

ORDINANCE NO. 07-01

AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY AMENDING SECTIONS 303 AND 317 OF THE SUBDIVISION REGULATIONS, ORDINANCE NO. 00-02 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, Section 317;

WHEREAS, Section 303 of the Subdivision Regulations will be amended to read as disclosed herein.

WHEREAS, Section 308.17 of the Subdivision Regulations will be amended to read as disclosed herein.

WHEREAS, Section 317 of the Subdivision Regulations will be amended to read as disclosed herein.

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

Section 1. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Section 2.

Subdivision Regulations, 303 Site Conditions

303.1 Land Suitability - If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life, or property, the Planning Commission shall not approve the land for subdivision unless adequate methods are proposed by the developer for solving problems that will be created by the development.

The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, or welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities, or other

public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

303.2 Natural Features - The street plan and lot arrangement of a proposed subdivision shall be so designed as to preserve natural features such as trees, streams, natural lay of the land, and disposition of the topsoil.

Section 3.

Subdivision Regulations, 308.17, Road Widening Specifications (Note5)

4. The ditch lines adjacent to the road shall be improved to a trapezoidal ditch with a minimum 12" side slopes and 24" flat bottom of the ditch. The trapezoidal ditch is to better facilitate proper mowing and maintaining the ditches. All banks, ditch lines, or yards effected by the widening shall be properly seeded and covered with straw to provide for proper ground cover.
5. A minimum 18-inch gravel shoulder shall be provided between the edge of the blacktop and the ditch line.
6. All driveway entrances effected by the widening of the road shall be properly relocated and re-installed in accordance with the entrance standards. If culverts are damaged or otherwise destroyed, they shall be replaced.

Section 4.

Subdivision Regulations, Section 317

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. The developer is required to provide water service to all tracts within the development at their sole expense. A minimum 6-inch water line is required except where otherwise directed by the water district.

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. Where curbs and gutters are omitted a minimum 18-inch wide shoulder shall be provided on both sides of the road.
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, and shall be done so for the entire development, not just those lots proposed to be effected by the re-division.

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. The developer is required to provide water service to all tracts within the development at their sole expense. A minimum 6-inch water line is required except where otherwise directed by the water district.

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.

Propose to replace the following underlined sections with the section in red.

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.

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 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. Where curbs and gutters are omitted a minimum 18-inch wide shoulder shall be provided on both sides of the road.
3. Sidewalks may be omitted.

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, and shall be done so for the entire development, not just those lots proposed to be effected by the re-division.

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, and shall be done so for the entire development, not just those lots proposed to be effected by the re-division.

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. The developer is required to provide water service to all tracts within the development at their sole expense. A minimum 6-inch water line is required except where otherwise directed by the water district.

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.

Propose to replace the following underlined sections with the section in red.

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.

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 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. Where curbs and gutters are omitted a minimum 18-inch wide shoulder shall be provided on both sides of the road.
3. Sidewalks may be omitted.

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, and shall be done so for the entire development, not just those lots proposed to be effected by the re-division.

Section 4. Effective Date.

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

Section 5. Authority.

This Local Ordinance is enacted pursuant to applicable authority granted by the Commonwealth and federal government.

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

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

DATE OF FIRST READING: February 13, 2007

MOTION BY: Roger Barger

SECONDED BY: Harold Botner

VOTE: YES NO

JUDGE, KENT CLARK ✓
MAGISTRATE LARRY COMBS ✓
MAGISTRATE ROGER BARGER ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE HAROLD BOTNER, Jr. ✓

DATE OF SECOND READING: Feb 27, 2007

MOTION BY: Larry Combs

SECONDED BY: William Tudor

VOTE: YES NO

JUDGE, KENT CLARK ✓
MAGISTRATE LARRY COMBS ✓
MAGISTRATE ROGER BARGER ✓
MAGISTRATE WILLIAM TUDOR ✓
MAGISTRATE HAROLD BOTNER, Jr. ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

William E. Goffman
MADISON COUNTY CLERK