

HKB

(RB)

ORDINANCE NO. 07-17 WJR

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY UPDATING A SECTION OF THE LAND USE REGULATIONS, ORDINANCE NO. 00-02 OF THE MADISON COUNTY OFFICE OF PLANNING AND DEVELOPMENT.**

**WHEREAS**, the Madison County Planning Commission met in a Public Hearing on May 14, 2007 for the purpose of discussing and making unanimous recommendation to change and/or update the Land Use Regulations, amending Section 402.4 Land Use Districts to include classifications for differing densities of single family uses, multi-family uses and Planned Unit Development provisions;

**WHEREAS**, the Madison County Fiscal Court authorizes the Madison County Office of Planning and Development to change and/or update the Land Use Regulations, amending Section 402.4 Land Use Districts as outlined in the attached pages;

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

**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.

**SEE THE ATTACHED AS IT WILL READ IN THE REGULATIONS...**

**Section 8. Effective Date.**

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

**Section 9. 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. 07-17 shall become effective on the date of the second reading and adoption.

DATE OF FIRST READING: July 10, 2007

MOTION BY: Rodger Barger

SECONDED BY: William Tudor

VOTE:	YES	NO
JUDGE, KENT CLARK	absent	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE HAROLD K. BOTNER		

DATE OF SECOND READING: 7-24-2007

MOTION BY: Harold K Botner Jr.

SECONDED BY: Rodger Barger

VOTE:	YES	NO
JUDGE, KENT CLARK	✓	
MAGISTRATE LARRY COMBS	✓	
MAGISTRATE ROGER BARGER	✓	
MAGISTRATE WILLIAM TUDOR	✓	
MAGISTRATE HAROLD K. BOTNER	✓	

[Signature]

MADISON COUNTY JUDGE EXECUTIVE

Attest

[Signature]  
MADISON COUNTY CLERK

#### **402.4 Land Use Districts**

**Land Use Districts** are large geographic areas that carry a general classification of the types of land use activities that should take place in the unincorporated portions of the county. Madison County has been divided into five (5) of these areas, excluding the cities of Richmond and Berea.

**Urban Development Corridor (UC):** This is a large district that parallels I-75 from the vicinity of Silver Creek on the south to the Kentucky River on the north. This is the area in which a majority of land use activities and development have taken place. It consists of a strip of land that is several miles in width, the limits of which (designated on the official map) follow natural and man-made features. This area contains the appropriate infrastructure for support of the more intensive levels of development, or is scheduled for public improvements that will support future development. The area is described as being in a state of urbanization, making the transition from predominantly rural to an urban character.

While much of the future growth and development in Madison County is expected to take place within the cities of Richmond and Berea, it is recognized that significant growth and development will take place within this corridor as well. This area will be the focus of the most intensive development (outside the cities), the widest range of land uses, and the highest degree of land use management.

The Urban Development Corridor is divided into seven sub-districts each of which allows specific uses:

**a. Sub-Districts:**

- UC-1 Urban Development Single-Family Residential**
- UC-1A Urban Development Single-Family Residential (MD)**
- UC-1B Urban Development Single-Family Residential (HD)**
- UC-2 Urban Development Multi-Family Residential (3 units+)**
- UC-2A Urban Development Duplex/Townhouse/Condominium**
- UC-3 Neighborhood Commercial**
- UC-4 General Commercial**
- UC-5 Light Industrial**
- UC-6 Urban Development Public & Semi-Public**
- UC-7 Urban Agricultural**
- UC-8 Urban Development Resource Extraction**
- UC-9 Urban Development Mobile Home Park**
- UC-10 Urban Development Hazardous Industries**
- UC-11 Planned Unit Development**

**Rural Development Corridors (RC):** There are four of these districts that parallel important federal or state highways. These narrow corridors have been the focus of considerable development primarily due their accessibility.

- **Highway 627**, from the Urban Corridor boundary to Fort Boonesborough State Park. This corridor is partially developed in residential subdivisions.
- **Union City Road**, from the Urban Corridor boundary to Union City. This is another corridor with a number of developing residential subdivisions.
- **Highway 52 East**, from the Urban Corridor boundary to just beyond Bybee. This corridor is more extensively developed, in a mixture of commercial and residential uses.
- **Highway 421 South**, from the Urban Corridor boundary south to the community of Big Hill. This corridor is presently being developed largely in residential subdivisions.

These four districts might be viewed as secondary development corridors. Here the intensity of development, the range of land uses, and the degree of land use management will be less than in the Urban Corridor.

**a. Sub-Districts:**

- RC-1 Urban Development Single-Family Residential**
- RC-1A Urban Development Single-Family Residential (MD)**
- RC-3 Neighborhood Commercial**
- RC-4 General Commercial**
- RC-5 Light Industrial**
- RC-6 Urban Development Public & Semi-Public**
- RC-7 Urban Agricultural**
- RC-8 Urban Development Resource Extraction**

**Rural Communities (C):** There are a number of small rural communities scattered throughout Madison County. A number of these places were pockets of activity during the late 1800s and earlier 1900s. Most have subsequently lost their vitality and have declined to the point of being points of historical interest. The comprehensive plan envisions the revitalization of some of these communities to the point of being mini-rural growth centers around which small clusters of development might occur. Several already have some of the ingredients for revitalization; county crossroads, a small convenient type store, a church or two, a volunteer fire department, and strips of residences radiating out along the crossroads. These places offer a different lifestyle to their residents, and play a role in the cultural diversity of the county. The amount of

development will be limited along with the variety of uses allowed and the degree of land use management.

**a. Sub-Districts:**

- C-1 Rural Community Single-Family Residential**
- C-3 Rural Community Neighborhood Commercial**
- C-4 Rural Community General Commercial**
- C-5 Rural Community Light Industrial**
- C-6 Rural Community Public and Semi-Public**
- C-7 Rural Community Agricultural**
- C-8 Rural Community Resource Extraction**

**Rural Areas (R):** These districts comprise the bulk of land used in Madison County. The primary uses are agricultural, dispersed residential, and resource extraction. A considerable amount of the area is idle, largely due to its lack of suitability for development. Overall population density is low, and public infrastructure is quite limited. These areas are viewed as being the least intensively developed, with a smaller range of allowable uses, and the lowest level of land use management required.

**a. Sub-Districts:**

- R-1 Rural Single-Family Residential**
- R-6 Rural Public and Semi-Public**
- R-7 Rural Agricultural**
- R-8 Rural Resource Extraction**

**Special Areas (S):** These districts include all state and federal land-holdings, along with other public lands, water bodies, and environmentally sensitive areas. The Fiscal Court does not have authority to manage development within other public lands, but is concerned with what takes place in the unincorporated areas that surround them. The primary issue in these areas is protection; protection of these areas from inharmonious land uses and otherwise negative impacts that might result from nearby development.

Note: All existing residential subdivisions of ten (10) acres or more in size will be classified as single-family residential sub-districts (UC-1, RC-1, or R-1) according to their location.

## 402.5 Site and Dimensional Requirements

<u>Use</u>	<u>Requirements</u>
<b>1. <u>Single-family Residential</u></b>	Minimum lot size: One (1) acre Minimum lot width: 100 feet (50 ft. on cul-de-sacs @ bldg.setback line) Maximum building height: 40 feet Front yard: 25 feet; 125 ft. from centerline of major highways Side yard: 10 feet Rear yard: 25 feet

Note 1: Site and dimensional requirements are same for conventional houses and individual mobile homes/manufactured houses. All manufactured/mobile homes shall be setup in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1/NFPA 501a, and the manufacturers recommended setup requirements. For additional requirements, see Appendix H, Manufactured/Mobile Home Requirements.

<b>1A. <u>Single-family Residential (MD)</u></b>	<i>Minimum Site Size: 20 acres Minimum lot size: 12,000 sq. ft. Minimum lot width: 100 feet (50 ft. on cul-de-sacs @ bldg.setback line) Maximum building height: 40 feet Front yard: 25 feet; 125 ft. from centerline of major highways Side yard: 10 feet Rear yard: 25 feet</i>
--	---

*Notes:*

- 1) Site and dimensional requirements are same for conventional houses and individual mobile homes/manufactured houses. All manufactured/mobile homes shall be setup in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1/NFPA 501a, and the manufacturers recommended setup requirements. For additional requirements, see Appendix H, Manufactured/Mobile Home Requirements.*
- 2) Municipal Sewer is required for all developments in this classification.*
- 3) All lots within this development shall be within five road miles of the fire station serving the property.*

**1B. Single-family Residential (HD)**

*Minimum Site Size: 20 acres  
Minimum lot size: 9,000 sq. ft.  
Minimum lot width: 80 feet  
(50 ft. on cul-de-sacs @ bldg.setback  
line)  
Maximum building height: 40 feet  
Front yard: 25 feet; 125 ft. from  
centerline of major highways  
Side yard: 10 feet  
Rear yard: 25 feet*

*Notes:*

- 1) Site and dimensional requirements are same for conventional houses and individual mobile homes/manufactured houses. All manufactured/mobile homes shall be setup in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1/NFPA 501a, and the manufacturers recommended setup requirements. For additional requirements, see Appendix H, Manufactured/Mobile Home Requirements.*
- 2) Municipal Sewer is required for all developments in this classification.*
- 3) All lots within this development shall be within five road miles of the fire station serving the property.*
- 4) Minimum 20% open area required for this development while 50% of the required open space shall be useable space and be designated for a specific use. The "Madison County Parks and Recreation Master Plan" shall be used as a guide to designate the use of the open space to help satisfy the projected deficit in the Recreation Facility Goals as outlined in the plan. Landscaping of the park/open space areas shall be in accordance with the County's landscape buffer requirements. For single-family use, the open space shall not be calculated including front setback areas.*

*Private ownership of these areas is permitted, subject to the following conditions:*

- a. All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.*
  - b. Private park areas must be committed to permanent open space by deed restrictions.*
- 5) Design of housing lots should be clustered with not more than eight (8) individual units in a contiguous cluster.*
  - 6) Spacing between the exterior sidewalls of all buildings shall be a minimum of 20 feet.*

**2. Multi-family Residential**

Minimum site: Five (5) acres  
Minimum lot width: 100 feet  
Maximum building height: 40 feet  
(3- stories)  
Maximum density: Six (6)units/acre  
Front yard: 25 feet  
Side yard: 10 feet  
Rear yard: 25 feet

Note:

- 1) *Includes all attached multi-family dwellings with 2 units or more in each building, group homes and quarter homes, and where the units are designed for rental purposes only.*
- 2) *Multi-family residential developments are permitted only where municipal sewer service is available.*
- 3) *Multi-family buildings shall be constructed with no more than eight (8) units per building.*
- 4) *All lots within this development shall be within five road miles of the fire station serving the property.*
- 5) *Spacing between the exterior sidewalls of all buildings shall be a minimum of 30 feet.*
- 6) *For the purpose of this section a unit is defined as an individual dwelling unit.*
- 7) *Minimum .05 acres of useable open area is required for this development and be designated for a specific use. The "Madison County Parks and Recreation Master Plan" shall be used as a guide to designate the use of the open space to help satisfy the projected deficit in the Recreation Facility Goals as outlined in the plan. Landscaping of the park/open space areas shall be in accordance with the County's landscape buffer requirements. For single-family use, the open space shall not be calculated including front setback areas.*

*Private ownership of these areas is permitted, subject to the following conditions:*

- a. *All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.*
- b. *Private park areas must be committed to permanent open space by deed restrictions.*

**2A. Multi-family Residential**

Minimum site: Five (5) acres  
Minimum lot width: 100 feet  
Maximum building height: 40 feet  
(3- Stories)  
Maximum density: Six (6)units/acre  
Front yard: 25 feet  
Side yard: 10 feet  
Rear yard: 25 feet

Note:

- 1) *Includes all attached two-family dwellings (duplexes) in each building designed and constructed under Townhouse and Condominium Regime projects where each dwelling unit will be owned individually.*
- 2) *Multi-family residential developments are permitted only where municipal sewer service is available.*
- 3) *Multi-family buildings shall be constructed with no more than eight (8) units per building.*
- 4) *Spacing between the exterior sidewalls of all buildings shall be a minimum of 30 feet.*
- 5) *All lots within this development shall be within five road miles of the fire station serving the property.*
- 6) *For the purpose of this section a unit is defined as an individual dwelling unit.*
- 7) *For condominium and townhouse projects the minimum side setback may be reduced for zero lot lines on common walls.*
- 8) *For condominium and townhouse projects the minimum lot width may be reduced to 20 feet minimum width and minimum 120 feet lot depth.*
- 9) *Minimum .05 acres of useable open area is required for this development and be designated for a specific use. The "Madison County Parks and Recreation Master Plan" shall be used as a guide to designate the use of the open space to help satisfy the projected deficit in the Recreation Facility Goals as outlined in the plan. Landscaping of the park/open space areas shall be in accordance with the County's landscape buffer requirements. For single-family use, the open space shall not be calculated including front setback areas.*

*Private ownership of these areas is permitted, subject to the following conditions:*

- a. *All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.*
- b. *Private park areas must be committed to permanent open space by deed restrictions.*

**Planned Mixed-Use  
Development (PUD)**

Minimum site: 20 acres  
Minimum lot width: 75 feet  
Maximum building height: 40 feet  
(3 Stories)  
Other dimensional requirements

dependent upon residential/ business mix (use appropriate guidelines from this section).

*Note: The objectives of a PUD are:*

- 1) To provide a maximum of living environments by allowing a variety of housing, building types and uses, as well as a well planned out mixed use development for commercial, professional office and clean light industrial while permitting an increased density, reductions in lot dimensions, yards and area requirements.*
- 2) To provide a useful pattern of open space and recreation areas, and if permitted as part of the project, more convenience in the location of selected commercial uses and services.*
- 3) To allow a development pattern, which preserves and utilizes natural topographic features, scenic vistas, landscaping, and prevents the disruption of natural drainage patterns.*
- 4) To encourage a more efficient use of land than generally is achieved through conventional development, resulting in substantial savings through more efficient use of space.*
- 5) To create a development pattern in harmony with land use density, transportation facilities, and community facilities of the Comprehensive Plan.*
- 6) To encourage development that contributes to Madison County as a unique place by reflecting its physical character and adding to it in appropriate ways, which in turn, their design determines much of the character and attractiveness of major streetscapes in the county in accordance with the PCC / PUD Design Standards.*
- 7) The maximum densities permitted in a PUD are as outlined in the previous residential sections of these regulations.*
- 8) Other dimensional and site specific requirements may be amended by the Planning Commission provided the Developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits be achieved by the development plan.*
- 9) Planned Unit Developments shall be located within five(5) road miles of the fire station serving the property.*
- 10) All Planned Unit Development Projects shall be connected to municipal sewer.*

*Spacing between the exterior sidewalls of buildings shall be not less than thirty (30) feet.*

*Please refer to Section 409 for PUD Application procedures.*

### **3. Neighborhood Business**

Minimum site: One (1) acre  
Minimum lot width: 100 feet  
Maximum building height: 30 feet

Front yard: 25 feet  
Side yard: 10 feet  
Rear yard: 20 feet

**4. General Business**

Minimum site: One (1) acre  
Minimum lot width: 100 feet  
Maximum building height: 30 feet  
Front yard: 25 feet  
Side yard: 10 feet  
Rear yard: 20 feet

**5. Light Industrial**

Minimum site: Two (2) acres  
Minimum lot width: 200 feet  
Maximum building height: 40 feet  
Front yard: 50 feet  
Side yards: 20 feet  
Rear yard: 25 feet

**6. Public and Semi-Public**

Minimum site: One (1) acre  
Minimum lot width: 100 feet  
Maximum building height: 30 feet  
Front yard: 25 feet  
Side yards: 10 feet  
Rear yard: 15 feet

**7. Agricultural**

Minimum farm site: Five (5) acres  
Minimum house site: One (1) acre  
Minimum lot width: 100 feet  
Maximum building height: 40 feet

**9. Mobile Home Parks**

Mobile home parks shall meet all of the state requirements as provided in K.R.S. 219.310 to 219.410, and Kentucky Administrative Regulations 902 KAR Chapter 15, as well as the requirements of the Madison County subdivision regulations and the mobile home park regulations recorded in Appendix H. Maximum site size is 20 acres and a minimum site size of 10 acres, with a maximum density of 4 units per acre. Mobile home parks shall not be permitted unless it is connected to a municipal sewer system.

Minimum lot width: 100 feet  
(50 feet on cul-de-sacs measured at property line)  
Maximum building height: 40 feet  
Front yard: 25 feet  
Side yard: 10 feet  
Rear yard: 15 feet

<b>402.6 Uses Allowed</b>					
<i>Residential Uses</i>					
<b>1. Single-Family Residential</b>	<b>UC-1</b>	<b>RC-1</b>	<b>C</b>	<b>R-1</b>	<b>R-7</b>
Detached single-family dwellings Conventional (built on-site) Manufactured housing Mobile homes (see Section 402.3)	P	P	P	P	P*
<b>1A. Single-Family Residential(MD)</b>	<b>UC-1</b>	<b>RC-1</b>			
Single-Family dwelling clusters	P	P	P		
<b>1B. Single-Family Residential(HD)</b>	<b>UC-1</b>				
Single-Family dwelling clusters	P				
<b>2. Multi-Family Residential</b>	<b>UC-2</b>				
Apartments (3 units or more attached) Quarter Homes Group Homes	P				
<b>2A. Multi-Family Residential</b>	<b>UC-2</b>				
Duplex (attached Units) Townhouse Regime Condominium Regime	P				
Home Occupations: allowed in all residential districts as conditional uses.					
<b>Commercial Uses</b>					
<b>3. Neighborhood Commercial</b>	<b>UC-3</b>	<b>RC-3</b>	<b>C</b>		
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			

<b>3. Neighborhood Commercial</b>	<b>UC-3</b>	<b>RC-3</b>	<b>C</b>		
Gift Shops	C	C			
<b>3. Neighborhood Commercial (con't)</b>	<b>UC-3</b>	<b>RC-3</b>	<b>C</b>		
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/Chirop.	P	C			
Medical labs, etc.					
Attorneys, Accountants	P	C			
Architects, Engineers	P	C			
Small Animal Veterinary	P	C	C		
<b>Amusement, Entertainment</b>					
Riding Stables	P	P	P		
Other	C	C	C		
<b>Educational Services</b>					
Dance, Art, acting, music and Related	C	C	C		
<b>Nursery</b>					
Retail Nursery	P	P	P		
<b>4. General Commercial</b>	<b>UC-4</b>	<b>RC-4</b>	<b>C-4</b>		
<b>Transportation/Utilities</b>					
Home Occupations	C	C	C		
Trucking/Moving	P	C	C		
Post Office	P	P	C		
Telephone Company	P	P	C		
Radio/TV Stations	P	P	C		
Utility Companies	P	P	C		
Bus Lines	P	C	C		
Taxi Cabs	P	C	C		
Air Cargo Service	P				
<b>Wholesale Trade</b>					
Durable Goods	P	P	C		
Non-Durable Goods	P	P	C		
<b>Retail Trade</b>					
Building Materials/Hardware	P	P	C		
Farm Supplies/Equipment	P	P	C		
General Variety	P	P	C		
Convenience Food Stores	P	P	C		

<b>4. General Commercial (continued)</b>	<b>UC-4</b>	<b>RC-4</b>	<b>C-4</b>		
Vehicle Sales	P	P	C		
Mobile/Manufactured Home Sales	P	C	C		
Apparel & Accessories	P	P	C		
Furniture	P	P	C		
Eating Places	P	P	C		
Pharmacies	P	P	C		
Used Merchandise	P	P	C		
Sporting Goods	P	P	C		
Bookstores/New Stands	P	P	C		
Jewelry	P	P	C		
Auto Parts (new parts)	P	P	C		
Florists	P	P	C		
Pet Shops	P	P	C		
Gift Shops	P	P	C		
Monument Sales	P	P	C		
Glass Sales	P	P	C		
Ice	P	P	C		
Music Equipment/Supplies					
Commercial Nursery	P	P	C		
<b>Finance, Insurance &amp; Real Estate</b>					
Banks, Credit Company	P	P			
Insurance/ Real Estate Company					
Investment Companies	P	P			
<b>Personal Services</b>					
Laundry/Cleaners	P	P	C		
Photo Supplies					
Barber/Beauty Shops	P	P	C		
Shoe Repair	P	P	C		
Funeral Services	P	C			
Travel Services	P				
Health Club, Spa, etc.	P	P			
<b>Business Services</b>					
Advertising/Public Relations	P				
Printing/Copying	P	P			
Janitorial/Maintenance	P	P	C		
Computers/Related	P		C		
Rentals	P	P			
Research/ Testing	P				
Mini Warehouses	P	P			
<b>Auto Services/Repair</b>					
Service Stations	P	P	C		
Garages	P	C	C		

<b>4. General Commercial (con't)</b>	<b>UC-4</b>	<b>RC-4</b>	<b>C-4</b>		
<b>Miscellaneous Repair</b>					
Electrical, Watches	P	P	C		
Furniture Repair	P	P	C		
Air Conditioning/Heating	P	P	C		
Physicians, dentists, optometrists, Chiropractor, medical labs, etc	P	P			
<b>Professional Services</b>					
Attorney, Accountant	P	P			
Architects, Engineers	P	P			
Small Animal Veterinary	P	P	C		
<b>Amusement/Entertainment</b>					
Theaters, Bowling	P	C			
Billiards, Skating	P	C			
Riding Stables	P	P	C		
Other	C	C	C		
*Riding stables are also a permitted use in RC-7 and R-7					
<b>Educational Services</b>					
Dance, Art, acting, music and Related	P	P			
<b>Light Industrial Uses</b>					
<b>5. Light Industry (See also Section 402.7)</b>	<b>UC-5</b>	<b>RC-5</b>	<b>C-5</b>		
Lumber/Wood Products	C	C	C		
Printing/Publishing	P	C	C		
Fabricated Metals	P	C			
Electronics	P	C			
Instruments	P	C			
Signs	P	C	C		
Pharmaceutical	P	C			
Toys	P	C			
Miscellaneous	C	C	C		
Auto Salvage Yards	C	C			

<b>6. Public / Semi Public Uses</b>					
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 permitted use in all sub-districts except single family residential. See Appendix E.				
Civic/Charitable Organizations	Permitted use in UC-4, RC-4 and Conditional use in UC-3, RC-3 and C.				
Government Services such 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.				
<b>7. Agricultural</b>	<b>UC-7</b>	<b>RC-7</b>	<b>C</b>	<b>R-7</b>	
Agricultural Crops	P	P	P	P	
Horticultural Crops					
Livestock and Products					
Poultry and Products					
Flowers or ornamental Plants and Related					
Dwellings for families and persons Engaged in agriculture					

\*Livestock and poultry production in large quantities such as extensive high density feed lots are considered to be a conditional use in the agricultural district. A change in farming to these more intensive activities will require a conditional use permit.

<b>8. Resource Extraction</b>	<b>R-8</b>				
Quarrying	C				
Commercial Logging	C				
<b>9. Mobile/Manufactured Home Parks</b>	<b>UC-9</b>	<b>RC-9</b>			
Mobile Home Parks	P				

Accessory uses allowed in all residential districts (A) such as:  
Storage sheds/buildings, garages/carports, swimming pools, Satellite dishes, non-commercial greenhouses.

**Legend:**

- P = Permitted Use**
- C= Conditional Use**
- A= Accessory Use**

409 **"PUD" PLANNED UNIT DEVELOPMENT REGULATIONS**  
**Application Procedures**

**A) Purpose**

*The purpose of a Planned Unit Development "PUD" is to accommodate planned associations of uses developed as integral land use units such as professional offices, neighborhood commercial uses, public / semi-public uses and residential developments of multiple or mixed housing, including multi-family dwellings, single family dwellings, townhouses or any appropriate combination of uses which may be planned, developed or operated as integral land use units by single ownership. This land use district shall be permitted for tracts of land not less than twenty (20) acres in area.*

**B) Procedure**

*The stages or procedure for a Planned Unit Development shall be as follows:*

- 1) The application for PUD Land Use Designation, accompanied with all other pertinent data prescribed in Section 2B of these regulations shall be submitted;*
- 2) The submission of a Development Plan and Preliminary Plat shall be submitted upon final approval of the land use changes request, as prescribed in these regulations;*
- 3) The submission of a "Project Plan" in accordance with Section 5 of these regulations;*
- 4) The submission of a Final Plat once all of the infrastructure is complete shall be submitted along with the required digital submittal;*

**C) PUD Provisions**

*Whenever there is a conflict or difference between the provisions of this section of the ordinance and other sections of the ordinance, the provisions of this section shall prevail for PUD.*

*Compatible residential, neighborhood commercial, public and semi-public uses may be combined, provided the proposed location of the commercial activities will not adversely affect adjacent property, or jeopardize the health, safety, and general welfare of the public. The Planning Commission may place limits on the amount of commercial development, and shall not allow the development of commercial areas until completion of the residential areas.*

**D) Land Use Management of PUD Districts:**

- 1) **Submission of Application:** Any person or corporation having a proprietary interest in any property of twenty (20) acres or more located within the Urban Corridor of Madison County where municipal sewer is available, may file an application for PUD Land Use.*
- 2) **Data to Accompany Application:** The application for PUD Land Use shall include a conceptual plan that includes (but not limited to) the following:*

- a. *Metes and bounds description of the overall tract with topographic information necessary to project the natural terrain and environmental character of the site.*
- b. *A written description of the existing and allowable land use surrounding the proposed PUD District.*
- c. *A written description of planning assumptions and projections relating the PUD to the overall community growth and planning goals.*
- d. *A plan indicating location of major and secondary thoroughfares, as proposed within the County Road System.*
- e. *A categorical listing of the total acreage for each land use related to current land use district designations or the specific purpose. The designated usage will not be assumed to establish the area requirements as established within the land use district. All setbacks, height, and coverage will be determined by the approved final development plan.*
- f. *Indication by acreage or percentage of total development, all major areas planned for public or private common open space.*
- g. *All applications with gross land area of one hundred (100) acres or less shall submit a graphic plan of proposed land use. Applications with gross land area of more than one hundred (100) acres shall have the option of filing either a graphic plan or a perimeter plan indicating land use to a depth of three hundred (300) feet around the exterior of the total site.*
- h. *A written indication of the maximum number of residential dwelling units to be constructed within the total PUD District.*

**E) *Planning Commission Hearing:*** *The Planning Commission shall hold a public hearing on any application for PUD Land Use District prior to making its recommendation to the Madison County Fiscal Court in accordance with standard procedures for a change of Land Use designation as outlined in the Madison County Land Use Regulations.*

**F) *Development Plan / Preliminary Plat:***

- 1) ***Submission of Development Plan:*** *After the granting of PUD Land Use, and as the applicant desires to develop the PUD District, or any portion thereof, a Development Plan and Preliminary Plat shall be submitted to the County Planning Office for review then placed on the agenda for DRT and Planning Commission review. All standard preliminary plat information and requirements shall be applicable for PUD submittals as set forth in the Madison County Subdivision Regulations.*
- 2) ***Contents:*** *The Development Plan shall include a preliminary plat as well as the following information:*
  - a. *A description of the area included in the Development Plan by dimensions and bearings on an accurate survey with topography grades of not more than two (2) feet. All submittals shall be submitted in digital format in compliance with the County's Digital Submittal Ordinance in State Plane Coordinate.*
  - b. *A general description of the surrounding area.*

- c. *Provisions for public or private streets, alleys, storm sewers, sanitary sewers, setbacks and utility easements.*
- d. *Percentage or acreage of project land uses either for the total area consistent with the designated current land use district categories or detailed land use as established in the Land Use Management Ordinance.*
- e. *Designation and location of open space for total site. Specific details of how the open space will be designed and intended for use.*
- f. *Maximum number and type of residential dwelling units to be constructed in said area.*
- g. *Anticipated development schedule and phasing of the development.*
- h. *Protective and restrictive covenants and homeowners' association charters, if any.*
- i. *In those instances where development plans are submitted, applicant shall demonstrate that composite projected land uses and maximum number of dwelling units approved in the PUD Land Use have not been exceeded and that open space requirements are consistent with approved ordinance.*
- j. *Landscape buffer plan shall accompany the development plan including details of the planting types, sizes and locations.*

**G) Project Plan:**

**1) Submission:**

- a. *After Planning Commission approval of the Development of a Planned Unit Development, the applicant shall submit a project plan showing or describing each project as it is to be built. No building permit shall be issued prior to approval of the project plan.*

**2) Contents:** *The project plan for each development shall include an engineering site plan as well as the following information:*

- a. *Detailed planned uses.*
- b. *Actual location of all buildings to be constructed indicating the governing setback lines, if any.*
- c. *Provisions for any additional public or private streets, alleys, or utility easements not previously reflected on appropriate development plan.*
- d. *Protective and restrictive covenants applicable to the project, if any.*

**3) Staff Review:** *Upon submission of a project plan to the County, the Technical Staff shall confer with the applicant and may make recommendations to the landowner for amplification, deletion or modification thereof. After a full opportunity for consultation, the Staff shall submit its recommendation to the Planning Commission for the project plan as submitted, or as may be modified, a copy of which shall be furnished to the applicant.*

**4) Commission Approval:** *After the Technical Staff has submitted its recommendation to the Planning Commission, the applicant shall be notified to appear before the DRT and Planning Commission and present his project plan. The Commission will make its final determination to either approve or deny the proposal. No advertised public hearing is contemplated, so long as there is no*

*significant variance from the approved development plan or restrictions as determined by this Ordinance.*

- 5) ***Amendment of PUD Land Use Management:*** *Any person or corporation having a proprietary interest therein may grant any amendment supplement or change in any PUD Land Use upon application. Any application for such amendment, supplement or change must contain the data required for an initial application for PUD Land Use and follows the same procedure as for a land use change request. Such a request shall allow the Madison County Planning Commission to review and amend as necessary any other portions of the PUD, which may be impacted by the requested change.*

***H) Final Plat:***

- 1) ***Submission of Final Plat:*** *After the approval of PUD Development Plan and Preliminary plat, and once the infrastructure has been completed as required in the Subdivision Regulations, the applicant shall submit a Final Plat for approval and recording prior to the selling of any tracts or parcels. All final plats shall be completed in compliance with the standard final plat requirements as listed in the County Subdivision Regulations. Final plats may be approved in Phases as approved by the Planning Commission.*
- 2) ***Contents:*** *See Sections 214 and 215 of the Madison County Subdivision Regulations for specific plat requirements.*
- 3) ***Commission Approval:*** *After the Technical Staff has submitted its recommendation to the Planning Commission, the applicant shall be notified to appear before the DRT and Planning Commission and present his project plan. The Commission will make its final determination to either approve or deny the proposal. No advertised public hearing is contemplated, so long as there is no significant variance from the approved development plan or restrictions as determined by this Ordinance.*