

ORDINANCE NO. 09-11

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY
UPDATING A SECTION OF THE LAND USE REGULATIONS, ORDINANCE NO. 07-16 OF
THE MADISON COUNTY OFFICE OF PLANNING AND DEVELOPMENT.**

WHEREAS, the Madison County Planning Commission met in a Public Hearing on November 17, 2009 for the purpose of discussing and considering a recommendation to change and/or update the Land Use Regulations, amending Section 402.8.1, Table 1 by extending the "Transportation Corridor" from the intersection of Highway 52/1295 to include all of KY Highway 52 to Paint Lick;

WHEREAS, the Madison County Planning Commission voted 5-yes, 1-no (Chandler Combs) and 1-Absent (Shannon Pennington) to approve the extension of the Transportation Corridor from Highway 1295 down Highway 52 to end at Paint Lick.

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 402.8.1, Table 1 as shown;

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 Statutes.

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

DATE OF FIRST READING: 12-15-09

MOTION BY: Magistrate Larry Combs

SECONDED BY: Magistrate Harold K Botner

VOTE: YES NO

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

DATE OF SECOND READING: 1-12-10

MOTION BY: Harold K. Botner

SECONDED BY: William Tudor

VOTE: YES NO

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

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

[Signature]
MADISON COUNTY CLERK

402.8.1 Transportation Corridor District (Robert R. Martin By-Pass, TC-1)

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 its 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, See Table 1.

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.

Table 1: Transportation Corridor District Type per Road

TC District Type	Jurisdiction	Segment	TC District Depth from Road Centerline
	State Roads		
TC - 2	US 25/421	Clays Ferry to Robert R. Martin By Pass	500 ft.
TC - 2	KY 627	I-75 to Clark County Line	500 ft.
TC - 2	KY 52 Lancaster Rd	876 By Pass to Paint Lick @ County Line	500 ft.
TC - 2	KY 52 Irvine Rd	From 876 By Pass to Estill County line	500 ft.
TC - 2	US 421	From US 25 to KY 21 Big Hill	500 ft.
TC - 2	US 25	From 876 By Pass to Herndon Lane	500 ft.
TC - 1	Robert R. Martin Bypass	From Old Wilderness Trail to I-75	750 ft.
	County and City Roads		
TC-3	Whitehall State Shrine Road	From U.S. 25 to Whitehall State Shrine	350 ft.
TC-3	Wilderness Road Historic Trail	From Robert R. Martin Bypass to Ft. Boonesboro	350 ft.