

ORDINANCE NO. 04-39

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY AMENDING THE LAND USE REGULATIONS OF MADISON COUNTY,**

**WHEREAS**, the Madison County Planning Commission recommends to the Fiscal Court to adopt certain Overlay Districts as provided for in K.R.S. 82.660;

**WHEREAS**, the said Overlay Districts shall include a Transportation Corridor Districts designed to protect and enhance the economic and aesthetic character of selected transportation corridors by ensuring proper planning and management principles are followed for future development;

**WHEREAS**, the Madison County Planning Commission recommends to Fiscal Court that section 402.8 and 402.8.1 be added to the Madison County Land Use Regulations;

**WHEREAS**, the Madison Fiscal Court authorizes the Madison County Office of Planning and Development to change and/or update the Land Use Regulations, creating Sections 402.8 Overlay Districts and 402.8.1 Transportation Corridor District.

**SECTION I**

**402.8 Overlay Districts:** In accordance with K.R.S.82.660, the county of Madison may establish Overlay Districts to provide additional regulations for design standards and development within any area of the county (See Section 409).

In accordance with K.R.S. 82.660, the county of Madison may establish Overlay Districts to provide additional regulations for design standards and development within any area of the county determined to be:

- An area that has historical, architectural, natural, or cultural significance that is suitable for preservation or conservation.
- An area that is located near a body of water, or along an established commercial corridor that has a special character related to the location that is suitable for conservation.

Provisions for Establishment of an Overlay District:

- An accurate description of the boundaries of the district.
- A description of the historical, architectural, cultural, aesthetic, natural, or other distinctive characteristics of the district that are to be preserved or conserved.
- A delegation of responsibility for the administration of overlay regulations to an appropriate entity of county government pursuant to KRS 82.670.

The standards, guidelines, or criteria that shall govern development within the district to preserve, conserve, or protect the historical, architectural, cultural, aesthetic, or other distinctive characteristics of the district. These standards, guidelines, or criteria may be set out descriptively or by illustrations, and may incorporate by reference

established architectural standards or guidelines.

Upon the effective date of the establishment of an overlay district, no person shall begin any major structural change or any ordinary repairs to person shall begin any major structural change or any ordinary repairs to any building or structure or change or create any surface parking lot, or clear a parcel or lot of trees or other major vegetation, or change the location of any building or structure or change or create any surface parking lot, or clear a parcel or clear a parcel or lot of trees or other major vegetation, or change the appearance to signage within an overlay district until the county has issued a permit, without cost, certifying that the person has complied with the provisions of these regulations. This prohibition shall not apply to emergency repairs that need to be made to a building or structure within an overlay district.

Development plans are required for all proposed development in overlay districts, in accordance with Section 401.3.

The body delegated to administer this section of the ordinance shall follow the procedure described in Section 401.2 in establishing an overlay district.

Overlay district regulations shall not conflict with the land use management regulations for the district and shall not permit uses prohibited by underlying district regulations or prohibit uses permitted by underlying district regulations.

#### **402.8.1 Transportation Corridor District (TC)**

##### **Purpose**

The purpose of the Transportation Corridor District is to protect and enhance the economic and aesthetic character of selected transportation corridors by ensuring that proper planning and management principles are followed in future changes proposed for these areas.

##### **Criteria and Specifications**

The adopted Comprehensive Plan describes corridors to be developed in the future. Selected highways and arterial streets are of critical importance to the development of Madison County and it's direct effect on the cities of Richmond and Berea. They carry high volumes of traffic, serve as entryways for visitors and residents, and are indicators of the quality of life found in the county. Standards are provided to insure that traffic moves efficiently, that land uses are harmonious, and that the area is visually attractive.

##### **Applicability**

The intention of the Transportation Corridor District is to be applied to areas parallel to the rights-of-way of selected major highways and arterial streets for a depth of 750 feet on either side of centerline of the highway. The district is measured perpendicular to the right-of-way except at intersections where it may be expanded to allow for exit and entry ramps. The actual boundaries shall be

determined at the time of adoption the district and shall be shown on the Official Land Use Management Map.

#### **Buffer Requirements**

Landscape buffers are required parallel to the rights-of-way on properties within the established Transportation Corridors. Buffers shall be a minimum of 20 feet in width. In determining the need for additional buffer widths, the Planning Commission shall consider the topography of the area, the existing and proposed land uses, the size of adjacent parcels, the traffic volumes of the corridor and any additional factors the Commission deems reasonable in carrying out the purpose of this ordinance.

#### **Service Roads**

In order to facilitate the efficient movement of traffic, and to reduce the number of access points onto the major highway or arterial street, where possible, a parallel service road shall be constructed as part of the proposed development. Parallel service roads shall be set back from the highway right-of-way a minimum of 250 feet and shall be tied into such service roads on adjacent properties as they are developed.

#### **Procedures**

The Fiscal Court or the Planning Commission may propose Corridor Overlay Districts by filing an application with the appropriate Administrative Official. The application shall clearly identify the essential character or qualities of the area that is to be protected by establishment of the district. The Planning Commission shall review the proposed designation in a public hearing as spelled out in the regulations.

Once a Transportation Corridor District has been approved, any proposed development within that corridor shall be subject to these requirements in addition to the existing requirements of the underlying district. The Planning Commission in accordance with appropriate sections of this ordinance must approve such plats or development plans.

**SECTION II**

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

DATE OF FIRST READING: Sept. 28, 2004

MOTION BY: Billy Ray Hughes

SECONDED BY: Roger Barger

VOTE: YES NO

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

DATE OF SECOND READING: Oct. 12, 2004

MOTION BY: William Tudor

SECONDED BY: Roger Barger

VOTE: YES NO

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

[Signature]  
MADISON COUNTY JUDGE EXECUTIVE

Attest:  
[Signature]  
MADISON COUNTY CLERK