, (<http://www.usdoj.gov/crt/ada/adahom1.htm>).*

THIS ORDINANCE NO. 03- 03A SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 25<sup>th</sup> day of February, 2003.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 8<sup>th</sup> day of July, 2003, and of record in Fiscal Court Order Book \_\_\_\_\_, Page \_\_\_\_\_.

DATE ADOPTED: July 8, 2003  
MOTION BY: Larry Combs  
SECONDED BY: William Tudor

| VOTE:                       | YES                                 | NO    |
|-----------------------------|-------------------------------------|-------|
| Magistrate Billy Ray Hughes | <input checked="" type="checkbox"/> | _____ |
| Magistrate Roger Barger     | <input checked="" type="checkbox"/> | _____ |
| Magistrate William Tudor    | <input checked="" type="checkbox"/> | _____ |
| Magistrate Larry Combs      | <input checked="" type="checkbox"/> | _____ |
| Judge Kent Clark            | <input checked="" type="checkbox"/> | _____ |

Kent Clark  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:  
William E. Howard, Clerk  
County Clerk

PREPARED BY:  
Marc Robbins  
Marc Robbins  
Madison County Attorney  
116 West Main Street, Suite D  
Richmond, Kentucky 40475  
(859) 623-4595

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Kent Clark  
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:  
William E. Hubbard, Clerk  
County Clerk

PREPARED BY:  
Marc Robbins  
Marc Robbins  
Madison County Attorney  
116 West Main Street, Suite D  
Richmond, Kentucky 40475  
(859) 623-4595