

SUBDIVISION And DEVELOPMENT REGULATIONS



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MADISON COUNTY OFFICE OF PLANNING AND CODES

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Amendments Made:

- May 2004 – Section 212.13 – Vice Chairman Approval
- May 2004 – Section 310.4 Erosion Controls Added
- April 25, 2006 – Section 308.13, Madison County Access Management Ordinance #06-06
- February 27, 2007 – Sections 303 & 317 Subdivision Regulations Ordinance #07-01
- July 2007 – Section 310.2 Amending the Storm Sewer Certification
- July 2007 – Section 308.17 Amending the Turn Lane Specifications
- July 2007- Section 308.11 Add Definition for Collector Streets
- July 2007- Section 308.12 Amending Street Classification
- January 31, 2008 – Section 316.2 / 316.2.1 Bond Requirements, Ordinance 07-28
- January 31, 2008 – Section 313.4 Utility Easement Signatures, Ordinance 07-27
- January 31, 2008 – Section 308.12 Encroachment Permits, Ordinance 07-26
- October 13, 2009 – Article 5 Definitions Public Road, Ordinance 09-10

ARTICLE I

General Provisions

100 Title

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of Madison County, Kentucky," and shall hereinafter be referred to as "These Regulations."

101 Authorization

These regulations are adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Sections 100.273 (1), 100.111 (22), 100.277, 100.281, 100.283, 100.285, 100.287, 100.291, and 100.292. The Madison County Fiscal Court has fulfilled the requirements set forth in KRS 100.273 (2) as a prerequisite to the adoption of these regulations, and is thereby designated as the administering agency.

102 Purpose

Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, etc., a pattern has been established which usually determines how well community needs for the various land uses will be met. It also determines, to a great extent, how well the community will be able to meet these needs.

After land has been subdivided and publicly recorded, it is very difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area eventually becomes a public responsibility in that streets must be maintained and various public services must be provided to the area. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is therefore a matter of serious public concern. It is in the best interest of the general public that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

These subdivision regulations are designed to provide for the harmonious development of the subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open space; for traffic, utilities, recreation, light, air, and access of firefighting equipment; for avoidance of population congestion through requirements for minimum lot widths and areas; for adequate provision of

water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

103 Jurisdiction

On and after the date of adoption, these regulations shall govern each and every subdivision of land within the limits of Madison County, excluding the incorporated areas of Richmond and Berea, and Berea's one-mile area of jurisdiction.

104 Consistency with Other Provisions

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or highest standards shall apply.

105 Separability and Severability

Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision thereof which is not itself void or invalid.

106 Amendment

The Fiscal Court may from time to time adopt amendments that will tend to increase the effectiveness of these regulations. These regulations and amendments thereto may be changed or amended by the Fiscal Court after a public hearing by giving due notice as required by KRS 424.

107 Authority

The Fiscal Court's authority and responsibilities for these regulations are stated in KRS 100.277 as follows:

1. No person or his agent shall subdivide any land before securing the Planning Commission's approval of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the county clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the chairman or other duly authorized officer of the Planning Commission.

2. No person owning land comprising a subdivision, or his agent, shall transfer, sell, or agree to sell, any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission, and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided, or deprive the purchaser of any right or remedies he may otherwise have.

3. Any street or other public ground, which has been dedicated, shall not be accepted by the Planning Commission until Final Plat approval has been granted.

The developer or developer is required to submit certain maps (plats) of his subdivision to the Planning Commission, which contain such information as to permit a proper evaluation by the Planning Commission and other agencies of the county.

4. When a tract of land is being divided and the property owner declares that the intended use is solely for agriculture, the owner must give testimony and a written, notarized affidavit the Planning Commission stating how the property is intended to be used solely for agricultural purpose. The owner shall provide written documentation from the Property Valuation Administrator or ASCS Offices that the property is currently being used as a working farm.

108 Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, and general welfare justify such increases.

109 Granting of Waivers

Where the Planning Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional, unique, physical, or human conditions, it may modify these regulations to the extent necessary to relieve the undue hardship. The granting of any waiver shall be based upon the developer or applicant making a written request to the Planning Commission. In granting such modifications, the Planning Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of these regulations. No modifications shall be granted that would be detrimental to promotion of public health, safety, and general welfare.

ARTICLE II

Administration and Enforcement

200 Madison County Planning Commission

The Planning Commission shall consist of seven (7) citizen members who shall be residents of Madison County.

201 Appointing Authority

The County Judge Executive shall appoint the members of the Planning Commission with the approval of the Fiscal Court.

202 Term of Office

The term of office for members shall be four (4) years, except for the initial appointment, which shall be for staggered terms of one (1) to four (4) years.

203 VACANCIES

Vacancies shall be filled within sixty (60) days by the County Judge Executive. If the County Judge Executive fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

204 Oath of Office

All members of the Planning Commission shall, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Madison County.

205 Removal

Any member of the Planning Commission may be removed by the County Judge Executive for inefficiency, neglect of duty, malfeasance, or conflict of interest.

206 Meetings/Procedures

The Planning Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance. Regular meetings shall be held at least six (6) times annually. Special meetings shall be held at the call of the Chair of the Planning Commission and at such other times as the Planning Commission may determine. All meetings shall be open to the public. The Planning Commission shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question and if any member is absent or disqualified from voting, indicating the fact.

A simple majority of the total membership of the Planning Commission (four) shall constitute a quorum. A member having a financial interest in the outcome of any application before the Planning Commission shall disclose the nature of the interest and shall disqualify himself from voting on the question, and shall not be counted for purposes of a quorum. If it is discovered that a member failed to properly excuse himself, his vote on the issue in question will be void. A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that a vote of a simple majority of the total membership shall be necessary for the adoption or amendment of the Planning Commission bylaws, or for elements of the comprehensive plan or regulations.

207 Duties

The Planning Commission shall be responsible for administering these regulations, including approval of any amendments to the ordinance.

208 Employing Planners or Other Persons

The Planning Commission may employ a staff or contract with planners or other persons, as it deems necessary to accomplish its assigned duties.

209 Finances

The Fiscal Court may appropriate out of general revenues for the expenses and accommodations necessary for the work required in this ordinance. The Planning Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U.S. Government, for the purpose of carrying out its duties.

210 General Procedures

The review of subdivisions within Madison County shall follow the procedures outlined in Sections 211-220 below.

211 Informal Advisory Meeting

In addition to these formal requirements, the developer has the option of submitting an informal proposal to the Planning Commission in order to determine the reasonableness of proceeding with a formal application. The developer should notify the Planning Commission at least ten (10) working days prior to its regularly scheduled meeting of his intention to subdivide property and request an advisory meeting for review of a sketch plat.

The sketch plat may be in pencil, on a sheet of paper of adequate size to show the subdivided area at a scale of 100 ft. per inch, or other suitable scale. The sketch plat should include (as a minimum) the following information:

- a. Name of the subdivision, date, direction, and scale.
- b. Name and addresses of property owner(s).
- c. A vicinity sketch map showing general location, existing roads, surrounding property, and major physical features.
- d. A generalized layout of the property showing shape, approximate dimensions, and total acreage.
- e. Generalized layout of proposed streets and lots.
- f. Available and proposed utilities.
- g. Relationship to services, including schools, parks, etc.
- h. Intended use for all parcels of land.

► 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:

- all tracts front a minimum of 100 feet on an existing public street or roadway, and;
- involves no opening, widening, or extension of streets or utilities;
- is not part of a tract that has been previously approved by a planning commission within the past twenty-four (24) months;
- 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

- provides for a transfer of land between adjacent property owners and
- does not involve the creation of any new lots or building sites;
- 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:

1. The tracts shall be used solely for single family residential or agricultural purposes.
2. 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 property owner's sole expense.
3. A note shall be placed on the plat stating the road is a privately maintained road.
4. 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.
5. 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.
6. 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.
7. 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:

8. A major plat shall be submitted to the Planning Commission depicting the proposed public right of way including the exact location, length and width;
9. 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;
10. 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.
11. Utility easements shall be provided outside the access easement area.
12. All other minor plat requirements as noted above shall still apply.

All other plats or division submitted, that do not meet the above criteria, will not be considered as a minor subdivision. The Planning Commission must review all plats or subdivisions not considered as a minor subdivision. Such plats must meet the criteria set forth as a major subdivision plat. The Commission may require an "Infrastructure Assessment" be completed on certain plats if the infrastructure's capability is in question.

212.1 Processing

212.11 Submittal - All Minor Plat submissions will be done so using the *Application For Minor Subdivision Approval* from Appendix A. *The Plat Requirements Checklist* (Appendix D) should be followed as a guide for preparation of the plat itself. It will be completed and submitted along with the application. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Minor Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

212.12 Number of Copies - The developer shall submit five (5) copies of the Minor Plat with required supplementary information to the Administrative Official. However, if the plat is recommended for review by the Planning Commission, a total of twenty (20) copies will be submitted.

212.13 Plat Review - Upon the determination that an application for minor subdivision meets the above requirements, the following procedure shall be followed:

- a. The Administrative Official will forward such a plat to the Chairman or Vice Chairman of the Planning Commission.

- b. The Chairman or Vice Chairman shall approve or disapprove the plat, or he may waive his authority and recommend the plat be considered by the entire Planning Commission (as with a Preliminary Plat).

213 Preliminary Plat

The purpose of the Preliminary Plat is to provide the Planning Commission with a graphic statement of the proposed improvements to the subject tract of land. No improvements shall be made on the land to be subdivided until the Preliminary Plat has been approved. The Preliminary Plat is "preliminary" in the sense that the Planning Commission may make suggestions or request suggestions from other qualified agencies towards improving the design or improvement standards presented by the developer. Upon Planning Commission approval of the Preliminary Plat, the developer is authorized to proceed with the development of the approved plan and construction of public facilities. If the proposed subdivision is to be constructed in more than one phase, the developer shall show the entire proposed development on the plat. Phases of development shall occur in such a way as to minimize the cost of extending utilities.

213.1 Processing

213.11 Submittal - The developer shall apply for consideration of a preliminary subdivision plat using the *Application For Preliminary Plat Approval* found in Appendix B. Such application shall be submitted to the Administrative Official along with the plat and the *Plat Requirements Checklist* (Appendix D) on the third Monday of the month (by noon) prior to the meeting date of the Development Review Team (the last Wednesday of the month). At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Preliminary Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) feet per inch, and shall be on one or more sheets 24 x 36 inches in size.

213.12 Number of Copies - The developer shall submit twenty (20) copies of the Preliminary Plat with required supplementary information to the Administrative Official for distribution to the Development Review Team and the Planning Commission for the purpose of review and recommendations.

213.13 Plat Review - The Development Review Team shall conduct a technical review of all plats and submit written comments to the Planning Commission no later than ten (10) working days prior to the Planning Commission work session. These comments will focus upon any concerns and/or conditions that need to be addressed regarding the plat.

The Planning Commission shall review the report of the Development Review Team and shall receive additional information at its regular work session meeting. The developer or an authorized representative shall be present at the meeting to answer questions or provide additional information. A majority of the discussion regarding the plat shall be conducted during the work session meeting. The intent of the work session is to address all of the pertinent information necessary for approval by the Commission. Conditions not yet met will be recorded into the minutes of the work session. The conditions will be met before the plat can be voted on, with any exceptions being determined by the Commission.

Final consideration of proposed Preliminary Plat will normally be made during a Planning Commission business meeting (regular or special called). In determining whether a Preliminary Plat shall be granted approval, the Planning Commission shall consider the following:

- a. Conformance with plat requirements.
- b. Adequate allocation of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business, and industry.
- c. Distribution of population and traffic in a manner to create conditions favorable to health, safety, convenience, and the harmonious development of the community.
- d. Comments from agencies and officials. Notice shall be given to the city government if the subdivision includes a street extending into the city's jurisdiction.
- e. Comments expressed by the public at a Planning Commission meeting.

No Preliminary Plat shall be approved until an access permit has been obtained from the state highway department (if applicable). In addition, a representative of the local Natural Resources Conservation Service office will review and approve the drainage and soil erosion control plan for the development prior to approval of the plat.

213.14 Planning Commission Action - Within sixty (60) days of the Planning Commission business meeting on the Preliminary Plat, it shall make one of the following decisions: (1) approve the plat, (2) approve the plat subject to conditions, (3) disapprove the plat, unless such time is extended by agreement of the Planning Commission and the developer, or (4) postpone taking action for specific stated reasons for up to thirty (30) days. If the Planning Commission finds that the Preliminary Plat does not meet the requirements of the

regulations, it shall either disapprove the plat, or conditionally approve the plat, subject to specified revisions, within the same time period. Failure of the Planning Commission to act on the plat within the specified time shall be considered as approval of the plat. Approval of the Preliminary Plat by the Planning Commission does not constitute final approval of the subdivision, but is merely an authorization to proceed with the preparation of the Final Plat and construction of public facilities.

In the event of disapproval or conditional approval of the Preliminary Plat, a statement in writing by the Planning Commission, setting forth the reasons for disapproval or the conditions of approval, shall be entered into the records of the Planning Commission.

213.15 Effective Period of Approval - At such time as a Preliminary Plat has been approved by the Planning Commission, one copy shall be returned to the developer for compliance with final approval requirements. Such approval shall be effective for one (1) year from the date of approval. During that time, the general terms and conditions under which the preliminary approval was granted will not be affected by any changes to these regulations. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and they approve such request.

213.16 Adjustment of Preliminary Plat Requirements - The Planning Commission may waive the requirements in any individual case where, in the Commission's judgment, such a waiver would be in the public interest and would eliminate undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of the regulations. In granting any adjustment, the Planning Commission shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements so adjusted.

Any waiver of these regulations shall be specifically requested in writing by the developer with reference to the particular section to be waived. This request shall be accompanied by the submission of the Preliminary Plat and be entered in the minutes of the review meeting.

213.17 Amendment of Preliminary Plat - If, after the Planning Commission has approved a Preliminary Plat, the developer desires to make a change in the number of lots, alignment or other substantial changes of streets, or use of previously dedicated property, an "Amended Preliminary Plat" must be filed in accordance with procedures previously described.

214 Final Plat

The Final Plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements (including any conditions stipulated in the Preliminary Plat) have been met. The Final Plat shall conform substantially to the Preliminary Plat as approved, and it may constitute only a portion of the Preliminary Plat which the developer proposes to record and develop. No Final Plat shall be approved until at least thirty (30) days following the approval of the Preliminary Plat. No Final Plat will be reviewed by the Planning Commission at the business meeting until the following improvements have been completed: 1) the roadbase, consisting of four (4) inches of number 2 stone and six (6) inches of D.G.A. for a total (after compaction) of ten (10) inches, and two (2) inches of bituminous base, 2) waterlines, 3) drainage structures, 4) soil erosion control measures, and 5) curbs and gutters.

214.1 Submittal - Within one (1) year of approval of the Preliminary Plat, the developer shall file the Final Subdivision Plat for review and action by the Planning Commission. Failure to submit the Final Plat within a year's time shall require re-approval of the expired Preliminary Plat. An extension of six (6) months may be granted provided the developer submits a written request to the Planning Commission and they approve such a request.

The developer shall apply for consideration of a Final Subdivision Plat using the *Application For Final Plat Approval* found in Appendix C. Such application shall be submitted to the Administrative Official along with the plat and the *Plat Requirements Checklist* (Appendix D) no later than ten (10) working days prior to the meeting date of the Development Review Team. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Final Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

214.2 Number of Copies – Twenty (20) copies of the Final Plat, together with any street profiles or other plans that may be required, shall be submitted to the Administrative Official.

214.3 Plat Review - Sufficient copies of the Final Plat shall be transmitted to the Development Review Team who will check said plat as to computations, certification, monuments, etc., and will insure that all the required improvements have been completed to the satisfaction of county engineering standards. The Development Review Team shall submit a written report to the Planning Commission. In case a security bond, certified check, or irrevocable commercial letter of credit has been posted, the developer's engineer or road supervisor will provide a detailed breakdown of the individual development costs for the project as well as the % of work completed on each improvement. The developer's engineer will verify that the amount is sufficient to cover the cost of the required improvements yet to be completed.

214.4 Planning Commission Action - Within thirty-five (35) days after the review of the Final Plat, the Planning Commission shall approve or disapprove the plat. Failure of the Planning Commission to act upon this Final Plat within thirty-five (35) days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and the developer will be notified of the reasons for disapproval. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any streets, other public way, or ground. When streets have been constructed, inspected, and approved, the dedicated street or public way shall be accepted for maintenance by the county within forty-five (45) days and shall be a public way for all purposes.

215 Plat Requirements

The requirements for submission of Minor, Preliminary, and Final Plats have been consolidated into the *Plat Requirements Checklist* found in Appendix D.

216 Enforcement

Chapter 100 of the Kentucky Revised Statutes enables the Planning Commission to establish standards for local development as well as to establish the procedures necessary for implementing these standards. The Statutes also include specific provisions for the enforcement of these regulations and penalties for the violation thereof. These provisions are set forth in Sections 217-220 below.

217 Plats of Record

Much of the authority for regulating land subdivision comes from the necessity for recording parcels of land with the County Clerk as a condition for transfer of ownership. These conditions are set forth in KRS 100.277 and cited in Section 107 of these regulations.

217.1 Recording of Plat (KRS 100.344) - All Final/Minor Plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the Final/Minor Plat, the Administrative Official shall return one (1) copy of the plat to the developer with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A Final/Minor Plat shall be recorded within one year of approval by the Planning Commission or else the approval automatically expires. The developer may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration.

217.2 Land Sold in Violation (KRS 100.341) - When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record, as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations.

218 Penalties

The Kentucky Revised Statutes further specify the powers and penalties available to the Fiscal Court for insuring compliance with these regulations.

218.1 Enforcement by Fiscal Court (KRS 100.377) - The Fiscal Court shall have a cause of action for all appropriate relief, including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder.

218.2 Penalties (KRS 100.991) - Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991, or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction be fined no less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

219 Administrative Personnel

Kentucky Statutes place the authority of enforcement with the Fiscal Court. The Fiscal Court, however, may delegate its administrative and enforcement authority to various agents responsible to it. In other situations, it depends on other county departments for information and advice.

220 Appeals

State statutes also specify the course of action available to persons or entities that disagree or claim to be injured or aggrieved by action of the Planning Commission.

220.1 Appeals from Planning Commission Action - Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the Planning Commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the Planning Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review

ARTICLE III

Design and Improvements

300 Purpose

The Planning Commission is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas, including land subject to flooding within Madison County. Furthermore, the Planning Commission is responsible for insuring that such standards are enforced during development as a condition of subdivision approval.

301 Minimum Standards

The standards set forth in this section are considered to be minimum acceptable standards of design for safe, efficient, and economical county development. Where the Planning Commission determines that excess capacity facilities are needed, as defined in the respective sections, the legislative body shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

302 Developer's Responsibility

Generally, the developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this ordinance. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

For all commercial, industrial, public/semi-public, and multi-family residential projects, the developer is required to submit a development plan. The development plan will be reviewed in keeping with the requirements of Sections 212-215 of the Subdivision Regulations (as applicable). See Appendix H (Development Plan Checklist) for required information.

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.

304 Lot Development

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

304.1 Lot Width - Section 402.5 of the Madison County Land Use Management Regulations identifies lot widths for specific land uses.

304.2 Lot Area Requirements - The minimum lot area for development in the county is one (1) acre. A greater area than that specified above may be required if, in the opinion of the County Health Officer, there are potential health hazards due to drainage, soil, or other factors.

304.3 Single Building Per Lot - Each separate principal use building shall be situated on a separate and single subdivided lot of record.

305 Lot Layout

305.1 Lot Lines - All side lines of lots should be at right angles to straight streets and radial to curved street lines.

305.2 Corner Lots - Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.

305.3 Double Frontage Lots - Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots or (b) when the rear of the lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

305.4 Topography - All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems. Any slope of 30% or more is considered to be unsuitable for construction and improvements. The engineer will designate all areas on the plat where the slope is 30% or greater. Should the developer request a waiver of this requirement, a

detailed plan must be provided identifying the specific measures to be taken to reduce the potential problems. Construction or other activity in or along a stream that could in any way obstruct flood flows will require a permit. Any development of property that lies within the floodplain shall submit a development plan which shall be reviewed by the administrative official and the chair of the planning commission. The chair of the Planning Commission may approve or disapprove the site plan or waive his authority and recommend that the plan be considered by the entire planning commission. See Appendix F for the necessary permit requirements and procedures.

305.5 Land Remnants - If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

306 Building Setback Line

Where not otherwise specified by requirements of the land use management regulations, the minimum building setback line from the centerline of the street shall be fifty (50) feet. Along major highways, the setback line shall be one hundred twenty-five (125) feet from the center of the roadway.

307 Lot Identification

307.1 Monuments - Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their location marked on the Final Plat.

307.2 Lot Numbers - All parcels of land in a subdivision, other than streets, shall be given a consecutive lot number. This applies also to lots intended for non-residential use.

307.3 Property Numbering System - Individual lots shall be given a street address by the County 911 Office.

308 Transportation

Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience, and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation, including pedestrian and bicycle.

308.1 Streets - Streets, as ways for the movement of vehicular traffic, serve two principle functions: (a) the movement of people and goods and (b) access to adjoining properties. Unfortunately, these two functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two functions.

308.11 Street Classification System - The following functional street classification shall be considered in the planning of a subdivision:

Federal and State Highways - Primarily designed to move vehicles at moderate speeds and connect communities.

Collector Streets – Streets that are primarily designed to collect traffic from local streets and channel it to local arterial streets or state/federal highways.

County Roads - Primarily designed to move vehicles at low to moderate speeds and to channel local traffic from rural communities and subdivisions to highways.

Frontage or Service Roads - Roads that are designed to provide access to property adjacent to major highways at

moderate rates of speed. They normally run parallel to the major highway and have access to it at intersections with other highways or county roads.

Local Streets - Streets primarily designed to provide access to individual lots that are located within subdivisions.

Cul-de-sac streets (streets with only one end open to traffic and the other end terminated by a turn-around) are allowed.

308.11.1 Encroachment Permits Required – Prior to the opening of any new street, driveway or other encroachment onto a County Road an “Encroachment Permit” must be obtained from the Madison County Road Supervisor.

308.12 Street Classification Standards

TYPE OF STREET	MINIMUM RIGHT OF WAY (FT)	MINIMUM PAVEMENT WIDTH* (FT)	MINIMUM LANE WIDTH (FT)	MAX. (b)	GRADE MIN.	NUMBER OF LANES
Highways/ Arterials	100	24	12	6%	0.5%	2-4
Collector Streets	60	36	12	8%	0.5%	2-4
County Roads	50	20	10	8%	0.5%	2
Frontage & Service Roads	50	20	10	8%	0.5%	2
Local (Subdivision)	50	24	12	12%	0.5%	2
Cul-de-sac ^(a)	100	80	10	15%	0.5%	2
Subdivision Entrance	60	36 (c)	12	6% (b)	0.5%	3

- Note:
- (a) Turn-around diameters are 100 ft. for R-O-W and 80 ft. for pavement.
 - (b) In addition to the grade requirements above, where subdivision streets intersect with other streets/roads, a minimum area 150 feet in length with no more than a 6% slope will be provided.
 - (c) Minimum does not include the curve radius at the entrance.
 - (d) Depth of entrance is determined by the design of the road and traffic.

308.13 Conformance with Plan - The arrangement, location, character, width, grade, and construction of all streets shall conform to the Transportation Plan Element of the Comprehensive Plan and the Madison County Access Management Ordinance (Ord. No. 06-06), and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

308.14 Responsibility for Streets - The developer shall construct all subdivision streets including all clearing, grading, laying of sub-base, base, pavements, culverts, bridges, and related structures, sewer mains, and structures in accordance with current county standards.

308.15 General Street Design Criteria - The following guidelines shall be used in the review of subdivision layout:

- a. **Blocks** - The width of a residential block should accommodate two (2) tiers of lots. Block length should be at least four hundred (400) feet, but not exceed twelve hundred (1200) feet.
- b. **Street Intersections** - Multiple intersections involving the junction of more than two (2) streets shall be avoided; street intersections shall be aligned opposite one another, otherwise offsets between intersections shall be greater than one hundred twenty-five (125) feet between center lines.
 - 1. Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each along the R-O-W line twenty (20) feet from the intersection. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

- c. Street Names - Street names shall be selected which will not duplicate nor be confused with names of other existing streets in Madison County. Proposed streets which are clearly in alignment with existing streets shall bear the name of that street. Generally, no street should change direction by 90+ without a name change.

- d. Street Signs - Subdivisions shall have permanent street signs installed by the developer according to county standards.

- e. Dedication of Right-Of-Way The developer shall dedicate a minimum of fifty (50) feet as a right-of-way for streets within the subdivision. Subdivisions along existing county roads or federal/state highways shall dedicate such additional right-of-way as needed to meet the standards set by the Transportation Plan. When the subdivision is located on only one side of an existing street, only one-half of the additional right-of-way shall be provided. Provisions are made for private access easements for Minor Plats with the inclusion of a fifty (50) foot right-of-way where the potential for further development exists.

- f. Dead-End Streets – Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan and only if a temporary turn-around satisfactory to the Fiscal Court is provided. Dedicated rights-of-way on dead-end streets shall extend to the tract boundary, and reserve strips which might be used to control access to adjacent property are prohibited.

- g. Half-Streets - Dedication of new half-streets along tract boundaries shall not be permitted except to complete the other half where street has been previously platted.

- h. Streetlights – The developer shall provide a street light at the entrance to the subdivision. The county shall pay for maintenance of said light. Other streetlights may be provided (and maintained) within the subdivision at the developer’s expense.

308.16 Street Construction - Streets shall be constructed in conformance with the following requirements:

- a. Grading and Embankments - The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material on which the embankment will be

superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten ton three wheel roller, sheep's-foot roller, or other approved type roller.

- b. Cut Section Excavation - Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.

- c. Solid Rock Excavation - If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below sub-grade elevation and back filled to meet the requirements above.

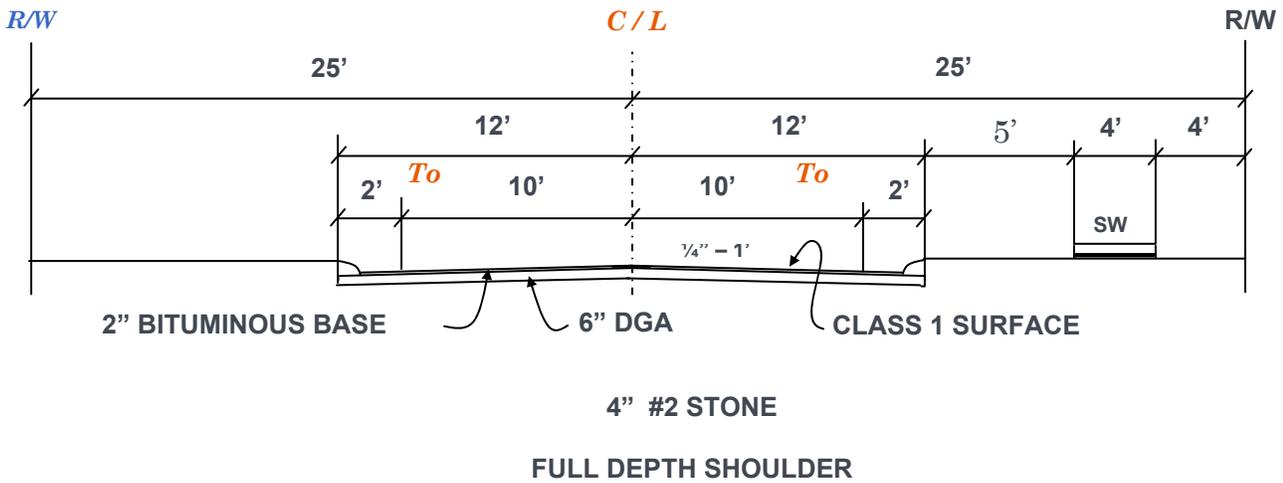
- d. Sub-grade Preparation - Prior to the construction of either rigid or flexible type surface, course construction, the sub-grade shall be shaped to the required typical section and thoroughly compacted. Any sub-grade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.

- e. Concrete Streets – shall be plain concrete (no mesh). Pavement thickness for residential streets shall be a minimum of six (6) inches of concrete placed on a minimum of three inches of aggregate base. Collector or arterial streets must be specifically designed for the predicted loadings they will carry. For detailed specifications, see the Appendix.

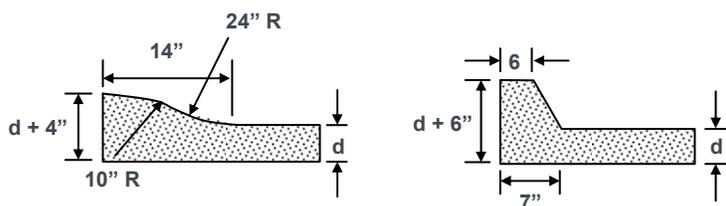
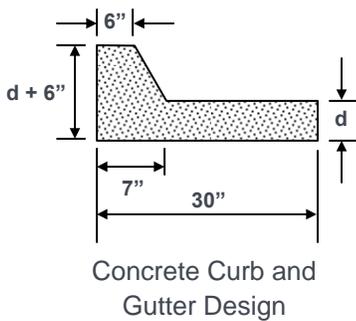
- f. Bituminous Concrete on Macadam Base - The macadam base shall consist of four (4) inches of #2 stone and six (6) inches of D.G.A. for a total after compaction of ten (10) inches. Once final stone is placed as set out herein the developer shall place two (2) inches of base blacktop. After the subdivision is 75% developed (defined as 75% of lots having completed houses constructed thereon) the developer may petition for permission to place one (1) inch of sand-mix based blacktop. For streets primarily serving industrial and commercial areas, the base will be a total of twelve (12) inches after compaction. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches of Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction, and then compacted with a five (5) to ten (10) ton roller. The developer will notify the responsible county official in charge of streets at least seventy-two (72) hours before putting down the base or blacktop. For streets primarily serving industrial and commercial areas, the base shall be a total of

twelve (12) inches after compaction. Upon this base apply 0.35 gallons per square yard of RT-2 kight prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches of Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction, and then compact with a five (5) to ten (10) ton roller. The developer will notify the responsible county official in charge of streets at least seventy-two (72) hours before putting down the base or blacktop.

Street Cross Section



- g. Road width. No major subdivisions (with 4 or more lots) shall be approved on a roadway with less than 20 feet of pavement width. The developer has the right to improve the entire roadway from the proposed development to the closest 20 feet wide roadway at the sole expense of the developer in accordance with Section 308.17 Road Widening Specs.
- h. Curbs and gutters. The specifications for curbs and gutters are as follows:



Integral Curb Designs

Note: Other Designs May Be Acceptable If Submitted For Approval

The developer is responsible for contacting the Madison County Road Supervisor prior to beginning construction on subdivision streets, and to make appointments for periodic inspections at various stages of street construction.

308.17 Road Widening Specifications – Roads required by the Planning Commission to be widened shall be done so prior to commencing construction of the new subdivision or development. The roadway shall be widened in accordance with the following specifications at the sole expense of the developer:

1. The developer shall meet with the County Road Supervisor and Administrative Official to discuss their intentions and determine the recommendations for such widening project.
2. The developer shall employ the services of a Registered Engineer to design the proposed roadway-widening project in accordance with the Madison County Road Design Standards and coordinated with the County Road Supervisor.
3. The engineer for the project shall provide to the County Road Supervisor and Administrative Official a detailed cost breakdown of all costs involved in the widening project.
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 reinstalled in accordance with the entrance standards. If culverts are damaged or otherwise destroyed, they shall be replaced.
7. Any mailboxes effected by such widening of the road shall be properly relocated and placed in accordance with the U.S. Postal Service requirements.
8. Any fences effected by the change shall be replaced to at least the minimum standards set forth in the Subdivision Regulations, if existing fencing exceeds the minimum standards, fencing shall be replaced to match existing, i.e.; board fencing.
9. If sufficient easement is not in existence, the developer shall be responsible for obtaining/purchasing all necessary easements from the effected property owners.
10. Any drain tile or culverts that are not long enough for the widening project shall be properly extended.
11. The base of the portion of the road to be extended shall be installed in accordance with the current base standards set forth in the Subdivision Regulations.
12. A minimum of 3 inches of asphalt shall be laid over the portion to be widened. Once the subdivision is complete and plans to place the required 1 inch cap of blacktop over the subdivision streets, the developer shall place at the same time a 1 inch cap of asphalt over the existing

county road being widened. This 1-inch cap shall be applied over the entire 20 feet width of County road being widened. A separate letter of credit or bond shall be made to Madison County Fiscal Court, and provided to the Planning Office for the roadwork to be done. The final 1-inch cap of blacktop shall be applied over the existing County road when the subdivision lots are 75% developed or within 18 months whichever comes first. Upon recommendation by the County Road Supervisor, the developer may request an extension to the 18 months to complete the final layer of asphalt, however, the bond or letter of credit shall be extended as well.

13. All roadwork shall be inspected and approved by the Madison County Road Supervisor. It is the responsibility of the developer to contact the Road Department for the inspections. Other requirements may be necessary if conditions exist to warrant such changes in road base requirements.

308.17.1 Turn Lane Specifications

In an effort to enhance public safety and the flow of traffic as it relates to accessing a new development as well as exiting from the new development onto existing County or State roads the Planning Commission may require turn lanes where deemed appropriate. Where additional phases or extensions to existing subdivisions increase the total number of lots for the new development and the existing subdivision combined total 50 or more lots, it shall be the responsibility of the developer creating the increase to 50 or more lots to provide the turn lanes as required in the following sections.

Turn Lanes Required from Existing Roads

Where a development is proposed containing fifty (50) lots or more, the developer is required to construct a turn lane, on the existing county road, at their sole expense. The developer must construct the turn lane to county road specifications given by the Madison County Road Department and the specifications contained herein.

The turn lane would be required to be constructed and completed before the final plat could be considered for approval. Where turn lanes are required on development plans, the turn lanes shall be completed prior to occupancy of the building or structure in part or whole.

Turn Lanes Required from within New Development

Where a development is proposed containing fifty (50) lots or more, the entrance to the subdivision must be designed with one entrance lane and two exit lanes exiting from within the development onto the existing state or county road.

The turn lane shall be constructed and completed before the final plat for any phase will be considered for approval. Where turn lanes are required on development plans, the turn lanes shall be completed prior to occupancy of the building or structure in part or whole.

308.2 Walkways

If sidewalks are provided they shall meet the following requirements and shall be the responsibility of the developer and shall be completed throughout the entire development prior to the county accepting maintenance responsibility of the road system and rights of way. Any letter of credit or other financial instrument securing the improvements required in a subdivision shall not be released until such time as the sidewalks are constructed pursuant to the following guidelines.

Standards for Accessible Design

In accordance with the provisions of the Federal Department of Justice, "28 CFR Part 37, ADA Standards for Accessible Design" Chapter 3, "Pedestrian Accessibility" all sidewalks shall be designed and installed to be accessible to the physically disabled. The complete guidelines and requirements may be found on the Internet at the web address of, www.usdoigov/crt/ada/adahom1.htm. The guidelines are made a part of this regulation by reference. It shall be the responsibility of the developer or his/her designee to become familiar with these regulations and ensure the strict compliance as prescribed in the referenced documents. Details of accessible sidewalks and curb cuts shall be provided on the plat where sidewalks are required.

308.21 Residential Subdivisions

In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than one hundred (100) feet. Sidewalks shall be required on one side of the street where the predominant lot width is less than two hundred (200) feet. Sidewalks will not normally be required where the predominant lot width is over two hundred (200) feet.

Where a residential block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10) foot easement may be required by the Planning Commission.

When the street is a cul-de-sac and sidewalks are required on one (1) side of the street only, the sidewalk shall be extended around the cul-de-sac to include all lots that front on the cul-de-sac.

308.22 Commercial Development

Sidewalks shall be required by the Fiscal Court for all commercial lots.

308.23 Standards

Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4) inch dense grade gravel sub-base.

308.24 Maintenance of Walkway

It shall be the responsibility of the owner or person(s) entitled to possession of any house or other building within Madison County which abuts or borders upon any street, road, highway or public place to maintain the sidewalks abutting property in good repair and free of any physical conditions that may cause accident or injury.

It shall be the responsibility of the owner of person(s) entitled to possession of any house or other building within Madison County which abuts or borders upon any street, road, highway or public place to remove or cause to be removed, all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of said walk within 24 hours after such snow or ice shall have fallen or accumulated thereon.

Whenever any sidewalks are repaired, renewed or re-constructed, said work shall conform to the Madison County Subdivision Regulations Section 308.2 and shall be in compliance with the applicable standards of the Federal Government's American's with Disabilities Act, (<http://www.usdoj.dog/crt/ada/adahom1.htm>).

308.3 Bikeways

A bikeway may be required in lieu of a sidewalk in areas where schools, parks, or other public facilities exist and may cause a high volume of bicycle traffic, to insure the safety of the cyclists and encourage greater use of the bicycle as an alternate means of transportation.

308.3.1 Bicycle Paths - Shall include only those bicycle facilities whereby a separate right-of-way is set aside for the exclusive use of cyclists to the exclusion of motorized vehicles and pedestrians. One-way bike paths shall be at least four (4) feet wide and pave with concrete or bituminous paving material. Two-way bike paths shall be at least eight (8) feet wide.

308.3.2 Bicycle Lanes - Shall include those bicycle facilities where a portion of a street is designated by a raised curb or painted lane stripe, for the exclusive use of cyclists. Bike lanes shall be prominently marked as such and be one-way in direction on each side of the street and a minimum of four (4) feet wide.

308.3.3 Bicycle Routes - Shall include those existing or proposed streets that are determined by specific analysis to be suitable for the safe operation of bicycles. Bike routes do not provide for the exclusive use of bicycles but require sharing the street with other vehicles, and are designated by a map of public distribution and/or by the official "Bike Route" sign.

309 PUBLIC UTILITIES/FACILITIES

The administration of these regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage, and energy supply. Where necessary, the Planning Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

309.1 Sanitary Sewage Treatment Service - Where a public sanitary sewer system is available, as determined by the Planning Commission, sanitary sewers shall be installed by the developer to adequately serve all lots with connections to the public system.

309.2 Package Treatment Plants - Where a public sanitary sewer system is not reasonably accessible, a neighborhood or "Package" disposal system may be installed for commercial or industrial development according to standards determined by the County Health Officer and the Natural Resources and Environmental Protection Cabinet. When a package treatment plant is to be used, the developer shall provide a system for financing future operation/maintenance costs.

309.3 Individual Sewage Disposal Systems - Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed, subject to the approval and conditions of the County Health Officer, based on the requirements of the Kentucky On-Site Sewage Disposal Systems Regulations (902 KAR 10:081, and 902 KAR 10:085).

309.4 Future Service - Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

309.5 General Standards - Subject to the specific determination to the contrary by the Planning Commission or other agency, the following general standards shall apply: The minimum size sewer pipe connection to any parcel shall be four (4) inches inside diameter (I.D.). The minimum sewer pipe line to be used in a residential subdivision shall be of eight (8) inches I.D., except that a six (6) inch I.D. line may be used to serve no more than four (4) dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

309.6 Plans Required - The developer shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the Preliminary Plat for Planning Commission approval. Such plans shall be prepared by a registered civil engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system, including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, rock soundings, and length of drainage fields required.

309.7 Oversized Facilities - When it is determined necessary, the developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision. In these cases, the county may reimburse the developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

310 STORMWATER AND SEDIMENT CONTROL

Storm Water Management

These regulations affect all subdivision and development of land within Madison County as well as developments that occur within the corporate limits of the City of Richmond and Berea where one or more of the following occur:

Storm water collected from developments located within the Corporate limits of the City of Richmond or the City of Berea will deposit or discharge into storm drain facilities, basins, retention areas or other storm drain facilities within the County Fiscal Court's authority;

Developments within the City of Richmond or the City of Berea where access to the development is obtained from roads owned and maintained by the Madison County Fiscal Court;

Storm sewer systems are designed to collect and convey storm water runoff from street inlets, runoff control structures, and other locations where the accumulation of storm water is undesirable.

The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. In general, the amount of storm water runoff should be equal in terms of pre-development and post-development given the design of the storm water system. Storm water runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for storm water drainage facilities located on private property where runoff will be collected within that property and be

minimally discharged over a larger area before the storm water naturally drains on adjacent properties unless a large drainage basin exists or is being planned. Storm water drainage easements shall be required if storm water is discharging directly from a pipe to an adjoining property and being dispersed on the property. No storm sewer construction shall occur until permission has been granted by the appropriate agency. All stormwater infrastructure components shall be inspected and certified by the owner/developer's professional engineer.

In addition, the Madison County Fiscal Court operates under the requirements of the Kentucky Pollutant Discharge Elimination System (KPDES), under which the County must develop, implement, and enforce a program to reduce pollutants from any storm water runoff resulting from construction activities that result in a land disturbance greater than or equal to one (1) acre. Accordingly, all construction/site development of one (1) acre or more must provide the following information before commencement of construction activities:

Provide the County Codes and Planning Office with a signed copy of the completed Notice of Intent (NOI) form, KPDES Form NOI-SW within forty eight (48) hours prior to the initiation of site work and/or for review by the County Planning Commission and the Development Review Team on all major development plans and plats.

Provide a completed copy of the site-specific Best Management Practices Plan at a scale not greater than 1"=50 feet to the County Code and Planning Office at the time of request for a development plan review by the Planning Commission and the development Review Team.

Provide the County with any updates to the Best Management Practices Plan made during the actual construction process, within twenty-four (24) hours of final design.

Provide the County with a signed copy of the Notice of Termination (NOT) within forty-eight (48) hours of submittal to the state.

As provided for within this Ordinance, the County has the right to;

Enter and inspect construction sites with any land disturbances for the presence of properly installed and functioning sediment control Best Management Practices and to assure compliance with the BMP site specific plan,

To review the records of the permittee and/or his contractor at both on-site and off-site locations that pertain to the development, installation, maintenance, and operation of the BMP Plan, and

To require modification to the BMP Plan along with the correlating physical placement of the modifications at the site, when in the opinion of the County the current BMPs are not functioning to the degree necessary to prevent or minimize erosion or to provide proper sediment control. All expense for modifications required by the County shall be borne by the permittee and/or his contractor. No expense for proper maintenance or operation shall be borne by the County.

Where the permittee and/or his contractor is found to be in non-compliance, each non-compliance item shall be corrected within five (5) working days of notification. The first occurrence of noncompliance shall result in an issue of Notice of Violation and an order to stop work until compliance is attained; the second and all subsequent occurrences or continued non-compliance shall result in a five hundred dollar (\$500) fine per calendar day of non-compliance along with a filing of a complaint with the Kentucky Division of Water. The County has the right to take civil action against any permittee and/or contractor that consistently and persistently fails to comply with the requirements of all applicable ordinances and regulations adopted by the Madison County Fiscal Court.

The proposed system shall be subject to the review and approval of a representative from the local Natural Resources and Conservation Service (NRCS) office.

Drain boxes shall be constructed in accordance with specifications provided by the county. Any culvert pipe buried six (6) feet or more in depth shall either be reinforced concrete or double coated (inside and out) corrugated metal.

310.2 Disposal Beyond Subdivisions

Where an adequate public storm sewer is available at the subdivision boundary, the developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the developer may be required by the Planning Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal. The Engineer shall certify on the final plat that all drainage, detention basins and erosion control measures have been properly installed in accordance with the design and approval.

310.3 Oversized Facilities - When it is determined necessary, the developer may be required to install drainage structures in excess of those required to serve the subdivision. In these cases, the County may reimburse the developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

310.4 Ditches (Swales) – When runoff from an area reaches a site as overland flow, it must be intercepted and collected. This can be accomplished with ditches. As with sewers, the amount of runoff determines the design of the ditch. The cross section of the ditch must be designed to fit the circumstances and accommodate the flow. A “V” ditch is most economical to build. If the ditch is located where people are likely to step in it, a shallow, flat-bottomed, or curved ditch is better. If the ditch is to carry a large volume of runoff, a trapezoidal ditch is more efficient. To determine the required cross-sectional area of the ditch, use the following equation:

$$A_R = \frac{Q}{V} = \frac{1.486}{n} R_H^{2/3} S^{1/2}$$

Where A_R = cross-sectional area required (ft²)

Q = quantity (cfs)

V = velocity (fps)

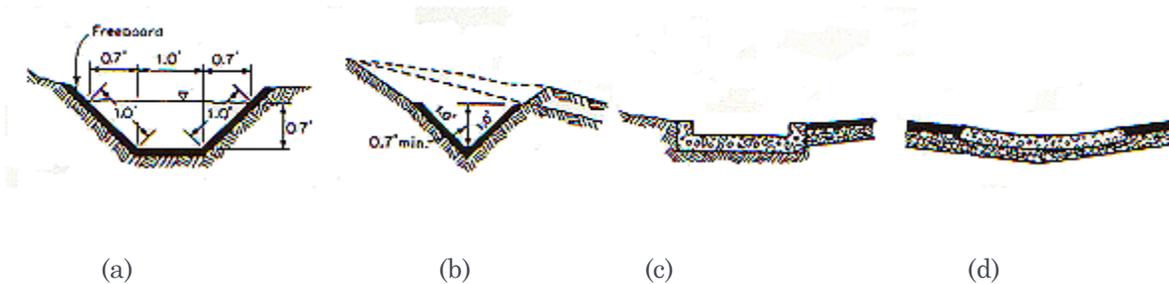
Where n = coefficient of friction

R_H = hydraulic radius,

S = slope (ft/ft)

$$\frac{\text{area}}{\text{wetted perimeter}} \quad \text{or} \quad \frac{a}{p}$$

Types of ditches: a) trapezoidal ditch, b) "V" ditch, c) flat-bottomed ditch, d) curved ditch



General Requirements

All earth disturbing activities covered by these regulations shall conform to the following:

1. All surface water shall be provided drainage ditch outlets, of a temporary nature during construction and shall be approved by the County Road Supervisor. No exposed areas that pond water overnight will be permitted.
2. No more than 30% of the total area of any phase of development shall be exposed at any one time during construction.
3. No area shall be exposed any longer than necessary to re-contour. Temporary vegetation and/or mulching shall be then applied for protection during the development.
4. No area shall be allowed to go into the winter season without vegetative cover on critical areas as determined by the County Planning Office. Said areas shall be seeded by October 1st.
5. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from run-off waters for land undergoing development.

6. Permanent final vegetation and drainage structures shall be installed as soon as grading is completed.
7. The development shall be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation shall be retained and protected.
9. In areas where the slope exceeds 15% no vegetation may be removed.

Basic Design Criteria

A. Degree of Protection Required - The storm drainage system shall be adequate to handle the runoff from storms having various frequencies of occurrence for various degrees of site development, in accord with the following general categories:

Conservation, agricultural, residential, concentrated high value areas	25 year frequency commercial, industrial, and
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Flood control facilities	100 year frequency
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*The runoff computed from these storm frequencies shall be from the area within the subdivision and all other areas draining thereto.

B. DETERMINATION OF QUANTITY OF RUNOFF FOR DESIGN OF STORM WATER COLLECTION SYSTEMS-

Each portion of the storm water drainage collection system shall be capable of handling the peak flow of runoff. For drainage areas less than 200 acres, the method that shall be used is the "Rational Method." For areas greater than 200 acres, either the "Soil Conservation Service (SCS) Method or the "Rational Method" of the Kentucky Transportation Cabinet, Bureau of Highways shall be used:

1. "Rational Method"

Where $Q = CIA$ Q = peak runoff quantity in cubic feet per second; C = runoff coefficient varying with perviousness and other characteristics of the drainage area; I = average intensity of precipitation in inches per hour, varying with frequency of storm occurrence, duration or concentration time, and area of the tributary watershed; A = area in acres of tributary watershed.

A. Runoff Coefficients: The runoff coefficient is the portion of the precipitation expressed as a decimal, that will reach a given storm water facility. Each lot within a subdivision contributes runoff from the roof, driveway, sidewalk, and street. Generally the smaller the lot width, the less impervious area. As the lot increases in width so does the impervious area.

Weighted coefficients shall be used with the impervious areas $C = 0.95$, and all other areas $C = 0.40$. Residential developments shall be calculated using lot impervious areas follows:

Runoff Coefficients/Land Use Imperviousness		
Land Use Average	% Impervious	Hard Surface Area
Previous and/or existing pre-developed areas		
	Varies	Varies
Residential Uses, Average Lot Size/Width:		
3 acres/300 feet	6	8000
2 acres/200 feet	7	6750
1 acre/100 feet	12	5500
1/2 acre/100 feet	23	5500
12500s.f./80 feet	34	5000
9000s.f./70 feet	42	4500
7500s.f./60 feet	44	4000
6000s.f./50 feet	48	3500
Multi-family residential	75	tbc*
Commercial/Office	85	tbc*
Industrial	72	tbc*
Impervious areas including		
Streets, roofs, flatwork	72	tbc*

* tbc (to be calculated)

B. Intensity of Precipitation: The "point" values of average precipitation intensity in inches per hour, at Richmond can be extrapolated from Exhibit # 2-504.5 Kentucky Bureau of Highways "Rainfall Intensity-Duration-Frequency Curves" for Lexington. For any given storm duration (concentration time to runoff) the curves show the average precipitation intensity of storms having 2, 5, 10, 25, 50, and 100 year frequencies.

C. Concentration Time (TC): The time of concentration (TC) in minutes, is the estimated time it will take the storm runoff from the most remote part of the area to reach the point of the storm drainage system under consideration. This includes the time for water to flow over roofs, through roof gutters and downspouts, over ground, turfed areas, streets, through street gutters to the nearest inlet of the drainage system plus the time of flow in sewer pipes to the point under consideration. Unless otherwise determined by overland flow charts or nomographs, the Time of Concentration (TC) for inlets of storm water collection systems may be used as follows:

Characteristics Concentration time		
	Flat	Steep
For residential and undeveloped areas	15 min.	10 min.
Residential on 1 acre or larger lots	10 min.	8 min.

At no time shall the Time of Concentration be greater than 30 minutes for design of storm inlets.

2. SCS Method - all formulas, constants, and data shall be used with regard to current manual from the U.S. Natural Resources Conservation Service.

3. Regional Method of Bureau of Highways - all formulas, constants, and data shall be used with regard to the "Regional Method" from the Current Manual of Instruction of Drainage and Design, Ky. Transportation Cabinet, Bureau of Highways.

4. **Flow Times** - Flow times in sewers or conduits to the point of design may be determined from the hydraulic properties of the sewers upstream of that point, assuming average flow-full velocity at the proposed sewer slopes.
5. **Pipe Capacities** - Public storm sewer pipes shall be designed to carry peak flows as determined by the methods previously described. At the design storm the drainage system shall be designed as open channel (non-surcharged) flow. Sizes shall be determined by Manning's Formula. For roughness coefficients see the KYTC Drainage Manual.
6. **Minimum Pipe Size** - The minimum diameter for public storm sewer pipe shall be fifteen (15) inches.
7. **Minimum and Maximum Velocities** - Velocities in public storm sewer pipes, when flowing full at average peak flows, shall not be less than two (2) feet per second. Velocities shall not exceed fifteen (15) feet per second at the flow's re-entrance into the natural stream, unless approved by the Planning Commission's Engineer. The outlet velocities of all headwalls shall be shown on the profiles of the storm water system.
8. **Gradients of Pipe** - The sewer pipe shall be laid on gradients so that the velocity (flowing fully) shall be kept within the foregoing stated minimum and maximum unless other special provisions are made. Pipe sizes should be so selected as to avoid large differences in velocities between consecutive reaches.
9. **Hydraulic Grades** - To insure against surface ponding or street flooding due to surcharging, the hydraulic grade line (HGL) in any inlet or manhole may not be higher than the inlet grade. The HGL shall be shown on all profiles of the storm water system. Design of all public storm sewer appurtenances shall consider the balance of energy plus the loss due to entrance in all structures having a critical change in horizontal or vertical alignment. In no case shall the difference in invert elevations be less than the result of equal crowns when a smaller pipe empties into a larger one. In no case shall storm sewer pipe sizes be reduced more than one standard increment of pipe diameter due to an increase in invert gradient after balancing the energy losses within the structure.
10. **Manholes (Junction Boxes)** - Manholes shall be constructed in accordance with standards as shown in the current Standard Drawings, Ky. Dept. of Highways Manual. Drop manholes may be required to reduce the slope of any sewer that has a velocity that exceeds twenty (20) feet per second. Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom.
11. **Inlets (Catch Basins) Capacity** - The capacity of the grate on the inlet should not be less than the quantity of flow tributary to the inlet. Inlets at low points or sags should have extra capacity as a safeguard for street flooding from flows overtopping the street curb. A safety swale designed for the one hundred (100) year storm shall be placed at the low points or sags. Curb openings on combination inlets should be used for overflows in the event that the grate is clogged. Special inlets may be required for streets with steep gradients to provide the extra capacity such situations require. *All curb inlets are to be a minimum of five (5) foot open throat boxes and ten (10) foot where needed.* Pipes shall not extend more than two (2) inches into the side of the manhole, and the invert of the outlet pipe shall be at the bottom. Inlet spacing shall be based upon gutter and inlet capacity, street slope and contributing drainage area. The spacing of inlets should insure that street drainage generated along continuous grades or sags will not damage and flood private properties. For the design storm, no more than five (5) cfs shall enter any grade inlet; no more than eight (8) cfs shall enter any sump inlet; and no more than two and a Half (2.5) cfs is permitted to flow in side yards between houses. Along continuous grades (less than two (2) percent- 400 feet maximum;

Along continuous grades (two (2) percent and over)-600 feet maximum

At sag locations (draining less than two (2) percent grades)-

400 feet maximum between inlets or from a high point;

At sag locations (draining two (2) percent and more grades)-

600 feet maximum between inlets or from high point *inlets may be required when drainage areas and /or street slopes are excessive.*

12. Intersections - Storm water runoff crossing the intersection of a street shall be kept to a minimum and must be approved by the Planning Commission's Engineer.

13. Outfalls - When storm sewer system outfalls into a flood plain of any major water course, the outfall must not be subject to frequent floods or backwaters. Standard headwalls and/or headwalls with wing-walls including rock channel protection as aprons for erosion control, shall be constructed for all outfalls. Suitable baffles or other energy dissipaters shall be provided if maximum velocities are exceeded. The invert of the first storm sewer appurtenance upstream of the outfall structure shall be above the elevation of the calculated one hundred (100) year flood plain for all channels with a drainage area of more than fifty (50) acres within the project shall be shown on the Improvement Plan.

14. Culverts and Bridges - Culverts and bridges shall be designed in accordance with the methods given in the Kentucky Dept. of Highways Manual of Location and Design, except that storm water quantities to be handled by the culverts and bridges shall be determined on the basis described in these standards. The allowable headwater (AHW) shall not be greater than $HW/D=2.+$.

15. Headwalls - Standard headwalls for pipe sizes *15 inch* through 24 inch and headwalls including wing-walls and aprons for pipes larger than 24 inches shall be constructed at the outfall of all storm sewers in accordance with Standard Construction Drawings as provided in the current KYTC Standards Drawings Manual.

16. Other Drainage Improvement Measures - Other drainage improvement measures may be undertaken to provide the necessary hydraulic characteristics required for adequate drainage.

These other measures include stream bed clearing, removal of obstructions, stabilization of banks of areas to eliminate erosion, widening, deepening or realignment of streams, construction of ponds behind dams, or other measures for adequate drainage.

17. Specifications for Construction and Materials - See Street and Storm Drainage Construction Specifications.

18. Lot Grading - Within the limits of the public right-of-way adjacent to street pavements, all final grading for grass strip, sidewalks, and yards shall comply with minimum and maximum grades in accord with typical sections for streets as shown in the current County street specifications. For lots that drain toward the street, the areas between the right-of-way line and the curb shall be graded so that water drains to the street at a minimum grade of one (1) inch per foot (approximately 8 percent) except where sidewalks are required (see typical sections). All grading behind the street shall be done in a fashion that does not allow ponding of water adjacent to the paved street. For lots that drain away from the street, the area

between the right-of-way and the curb shall be graded so that water drains away from the street at a minimum of 1/2 inch per foot (approximately 4 percent) except where sidewalks are required

19. Top Soil: If grading results in the stripping of top soil, top soil shall be uniformly spread over the lots as grading is finished. Temporary silt barriers should be installed around stockpiled topsoil in order to control erosion.

20. Trees: All development projects should provide for retention of any existing tree that can be utilized in the final development plan, and the grading should be adjusted to the existing grade of the trees where practical.

21. Swales: Swales carry surface runoff from roofs, yards, and other areas to the rear of lots or along common property lines to streets or other drainage areas to prevent ponding of water near buildings or other portions of the lot. Surface drainage swales shall have a minimum grade of two (2) percent and shall be constructed so that the surface water will drain onto a street, storm inlet, or natural drainage area. Swales for handling lot drainage shall be constructed as a part of final lot grading and be seeded and mulched or sodded as soon as possible to prevent erosion.

22. Roof and Subsurface Drains: roof downspouts, footing or foundation drains shall be discharged onto the same parcel of land from which the water is generated. Roof downspouts shall be piped to natural drainage areas away from the street or onto concrete splash blocks, which direct water away from the building into swales, or other natural drainage areas. Downspouts constructed toward the street shall be discharged on the surface as far back onto the lot as possible and in no case be closer than twenty (20) feet back from the nearest edge of the right-of-way line. All subsurface drains shall be constructed toward the rear of the lot or connected into the storm sewer system. Any connection into a storm sewer system must be approved by the inspector. Outlets for roof drains shall have erosion controls in place at the outlet areas to minimize erosion on site.

C. Erosion Controls

1. General - In order to minimize runoff damage to downstream properties, sediment pollution of public and private waters and hydraulic overloading of existing drainage facilities, the storm water runoff from a subdivision or development site shall not exceed the predevelopment discharge from that subdivision or development site, calculated by using an undeveloped runoff coefficient $C = (0.40)$.

2. Drainage Channels - Erosion controls for drainage channels shall be provided to control runoff velocities as follows:

Velocities of less than two (2) fps. Design velocities should generally be greater than 1.5 fps to avoid excessive deposition of sediments. When flat slopes are unavoidable, concrete paving should be used to accelerate runoff. Velocities between one and one-half (1.5) and four (4) fps. The bottom and sides of the earth channel shall be seeded, mulched, and fertilized to an elevation of three (3) feet above the design water surface. Seeding shall be a perennial or annual mixture of grass seeds. At a rate of seventy

five (75) pounds per acre. Acceptable whole fertilizer shall be applied at a rate of seventy-five (75) pounds per one thousand (1000) feet. On slopes of over five (5) percent, the bottom and sides of the earth channel shall be sodded and pegged to remain in place. Where seeding or sodding is required and the soil is not capable of supporting vegetation, appropriate action shall be taken to bring the soil to an acceptable condition, which will support the growth of seed or sod. Velocities over four (4) fps. The bottom and sides of the earth channel shall be protected from erosion with an application of stone rip-rap, coarse aggregate and/or dumped rock channel linings. The type of application thickness and quantities shall be designed by the engineer to insure maintenance free permanent stabilization. Reinforced concrete pavement at least four (4) inches thick may also be used at bends, changes in alignment, junctions with other ditches, and at other locations where erosion is likely to occur. On slopes over ten (10) percent, consideration should be given to the construction of larger sized channel linings, gabions (wire boxes) or paved channels with energy blocks or dissipaters to reduce excessive velocities and damage to receiving streams. Consideration should be given for the construction of other methods of lining for erosion control including check dams, drop structures, gabions, etc. subject to approval by the Planning Commission's engineer.

3. Detention/Retention Basins - Detention/Retention Basins shall be provided for all subdivisions and developments. These basins may be designed for each individual lot, but regional basins are encouraged to be provided throughout the development. Such facilities shall be designed so that no standing water will remain in detention basins during dry weather, or the design of retention basins that will not allow standing water to stagnate and present health hazards. In certain cases, other non-basin detention/retention techniques such as underground vault storage may be utilized when approved by the Commission. Individual site storm water management shall be reviewed under the current regulations. The amount of water to be detained shall be determined by the method described in the "Basic Design Criteria" section of these regulations. Such facilities shall be constructed in such a way that failure of the structure will not result in loss of life, damage to homes, or any interruption of public utility use or service. *Addition of trash racks and/or rip-rap around outlet structures in detention/retention areas shall be installed by the owner/developer.*

Storage Requirements - The amount of detention/retention required for a subdivision or

development shall be the amount determined from the inflow-outflow hydrograph based on the twenty-five (25) year storm frequency. If the Modified rational Method is used by computer program, the storm duration used shall be the one that produces the maximum storage. If calculating by hand, the duration shall be greater than the time of concentration.

Discharge From Basins - The discharge from the detention/retention basin shall be controlled by a multi-stage release structure and not be greater than a pre-developed runoff rate based on two (2), and twenty-five (25) year storm frequency at that particular storage point where the discharge occurs. The routing of an emergency spillway shall be shown based on the one hundred (100) year storm frequency. Trash racks shall be installed on the low inflow outlet in detention basins.

Maintenance of Basins - Unless dedicated to and accepted by the County, the owner of each lot and/or the developer of each subdivision shall be responsible for properly maintaining each retention/detention basin in order for such facility to function according to its design and purpose. Maintenance for the detention/retention areas shall be noted on the plat/development plan, including access roads. If publicly dedicated, the area shall be included within the right-of-way and shown on the final plat/development plan.

The area of the pond or lake shall be owned and maintained by the adjoining residents. This shall include maintaining the shoreline and removing sedimentation, and shall be included in the subdivision's restrictive covenants.

D. Drainage Channel or Water Course Relocations - In order to minimize hillside slippage near relocated drainage channels or water courses due to drainage channel depth or character of the earth in the drainage channel fill and side slopes, precautions shall be taken to compact the fill and side slopes, provision of under drainage, bank protection of reinforcing or other measures. Additional easement width shall be provided at such possible slide areas.

E. Best Management Practices - All subdivisions developments shall have a Best Management Practices (BMP) document prepared and submitted with the plat or development plan. This document shall meet the minimum requirements as stated in the current Kentucky Best Management Practices For Construction Activities prepared by the Ky. Division of Water. Three (3) copies of the document shall be submitted and a copy shall be on site at all times. All graded areas are to be maintained at all times to prevent erosion and excessive runoff. Several methods used to prevent soil erosion during development are included in the current County street specifications such as drainage swales, silt checks, temporary retention dams, etc., and are to be used during the grading operation. All slopes and graded areas are to be seeded as soon as practical after the grading operation has been completed and/or building development has been finished. Additional erosion control measures to prevent erosion and excessive runoff may be required if the developer or builder has not accomplished it.

F. Mud and Debris - Until all lot and street improvements in the subdivision have been completed, the developer/contractor *and or builder* shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.

G. Specifications for Construction and Materials - In all other respects, the design, materials, and construction shall be as specified in Sections 206,212, 601, 610, 703, and 710 of the Ky. Standard Specifications for Road and Bridge Construction.

H. Equipment on Streets - At any time equipment without rubber tires use any existing pavements, all necessary precautions shall be taken to insure that the street surface, gutters, and curbs, receive no damage.

SOIL SEDIMENT POLLUTION REGULATIONS

Criteria Requiring Plan Submittal

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the standards and criteria set out in the applicable item (a) or (b) below:

- (a) When a proposed development area consists of one or more contiguous acres, and earth-disturbing activities are proposed for the whole area, or any part thereof, the responsible person shall develop and submit for review an erosion and sediment control plan. Such a plan shall contain sufficient information, drawings, and notes, to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction. No earth-disturbing activities shall commence prior to approval of the erosion and sediment control plan by the Approving Agency, and the issuance of a permit from the Kentucky Division of Water. The erosion sediment control plan shall be certified by a Professional Engineer, registered in the Commonwealth of Kentucky. No earth disturbing activities shall commence prior to the issuance of a permit from the Kentucky Environmental Protection Agency, if required.
- (b) When a proposed development area involves less than 1 acre, it is not necessary to submit a sediment control plan; however, the responsible person must comply with the other provisions of this ordinance. No earth disturbing activities shall commence prior to the issuance of a permit from the Kentucky Environmental Protection Agency, if required. Submittal of specific information may be required to determine compliance.

Exceptions

Any person seeking approval to construct a single-family residence shall be exempt from having to prepare a sediment control plan, provided they:

- A. Construct upon one lot or parcel at a time, and there is no other construction occurring simultaneously on land or property within five hundred feet (500')
- B. Do not disrupt, alter, or expose more than ten thousand (10,000') square feet of the existing natural surface of the total development site at a time; and

Exemption under this section of any person for the preparation and submission of a sediment control plan does not, however, exempt them from complying with the other provisions of this resolution. The Approving Agency may require the responsible person to submit information deemed necessary to determine compliance.

No sediment plan shall be required to be submitted to the Madison County Code & Planning Office for public road, highway, other transportation, or drainage improvement, or maintenance thereof, undertaken by a government agency or entity unless otherwise specifically requested by the Madison County Fiscal Court.

Sediment Control Plan Content and Filing

Every person required to submit a sediment control plan pursuant to these Regulations shall submit the required number of such plan to the Madison County Codes & Planning Office as required with all other plans and plats as outlined in the Madison County Subdivision Regulations and obtain the authorizations required by these Regulations prior to entering into any earth-disturbing activity.

Filing Location –

- (a) Plans filed in conjunction with a proposed subdivision, shall be filed within the submittal deadlines set forth by the Madison County Codes & Planning Office. This plan shall be submitted to the office of the Madison County Codes & Planning, located at 321 North Madison Avenue, Richmond, Kentucky 40475.

Such plans shall include the following information:

- A) A map or maps of the proposed development area or areas, drawn to scale of one inch (1”) equals on hundred feet (100’).
- B) Location of the area and its relation to its general surroundings including, but not limited to:
 - 1) Off-site areas susceptible to sediment deposits or to erosion caused by accelerated run-off.
 - 2) Off-site areas affecting potential accelerated runoff and erosion control;
- C) Existing topography of the developmental area and adjacent land within one hundred feet (100’) of the boundaries. The topographic map shall contain existing contours at an interval of not greater than five feet (5’) if the slope of the ground is twelve percent (12%) or less, and not greater than ten feet (10’) where the slope is more than twelve percent (12%) to clearly portray the conformation and drainage pattern of the area;
- D) The location of existing buildings, structures, utilities, waterbodies, drainage facilities, vegetative cover, sink holes, paved areas (roads, streets, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within one hundred feet (100’) of the boundaries;
- E) A general description of the predominant soil types, their location, and their limitations for the proposed use (refer to the Soil Survey of Madison County, KY, latest edition);
- F) Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious;
- G) All proposed earth disturbance including:
 - 1) Areas of excavation, grading, and filling;
 - 2) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
 - 3) Kinds of utilities and proposed areas of installation;

- 4) Proposed paved and covered areas in square feet, or to scale on a plan map;
 - 5) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.
 - 6) Proposed kind of cover on areas not covered by buildings, structures, or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, rip-rap, mulch, etc.
- H) Provisions for temporary and permanent erosion control:
- I) Provisions for the management of stormwater, derived both on-site, and from upper watershed areas, including the control of accelerated on-site runoff, to a stable receiving outlet.
 - J) Provisions for maintenance of control facilities, including easements, or agreements to insure short-term, as well as long-term erosion and sediment pollution control, and stormwater management.
 - K) Proposed construction sequence – a time schedule for all earth disturbing activities and installation of provisions for erosion and stormwater management;
 - L) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance. This information shall also be provided for surface water outlets;
 - M) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - N) Estimate of cost of erosion and sediment control, and water management structures;
 - O) Title, written and graphic scale, direction, legend, and date of all plan maps;
 - P) Names and address of the person(s) preparing the plan, the owner(s), and the person responsible for the development area;
 - Q) Certification that all earth disturbance, construction, and development will be done pursuant to the plan;
 - R) Certification by a Professional Engineer.

The Madison County Planning Commission may waive specific requirements for plan detail, or may require additional information to show that work will conform to basic requirements of this ordinance.

The Madison County Codes & Planning Office shall transmit copies thereof to the Madison County Soil and Water Conservation District for their comments regarding the plan submitted.

As-Built Plan/Plat Submittal Requirements

Upon completion of the construction and installation of all stormwater and sediment controls required by these regulations, and submitted in conjunction with the Final Development Plan or Subdivision Plat, the engineer shall submit “As-Built Drawings” of all stormwater and sediment controls constructed and installed, as well as the “Storm Sewer Infrastructure Construction

And Functionality Inspection Form” referenced in Section 310 of these regulations.

Plan Review

The Madison County Planning Commission shall review the sediment control plan at a scheduled meeting and indicate its status of compliance or non-compliance to the person who filed the plan. Indication of non-compliance shall include the plan deficiencies, and the procedures for filing a revised plan. Pending preparation and determination of status of compliance of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined by the Madison County Planning Commission.

Plans Review Fees

Review fees are applicable for all drainage and erosion control plans submitted in compliance with these regulations. Please refer to the Planning and Development Fee Schedule for the review fees associated with Drainage and Erosion Control Plans.

Inspection to Ensure Compliance

The Madison County Codes & Planning Office shall inspect development areas to determine compliance with these Regulations. If it is determined that a violation of these Regulations exists, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Madison County Codes & Planning Office in writing, by certified mail. If within two (2) weeks after receipt of such letter, the deficiency or non-compliance has not been corrected, or plans have not been approved by the Madison

County Codes & Planning Office for its correction, said deficiency or non compliance shall be reported to the Madison County Planning Commission, and shall proceed with the necessary legal proceedings as outlined by law to include but not be limited to seeking an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with these Regulations. In granting relief, the court may order the construction of sediment control improvements or implementation or other control measures and/or impose the fines and penalties as set forth in the Madison County Subdivision Regulations.

A final inspection shall be made to determine if the criteria of these Regulations have been satisfied prior to the approval of any final subdivision plat or the issuance of a Certificate of Occupancy for any building or structure within the development.

Madison County Government
Storm Sewer Infrastructure Construction
And Functionality Inspection Form

Business/Development Name: _____

Site Address: _____

Description of Detention Area: _____

Contact Information:

- Owner: _____ Developer: _____
- Company: _____ Company: _____
- Address: _____ Address: _____
- Phone #: _____ Phone #: _____

Responsible Party for Detention Area, Construction and Maintenance:

- Name: _____
- Address: _____
- Phone #: _____

Site Approval Date: _____ Construction Start Date: _____

Infrastructure Completion Date: _____

Follow-Up Inspection Date: _____

(Approximately 3 years after completion date)

I certify under penalty of law that the storm water infrastructure installed on this project was constructed within substantial compliance to the engineering design and construction documents designed by _____ PE License # _____
Date _____.

I furthermore certify that the installed infrastructure functions as represented in the design and hydraulic calculations provided to Madison County Planning for this project.



Certifying Engineer

Date

(Wet Stamp of Certifying Engineer)

MADISON COUNTY GOVERNMENT

STORM SEWER INFRASTRUCTURE CONSTRUCTION

AND FUNCTIONALITY INSPECTION FORM

Pursuant to the Madison County Subdivision Regulations, Section 310 of storm water drainage system, the amount of storm water runoff should be equal in terms of pre-development and post-development given the design of the storm water system. Storm water runoff from a site or subdivision shall not adversely impact natural drainage from uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for storm water drainage facilities located on private property where runoff will be collected within that property and be minimally discharged over a larger area before the storm water naturally drains on adjacent properties unless a large drainage basin exists or is being planned. Storm water drainage easements shall be required if storm water is discharging directly from a pipe to an adjoining property and not being dispersed on the property. No storm sewer construction shall occur until permission has been granted by the appropriate agency. All storm water infrastructure components shall be inspected and certified by the owner/developer's engineer." The discharge from the detention /retention basin shall be controlled by a multi-stage release structure and not be greater than a pre-development runoff rate based on two (2), and twenty-five (25) year storm frequency at that particular storage point where the discharge occurs. The routing of an emergency spillway shall be shown based on the (100) year storm frequency. Trash racks shall be installed on the low inflow outlet in detention basins.

Responsible Party for Detention Area

Date

- Attach hard copy of signed and wet stamped construction drawings for storm water infrastructure proposed for this development.
Scale factor no greater than 1" = 50 feet.
- Attach a digital copy of construction plat that shall be properly geo-referenced onto the Madison County Geographic Information System (GIS).
- Engineer to provide daily construction reports and a full set of digital and hard copy as built

311 Water Supply System

Where a public water supply is available, the developer shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the county's or rural water district's distribution system. The distribution system shall be in accordance with the current county standards, as well as the standards of the Natural Resources and Environmental Protection Cabinet and the State Fire Rating Bureau.

311.1 Plans Required - The developer shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains, and fire hydrants.

311.2 Residential Subdivisions (Includes Mobile Home Parks)

311.20 Water Supply

- a. Water mains shall be not less than six (6) inches in diameter, including fire hydrant branch connections installed in conformity with the minimum requirements of the county. Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.
- b. Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of eight hundred (800) feet, eight (8) inch or larger mains must be used.
- c. Eight (8) inch mains shall be used where dead-end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.

- d. The distribution system shall be equipped with a sufficient number of valves, so located that breakage or other interruption will not cause the shutdown of any portion of a main greater than eight hundred (800) feet.
- e. Approval of the county shall be obtained prior to the issuance of a building permit.

311.21 Fire Hydrant Installation - Fire hydrants shall be spaced not farther than one thousand (1000) feet apart as measured over hard-surface roads. In no event shall the distance between a fire hydrant and a building exceed three hundred (300) feet as measured on an all-weather road.

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the county.
- b. Fire hydrants shall be able to deliver two hundred fifty (250) gallons per minute with a friction loss of not more than two-and-a-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two (2) two-and-a-half (2 1/2) inch outlets and a large pumper outlet of four-and-a-half (4 1/2) inch I.D.
- d. A gate valve with box must be installed between the main and the hydrant.

311.3 Industrial, Commercial, and High Density Residential Development

311.30 Water Supply

- a. Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b. Approval of the county shall be obtained prior to the issuance of a building permit.

311.31 Fire Hydrant Installation

- a. Fire hydrant spacing shall be not less than that required for residential areas referred to above, and, in addition, each building shall have hydrants within the following distances:
 1. 300 feet distance - 1 hydrant
 2. 500 feet distance - 3 hydrants
 3. 1000 feet distance - 5 hydrants
- b. No part of the exterior of the building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant. Distances are to be measured along the shortest feasible exterior route (never measured through buildings) for laying hose.
- c. Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry building, and at least fifty (50) feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.
- d. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the county.
- e. Fire hydrants shall be able to deliver one thousand (1000) gallons per minute with a friction loss of not more than two-and-a-half (2 1/2) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- f. Fire hydrants shall be equipped with not less than two (2) two-and-a-half (2 1/2) inch outlets and a large pumper outlet of four-and-a-half (4 1/2) inch I.D.
- g. A gate valve with box must be installed between the main and the hydrant.

311.32 Administrative Procedure

- a. During the installation of all water lines and fire hydrants and other related equipment, the developer and/or his contractor must notify the county so they can inspect said improvements. No improvements shall be covered or concealed until the county has approved them.
- b. Upon completion and approval, the county must certify in writing that all improvements have been accepted and approved by the Fiscal Court.
- c. No building permits may be approved until this certification has been made.

311.33 Oversized Facilities - Whenever the county or rural water district deems it appropriate and necessary, the developer may be required to install water mains, fire hydrants, and valves in excess of state requirements. In these cases, the water utility may reimburse the developer for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

311.34 Public Water Unavailable - In subdivisions where rural water district supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the Preliminary Plat. Wells should be located a minimum of twenty-five (25) feet from property lines, one hundred (100) feet uphill from septic tanks or other sewage systems, and forty (40) feet from lakes or drainage ways.

312 Electric, Telephone, and Gas Service

Electric and telephone services shall be provided within each subdivision. Gas service may be required where reasonable accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the Final Plat. Telephone, electric and street lighting wires, etc. may be constructed underground.

313 Provision of Utility and Drainage Easements

The developer shall set aside permanent easements for placement and access to maintenance of public and private utilities and drainage, in accordance with the requirements of these regulations. The specific use of the easement shall be indicated on the plat.

313.1 Location of Easements - Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

313.2 Dimensions of Easements - The minimum width for utility easements shall be thirty (30) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead-end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width. Where all utilities are being placed underground in the same easement, the Planning Commission may require a minimum separation of two (2) feet between water and electric lines.

313.3 Restrictions - No fences, principal or accessory buildings or other structures shall be permitted within easements. Any overhanging or obstructing limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

313.4 Utility Easement Description and Approval – The following note shall be placed on every plat requiring signatures of the various utility companies.

THE UNDERSIGNED HEREBY GRANTS UNTO THE BELOW NAMED UTILITY COMPANIES AN EASEMENT OVER THE SPACES INDICATED BY THE DASHED LINES MARKED “ESMT.” SAID EASEMENT TO INCLUDE:

1. THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, UPGRADE, OR REBUILD POLE LINES OR UNDERGROUND UTILITIES SYSTEMS.
2. THE RIGHT OF INGRESS AND EGRESS OVER ALL LOTS TO AND FROM SAID EASEMENT.
3. THE RIGHT TO TRIM OR REMOVE ANY TREE OR VEGETATION NECESSARY TO MAINTAIN PROPER SERVICE.
4. THE RIGHT TO KEEP SAID EASEMENT FREE OF ANY STRUCTURE OR OBSTACLE THAT MAY CREATE A HAZARD TO UTILITY LINES OR CABLES.
5. THE RIGHT TO PROHIBIT ANY EXCAVATION WITHIN FIVE (5) FEET OF ANY BURIED UTILITY HEREBY MENTIONED.

LOT OWNERS MAY USE AND ENJOY LAND INCLUDED IN THE EASEMENT SHOWN HEREON, BUT SUCH USE SHALL NOT INTERFERE WITH THE RIGHTS HEREIN GRANTED.

Owner or Developer	Date	Gas Company	Date
Electric Company	Date	Water Company or District	Date
Telephone Company	Date	Sewer Company	Date

314 Community Facilities and Open Space

The process of land subdivision and development represents a long-term commitment to a particular land use and movement pattern, good or bad. It is, therefore, the point in time of a county's development that the planning process is actually implemented with respect to securing the land needed for public services.

314.1 Reservation of Land - Where a proposed park, playground, school site, or other public use is to be located completely or in part in a proposed subdivision, such proposed public use, if not dedicated to public use or conveyed to the appropriate public body, may be reserved by the Fiscal Court for a period not more than two (2) years from the date of approval of the final subdivision plat. During this time the affected public agency may acquire the reserved area for its fair market value or by another appropriate method.

After the two (2) year period has elapsed, if the affected public agency has not acquired such land area or arranged with the owner for a satisfactory extension of such period, the owner may dispose of the property in conformance with the law.

The developer shall give consideration to dedicating or reserving the land for facilities, which will be needed by the future residents, such as public buildings, shopping facilities, and churches.

314.2 Unforeseen Development - Where considered essential by the Planning Commission in its review of large scale or planned unit development not anticipated in the adopted plans, the Planning

Commission may require the reservation for purchase of such areas of an extend and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two years.

315 Mobile Home Park Requirements

Mobile home parks shall meet all appropriate requirements of this ordinance in addition to state requirements as provided in K.R.S. 219.310 to 219.40, and Kentucky Administrative Regulations 902 KAR Chapter 15. No mobile home park shall be permitted unless it is on a municipal sewage disposal system.

316 Construction Guarantee

316.1 Completion of Improvements – Prior to the submission of the Final Plat to the Planning Commission for approval, the developer shall complete all required improvements in compliance with the development ordinance and the approved preliminary plat. The Codes Enforcement Officer shall then accept the filing of a Final Plat for consideration by the Planning Commission.

316.2 Performance Bonds – Any final plat submitted for approval shall be accompanied by a bond in an amount not less than fifty percent (50%) of the amount that the County Road Department Supervisor shall estimate to be the cost of the final 1 inch surface coat of asphalt and related fees for field inspection.

The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or Irrevocable Commercial Letters of Credit in a form and from sureties approved by the Madison County Fiscal Court and Madison County Attorney.

The bond shall be executed by the developer as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint and several obligation of the principal and surety for the faithful performance of all repairs to or replacement of any of the improvements required as a condition of approval of the Final Plat, and any related inspections and engineering costs or fees, including attorney fees or other costs and expenses incurred in collecting under the bond, as deemed necessary by the County Road Supervisor in his sole discretion within twelve months after written notice by the developer to the Count Planning Administrator that 75% of all of the lots within the development have completed structures.

The Madison Fiscal Court may demand that the developer perform within a specified period of time any repairs identified by the County Road Supervisor, or, in its sole discretion may, without notice or demand, perform any repairs or replacement deemed necessary and pay all costs and fees and demand payment of the covered expenses under a surety bond or withdraw the requisite amount to reimburse the covered expenses from any deposits in lieu of a security bond.

In the event a surety bond is not renewed or is about to expire by its terms and is not replaced by the developer prior to termination, the Fiscal Court may demand payment in full of the bond and shall hold the proceeds thereof for the remaining term of the developer's obligation for repair and replacement of improvements and shall then release any unused balance to the developer.

316.2.1 Encroachment Permit Performance Bonds – Where an application has been made for an Encroachment Permit to construct a Commercial Entrance onto a County Road the applicant shall submit a Bond in the amount of \$5,000.00 as a guarantee of conformance with the County's Encroachment Permit requirements. Once the work has been completed, inspected and approved by the County Road Department Supervisor the County shall release the Bond back to the applicant or his/her designee.

316.3 Maintenance and Repair of Improvements - The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means, and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the county. Upon completion of work and before public acceptance, the developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision or the billing of the developer for such service performed by the county. Payment shall be guaranteed by the performance bond or letter of credit.

316.4 Liability Insurance - The developer shall furnish such insurance as deemed necessary by the Fiscal Court, which shall indemnify and save harmless the county from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Fiscal Court, but in no case shall be allowed to expire earlier than one (1) year from the date of construction of improvements is accepted for maintenance by the county. A copy of the insurance policy shall be filed with the County Clerk.

317 Rural Residential Development – Following is a summary of the basic guidelines for development of rural residential developments as a major subdivision, other requirements may be imposed as deemed appropriate by the Planning Commission or required by other sections of the regulations. The following requirements do not apply to minor plat divisions.

1 TO 5 ACRE TRACTS –

The purpose of this section is to make provisions for smaller tract development that has a greater impact on the infrastructure because of the density of the area being developed.

The developer will be required to follow the current subdivision regulations entirely.

All developments shall front onto an existing county or state roadway with a pavement width of 20 feet or more.

Minimum of 6-inch water line is required and shall provide fire flow.

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.

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 within its entirety; or,
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.

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.

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3. Sidewalks may be omitted.

Minimum 250 feet lot frontage, Minimum 125 feet front building setback, and 50 feet.

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.

318 GREENSPACE BUFFERS FOR SPECIAL AREAS

The Comprehensive Plan and Land Use Regulations call for green space buffers around special areas (in addition to general landscape buffer requirements applicable to separation of land uses and development plans).

The purpose of the landscape buffer is to provide protection to these areas (largely under state and federal control) because of their unique historical/cultural (Ft. Boonesboro, Whitehall), environmental (Lake Wilgreen, KY River, Berea's Lakes, Wildlife Management area, National Forest, or strategic (Bluegrass Depot) characteristics.

Each of the special areas have unique qualities and call for flexibility in designing standards. The width and composition of the green space buffer will depend upon specific site conditions; dense vegetation needed to protect scenic values, or wildlife, and leaf litter, ground cover, etc. to protect water quality. The Planning and Codes Officer together with a designated representative of the special area in question will conduct an on-site review and make recommendations to the Planning Commission.

The Range of widths for the different types of special areas shall be as follows:

Historical/Cultural:

Ft. Boonesboro State Park -	200-250 feet
Whitehall State Shrine -	200-250 feet
Designated Historic Sites -	50-200 feet

Environmental:

Kentucky River -	150-250 feet
Lake Wilgreen -	150-350 feet
(includes the 50 feet strip around the lake owned by the County)	
Smaller Blue Line Streams	50-100 feet
Berea's Lakes -	Regulated by Berea College
Central Kentucky Wildlife Management Area	200-300 feet
Daniel Boone National Forest -	150-250 feet

Strategic:

Bluegrass Army Depot -	100-150 feet
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ARTICLE IV

DEFINITIONS

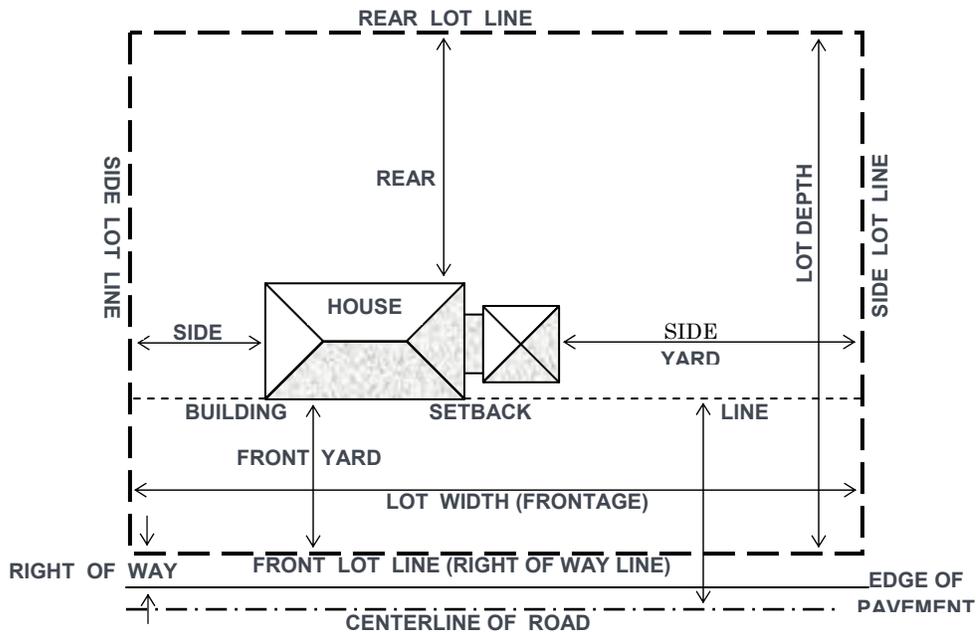
400 Definitions

For the purpose of these Subdivision Regulations, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the person includes association, firm, partnership, trust, governmental body, corporation, and organization, as well as individual; the word structure includes building; the word occupied includes arranged, designed, or intended to be occupied; the word used includes arranged, designed, or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive. Other words and terms shall have the following respective meanings.

1. **Administrative Official** - Any department, employee, or advisory, elected, or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control legislation.
2. **Agricultural Use** - See "Subdivision"
3. **As-Built Plans** - Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.
4. **Bikeway** - A way or portion of a way intended and designated primarily for bicycle traffic.
5. **Building Setback Line** - A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way lines.
6. **Certifications** – Signatures of appropriate agencies to the effect that the specific requirements applicable to them have been satisfied by the developer.
7. **Cities** - Refers to the incorporated areas of the cities of Richmond and Berea as it existed at the time of the adoption of these regulations and including any revisions thereto.
8. **Comprehensive Plans** - Plans, or portions thereof, adopted by the Planning Madison County Planning Commission in accordance with KRS 100.183-100.197 showing the general location and extent of present and proposed physical facilities, including housing, commercial and industrial uses, major streets, parks, schools, and other community facilities. This plan also establishes the goals, objectives, and policies of the community.

9. **County** - Refers to the territory of Madison County.
10. **Developer** - Any individual, firm, association, corporation, governmental agency, or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.
11. **Development Plan** - Development plan means written and graphic material for provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.
12. **Development Review Team (DRT)** – A body consisting of representatives of the respective utility companies, communications companies, County Road Department, Office of Planning and Development, and the Natural Resources Conservation Service office, as well as the chairman of the Planning Commission, who meet for the purpose of reviewing Minor, Preliminary and Final Plats and Development Plans to ensure that appropriate improvement standards are met.
13. **Engineer** - Refers to the engineer employed or contracted by the County for the purpose of administering the operation of public facilities and inspecting the plans and construction of these public facilities.
14. **Grade** - The inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.
15. **Easement** - Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.
16. **Improvements** - Physical changes made to raw land, and structures place on or under the land surface, in order to make the land more usable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers. Utility lines of all types, street name signs, property number signs, trees, etc.

17. **Lot or Parcel** - A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds; for the purpose of sale, lease, or separate use. Such lot shall have frontage on an approved public street.
18. **Lot Area** - The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.
19. **Lot, Corner** - A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
20. **Lot Depth** - The average horizontal distance between front and rear property lines of a lot.
21. **Lot Frontage** - The front of a lot is that portion nearest to the street. For the purpose of determining yard requirement. For corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.
22. **Lot-of-Record** - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.
23. **Lot, Through or Double Frontage** - A lot, of which the opposite ends abut on streets.
24. **Lot Width** - The distance between the two side property lines of a lot measured along the building setback line.



25. **Mobile Home Park** - A parcel of land available to the public with sites for locating two or more mobiles, manufactured homes, modular homes, or any residential structure not wholly site built, and including any service building, structure, enclosure, or other facility used as a part of the park.

26. **Owner** - Any individual, firm, association, corporation, governmental agency, or any other legal entity whose name last appears on the tax roles as owner of the land proposed to be subdivided.

27. **Planning Commission** – The legally constituted body of seven (7) members appointed by the Judge Executive with the approval of the Fiscal Court, to carry out the planning, land use, and subdivision responsibilities as described in K.R.S. 100.

28. **Plat** - The map of a subdivision.
 - A. **Sketch Plat** - A preliminary sketch indicating the developer's general objectives and desires in regard to the future development of his land, presented to the Fiscal Court for its informal consideration.

- B. **Minor Plat** - The drawings and supplementary material indicating the proposed layout of a subdivision that would have a lesser impact on the long-range development of the county. May not be required to be submitted to the Planning Commission for its consideration.

 - C. **Preliminary Plat** - The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

 - D. **Final Subdivision Plat** - The final map, drawing, or chart upon which the developer's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.
-
- 29. **Public Facility** - Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers (including parks), and cemeteries.

 - 30. **Public Street or Roadway** – Any street or roadway that is maintained by the County, City, Federal or State Road Departments using public funds.

 - 31. **Right-of-Way** - Land used generally for streets, sidewalks, alleys, easements, or other public uses. Right-of-way also refers to the distance between lot property lines, which generally contains not only the street pavement, but also sidewalks, grass areas, and underground and above ground utilities.

 - 32. **Setback Line** - See "Building Setback Line".

 - 33. **Sidewalk** (or walkway) - A way or portion of a way intended primarily for pedestrian traffic.

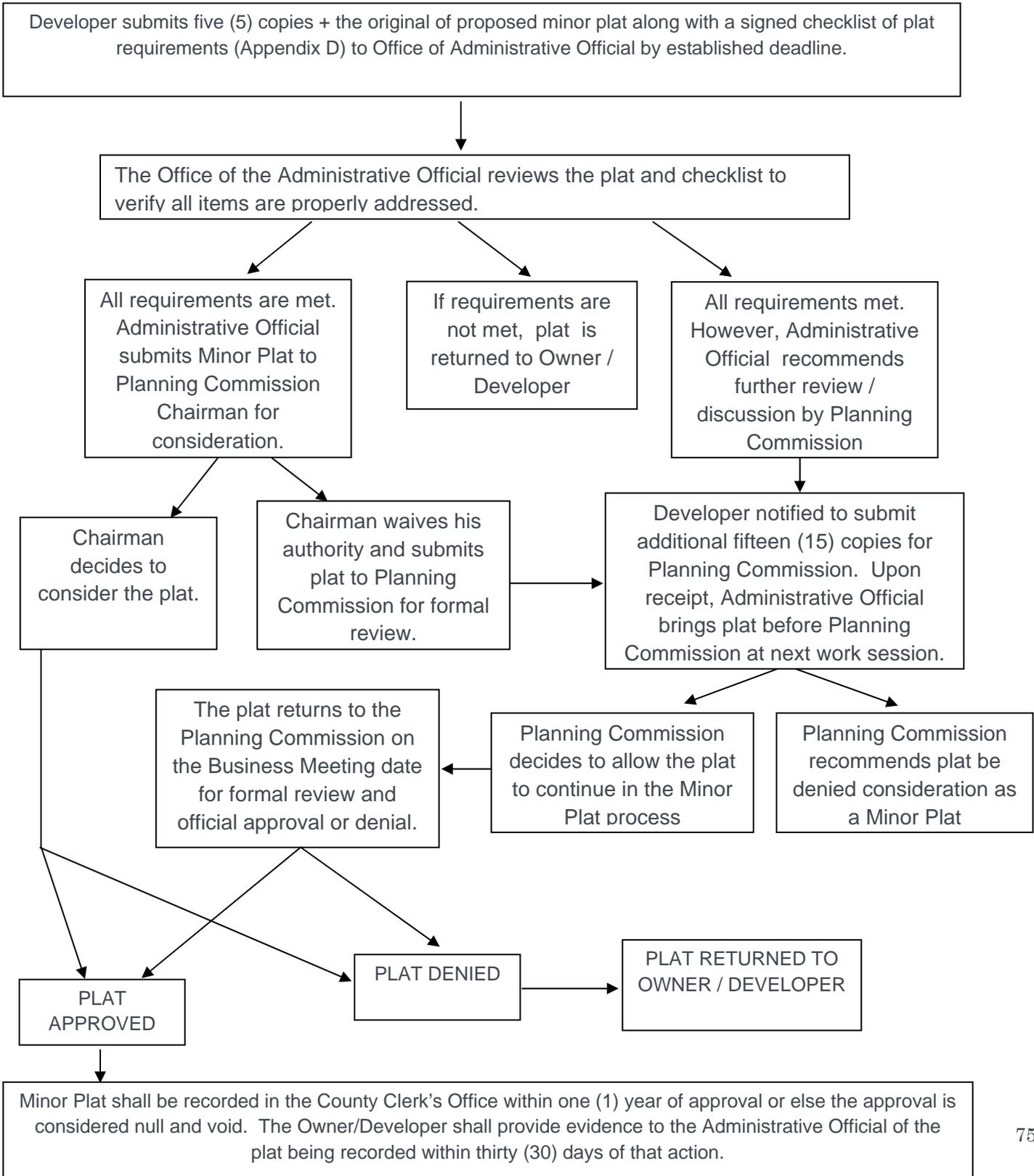
 - 34. **Street** - A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.

 - 35. **Street Classification** - See Section 308.11 of these regulations.

36. **Subdivision** - The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural use and not involving a new street should not be deemed a subdivision. The term shall relate to the process of subdivision or to the land subdivided; any division or re-division of land occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least fifteen (15) contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
37. **Unit**— A portion of a subdivision selected for development as one (1) of a series of stages.

APPENDIX A

MINOR PLAT SUBMITTAL PACKET



January 10, 2014

Madison County Fiscal Court has adopted regulations that govern the subdivision of land. Land subdivision is the first step in community development. After land has been subdivided it is very difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. Therefore, the welfare of the entire community is effected in many important respects.

In an effort to ensure that all things are considered in a proposed subdivision of land, this guide has been prepared as a checklist of the minimum requirements necessary for the Planning Commission to review your proposal. Please follow it carefully. Should you have any questions, or if this office can assist you in any way, please feel free to call. Copies of the entire subdivision regulations are available for purchase in the office of the Administrative Official.

Sincerely,

Duane S. Curry
Administrative Official

Minor Plat Submittal Packet

► 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:

- all tracts front a minimum of 100 feet on an existing public street or
- roadway, and;
- involves no opening, widening, or extension of streets or utilities;
- is not part of a tract that has been previously approved by a planning commission within the past twenty-four (24) months;
- 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

- provides for a transfer of land between adjacent property owners and
- does not involve the creation of any new lots or building sites;
- 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:

13. The tracts shall be used solely for single family residential or agricultural purposes.

14. 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 property owner's sole expense.
15. A note shall be placed on the plat stating the road is a privately maintained road.
16. 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.
17. 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.
18. 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.
19. 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:
 20. A major plat shall be submitted to the Planning Commission depicting the proposed public right of way including the exact location, length and width;
 21. 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;
 22. 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.
 23. Utility easements shall be provided outside the access easement area.
 24. All other minor plat requirements as noted above shall still apply.

All other plats or division submitted, that do not meet the above criteria, will not be considered as a minor subdivision. The Planning Commission must review all plats or subdivisions not considered as a minor subdivision. Such plats must meet the criteria set forth as a major subdivision plat. The Commission may require an "Infrastructure Assessment" be completed on certain plats if the infrastructure's capability is in question.

212.1 Processing

212.11 Submittal - All Minor Plat submissions will be done so using the *Application For Minor Subdivision Approval* from Appendix A. *The Plat Requirements Checklist* (Appendix D) should be followed as a guide for preparation of the plat itself. It will be completed and submitted along with the application. At the time of filing an application, a non-returnable filing fee shall be paid according to the Fee Schedule (Appendix E). The Minor Plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

212.12 Number of Copies - The developer shall submit five (5) copies of the Minor Plat along with a digital copy of the plat with required supplementary information to the Administrative Official. However, if the plat is recommended for review by the Planning Commission, a total of twenty (20) copies will be submitted.

212.13 Plat Review - Upon the determination that an application for minor subdivision meets the above requirements, the following procedure shall be followed:

- c. The Administrative Official will forward such a plat to the Chairman or Vice Chairman of the Planning Commission.
- d. The Chairman or Vice Chairman shall approve or disapprove the plat, or he may waive his authority and recommend the plat be considered by the entire Planning Commission (as with a Preliminary Plat).

APPLICATION FOR MINOR PLAT APPROVAL

1. Name of Applicant: _____

Address: _____

Phone: _____

2. Name of Surveyor or Engineer: _____

Address: _____

Phone: _____

3. Name of Subdivision: _____

4. Location Description: _____

(in addition, please attach a copy of legal description)

5. Proposed Use: _____

6. Number of Lots _____ Smallest lot: No. _____ Sq Ft. _____ Area of Tract _____

7. Number of Acres _____

8. Do you propose deed restrictions _____ (yes/no)

9. What type of sewage disposal is proposed? _____

10. List all proposed improvements and utilities:

Section Number	Item
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

11. Waivers requested from plat or design requirements:

Section Number	Item
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

12. List other materials submitted with this application

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

Signature of Applicant

Signature of Engineer/Surveyor

Date _____

Fee _____

APPENDIX B

DEVELOPMENT / PRELIMINARY PLAT SUBMITTAL PACKET

If denied

The review of developments and subdivisions within Madison County shall follow the following procedures:

1. All development/preliminary plat submissions will be done so using the **Application For Development / Preliminary Plat Approval** and the **Plat Requirements Checklist (Appendix D)**. The purpose of the checklist is to ensure that all of the minimum requirements for the plat are addressed in an effort to avoid any unnecessary delays of review. Failure to address all items on the checklist will prevent the plat from being reviewed by the Development Review Team and Planning Commission on the dates for which it was submitted. Both the checklist and the application should be completed thoroughly, with the checklist being followed as a guide for preparation of the plat itself. The developer (or his appointed representative) will complete and sign these two documents. Both will be submitted (along with any other pertinent information) no later than ten (10) working days prior to the meeting date of the Development Review Team (See schedule of meeting deadlines issued by the Administrative Official).
2. The sub-divider shall submit twenty-five (25) copies of the development/preliminary plat with required supplementary information to the Administrative Official.
3. The plats for the proposed development/subdivision of land must be reviewed in the Development Review Team meeting and the Planning Commission Work Session Meetings. If will be officially voted upon at a Planning Commission Business Meeting (Regular or Special). These meeting dates and deadlines for submittals are predetermined and must be adhered to. Please request a copy of the schedule of meetings and deadlines associated with these dates.

No major subdivisions (with 4 or more lots) shall be approved on a county roadway with less than twenty (20) feet of pavement. The sub-divider has the right to petition the Fiscal Court to improve the county roadway or request permission from the Fiscal Court to improve the roadway at his/her cost.

APPLICATION FOR DEVELOPMENT / PRELIMINARY PLAT APPROVAL

1. Name of Applicant _____

Address _____

Phone _____

2. Name of Surveyor or Engineer _____

Address _____

Phone _____

3. Name of Subdivision _____

4. Location Description _____

(in addition, please attach a copy of legal description)

5. Proposed Use _____

6. Proposed Land Use Designation _____

7. Proposed Land Use Changes _____

8. Number of Lots _____ Smallest lot: No. _____ Sq Ft. _____ Area of Tract _____

9. Number of Acres _____

10. Do you propose deed restrictions _____ (yes/no)

11. What type of sewage disposal is proposed? _____

12. List all proposed improvements and utilities:

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____

- d. _____
- e. _____

13. Waivers requested from plat or design requirements:

Section Number	Item
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____

14. List other materials submitted with this application

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

Signature of Applicant

Signature of Engineer/Surveyor

Date _____

Fee _____

FOR OFFICIAL USE ONLY

Date Received _____ Received by _____

Date of Meeting of Planning Commission _____

Action by Planning Commission:

Status: Approved

_____ Rejected, reason(s) for rejection _____

Date _____ Chairperson Signature _____

APPENDIX C

FINAL PLAT SUBMITTAL PACKET

The final plat serves as a plat of record for public recording and transfer of land and as a check to assure that subdivision requirements (including any conditions stipulated in the preliminary plat) have been met. The final plat shall conform substantially to the preliminary plat approved, and it may constitute only a portion of the preliminary plat that the sub-divider proposed to record and develop. No final plat shall be approved until at least thirty (30) days following the approval of the preliminary plat.

Building permits shall not be issued for construction of new buildings until such time that the final plat has been approved.

The review of subdivisions within Madison County shall follow the following procedures:

1. All final plat submissions will be done so using the **Application For Final Plat Approval** and the **Plat Requirements Checklist (Appendix D)**. The purpose of the checklist is to ensure that all of the minimum requirements for the plat are addressed in the plat in an effort to avoid any unnecessary delays of review. Failure to address all items on the checklist will prevent the plat from being reviewed by the Development Review Team and Planning Commission on the dates for which it was submitted. Both the checklist and the application should be completed thoroughly, with the checklist being followed as a guide for preparation of the plat itself. The developer (or his appointed representative) will complete and sign these two documents. Both will be submitted (along with any other pertinent information) no later than ten (10) working days prior to the meeting date of the Development Review Team (See schedule of meeting deadlines issued by the Administrative Official).
2. The sub-divider shall submit twenty-five (25) copies of the preliminary plat with required supplementary information to the Administrative Official.
3. The plats for the proposed subdivision of land must be reviewed in the Development Review Team meeting and the Planning Commission Work Session Meetings. It will be officially voted upon at a Planning Commission Business Meeting (Regular or Special). These meeting dates and deadlines for submittals are predetermined and must be adhered to. Please request a copy of the schedule of meetings and deadlines associated with these dates.

A

4. All final plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk. Following approval of the final plat, the Administrative Official shall return one (1) copy of the plat to the sub-divider with Planning Commission certification thereon for filing with the clerk as an official plat of record. The plat being recorded shall be no more than 24 x 36 inches in size. A final plat must be recorded within one year of approval by the Planning Commission or else the approval is considered null and void. The sub-divider may request an extension of six (6) months. Such written request must be submitted to the Planning Commission prior to the plat's expiration for their review and approval. The sub-divider shall provide the Administrative Official with evidence of the plat being recorded within thirty (30) days of that action.

APPLICATION FOR FINAL PLAT APPROVAL

Application # _____ Date _____ Fee _____

1. Name of Applicant: _____

Address: _____

Phone: _____

2. Name of Surveyor or Engineer: _____

Address: _____

Phone: _____

3. Name of Subdivision: _____

And Phase ____ of ____ (if applicable)

4. Number of Acres _____

5. Date Preliminary Plat Approved _____

6. Have all required improvements been installed? _____ (yes/no)

If no, include detailed estimates of cost and a statement relative to the method of improvement guarantee.

7. Do you propose deed restrictions? _____ (yes/no) If yes, please attach a final copy.

1. Waivers requested for plat or design standards.

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____

e. _____

2. List other materials submitted with this application.

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
e.	_____	_____

FOR OFFICIAL USE ONLY

Date Received _____ Received by _____

Date of Meeting of Planning Commission _____

Action by Planning Commission:

Status: Approved

_____ Rejected, reason(s) for rejection _____

Date _____ Chairperson Signature _____

APPENDIX D

PLAT REQUIREMENTS CHECKLIST

This checklist will be used for preparing any of the three (3) types of plats (Minor, Preliminary, and Final). The following information shall be included (unless accompanied by a written request for waiver) for any of the plats in which the block does not have an "N/A" inside it. Please place an "X" in the corresponding box in the respective column (**M** – Minor, **P** – Preliminary, and **F** – Final) to the right to show that you have included that item on the plat. Upon completion, please sign and date the appropriate spaces at the end and include this checklist along with your application upon submission to the Administrative Official.

	M	P	F
A. Name of subdivision, date, label, type of plat, graphic scale, north arrow, acreage to be divided, purpose of plat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Name, address and telephone number of property owner, sub-divider (if other than owner), and developer.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Name, address, and seal of the registered professional engineer or land surveyor responsible for preparation of the plan and supplementary plans.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Names of adjacent property owners of record and abutting subdivisions and streets.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Vicinity sketch map, at a scale of two thousand (2,000) feet per inch or greater, showing the subject property and surrounding land within one-half (1/2) mile, and including existing roads with at least one intersection of common reference, scale, north arrow, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown, along with how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and prepared shopping facilities, schools, and parks should be designated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

M P F

F. The proposed subdivision shall be shown at a scale of not less than one hundred (100) feet per inch (except where sheet size is prohibitive). Boundaries of the tract will be drawn showing approximate bearings and distances.

G. The plat will show physical features, including streams, wooded areas, existing structures, ponds, and sink holes.

H. Existing topographic contours at an interval of not greater than ten (10) feet shall be shown for the subject property. Where topographic conditions warrant, a contour interval of five (5) feet may be required. Contours shall be shown on all plats.

I. Obtain, and submit with the plat, a properly signed State Highway Encroachment Permit, if the property fronts on a state highway.

J. Location, dimensions, and names of existing streets, railroads, easements, municipal boundaries, or other public properties, and significant features shall be shown within and adjacent to the plat for a minimum distance of two hundred (200) feet.

K. Location of existing sewers, fire hydrants, water mains, storm drains, and power transmission lines with capacities (as applicable).

L. Location, right-of-way, and pavement width of proposed streets, fire hydrants, and utility and drainage easements laid out according to sound planning principles. All streets and private drives that will enter onto a county road shall require the review and signature of the County Road Supervisor.

		M	P	F
M.	Radii of streets, points of curvature, lengths of arcs.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
N.	Street names selected so as not to duplicate any other within the County.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
O.	Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and front, side, and rear building setback lines may be written in on the deed. Lot or parcels shall be laid out according to sound planning principles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P.	Designation and acreage of all parcels and areas to be used for non-residential purposes, including parcels reserved or dedicated for public use and utility installations. All such parcels shall be assigned parcel numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q.	Location of monuments and pins, which shall be placed at the intersection of property lines, the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R.	Note indicating the lot number and area in square feet of the smallest lot in the subdivision.	N/A	<input type="checkbox"/>	<input type="checkbox"/>
S.	Subdivision plats being submitted for industrial or commercial development shall include additional information as required by the Planning Commission.	N/A	<input type="checkbox"/>	<input type="checkbox"/>

- | | M | P | F |
|--|--------------------------|--------------------------|--------------------------|
| <p>T. Floodplain Development. Chapter 151 of the Kentucky Revised Statutes requires approval from the Kentucky Division of Water & the Madison County Administration prior to any construction or other activity in or along a stream that could in any way obstruct flood flows. This construction activity includes, but is not limited to; construction or reconstruction of any dam, embankment, levee, dike, bridge, fill or other obstruction in the floodplain of any stream in the Commonwealth; residential and non-residential structures and remodeling of the same, including mobile and manufactured homes and historic structures.</p> <p>No new residential structures may be constructed in a floodway. Nothing can be placed in a floodway that will cause any rise in Base Flood Elevations. Engineering Analysis is required.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUPPLEMENTARY PLAT REQUIREMENTS

The following items of supplementary information shall be submitted with, and considered as part of, the plat (as applicable)

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| A. Copy of completed subdivision application form. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Description of physiographic characteristics, including soil types, slope, permeability rates, ground water, depth to bedrock, sinkholes, flood frequency. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Statement of deed restrictions and protective covenants, if any. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Typical street-cross sections showing roadbed construction, curbs, gutters, sidewalks, and relationship of underground utilities. | N/A | <input type="checkbox"/> | <input type="checkbox"/> |
| E. Plans for showing provisions for domestic water supply. The water system shall include a statement that there is adequate water supply and pressure to support the proposed development. | N/A | <input type="checkbox"/> | <input type="checkbox"/> |

M P F

F. Drainage/Soil Erosion Control Plan. The developer shall indicate (on a supplemental attachment) the plan for controlling drainage and soil erosion both during and upon completion of development. The location and specifications of such controls as silt fences, staked by hay bales, detention ponds, etc. shall be shown. The drainage plan shall include contours, location and size of culverts, retention/detention ponds, and other drainage structures, and calculations of runoff estimates before and after development. The plans will show certification of approval by a representative from the local Natural Resources Conservation Service office. Erosion control measures will be emplaced in conjunction with initial site preparation activities.

N/A

G. Certification on plat showing that streets and utilities have been approved by the appropriate agencies and conform to general requirements and minimum standards of design. Property fronting on a state or federal highway must receive approval from the State Highway Department of Transportation for ingress and egress. Property fronting on a county road must receive approval from the County Road Supervisor for ingress and egress. Street light may be required.

H. Certification on plat of title showing that the applicant is the owner, and a statement by such owner dedicating streets, rights-of-way, and any other sites for public use. See appropriate form.

I. Copy of site evaluation application from County Health Officer. A plan for sanitary sewage disposal will be shown. Certification on plat by the County Health Officer when individual sewage disposal or water systems are to be installed.

J. Certification on plat surveyor or engineer as to the accuracy or survey and plat. See appropriate form.

M P F

K. Certification that the sub-divider has complied with one of the following alternatives:

N/A

1. All the improvements have been installed in accordance with the requirements of these regulations,

or

2. A security bond, certified check, or irrevocable letter of credit has been posted with the Administrative Official in sufficient amount to assure such completion of all required improvements. Sufficient amount is determined by the developer's engineer.

N/A

L. Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk.

M. Certification on plat by the County Clerk that the plat is accepted for filing and recording.

I hereby certify that I have addressed all of the applicable minimum requirements for the subdivision of land, I further understand if all items are not properly addressed, this plat will not be reviewed by the Planning Commission.

Signature ***Date***

APPENDIX E

PLAT FEES			
Minor Plat	\$40.00 + 2.50 per lot	Consolidation Plat	\$40.00
Preliminary Plat	\$100.00 + 2.50 per lot	Final Plat	\$100.00 + 2.50 per lot
Development Plan		\$200.00	
Zoning Commission Fees			
Zone Change Application		\$250.00 + notice + newspaper	
Compensation to Planning Members (members, attorney, secretary, administrative official)		\$75.00 per meeting attended	
Special Called Planning Commission Meeting (members, attorney, secretary, administrative official)		\$150.00 per meeting attended	
Board of Zoning Adjustment Fees			
Conditional Use Permit Application	\$250.00 + notice + newspaper	Variance Request Application	\$250.00 + notice + newspaper
Appeal Request	\$200.00 + notice + newspaper		
Compensation to Planning Members (members, attorney, secretary, administrative official)		\$75.00 per meeting attended	
Miscellaneous Fees			
Zoning Regulations		\$10.00 unbound	\$15.00 Bound
Subdivision Regulations		\$10.00 unbound	\$15.00 Bound
Zoning Maps (Large)	\$15.00		
Comprehensive Plan		\$15.00 unbound	\$20.00 Bound

APPENDIX F

MADISON COUNTY FLOOD DAMAGE PREVENTION

This information is made available at 321 N. Madison Ave., Suite B.

APPENDIX G

SPECIFICATIONS FOR THE CONSTRUCTION OF STREETS IN MADISON COUNTY

This information is made available at 321 N. Madison Ave., Suite B. Or see section 308.16, Street Construction, in the Madison County Subdivision Regulations.

APPENDIX H

DEVELOPMENT PLAN REQUIREMENT CHECKLIST

A development plan means written and graphic material for provision of a development. It should include, but is not limited to, the following information (a *yes* indicates information is provided):

	YES	NO
1. Name and address of property owner/developer	<input type="checkbox"/>	<input type="checkbox"/>
2. Name of development, date, direction, scale	<input type="checkbox"/>	<input type="checkbox"/>
3. Intended land-use/nature of development	<input type="checkbox"/>	<input type="checkbox"/>
4. Vicinity map showing general location, surrounding property And major physical features	<input type="checkbox"/>	<input type="checkbox"/>
5. General layout of property showing shape, approximate Dimensions, and total acreage	<input type="checkbox"/>	<input type="checkbox"/>
6. Streets and lots (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
7. Utilities (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
8. Relationship to services (schools, parks, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
9. Dimensions of buildings and other structures	<input type="checkbox"/>	<input type="checkbox"/>
10. Intensity of use	<input type="checkbox"/>	<input type="checkbox"/>
11. Density of development	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking facilities	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
13. Drainage plan	<input type="checkbox"/>	<input type="checkbox"/>
14. Landscape plan	<input type="checkbox"/>	<input type="checkbox"/>
15. Soil erosion plan	<input type="checkbox"/>	<input type="checkbox"/>
16. Proposed signs	<input type="checkbox"/>	<input type="checkbox"/>
17. Land use designation	<input type="checkbox"/>	<input type="checkbox"/>
18. Other _____	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX I

STANDARDS FOR

MOBILE / MANUFACTURED HOME PARKS AND COMMUNITIES

Scope: Those persons desiring to develop a mobile/manufactured home park shall be required to follow the procedures and regulations listed herein:

The developer shall be required to obtain all required state permits as provided in K.R.S. 219.310 to 219.40, and Kentucky Administrative Regulations 902 KAR Chapter 15.

In addition to the state regulations, the developer shall be required to meet the full requirements of the Madison County Subdivision and Land Use Regulations as it relates to a subdivision. Compliance shall include all requirements as if for a major subdivision with property fronting onto a road with a minimum 20 feet wide of pavement, fire flow shall be provided, street and utility construction, etc.

Any portion of this standard shall not contradict or be less than the minimum requirements of the State Fire Marshal and or the State licensing office for mobile home parks.

Requirements: Mobile home parks shall meet all applicable requirements of the Land Use Regulations and Subdivision Regulations in addition to the state requirements as provided in K.R.S. 219.310 to 219.40, and Kentucky Administrative Regulations 902 KAR Chapter 15. Mobile Home parks *Shall Not* be permitted unless it can be connected to a municipal sewage disposal system.

Definitions:

1. Approved: Acceptable to the authority having jurisdiction.
2. Authority Having Jurisdiction: The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

3. **Community Building:** Any nonresidential building used for manufactured home community purposes.
4. **Community Management:** The person or entity who owns a development or has charge, care or control of a community (e.g., park, estate or subdivision).
5. **Dwelling Unit:** One or more habitable rooms designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation.
6. **Manufactured Home:** A structure that is transportable in one or more sections and that, in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site is 320 square feet or more. This structure is built on a permanent foundation when connected to the required utilities, which include plumbing, heating-air conditioning, and electrical systems contained therein. Manufactured homes were formerly referred to as mobile homes or trailer coaches.
7. **Manufactured Home Site:** A parcel of land for the accommodation of one manufactured home, its accessory building or structures, and accessory equipment for the exclusive use of the occupants.
8. **Mobile Home Park/Community:** A parcel of land with sites available to the public in which two (2) or more mobile home lots are occupied or intended for occupancy by mobile, manufactured homes, modular homes or any residential structure not wholly site built, and including its accessory building or structures, and accessory equipment for the exclusive use of the occupants.
9. **Municipal Sewage Disposal System:** A system controlled and operated by a local municipal government entity.

MOBILE HOME PARK REQUIREMENTS

Before an application for a Mobile Home Park can be considered, the following conditions shall be verified by the County Administrative Official;

1. Mobile home parks and communities shall be required to be developed in accordance with all applicable Land Use and Subdivision Regulations as a major subdivision meeting the preliminary and final plat requirements.
2. A comprehensive development plan shall be submitted in accordance with the guidelines set forth in the Subdivision Regulations.

3. The appropriate land use designation of “9 – Manufactured Housing, Single Family Dwellings” shall be listed for property planned for such parks or communities.
4. Mobile home parks shall only be permitted where connection to a municipal sewage disposal system can be obtained.
5. Mobile home parks, as with other major subdivisions, shall only be permitted on County or State roads that have a minimum of 20 feet of pavement width.
6. Minimum acreage required for a mobile home park shall be 10 acres, with a maximum acreage per mobile home park of 20 acres.
7. Maximum number of four (4) mobile home sites per acre.
8. Every home site shall be provided with a minimum of 2 paved off street parking spaces.

SUBMITTAL REQUIREMENTS

A. APPLICATION FOR DEVELOPMENT APPROVAL

- 1) Applications for approval of a mobile home park shall be submitted to the Planning and Development Office by the set deadlines for submittals. All applications shall be required to be reviewed by the Development Review Team, Planning Commission Work Session and Planning Commission Business Session. The following items shall be submitted at the time of making application:
 - a) The developer shall be required to file preliminary and final plats;
 - b) A comprehensive development plan complying with all requirements set forth in the subdivision regulations.
 - c) A complete copy of the submittal packet as required by State regulations as set forth in 815 KAR 25:050, 815 KAR 25:060, 815 KAR 25:070, 815 KAR 25:080, 815 KAR 25:080 for the Cabinet for Human Resources shall be provided to the Planning Office.

B. SUBMISSION OF A CONSTRUCTION PLAN

Each application for a permit to construct or alter a mobile home park shall be accompanied by a complete plan, drawn to scale, of the proposed park or alteration. The plan shall show all items required by the subdivision regulations as well as all existing and proposed facilities including:

1. The area and dimension of the tract of land being developed;
2. The number, location and size of all mobile home lots;
3. The area within each mobile home lot intended for location of a mobile home and setback distances;
4. A detailed drawing of the foundation for the placement of the mobile home stand within the mobile home lot;
5. The location and width of roadways, driveways and walkways;
6. The number, location and size of all off-street automobile parking spaces;
7. The location of park street lighting and electrical system;
8. A detailed drawing of the water supply, if source is other than public;
9. A detailed drawing of the sewage disposal facilities, including specifications;
10. A detailed drawing of the refuse storage facilities;
11. The location and size of water and sewer lines and riser pipes;
12. The size and location of any playground areas within the park, if provided; and
13. A separate floor plan of all buildings and other improvements constructed or to be constructed within the mobile home park including a plumbing riser diagram.
14. Parks shall be developed in one phase.

LOCATION AND GENERAL LAYOUT STANDARDS

A. General Layout

1. Every mobile home and mobile home park shall be located on a well-drained area, not subject to recurring flooding, and the premises shall be properly graded to prevent the accumulation of storm or other waters. Manufactured housing shall not be permitted to be placed or constructed within the established floodplain or floodway as determined by the County Floodplain Administrator.
2. Each mobile home or lot shall be numbered and displayed in some systematic order.
3. Site and Dimensional Requirements

Minimum site:	12,000 square feet
Minimum lot width:	100 feet

(50 feet on cul-de-sacs measured at the front property line)

Maximum building height:	40 feet
Front yard:	25 feet from the front lot line
Side yard:	10 feet from lot line
Rear yard:	15 feet from lot line

4. All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least ten (10) feet from other park property boundary lines.
5. All lots shall abut upon a park street. All park streets shall be constructed in accordance with the road specifications listed in the current subdivision regulations, section 308. Parking shall not be permitted on county roads.
6. Park street, driveways and walkways shall be all weather construction, maintained in good condition, have natural drainage, relatively free of dust and shall be maintained free of holes.
7. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
8. The proposed site for placement of manufactured homes shall be graded to provide a maximum height for the home of 48 inches above grade, measured from the pad grade to the underside of the chassis.

B. LIGHTING WITHIN THE PARK

A minimum equivalent to a 175-watt mercury vapor type light shall be provided at park entrances, intersections and at intervals of 200 feet within the park.

C. MARKING OF UNDERGROUND UTILITY LINES

The location of all underground electrical cables, gas piping, water piping, and sewer lines that are buried within 4 feet of the perimeter of the site's largest planned manufactured homes shall be indicated by an aboveground sign(s) or underground marker tapes identifying the proximity of the lines. A plot plan showing the "as built" location of underground utility lines shall be available for installations in multiple site facilities.

D. PARK ELECTRICAL DISTRIBUTION SYSTEMS

Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained pursuant to the requirements of the Public Protection and Regulation Cabinet.

E. PARK WATER SUPPLY

1. The water supply shall be potable, adequate and from an approved public supply of a municipality or water district.
2. No physical connection shall be made between an approved public water supply and unapproved water supply.
3. Water distribution lines and connections shall comply with the state Plumbing Code.
4. Water supplies for fire department operations shall be as required by the authority having jurisdiction. Fire-flow shall be provided to the mobile home park/community.
5. Where provided, hydrants shall be located along community streets or public ways within 500 feet of all homes and buildings and shall be readily accessible for fire department use. Hydrant-hose coupling threads shall meet national standard threads or shall conform to those used by the local fire department if different than those specified in NFPA 1963.

F. PARK SEWAGE AND WASTE DISPOSAL

1. All sewage and waste matter shall be disposed of into a municipal sewer system.
2. The sewer connection between the mobile home and the sewer riser opening shall have a nominal inside diameter of at least three (3) inches with a slope of at least one-fourth (1/4) inch per foot. All joints shall be watertight.
3. The sewer outlet shall be capped when not in use.
4. Mobile home park sewer systems and connections shall comply with the state plumbing code.

G. STORAGE, COLLECTION AND DISPOSAL OF PARK REFUSE

1. The permit holder shall be responsible for storage and disposal of refuse.
2. The storage, collection and disposal of refuse in the park area shall be constructed to not create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.
3. All refuse shall be stored in fly tight, watertight, rodent proof containers, which shall be conveniently located near each mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
4. Approved container storage location shall be provided and shall be designed and maintained to not create a nuisance.
5. All refuse containing garbage shall be collected at least once a week or more often, if necessary. If suitable collection service is not available from municipal or private agencies, the owner or operator shall provide this service. All refuse shall be collected and transported in covered, leak-proof containers or vehicles.
6. All refuse and waste collected at a park shall be disposed in a safe and sanitary manner approved by the Natural Resources and Environmental Protection Cabinet.
- 7.

H. INSECT AND RODENT CONTROL WITHIN THE PARK

1. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.
2. Parks shall be maintained free of accumulation of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
3. Storage areas shall be maintained to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.
4. If the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

5. Parks shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Parks shall be maintained free of heavy vegetative growth of any description.

COMMUNITY BUILDINGS AND PARKS

1. Every mobile home park shall provide a community building with its primary service as an emergency shelter during severe weather alerts and/or other disaster emergency situations. The community building shall have an occupancy capacity not less than 50% of the estimated occupants in the park/community using an average household size of 3 persons per home.
2. Every community building shall be designed and constructed in accordance with the minimum requirements of the Kentucky Building Code and shall be made accessible to the physically disabled.
3. The site plan for the development, as well as the community building, shall be approved by the Planning Commission prior to commencing construction.
4. Each mobile home park/community shall provide a minimum site of 5% of the total acreage to be developed as a park/playground and green space area for the residents of the park/community.
5. All parks and playgrounds shall be properly fenced with a minimum 4 feet high chain link fence and gates.

LIFE SAFETY AND FIRE SAFETY

A. General:

1. The responsibility for life and fire safety within manufactured home communities shall be that of the owners and operators of the community. This standard covers fire safety requirements for the installation of manufactured homes and manufactured home sites, including accessory buildings, structures, and communities.
2. The space under manufactured homes and accessory buildings and structures shall not be used for the storage of combustible materials or for the storage or placement therein of flammable liquids, gases, or liquid or gas fuel powered equipment.
3. The following emergency information shall be printed and posted in conspicuous places in the manufactured home community. Phone numbers of the following:

- Fire Department
- Police Department or Sheriff's Department
- Community Office
- Person responsible for operation and maintenance of the manufactured home community

4. Locations of the following:

- Nearest public telephone
- Address of the manufactured home community

5. All parks shall comply with applicable regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

6. Fire Safety Separation Requirements: Any portion of a manufactured home, excluding the tongue, shall not be closer than ten (10) feet side to side, eight (8) feet end to end, or six (6) feet end to end horizontally from any other manufactured home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a minimum 1-hour fire resistance rating or the structures are separated by a minimum 1-hour fire rated barrier.

7. Arrangement of manufactured homes and accessory buildings or structures on the site shall not restrict reasonable access to the site by emergency personnel. Each community operator shall maintain a community site plan for review by agencies responsible for emergency services. This plan shall include but not be limited to, the following:

- a) Street names
- b) Site separation lines
- c) Site numbers
- d) Water supplies for fire protection personnel
- e) Fire Hydrant location
- f) Utility disconnects

8. Each street name in the manufactured home community shall be clearly marked with signs and each manufactured home site shall be marked for identification in a uniform manner established by the Madison County Street Addresser that is clearly visible from the street serving the site.

9. All areas and individual sites within the manufactured homes community shall be maintained so as to be free of dry brush, leaves, weeds, and other debris that could contribute to the spread of fire within the site or community.

PARK MAINTENANCE AND REGISTRATION

1. The person to whom a permit to operate a park is issued shall at all times operate in compliance with this regulation. The permittee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this regulation and of their duties and responsibilities under this regulation.
3. The permittee shall be responsible for the proper placement of each mobile home on its mobile home stand and for securing its stability and installing all utility connections.
4. The permittee shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

INDIVIDUAL HOME SET UP REQUIREMENTS

1. All manufactured / mobile homes sold by a mobile home retailer shall be responsible for the set up in accordance with the manufacturers listing for that specific home. If the home is not sold by a retailer the owner of the home shall be set up in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1.
2. The electrical system, including the main circuit box and all switches/outlets, shall be installed in accordance with the National Electrical Code and inspected by the County Electrical Inspector.
3. Adequate and operable smoke detection equipment shall be installed in accordance with the applicable codes.
4. All exit doors and windows required by the applicable codes shall be operable and general structural integrity of the unit shall be acceptable.

5. A landing shall be provided on the exterior of each exit door from the home meeting the following requirements;
 - a. Landing shall be placed not more than 8-1/4 inches below the threshold of the doorway.
 - b. Landing shall be a minimum 36 inches x 36 inches, constructed of a weather resistant material.
 - c. Steps from the landing shall have a maximum riser height of 8-1/4 inches and a minimum tread depth of 9 inches.
 - d. Handrails shall be provided on all steps containing three or more risers. Handrail heights shall be not less than 30 inches or more than 38 inches measured vertically above the nosing of the steps. Guardrails shall be provided on all porches/landings located more than 30 inches above the floor or grade level. Guards shall have intermediate rails spaced such that a 4-inch sphere cannot pass through the openings.
6. All homes shall be properly underpinned using material approved by the manufacturers and the building inspectors suitable for exposure to the weather and securely fastened in place.
7. Setup and anchoring of the homes shall be in accordance with the Manufacturers listed instructions.
8. Manufactured housing is not permitted to be placed or constructed within the established floodplain or floodway as determined by the County Floodplain Administrator.

APPENDIX J

STANDARDS FOR INDIVIDUAL SITE DEVELOPMENT OF MOBILE/ MANUFACTURED HOME INSTALLATION

INTENT:

It is the intent of these regulations to encourage the proper placement of mobile / manufactured homes throughout the county while improving the aesthetics and general life safety standards for housing in the County.

Authority

In accordance with Ordinance 98-09 a building permit shall be obtained from the Madison County Planning and Development Office for the placement of mobile/manufactured homes on individual sites, tracts or farms prior to the actual placement of the home. The Kentucky Department of Housing, Buildings and Construction, Division of Manufactured Housing, is the ultimate authority regarding the setup of manufactured homes sold by retailers. The placement and setup of the home shall be done so in accordance with the Madison County Land Use and Subdivision Regulations, the manufacturers listing for the home, State regulations as set forth in 815 KAR 25:050, 815 KAR 25:060, 815 KAR 25:070, 815 KAR 25:080 and the regulations as follows:

Manufactured / Mobile Home Regulations

All manufactured / mobile homes sold by a mobile home retailer shall be responsible for the set up in accordance with the manufacturers listing for that specific home. If the home is not sold by a retailer the owner of the home shall be set up in accordance with the minimum standards set forth in ANSI Standards, ANSI A 225.1. If there are specific deed or subdivision restrictions that are more stringent they must be followed in addition to the requirements.

1) The electrical system, including the main circuit box and all switches/outlets, shall be installed in accordance with the National Electrical Code and inspected by the County Electrical Inspector.

2) Adequate and operable smoke detection equipment shall be installed in accordance with the applicable codes.

- 3) All exit doors and windows required by the applicable codes shall be operable and general structural integrity of the unit shall be acceptable.
- 4) A landing shall be provided on the exterior of each exit door from the home meeting the following requirements.
- a) Landing shall be placed not more than 8-1/4 inches below the threshold of the doorway.
 - b) Landing shall be a minimum 36 inches x 36 inches, constructed of a weather resistant material.
 - c) Steps from the landing shall have a maximum riser height of 8-1/4 inches and a minimum tread depth of 9 inches.
 - d) Handrails shall be provided on all steps containing three or more risers. Handrail heights shall be not less than 30 inches or more than 38 inches measured vertically above the nosing of the steps. Guardrails shall be provided on all porches/landings located more than 30 inches above the floor or grade level. Guards shall have intermediate rails spaced such that a 4-inch sphere cannot pass through the openings.
- 5) All homes shall be properly underpinned using material approved by the manufacturers and the building inspectors that is suitable for exposure to the weather and securely fastened in place.
- 6) If a municipal type sewer is not available, a septic system approved by the Madison County Health Department must be provided. Copies of such approval must be provided to the Planning & Development Office. If an existing septic system exists on the property, the owner shall contact the Madison County Health Department and obtain an "Existing System Affidavit" verifying the existence of an approved and working septic system.
- 7) Manufactured housing is not permitted to be placed or constructed within the established floodplain or floodway as determined by the County Floodplain Administrator.