

ORDINANCE NO. 03-03B

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY  
UPDATING THE SUBDIVISION REGULATIONS OF THE MADISON COUNTY  
OFFICE OF PLANNING AND DEVELOPMENT.**

**WHEREAS**, the Madison County Fiscal Court authorizes the Madison County Office of Planning and Development to change and/or update the Subdivision Regulations, pages 6,7 and Appendix A (Minor Plat Submittal Packet) as appropriate.

**WHEREAS**, Section 212, Appendix A (Minor Plat Submittal Packet) stating Minor Plat Requirements has been revised according to the attached narrative. Changes are indicated with the following symbol ►.

**SECTION I**

See pages 6, 7 and Minor Plat Submittal Packet attached.

**SECTION II**

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

DATE OF FIRST READING: Feb 25<sup>th</sup> 2003

MOTION BY: Billy Ray Hughes

SECONDED BY: Roger Barger

VOTE: YES NO

JUDGE, KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE WILLIAM TUDOR ✓  
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: April 22, 2003

MOTION BY: Billy Ray Hughes

SECONDED BY: William Tudor

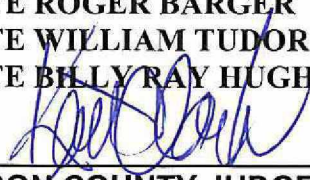
VOTE:

YES

NO

JUDGE, KENT CLARK  
MAGISTRATE LARRY COMBS  
MAGISTRATE ROGER BARGER  
MAGISTRATE WILLIAM TUDOR  
MAGISTRATE BILLY RAY HUGHES

✓  
✓  
✓  
✓  
✓



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MADISON COUNTY JUDGE EXECUTIVE

Attest:



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MADISON COUNTY CLERK

## Minor Plat Submittal Packet

### MINOR PLAT REQUIREMENTS

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, it shall consist of a division of land into not more than three (3) parcels (including the parent tract) where:

- a. all tracts front a minimum of 100 feet on an existing public street or roadway, and;
- b. involves no opening, widening, or extension of streets or utilities;
- c. is not part of a tract that has been previously approved by a planning commission within the past twenty-four (24) months;
- d. all proposed minor subdivision plats within one-half (1/2) mile by roadway in any direction of a minor subdivision plat that has been approved within the past twenty-four (24) months, will require presentation to the Planning Commission. The Planning Commission shall consider the effect of the proposed division on the development intensity and adequacy of the infrastructure in that area of the county.

#### OR

- a. provides for a transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites;
- b. where there is a need to make technical revisions of an engineering or drafting nature, or similar small change to a plat that has been previously recorded.

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

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.

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-five (25) 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 all but 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 and two 11 x 17 copies of the plat. 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.

**APPLICATION FOR MINOR PLAT APPROVAL**

Date \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

2. Name of Surveyor or Engineer \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

3. Name of Subdivision \_\_\_\_\_

4. Location Description \_\_\_\_\_  
(in addition, please attach a copy of legal description)

5. Proposed Use \_\_\_\_\_

6. Number of Lots \_\_\_\_\_ Smallest lot: No. \_\_\_\_\_ Sq Ft. \_\_\_\_\_ Area of Tract \_\_\_\_\_

7. Number of Acres \_\_\_\_\_

8. Do you propose deed restrictions \_\_\_\_\_ (yes/no)

9. What type of sewage disposal is proposed? \_\_\_\_\_

10. List all proposed improvements and utilities:

Section Number	Item
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

11. Waivers requested from plat or design requirements:

Section Number	Item
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

12. List other materials submitted with this application

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

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

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

**FOR OFFICIAL USE ONLY**

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

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

Action by Planning Commission:

Status: Approved

\_\_\_\_\_ Rejected, reason(s) for rejection \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**MADISON COUNTY, KENTUCKY**  
**Planning and Development Office**  
**Minor Plat Requirements Checklist**

This checklist will be used for preparing a **MINOR PLAT**. The following information shall be included (unless accompanied by a written request for waiver). Please place an "X" in the checklist box 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 and application fee upon submission to the Administrative Official.

**NOTE: SUBMIT THE ORIGINAL + 5 COPIES (TOTAL 6)**

**NOTE: ALL TRACTS MUST BE A MINIMUM OF ONE (1) ACRE**

**NOTE: ALL TRACTS MUST FRONT ON A PUBLIC ROADWAY**

**NOTE: ALL TRACTS MUST HAVE A MINIMUM OF 100 FT OF ROAD FRONTAGE**

**NOTE: WHEN A MINOR PLAT ON ANY ROADWAY HAS BEEN PREVIOUSLY APPROVED IN THE SAME OR RELATED OWNERSHIP ON THAT ROADWAY, WITHIN A TWENTY FOUR (24) MONTH PERIOD OR WITHIN ONE HALF (1/2) MILE RADIUS IT WILL BE CONSIDERED BY THE PLANNING COMMISSION.**

Checklist
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- A. Application fee of \$40.00 plus \$2.50 per lot must accompany the application and the checklist.
- B. Original plat plus five (5) copies must accompany the application and the checklist.
- C. The plats must be 11 X 17 to comply with the county clerk's imaging system.
- D. The plat must also be submitted in digital format.
- E. The purpose of the plat must be stated.
- F. The plat being recorded shall be no more than 24 x 36 inches in size.
- G. Date, label, type of plat, graphic scale, north arrow, and acreage to be divided.

## MINOR PLAT REQUIREMENTS (CONTINUED)

Checklist
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- |    |   |                             |
|----|---|-----------------------------|
| H. | Name, address and telephone number of property owner, sub-divider (if other than owner), and developer.   | <input type="checkbox"/>    |
| I. | Signature(s) of the owner(s) must be on the plat.   | <input type="checkbox"/>    |
| J. | Signature(s) of utility companies must be on the plat.  | <input type="checkbox"/>    |
| K. | Name, address, and seal of the registered professional engineer land surveyor responsible for preparation of the plan and supplementary plans.  | <input type="checkbox"/> or |
| L. | Names of adjacent property owners of record and abutting subdivisions and streets.  | <input type="checkbox"/>    |
| M. | 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"/>    |
| N. | The plat will show physical features, including streams, wooded areas, existing structures, ponds, and sink holes.  | <input type="checkbox"/>    |
| O. | 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"/>    |
| P. | Obtain, and submit with the plat, a properly signed State Highway Encroachment Permit, if the property fronts on a state highway.   | <input type="checkbox"/>    |
| Q. | If the property fronts on a State Highway, must show the building set back at 125 feet from the centerline of the highway.  | <input type="checkbox"/>    |
| R. | Location, dimensions, and names of existing streets, railroads,   | <input type="checkbox"/>    |

## MINOR PLAT REQUIREMENTS (CONTINUED)

Checklist
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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.

- |    |  |                          |
|----|--|--------------------------|
| S. | Location of existing sewers, fire hydrants, water mains, storm drains, and power transmission lines with capacities (as applicable).   | <input type="checkbox"/> |
| T. | Copy of site evaluation application from County Health Officer or statement, on the plat, "Sewage Disposal System" noting there is an existing systems affidavit on file with the Madison County Health Department for any and all lots, if applicable. Indicate on the plat where the system is located.  | <input type="checkbox"/> |
| U. | 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. Subdivision 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. | <input type="checkbox"/> |
| V. | Location, right-of-way, and pavement width of proposed streets, fire hydrants, and utility and drainage easements laid out according to sound planning principles.   | <input type="checkbox"/> |
| W. | All lots (or tracts) must front onto a public roadway.   | <input type="checkbox"/> |
| X. | 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"/> |
| Y. | If the property fronts onto a county road, must show the building setback at 50 feet from the centerline of the county road.   | <input type="checkbox"/> |

- Z. 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.

### MINOR PLAT REQUIREMENTS (CONTINUED)

<b>Checklist</b>
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- Aa. 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.
- Bb. 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.
- Cc. Note indicating the lot number and area in square feet of the smallest tract.
- Dd. Floodplain Development. Chapter 151 of the Kentucky Revised Statutes requires approval from the Kentucky Division of Water & the Madison County Administrator 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.
- Ee. Certification on the plat by the surveyor or engineer as to the accuracy of survey and plat. See appropriate form.
- Ff. 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.

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

### **SUPPLEMENTARY PLAT REQUIREMENTS**

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

<b>Checklist</b>
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- A. Copy of completed subdivision application form.
- B. Description of physiographic characteristics, including soil types, slope, permeability rates, ground water, depth to bedrock, sinkholes, flood frequency
- C. Statement of deed restrictions and protective covenants, if any.
- D. 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.
- E. 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.
- F. 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.

*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.*

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*Signature*

*Date*

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, it shall consist of a division of land into not more than three (3) parcels (including the parent tract) where:

- a. all tracts front a minimum of 100 feet on an existing public street or roadway, and;
- b. involves no opening, widening, or extension of streets or utilities;
- c. is not part of a tract that has been previously approved by a planning commission within the past twenty-four (24) months;
- d. all proposed minor subdivision plats within one-half (1/2) mile by roadway in any direction of a minor subdivision plat that has been approved within the past twenty-four (24) months, will require presentation to the Planning Commission. The Planning Commission shall consider the effect of the proposed division on the development intensity and adequacy of the infrastructure in that area of the county.

**OR**

- a. provides for a transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites;
- b. where there is a need to make technical revisions of an engineering or drafting nature, or similar small change to a plat that has been previously recorded.

All other plats or division submitted, that do not meet the above criteria, will not be considered as a minor subdivision. The Planning Commission must review all plats or subdivisions not considered as a minor subdivision. Such plats must meet the criteria set forth as a major subdivision plat. The Commission may require an "Infrastructure Assessment" be completed on certain plats if the infrastructure's capability is in question.