

ORDINANCE NO. 10-11

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY  
UPDATING SECTIONS OF THE LAND USE REGULATIONS,  
ORDINANCE NO. 00-02.**

**WHEREAS**, the Madison County Planning Commission met in a Public Hearing on August 17, 2010 for the purpose of updating the Madison County Land Use Regulations, Amending Section 402.6;

**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 402.6;

**NOW, THEREFORE**, be it ordained by the Fiscal Court of the County of Madison, Commonwealth of Kentucky, as follows (proposed changes are reflected in **RED**):

**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.

**Amending Section 402.6**

<b>402.6 Uses Allowed</b>					
<i>Residential Uses</i>					
<b>1. Single-Family Residential</b>	UC-1	RC-1	C	R-1	R-7
Detached single-family dwellings	P	P	P	P	P*
Conventional (built on-site)	P	P	P	P	P
Manufactured housing	P	P	P	P	P
Mobile homes (see Section 402.3)	P	P	P	P	P
Transitional Housing	C	C	C	C	C
Group Homes	P	P	C	P	C
<b>1A. Single-Family Residential(MD)</b>	<i>UC-1</i>	<i>RC-1</i>			
Single-Family dwelling clusters	P	P	P		
<b>1B. Single-Family Residential(HD)</b>	<i>UC-1</i>				
<i>Single-Family dwelling clusters</i>	<i>P</i>				
<b>2. Multi-Family Residential</b>	<i>UC-2</i>				
Apartments (3 units or more attached)	P				
Transitional Housing	C				
Group Homes	P				
Boarding Houses	C				
<b>2A. Multi-Family Residential</b>	<i>UC-2</i>				
Duplex (attached Units)	P				
<b>Townhouse Regime</b>					
Condominium Regime					
Home Occupations: allowed in all districts as conditional uses.					
<b>Commercial Uses</b>					
<b>3. Neighborhood Commercial</b>	UC-3	RC-3	C		
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			
Gift Shops	C	C			
Laundry, Cleaners	C	C	P		
Photo Supplies					
Barber/Beauty Shops	P	P	P		
Printing/Copying					
Mini Warehouses	C	C	C		

Service Stations			P		
<b>3. Neighborhood Commercial (con't)</b>	<b>UC-3</b>	<b>RC-3</b>	<b>C</b>		
Garages	C		C		
Furniture Repair	C		C		
Air Conditioning/Heating					
Physicians/Dentists	P	C			
Optometrists/Chiro.	P	C			
Medical labs, etc.					
Attorneys, Accountants	P	C			
Architects, Engineers	P	C			
Dog Kennels / Doggie Day Care	P	P	P		
Animal Rescue Facilities	C	C	C		
Small Animal Veterinary	P	C	C		
Amusement, Entertainment					
Riding Stables	P	P	P		
Other	C	C	C		
Educational Services					
Dance, Art, acting, music and Related	C	C	C		
Nursery					
Retail Nursery	P	P	P		
<b>4. General Commercial</b>	<b>UC-4</b>	<b>RC-4</b>	<b>C-4</b>	<b>UC-4IC</b>	
Transportation/Utilities					
Home Occupations	C	C	C		
Trucking/Moving	P	C	C	P	
Post Office	P	P	C	P	
Telephone Company	P	P	C	P	
Radio/TV Stations	P	P	C	P	
Utility Companies	P	P	C	P	
Bus Lines	P	C	C		
Taxi Cabs	P	C	C		
Air Cargo Service	P				
Wholesale Trade					
Durable Goods	P	P	C	P	
Non-Durable Goods	P	P	C	P	
Retail Trade					
Building Materials/Hardware	P	P	C	P	
Farm Supplies/Equipment	P	P	C		
General Variety	P	P	C	P	
Convenience Food Stores	P	P	C	P	
Vehicle Sales	P	P	C	P	
Mobile/Manufactured Home Sales	P	C	C		
Apparel & Accessories	P	P	C	P	
Furniture	P	P	C	P	
Eating Places	P	P	C	P	

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

Miscellaneous Repair	P	C		C	
Electrical, Watches	P	P	C	P	
Furniture Repair	P	P	C		
Air Conditioning/Heating	P	P	C		
Professional Services				P	
Attorney, Accountant	P	P		P	
Architects, Engineers	P	P		P	
Physicians, dentists, optometrists, Chiropractor, medical labs, etc	P	P		P	
Commercial Kennels / Doggie Day Care Facilities	P	P	C	P	
Small Animal Veterinary	P	P	C		
Amusement/Entertainment					
Theaters, Bowling	P	C		P	
Billiards, Skating	P	C		P	
<b>Amusement/Entertainment continued</b>					
Riding Stables	P	P	C		
Other	C	C	C	C	
*Riding stables are also a permitted use in RC-7 and R-7					
<b>4. General Commercial</b>	UC-4	RC-4	C-4	UC-4IC	
Educational Services					
Dance, Art, acting, music and Related	P	P			
<b>5. Light Industry (See also Section 402.7)</b>	UC-5	RC-5	C-5	UC-4IC	
Lumber/Wood Products	C	C	C		
Printing/Publishing	P	C	C	C	
Fabricated Metals	<b>P</b>	C		C	
Electronics	P	C		C	
Instruments	P	C		C	
Signs	P	C	C		
Pharmaceutical	P	C		C	
Toys	P	C		C	
Miscellaneous	C	C	C	C	
Auto Salvage Yards	C	C			
Other Clean Light Industry as defined in Section 402.3 of these regulations.				C	

6. Public / Semi Public Uses				
<b>Churches and related uses</b>	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.			
<b>Government Services such Offices, fire stations, libraries, Auditoriums</b>	Permitted uses in UC-3, UC-4, UC-5, UC-6, RC-4, RC-5, RC-6, C, R-6			
<b>Schools</b>	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				
Home Occupations				

Commercial Dog Kennel / Doggie Day Care Facilities	C	C	C	C	
Animal Rescue Facilities	C	C	C	C	
*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>	R-8				
<b>Quarrying</b>	C				
Commercial Logging	C				
<b>9. Mobile/Manufactured Home Parks</b>	UC-9	RC-9			
<b>Mobile Home Parks</b>	P				
<p style="text-align: center;">Accessory uses allowed in all residential districts (A) such as:  Storage sheds/buildings, garages/carports, swimming pools, Satellite dishes, non-commercial greenhouses.</p>					
<p><b>Legend:</b></p> <p><b>P = Permitted Use</b>  <b>C= Conditional Use</b>  <b>A= Accessory Use</b></p>					

Section 2. Effective Date.

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

Section 3. 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:** December 15, 2010

**MOTION BY:** William H. Tudor

**SECONDED BY:** Larry Combs

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

DATE OF SECOND READING: December 28, 2010

MOTION BY: Harold K. Botner

SECONDED BY: Larry Combs

VOTE: YES NO

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



---

MADISON COUNTY JUDGE EXECUTIVE

Attest:



---

MADISON COUNTY CLERK