

ORDINANCE NO. 12-10

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

WHEREAS, the Madison County Planning Commission recommends to the Fiscal Court to amend Section 212 of the Madison County Subdivision Regulations by creating an exception for minor plats on existing private easements;

WHEREAS, the Madison County Planning Commission recommends to Fiscal Court that Section 212 of the Madison County Subdivision Regulations as shown in Section 1;

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

SECTION I

► 212 Minor Plat Requirement

At the time the application is filed (including a request for informal advisory meeting), the Administrative Official shall determine whether the proposed subdivision constitutes a major or minor subdivision. To qualify for consideration as a Minor Plat, it shall consist of a division of land into not more than three (3) parcels (including the parent tract) where:

- a) all tracts front a minimum of 100 feet on an existing public street or roadway, (see exception 1 below) and;
- b) involves no opening, widening, or extension of streets or utilities;
- c) is not part of a tract that has been previously approved by a planning commission within the past twenty-four (24) months;
- d) all proposed minor subdivision plats within one-half (1/2) mile by roadway in any direction of a minor subdivision plat that has been approved within the past twenty-four (24) months, will require presentation to the Planning Commission. The Planning Commission shall consider the effect of the proposed division on the development intensity and adequacy of the infrastructure in that area of the county.

OR

- a) provides for a transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites;
- b) where there is a need to make technical revisions of an engineering or drafting nature, or similar small change to a plat that has been previously recorded.

(Exception)

Where a minor plat is being proposed on an existing property where the road frontage requirements, as set forth in Section 402.5 of the Madison County Land Use Regulations, cannot be obtained, one exception to the road frontage requirements may be approved under the following conditions:

- a) The tracts shall be used solely for single family residential or agricultural purposes.
- b) A note shall be placed on the plat clearly stating, "No further division of any of the tracts contained herein until such time that the private road/access easement is upgraded to meet the County Road Standards in effect at the time of the upgrade, at the property owner's sole expense.
- c) A note shall be placed on the plat stating the road is a privately maintained road.
- d) The parcels created shall be provided access to a publicly maintained road with the creation of a new private road/access easement. The proposed or existing private road/access easement shall provide a minimum of 50 feet in access easement width and shall have gravel, blacktop or concrete road base, a minimum of 10 feet in width, and shall be maintained in a manner that will not prevent the easy access by emergency service vehicles.
- e) All lot dimensional requirements shall meet the requirements listed in the Madison County Land Use Regulations, Section 402.5, fronting onto the private road/access easement.
- f) Where an existing access easement is provided, the applicant shall provide documentation to the Planning Commission confirming legal rights to utilize the existing access easement as proposed, and to provide written authorization to make the required improvements on the private road/access easement.
- g) Where private roads (access easements) are proposed or requested to be accepted into the County's Road Maintenance System the applicant shall provide a written petition bearing signatures of 100% of the property owners utilizing the easement requesting the private road (access easement) to be dedicated to the County as a public street. All private roads (access easements) proposed to be dedicated as a County maintained road shall meet the Madison County Road Standards as outlined in the Madison County Subdivision Regulations. In the event where the private road needs to be upgraded to meet County Road Standards the following shall apply:
 - 1) A major plat shall be submitted to the Planning Commission depicting the proposed public right of way including the exact location, length and width;
 - 2) A typical street cross section shall be placed on the plat depicting the road design standards and compliance with the County's Road Design Standards;
 - 3) A Bond or Commercial Letter of Credit shall be provided in the amount 115% of the total cost of the road improvement as outlined in the Madison County Subdivision Regulations.
- h) Utility easements shall be provided outside the access easement area.
- i) All other minor plat requirements as noted above shall still apply.

SECTION II

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

DATE OF FIRST READING: June 26, 2012

MOTION BY: Larry Combs

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE, KENT CLARK ✓
MAGISTRATE LARRY COMBS ✓
MAGISTRATE ROGER BARGER ✓
MAGISTRATE GREG KING ✓
MAGISTRATE BILLY RAY HUGHES ✓

DATE OF SECOND READING: July 17, 2012

MOTION BY: Roger Barger

SECONDED BY: Billy Ray Hughes

VOTE: YES NO

JUDGE, KENT CLARK ✓
MAGISTRATE LARRY COMBS ✓
MAGISTRATE ROGER BARGER ✓
MAGISTRATE GREG KING ✓
MAGISTRATE BILLY RAY HUGHES ✓

[Signature]
MADISON COUNTY JUDGE EXECUTIVE

Attest:

[Signature]
MADISON COUNTY CLERK