MADISON COUNTY LAND DEVELOPMENT & SUBDIVISION REGULATIONS

MADISON COUNTY
KENTUCKY

ADOPTED

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MADISON COUNTY
LAND DEVELOPMENT &
SUBDIVISION REGULATIONS

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ARTICLE 1: GENERAL PROVISIONS

1.01 Introduction

(a) This code is designed to guide land use decisions in Madison County as a means of implementing the county's Comprehensive Plan. It is the desire of the Madison County Fiscal Court and the Planning Commission that through the use of this document, future development may take place in an orderly fashion.

(b) This code is intended to be a practical guide for understanding the land use process in Madison County. It is written in such a way as to provide flexibility in design and development while being careful to protect the health, safety, and general welfare of citizens. One goal of this code is to void excessive regulation and costs. A second goal is to recognize the differences that exist in Madison County and to take these differences into account in guiding land use decisions. Finally, this code attempts to spell out in sufficient detail, how to go about getting things done.

1.02 Purpose

It is the purpose of this zoning code to promote the public health, safety, and the general welfare of the people of Madison County through the establishment of minimum regulations governing the development and use of land, structures, and buildings. Furthermore, the intent of these regulations is:

(a) To implement the Madison County Comprehensive Plan and other policies or plans adopted by the County as it relates to the development of land;

(b) To encourage and facilitate orderly, efficient, and appropriate growth and development;

(c) To protect residential, business, commercial and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses without limiting the potential for the mixture of compatible uses;

(d) To facilitate fire, emergency medical service, and police protection services;

(e) To prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers;

(f) To protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, prime agricultural land and other natural resources, and other specific areas of the county which need special protection;

(g) To ensure that the subdivision of land is conceived, designed, and developed in accordance with sound rules and proper minimum standards to protect streets, infrastructure, and public facilities that will become the County's responsibility and to ensure that subdivisions are undertaken harmoniously with community objectives;

(h) To ensure the adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible; and

(i) To foster a more rational pattern of relationship between agricultural, conservation, residential, business, commercial industrial and institutional uses for the mutual benefit of all.

1.03 Title

These regulations shall be known, and may be cited and referred to as, the “Madison County, Kentucky, Land Development Code,” or may be referred to as the “land development code,” the “code,” or “this ordinance.”

1.04 Authority

(a) These regulations are adopted under the authority granted in Kentucky Revised Statutes (KRS) Chapter 100.

(b) 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.

1.05 Jurisdiction

On and after the date of adoption, these regulations shall govern the use of land and structures in Madison County, excluding the incorporated areas of Richmond and Berea.

1.06 Effective Date

This code shall become effective from, and after, the date of its approval and adoption by the Madison County Fiscal Court.

1.07 Applicability and Minimum Requirements

(a) No building, structure, or land shall be used, occupied, or subdivided and no building or structure or part thereof shall be structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) The provisions of this code are the minimum requirements adopted to meet the purposes of this code as established in this article and the supplemental purpose statements found throughout other articles and sections of this code.

(c) The regulations established for each district in this code shall apply uniformly to each class or type of use, land, building, or structure, unless modified, varied or waived as provided herein.

(d) The Planning Commission may require standards above the minimum contained herein whenever it finds that the protection of public health, safety, and welfare warrants such increases.

1.08 Consistency with Other Provisions

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

(b) The provisions of this land development code shall control provided they are not preempted or superseded by state or federal law.

1.09 Relation to the Comprehensive Plan

The implementation of these regulations is closely related to the attainment of goals and objectives contained in the Madison County Comprehensive Plan. All sections of the plan dealing with the use and management of land and development should serve as a primary reference in administering these regulations.

1.10 Separability and Severability

(a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.

(b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.

(c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1.11 Repeal of Conflicting Codes or Ordinances

All codes or ordinances, or parts of such codes or ordinances, in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

1.12 Relationship with Third-Party Private Agreements

(a) This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

(b) Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

(c) In no case shall Madison County be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the County is a named party in and has been granted the right to enforce the provisions of such agreement.

1.13 Restoration Of Unsafe Buildings

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

1.14 Use Of Graphics, Tables, Illustrations, Figures, and Cross-References

(a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

(c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

1.15 Burden of Proof

(a) The burden of demonstrating that an application, development, structure, or use of land or structures subject to this code complies with applicable review and approval standards is on the applicant.

(b) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this code.

(c) The burden is not on the County or other parties to demonstrate that the standards have been met by the owner or person responsible for the application, development, use of land or structure, or nonconformity with this code.

ARTICLE 2: ADMINISTRATION AND REVIEW PROCEDURES

2.01 Administration

(a) The Fiscal Court

(i) The Madison County Fiscal Court consists of a Judge Executive and four magistrates, all elected for four-year terms. This body is responsible for overall governance of the county. They meet twice each month and on call, as needed, in order to transact the county's business.

(ii) The Fiscal Court's specific responsibilities related to planning and development activities fall into two categories:

A) The development, adoption, administration, enforcement, and amendment of laws, regulations, and rules (ordinances, codes, resolutions, orders, etc.) for conduct of the county's affairs. The Fiscal Court also adopts the Comprehensive Plan which serves as the general guide for future growth and development. Additionally, the Fiscal Court makes the final decisions regarding all applications for changes to the zoning map and oversees the administration of subdivision regulations and building codes.

B) The hiring or appointment of personnel, as appropriate, to carry out the work of planning and development including appointment of the County Planning Commission and Board of Adjustment, and the hiring or appointment of the Development Review Team (DRT) members, the Administrator, legal counsel, planning consultant, and others.

(iii) Kentucky Revised 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 may depend on other county departments for information and advice.

(b) The Madison County Planning Commission

(i) The Madison County Planning Commission shall consist of seven members, all of which are citizen members.

(ii) The Madison County Planning Commission may also be hereafter referred to as the "County Planning Commission," the "Planning Commission," or the "Commission."

(iii) The Planning Commission as constituted at the time of adoption of this code shall continue in power. Future appointments shall be in keeping with the requirements of this section.

(iv) **Appointing Authority**

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

(v) **Term of Office**

The term of office for the citizen members shall be four years, except the term of office for citizen members first appointed to the commission shall be staggered so that a proportional number serve one, two, three, and four years respectively, and later appointments or re-appointments shall continue the staggered patterns.

(vi) Vacancies

Vacancies shall be filled within 60 days by the Judge Executive with approval of the Fiscal Court. If the 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.

(vii) Oath of Office

All members of the Planning Commission, shall, before taking office, qualify by taking the oath of office as 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.

(viii) Removal

Any member of the Planning Commission may be removed by the Judge Executive, with approval of the Fiscal Court, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Judge Executive shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the commission, which shall be open to the public. The member removed shall have the right of appeal from the removal in the circuit court.

(ix) Meetings and Procedures

A) Regular meetings of the Planning Commission shall be held a minimum of once each month during the year. The Planning Commission may hold regular meetings more frequently if deemed appropriate. Special meetings shall be held at the call of the chair and at such other times as the commission may determine.

B) The Planning Commission shall not be required to meet if there are no items for the upcoming meeting agenda. However, the Planning Commission shall be required to hold a minimum of six regular meetings a year.

C) All meetings shall be open to the public.

D) 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 disqualifies from voting, indicating that fact.

E) The Planning Commission shall elect a chair and vice-chair, and adopt a set of bylaws to guide the conduct of its affairs in keeping with the provisions of this code.

F) A simple majority of the total membership of the Planning Commission (four members) shall constitute a quorum.

G) A member having a financial interest in the outcome of any application before the commission shall disclose the nature of the interest and shall disqualify themself from voting on the question, and shall not be counted for the purpose of a quorum. If it is discovered that a member failed to properly excuse themself, their vote on the issue in question will be void.

H) 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 the simple majority of the total membership shall be necessary for the adoption of amendments to the commission's bylaws, elements of the comprehensive plan, or regulations.

(x) Duties of the Planning Commission

The following are the duties of the Planning Commission:

A) Prepare a comprehensive plan for Madison County;

B) Review and amend the comprehensive plan, as necessary;

C) Review and act upon all applications for the subdivision of land;

D) Review and act upon site development plan applications in accordance with this code;

E) Review all proposed amendments to this code and the zoning map;

F) File certificates of land use restrictions; and

G) Undertake any other action required of the Planning Commission, in this code, in the administration and enforcement of these regulations.

H) Grant variances to building setback requirements, when appropriate and submitted as part of a site development plan.

(xi) Finances/Employment

A) The Fiscal Court may appropriate out of general revenues for the expenses and accommodations necessary for the work of the Planning Commission.

B) 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.

C) With approval from the Fiscal Court, the Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its duties.

(c) The Madison County Board of Adjustment

(i) The Madison County Board of Adjustment shall consist of five members, all of whom are citizens from Madison County.

(ii) The Madison County Board of Adjustment may also be hereafter referred to as the “Board of Adjustment” or the “Board.”

(iii) The board as constituted at the time of adoption of this code shall continue in power. Future appointments shall be in keeping with provisions of this section.

(iv) Appointing Authority

The Judge Executive, with the approval of the Fiscal Court, shall appoint the members of the Madison County Board of Adjustment.

(v) Term of Office

The term of office shall be for four years, but the term of office for members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively. The Board as constituted at the time of adoption of this code shall continue in power.

(vi) Vacancies

Vacancies on the board shall be filled within 60 days by the Judge Executive with approval of the Fiscal Court. If the Judge Executive fails to act within that time, the Board of Adjustment shall fill that vacancy. When a vacancy occurs other than expiration of the term of office, it shall be filled for the remainder of that term.

(vii) Oath of Office

All members, before taking office, shall 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 the peace within Madison County.

(viii) Removal

Any member of the Board of Adjustment may be removed by the Judge Executive, subject to approval by the Fiscal Court, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Judge Executive shall submit a written statement to the board setting forth the reasons for removal, and the statement shall be read at the next meeting of the board, which shall be open to the general public. The member removed shall have the right of appeal from the removal in the circuit court.

(ix) Meetings and Procedures

A) The Board of Adjustment shall conduct meetings at the call of the chairperson who shall give written or oral notice to all members of the board at least 14 days prior to the meeting. The notice shall contain the date, time, and place for the meeting, be listed in the local newspaper at least seven days in advance of a called meeting, and a copy of the agenda sent to the Judge Executive and the Fiscal Court.

B) A simple majority of the membership of the Board of Adjustment shall constitute a quorum.

C) A concurring vote of three members is required to move forward with any action.

D) Any member of the Board of Adjustment who has direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify themself from voting on the question.

E) The Board of Adjustment shall adopt bylaws for the transaction of business. It shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the board and shall be available to the general public.

F) A transcript of a board meeting shall be provided, if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(x) Powers and Duties of the Board

The following are the powers and duties of the Board of Adjustment:

A) Hear requests for administrative appeals and, provided such action is in conformity with the terms of this code, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Administrator from whom the appeal is taken.

B) Hear and make a decision on any request for a variance of the standards of this code;

C) Hear and make decisions on applications for conditional use permits where such conditional uses are specifically named in this code and which may be suitable only in specific locations in the applicable zoning district, only if certain conditions are met; and

D) Undertake any other action required of the Board of Adjustment, in this code, in the administration and enforcement of these regulations.

(d) Development Review Team (DRT)

(i) The DRT is an administrative review body that consists of representatives from the authorities having jurisdiction over water service, sanitary sewer service, electric service, the applicable school board, or any other agency responsible for providing public services or infrastructure to a proposed development.

(ii) For the purposes of this code, members of the DRT shall be responsible for providing a review of applications for site development plans, subdivisions, or any other application where called upon under this code in order to provide comments and, where applicable, recommendations related to such applications.

(iii) The DRT shall not be responsible for any final decision within this code but the Planning Commission, Board of Adjustment, or Fiscal Court may utilize the DRTs comments and recommendations as part of their final recommendations or decisions.

(iv) The Administrator shall have the authority to determine which agencies have authority over public services and infrastructure related to an application and provide applications only to those members of the DRT that have authority over the applicable services or infrastructure.

(e) Administrator

(i) The Administrator designated by the Judge Executive, with approval of the Fiscal Court, shall administer and enforce this code. The Administrator may be provided with the assistance of other persons as the Fiscal Court may deem necessary.

(ii) For the purpose of the code, the Administrator shall have the following duties:

A) Upon finding that any of the provisions of this code are being violated, notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

B) Order discontinuance of illegal uses of land, buildings, or structures;

C) Order removal of illegal buildings or structures or illegal additions or structural alterations;

D) Take any other action authorized by this code to ensure compliance with or to prevent violation(s) of this code. This may include the issuance of and action on building permits and certificates of occupancy permits and such similar administrative duties as are permissible under the law;

E) Make records of all official actions of this office relating to the administration and enforcement of the provisions of this code including, but not limited to, written records of all complaints and actions taken with regard thereto, all violations discovered and actions taken thereto, and the final disposition of such matters; and

F) Issue building permits or certificates of occupancy, or both, in accordance with the literal terms of these regulations, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of these regulations;

G) Undertake any other action required of the Administrator, in this code, in the administration and enforcement of these regulations.

(f) The Office of Planning and Development

The Office of Planning and Development is responsible for general oversight of this code, building codes, and 911 Addressing. This office is the recipient of all applications pertaining to these regulations.

2.02 Review Procedures

(a) General Requirements for All Procedures

(i) The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Administrator, and made available to the public.

(ii) Zoning compliance will be reviewed as part of any building permit application in addition to any review procedure established in this section and in this code.

(iii) For all review procedures under this section, an application shall be required and such applications shall be submitted to the Office of Planning and Development.

(iv) All applications shall be in a form and in such numbers as established by the Administrator, and made available to the public as part of application forms.

(v) Applications shall be accompanied by a fee, if required, in accordance with the adopted fee schedule

(vi) The Administrator shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.

(vii) An application shall be determined to be complete if the applicant has submitted all of the forms, maps, fees, and other submittal requirements required for the specified application. The Administrator may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.

(viii) Whenever two or more forms of review and approval are required under this code, the Administrator shall determine the order and timing of review. The Administrator may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

(b) Site Development Plans

(i) Purpose

Subdivisions and certain land uses are quite necessary to the proper development of the county, but likewise possess characteristics which warrant special review. These characteristics, in many situations, can easily become undesirable to some degree, basically because their intrinsic needs and/or appearance have a wide-ranging influence beyond their own perimeter. In conformance with the purposes of this code, it is hereby deemed prudent and necessary to apply limits and guidelines which shall both encourage good development and discourage undesirable effects on surrounding development through the use of the site development plan review procedure.

(ii) Applicability

A) Site development plan review is required for all new construction, structural alterations, and site improvements related to nonresidential principal uses and multi-family or group living residential uses.

B) The review of single-family dwellings and two-family dwellings shall be exempt from this review.

(iii) Procedure

A) Where a conditional use permit or variance is required for the proposed development, such reviews shall take place prior to the application for a site development plan review.

B) Upon application, the Administrator shall forward the application to the DRT who shall be responsible for providing comments and recommendations based on the agency the members individually represent.

C) The Administrator shall be responsible for coordinating the collection of comments and recommendations from DRT members to submit to the Planning Commission, who shall review them, along with the application, at a Planning Commission work session.

D) The Planning Commission shall discuss the application with the applicant and make informal recommendations for any revisions. Any discussions during the work session shall be non-binding on the Planning Commission.

E) The applicant shall be responsible for making any necessary revisions to the application and submitting the revised documents to the Administrator for distribution to the Planning Commission. The Planning Commission shall review and take action on the revised application, if applicable, at their next regular meeting following the submission of the revised application.

F) Approval of the application shall be an authorization for the applicant to move forward with applications for building permits or other required approvals.

(iv) Review Criteria

The following standards shall be utilized by the Planning Commission in the review of all site development plans. These standards are intended to provide a frame of reference for the applicant in the preparation of the site development plans as well as for the reviewing authority in making a judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation.

A) The proposed development is consistent with all the requirements of this code, and other related codes and ordinances of Madison County;

B) The proposed development is in compliance with the applicable zoning district regulations;

C) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., previously approved conditional use permits, variances, etc.);

D) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent properties;

E) The application addresses all comments and recommendations of the DRT; and

F) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

(v) Significance of an Approved Site Development Plan

A) An approved site development plan shall become, for the proposed development, a binding commitment of the specific elements approved for development, regardless if the ownership of the site is transferred.

B) All construction and development under any building permit or other required permits shall be in accordance with the approved site development plan. Any departure from such plan shall be cause for revocation of the building permit or other approved permits, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

(vi) Time Limit

A) The applicant shall submit a completed application for a building permit within one year of the date the site development plan was approved or the site development plan approval shall expire.

B) Upon expiration of a site development plan approval, a new application, including all applicable fees, shall be required before a new site development plan will be reviewed.

C) Upon written request, up to two extensions of six months each may be granted by the Administrator if the applicant can show good cause for a delay.

D) The Planning Commission may authorize alternative time limits for building permit issuance, as part of its approval, based on the scale of the proposed development.

(vii) Appeal of Planning Commission's Decision

Any person or entity claiming to be injured or aggrieved by any final action of the planning commission for a development plan decision shall appeal from the final action to the Circuit Court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review.

(c) Conditional Use Permits

(i) Purpose

The purpose of a conditional use permit procedure is to allow consideration for certain uses that, due to their unique and special nature relative to location, design, size, operations, circulation, and general impact on the community, need to be evaluated on a case-by-case basis.

(ii) Board of Adjustment Action

A) The Board of Adjustment shall hold a public hearing on the conditional use permit application.

B) The Board may approve, modify, or deny any application for a conditional use permit.

C) If the Board approves such permit, the Board may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature.

D) Any such conditions shall be recorded in the Board's minutes and on the conditional use permit along with a reference to the specific section in this code listing the conditional use under consideration.

E) The Board shall have the power to revoke conditional use permits for noncompliance with the conditions of approval. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in person for such cost.

F) The granting of a conditional use permit approval does not exempt the applicant from complying with all other requirements of this code or other applicable regulations.

G) All conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the County Clerk.

(iii) Public Notice

A) In addition to the notice required for all Board of Adjustment meetings in Article 2.01(c)(ix) Meetings and Procedures, whenever a conditional use permit application is made for land located within or abutting any residential district, written notice shall be given at least 14 days in advance of the public hearing on the application.

B) The Administrator shall send such written notice to the applicant, and owner of each property adjoining the property to which the application applies and such other persons as this code or Board of Adjustment bylaws shall direct.

C) Written notice shall be by first class mail with certification by the Administrator that the notice is mailed.

D) It shall be the duty of the applicant to furnish to the Board the name and address of any owner of each parcel of property as described in this subsection. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

E) In the event said property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.

(iv) Review Criteria

Decisions on a conditional use permit application shall be based on consideration of the following review criteria. All conditional use permit applications shall be subject to review under the criteria of this section, as applicable, and may also be subject to additional use-specific standards, as established in this code.

A) The proposed conditional use is established as an allowed conditional use in the applicable zoning district;

B) The proposed use is consistent with the spirit, purposes and intent of the Comprehensive Plan, the general purposes of this code, and the purposes of the zoning district in which the conditional use will be located;

C) The proposed use complies with any use-specific standards as may be established for the use as may be established in this code;

D) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity or general welfare;

E) The proposed use will be harmonious with the existing or intended character of the general vicinity, and such use will not change the essential character of the same area;

F) The conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood;

G) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

H) Adequate public facilities and services such as highways, street, police and fire protection drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be or are being provided;

I) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets, and adequate consideration has been given to the proximity of access drives to street intersections relative to the anticipated volume of traffic;

J) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;

K) The use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;

L) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible; and

M) Wherever there are no use-specific standards for the proposed use related to street frontage, height, setbacks, or other lot and site regulations, then such use shall be subject to the lot and site regulations for the applicable zoning district.

(v) Time Limit

A) In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation, unless there has been a public hearing.

B) Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree or that pre-requisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(vi) Approved Conditional Use Applicability

A conditional use permit approval applies to the applicant for which it is granted, and not to the property for which it was issued. A conditional use permit does not run with the land and is not transferable to any future owner of the land and cannot be transferred by the applicant to a different site.

(vii) Administrator Reviews and Actions

A) The Administrator shall review all conditional use permits except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions listed on the conditional use permit.

B) If the landowner is not complying with all of the listed conditions, the Administrator shall report the fact in writing to the Chair of the Board. The report shall state specifically the manner in which the landowner is not complying and a copy of the report shall be provided to the landowner at the same time it is provided to the chairman of the board. The Board of Adjustment shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board finds that the facts alleged in the report are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

C) Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in KRS 100.329. Thereafter said use, if it continues to meet the other requirements of the regulations will be treated as a permitted use.

(viii) Appeals From the Board of Adjustment's Decision

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the circuit court of Madison County. Such appeal shall be taken within 30 days after the final action of the Board. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

(d) Variances

(i) Purpose

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(ii) Board of Adjustment Action

A) The Board of Adjustment shall hold a public hearing on the variance application.

B) The Board may approve, modify, or deny any application for a variance.

C) If the Board approves such variance, the Board may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature.

D) Any such conditions shall be recorded in the Board's minutes and on the conditional use permit along with a reference to the specific section in this code listing the conditional use under consideration.

E) The Board shall have the power to revoke variance approval for noncompliance with the conditions of approval. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in person for such cost.

F) The granting of a variance approval does not exempt the applicant from complying with all other requirements of this code or other applicable regulations.

G) All variances approved by the Board of Adjustment shall be recorded at the expense of the applicant in the Office of the County Clerk.

(iii) Public Notice

A) Public notice for any variance application shall be made in the same manner as a conditional use permit application in Article 2.02(c) Conditional Use Permits.

(iv) Findings Necessary for Granting Variances

A) Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance:

1) That the granting of the variance will not adversely affect the public health, safety or welfare;

2) Will not alter the essential character of the general vicinity;

3) Will not cause a hazard or nuisance to the public; and

4) Will not allow any unreasonable circumvention of the requirements of these regulations.

B) In making these findings, the Board shall consider whether:

1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district;

2) The strict application of the provisions of this regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

C) The Board shall deny any request for a variance arising from circumstances that are the result of the willful violations of the regulations by the applicant subsequent to the adoption of the regulation from which relief is sought.

D) The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the applicable zoning district, or to alter density requirements in the applicable zoning district.

(v) Time Limit

A) The applicant shall submit a completed application for a building permit within one year of the date the variance was approved or the variance approval shall expire.

B) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a variance request will be reviewed.

C) Upon written request, up to two extensions of six months each may be granted by the Administrator if the applicant can show good cause for a delay.

D) The Board of Adjustment may authorize alternative time limits for building permit issuance, as part of its approval, based on the scale of the proposed development.

(vi) Approved Variance Applicability

A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

(vii) Appeals From the Board of Adjustment's Decision

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the circuit court of Madison County. Such appeal shall be taken within 30 days after the final action of the Board. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

(e) Administrative Appeals

(i) Purpose

The appeals process is the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

(ii) Board of Adjustment Action

A) Appeals to the Board may be taken by any person or entity, claiming to be injuriously affected or aggrieved by an official action or decision of the Administrator, or their designee.

B) Such appeal shall be taken within 30 days after the appellant or his agent receives official notice of the action, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record.

C) Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings.

D) At the public hearing on the appeal held by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

E) The Board will rehear any appeal only in cases where new evidence is available, or where the appealing person or entity desires a complete transcription for the court record.

(iii) Public Notice

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrator at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or by attorney.

(iv) Appeals From the Board of Adjustment's Decision

Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the circuit court of Madison County. Such appeal shall be taken within 30 days after the final action of the Board. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

(f) Land Development Code and Zoning Map Amendments

(i) Purpose

The purpose of the land development code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code with due notice given to the public as required by KRS 424.

(ii) Application

A) A proposal or application to amend the zoning map may originate with the Planning Commission, the Fiscal Court, or with an owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption.

B) A proposal to amend the text of this code may originate with the Planning Commission or the Fiscal Court.

(iii) Planning Commission Review

A) Upon the filing of an application of an amendment to the text of the code or the zoning map, the Planning Commission shall hold a public hearing after notice has been given as required by Article 2.02(f) Land Development Code and Zoning Map Amendments.

B) In the case of a proposed amendment originating with the Fiscal Court, the Planning Commission shall make its recommendation within 60 days of the date of its receipt of the proposed amendment

C) At the public hearing, the Planning Commission shall study and review the application as provided in this code and its bylaws. The Planning Commission may require the submission of additional information.

D) In making a recommendation, the Planning Commission shall make findings of fact and a recommendation of approval or disapproval of the proposed text or zoning map amendment to the Fiscal Court. The findings of fact and recommendations shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed change.

E) A tie vote of the Planning Commission shall be subject to further consideration by the Planning Commission for a period not to exceed 30 days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court without a recommendation of approval or disapproval.

F) If the application is for an amendment to the zoning map, the Planning Commission must first find if the proposed amendment is in agreement with the adopted comprehensive plan. In the absence of such a finding, it must then find:

1) That the existing land use classification given to the property is inappropriate, and the proposed land use classification is appropriate, or

2) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

G) If the application is for an amendment to the text of this code, the Planning Commission must first find if the proposed amendment is in agreement with the adopted comprehensive plan.

H) In its deliberations, the Planning Commission may require the submission of a site development plan. If a site development plan is approved as part of the land use amendment, a certificate of land use restriction must be filed.

I) The Planning Commission shall make a finding of fact which shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for amendment to the land use management map be approved or disapproved, the Planning Commission shall forward its finding of fact and recommendation in writing to the Fiscal Court.

(iv) Action by the Fiscal Court

A) The Fiscal Court shall not act upon a proposed amendment to the text of this code until it shall have received the written recommendation from the Planning Commission. It shall take an affirmative vote of a majority of the Fiscal Court to override the recommendation of the Planning Commission.

B) The Fiscal Court shall not act upon a proposed amendment to the zoning map until it shall have received the written findings of fact and recommendation from the Planning Commission. If the Planning Commission denied the requested amendment, before the Fiscal Court can approve such amendment, it must take a majority vote of the membership of the Fiscal Court to override the recommendations of the Planning Commission.

C) Unless a majority of the Fiscal Court decides to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the Fiscal Court adopting the zoning map amendment shall be deemed to have been passed by operation of law.

(v) Action Upon Disapproval

When an application for a zoning map has been disapproved by the Planning Commission or Fiscal Court, a request for another zoning change for that lot of land shall not be filed within 12 months of the date of disapproval. However, the applicant may submit a letter (within 90 days following the disapproval) to the Planning Commission requesting reconsideration based upon an application that is substantially different from that previously submitted. The Planning Commission shall consider the request at its next regular business meeting and make a determination as to whether the new proposal should be considered in a public hearing as required by these regulations.

(vi) Public Notice

A) When a hearing is scheduled for a proposal by a property owner to amend the zoning map, the owner or owner's representative shall provide the names and mailing addresses of property owners who are to receive written notice pursuant to this section. The Administrator shall certify the names and addresses to ensure proper notice is provided and shall be responsible for providing the notice to the general public as required by statute, local regulation, or ordinance. Such notice will include the following three measures:

1) Notice of the hearing shall be posted on a sign conspicuously placed on the property for 14 consecutive days prior to the hearing. Sign requirements/specifications are defined as part of the application for the zoning amendment.

2) Notice of the hearing shall be published in the newspaper of general circulation in the county, for at least one day, not earlier than 21 days or later than seven days before the public hearing. The published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two streets on either side of the property which intersects the street on which the property is located (if applicable). When the property in question is located at the intersection of two streets the notice shall designate the intersection by name of both streets rather than name the two streets on either side of the property. An example of an approved newspaper notice is included with the application for a zoning map amendment.

3) Notice of the hearing shall be given by certified mail at least 14 days in advance of the hearing. This notice will be provided to all property owners whose property adjoins (to include property across a street or road) the property of the proposed zoning map change. It shall be the duty of the person or persons proposing the change to furnish to the Administrative Official the names and mailing addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner(s) of said property. Certification of this mailing shall be provided to the Administrator no later than three days after the actual mailing, using photocopies of the PS Form 3800 Receipt for Certified Mail used on the certified letters for each of the applicable property owners. In addition, the owner or owner's representative will use the Planning and Development Office return address in the space provided on the back (hidden) side of the PS Form 3811 that is attached to the certified letter. This will result in the notification of receipt being returned to the Office of Planning and Development, thereby establishing certification that the notices were received by the respective adjoining property owners.

4) If an adjoining property is in condominium or cooperative form of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.

B) When the Planning Commission or Fiscal Court originates a proposal to amend the zoning map, notice of the public hearing before the Planning Commission or Fiscal Court shall be given at least 30 days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records of the property valuation administrator may be relied upon to determine the identity and address of said owner.

C) If the property the classification of which is proposed to be changed adjoins property in a different planning unit, notice of the hearing shall be given at least 14 days in advance of the hearing, by first class mail to the Planning Commission of that planning unit.

(g) Subdivision Review

(i) Purpose

The purpose of the subdivision review procedure is to provide a method of review for any subdivision of land to ensure that proposed lots, streets, public improvements, and other critical facilities are in compliance with this code.

(ii) Authority

The Fiscal Court's authority and responsibilities related to the subdivision of land are stated in KRS 100.277, as follows:

A) No person or their 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 Chair or the Administrator.

B) No person owning land comprising a subdivision, or their 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.

C) 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.

D) The applicant 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.

E) 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 to 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.

(iii) Procedure

A) Informal Advisory Meeting

In addition to these formal requirements, the applicant 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 applicant should notify the Planning Commission at least 10 working days prior to its regularly scheduled meeting of their intention to subdivide property and request an advisory meeting for review of a sketch plat. Any discussions had, or recommendations made, during the course of the informal advisory meeting shall not be binding on the Planning Commission.

B) Determination of Minor or Major Subdivision

1) At the time the application is filed, including a request for informal advisory meeting, the Administrator shall determine whether the proposed subdivision constitutes a major or minor subdivision. To qualify for consideration as a minor subdivision, the Administrator must find that the proposed subdivision consists of a division of land into not more than three parcels, including the parent tract, where:

a. All the proposed lots have a minimum of 100 feet of frontage on an existing public street or roadway,

b. The proposed subdivision does not involve an opening, widening, or extension of streets or utilities; and

c. The proposed subdivision is not part of a lot that has been previously approved by the Planning Commission within the past 24 months.

2) The Administrator may also make a determination for minor subdivision review if the proposed subdivision or application:

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

b. 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.

3) All proposed minor subdivision plats that are located within one-half mile, as measured along a roadway, in any direction of a minor subdivision plat that has been approved within the past 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.

4) Exception

Where a minor subdivision is being proposed on an existing property where the road frontage requirements, as set forth in this code, cannot be obtained, one exception to the road frontage requirements may be approved under the following conditions:

a. The lots shall be used solely for single family residential or agricultural purposes.

b. A note shall be placed on the plat clearly stating, “No further division of any of the tracts contained herein until such time that the private road/access easement is upgraded to meet the County Road Standards in effect, at the property owner’s sole expense.

c. A note shall be placed on the plat stating the road is a privately maintained road.

d. The parcels created shall be provided access to a publicly maintained road with the creation of a new private road/access easement. The proposed or existing private road/access easement shall provide a minimum of 50 feet in access easement width and shall have gravel, blacktop or concrete road base, a minimum of 10 feet in width, and shall be maintained in a manner that will not prevent the easy access by emergency service vehicles.

e. All lot dimensional requirements shall meet the requirements listed in Article 3.04 General Regulations for Zoning Districts and Overlay Districts, fronting onto the private road/access easement.

f. Where an existing access easement is provided, the applicant shall provide documentation to the Planning Commission confirming legal rights to utilize the existing access easement as proposed, and to provide written authorization to make the required improvements on the private road/access easement.

g. Where private roads (access easements) are proposed or requested to be accepted into the County’s Road Maintenance System the applicant shall provide a written petition bearing signatures of 100% of the property owners utilizing the easement requesting the private road (access easement) to be dedicated to the County as a public street. All private roads (access easements) proposed to be dedicated as a County maintained road shall meet the Madison County Road Standards of in the event where the private road needs to be upgraded to meet County Road Standards the following shall apply:

i. A major plat shall be submitted to the Planning Commission depicting the proposed public right of way including the exact location, length and width;

ii. 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;

iii. 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 Article 5.16 Construction Guarantees.

h. Utility easements shall be provided outside the access easement area.

i. All other minor plat requirements as noted above shall still apply.

5) All other plats or division submitted, that do not meet the above criteria, will be considered a major subdivision. The Planning Commission must review all plats or subdivisions considered a major subdivision. Such plats must meet the criteria set forth as a major subdivision plat.

C) Minor Subdivision (Minor Plat) Review

1) Upon the determination that an application for minor subdivision is complete, the Administrator shall take one of the following actions:

a. The Administrator shall have the authority to make a determination that a minor subdivision application should be forwarded to the full Planning Commission due to the complexity of the application, proximity to other subdivisions, potential need for additional utility or stormwater review, or by recommendation of the DRT. In such cases, the application shall be reviewed in the same manner as a preliminary plat.

b. If the Administrator does not determine that the minor subdivision application should be forwarded to the full Planning Commission, then such application shall be forwarded to the Chair or Vice-Chair who shall approve or disapprove the plat, or they may waive their authority and recommend the plat be considered by the entire Planning Commission in the same manner as a preliminary plat.

2) Upon approval, the plat shall be recorded in accordance with Article 2.02(g)(iii)F) Plats of Record and Time Limits.

D) Major Subdivision (Major Plat) Review

1) The applicant shall submit a preliminary plat in accordance with this code. The purpose of the preliminary plat is to provide the Planning Commission with a graphic statement of the proposed lot division and layout and 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 applicant. Upon Planning Commission approval of the preliminary plat, the applicant 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 applicant shall show the entire proposed development on the preliminary plat. Phases of development shall occur in such a way as to minimize the cost of extending utilities.

2) The DRT shall conduct a technical review of all plats and submit written comments to the Planning Commission no later than 10 working days prior to the Planning Commission work session where the application will have an initial review by the Planning Commission. These comments will focus upon any concerns and/or conditions that need to be addressed regarding the plat.

3) The Planning Commission shall review the report of the Development Review Team and shall receive additional information at its regular work session meeting. The applicant 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 Planning Commission.

4) 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; and
- **e.** Comments expressed by the public at a Planning Commission meeting.

5) 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.

6) Within 60 days of the Planning Commission meeting on the preliminary plat, it shall make one of the following decisions:

- **a.** Approve the preliminary plat,
- **b.** Approve the preliminary plat subject to conditions,
- **c.** Disapprove the preliminary plat, unless such time is extended by agreement of the Planning Commission and the applicant; or
- **d.** Postpone taking action for specific stated reasons for up to 30 days.

7) 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.

8) 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.

9) At such time as a preliminary plat has been approved by the Planning Commission, one copy shall be returned to the applicant for compliance with final approval requirements. Such approval shall be effective for one 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 months may be granted provided the applicant submits a written request to the Planning Commission and they approve such request.

10) If, after the Planning Commission has approved a preliminary plat, the applicant 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.

11) Within one year of approval of the preliminary plat, or any extended time authorized by the Planning Commission, the applicant shall submit a 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 applicant proposes to record and develop. No final plat shall be approved until at least 30 days following the approval of the preliminary plat. No final plat will be reviewed by the Planning Commission at the business meeting until all items from the preliminary and final plats have been completed.

12) Failure to submit the final plat within the allowed timeframe shall require reapproval of the expired preliminary plat. An extension of six months may be granted provided the applicant submits a written request to the Planning Commission and they approve such a request.

13) Copies of the final plat will be transmitted to the Development Review Team who will check said plat as to computations, certification, monuments, etc., and will ensure 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 applicant’s engineer or road supervisor will provide a detailed breakdown of the individual development costs for the project as well as the percentage of work completed on each improvement. The applicant’s engineer will verify that the amount is sufficient to cover the cost of the required improvements yet to be completed.

14) Within 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 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 applicant 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 45 days and shall be a public way for all purposes.

E) Waivers

1) Where the Planning Commission finds that strict compliance with the regulations of Article 5: Subdivision Design Standards 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.

2) Any waiver of these regulations shall be specifically requested in writing by the applicant 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.

3) The granting of any waiver shall be based upon the applicant making a written request to the Planning Commission.

4) 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.

5) No waivers shall be granted that would be detrimental to promotion of public health, safety, and general welfare.

F) Plats of Record and Time Limits

1) 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 Article 2.02(g)(ii) Authority of this code.

2) Recording of Plat (KRS 100.344)

a. All final plats and minor plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk.

b. Following approval of the final plat or minor plat, the Administrator shall return one copy of the plat to the applicant with Planning Commission certification thereon for filing with the clerk as an official plat of record.

c. The plat being recorded shall be no more than 24 x 36 inches in size.

d. A final plat or minor plat, as applicable, shall be recorded within one year of approval by the Planning Commission or else the approval automatically expires. The applicant may request an extension of six months. Such written request must be submitted to the Planning Commission prior to the plat's expiration.

3) Land Sold in Violation (KRS 100.341)

a. 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 code.

b. When land is sold or transferred, or a contract has been entered into for sale or transfer of land in violation of this code, the land shall be governed by the subdivision regulations of this code 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 code pertaining to subdivision regulations.

G) Appeals

1) Any person or entity claiming to be injured or aggrieved by any final action of the Administrator shall be made in accordance with Article 2.02(e) Administrative Appeals.

2) 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.

(h) Certificates Of Land Use Restrictions

(i) When land use restrictions are imposed, to include variances, conditional use permits, , unrecorded preliminary subdivision plats and development plans, but not including zoning map amendments, which impose no limitations or restrictions upon the use of the subject property other than those generally applicable to properties within the same land use district and not including any recorded subdivision plat, a certificate of land use restriction must be completed by the appropriate body (Planning Commission, Board Of Adjustment, or Fiscal Court) which finally adopts or imposes the land use restriction.

(ii) The certificates shall be filed with the County Clerk within 30 days of the date upon which the body takes final action to impose or adopt the restriction.

(iii) The Fiscal Court shall collect the County Clerk's filing fee (not to exceed $10.50) from the applicant at the time any processing is initiated which may result in the imposition, adoption, amendment or release of any land use restriction. The fee shall be refunded to the applicant in the event no land use restriction is imposed or adopted as a result of the proceeding. The County Clerk shall upon receipt of the fee, file and maintain these certificates among the official records of the office.

(iv) The County Clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The county clerk shall maintain in the office a record of the name and address of the agency having custody of the official zoning map for the County.

(v) When a restriction reflected on the certificate is amended, a new certificate shall be filed. In the case of such amendment or in the event the original restriction is released, the previous certificate shall be released by the secretary of the body which amended or released the restriction in the same manner as releases of encumbrances upon real estate.

(vi) The failure to file, to file on time, or to complete the certificate properly or accurately shall not affect the validity or enforceability of any land use restriction or regulation. An improper filing may be cured by a subsequent proper filing. Nothing herein shall affect the running of time for any appeal or other act for which a time limit is prescribed in these regulations.

(vii) When a zoning map amendment is filed for more than five contiguous properties, or a land use restriction is imposed upon two or more properties or lots in the same proceedings, a single certificate shall be filed for all the properties or lots collectively, and a single fee shall be paid.

2.03 Enforcement and Penalties

(a) Violations

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a written complaint stating fully the causes and basis thereof, with the Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereof as provided for in this code.

(b) Penalties

(i) Violations or failure to comply with the requirements of this code shall constitute a misdemeanor. Any person who so violates this code or fails to comply with any of its requirements shall upon conviction be fined not less than 10 dollars, but no more than 500 dollars for each conviction. In the case of lots or parcels that are sold or transferred, or contracted for sale or transfer in violation, shall be fined not less than 100 dollars, nor more than 500 dollars for each lot or parcel involved. Each day shall constitute a separate offense.

(ii) 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 code or regulations adopted hereunder.

ARTICLE 3: ZONING DISTRICTS & USE REGULATIONS

3.01 Purpose

The purpose of this section of the code is to classify, regulate, and restrict the use of land and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to realize the general purposes set forth in Article 1: General Provisions of this code. In order to accomplish this purpose, Madison County is divided into zoning districts and overlay districts.

3.02 Establishment of Zoning Districts

(a) Zoning Districts Established

The following zoning districts have been established to specify allowable uses of the land and the regulations that are imposed in each district.

ZONING DISTRICTS	
Name of District	**Abbreviation**
Agricultural	AG
Single-Family, Low-Density	SF-LD
Single-Family, Moderate-Density	SF-MD
Multi-Family, Moderate-Density	MF-MD
Multi-Family, High-Density	MF-HD
Manufactured Home Park	MH
Neighborhood Business	NB
General Business	GB
Light Industrial	LI
Heavy Industrial	HI
Resource Extraction	RE
Public / Semi-Public	PSP
Planned Unit Development	PUD

(b) Overlay District Established

Where land is classified into an overlay district as well as a zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying zoning district. In the event of an expressed conflict between the standards of the overlay district and the zoning district, the standards governing the overlay district shall control.

OVERLAY DISTRICT
Urban Corridor Overlay District

3.03 Official Zoning Map

(a) Official Map

The zoning districts and overlay districts described in this code are shown on the Official Land Use Management Map of Madison County ("Official Map" or "Official Land Use Management Map"). The Official Map shall be identified by the title "Official Land Use Management Map of Madison County, Kentucky" and shall bear the signature of the County Judge Executive, attested by the County Clerk, and bear the seal (of the county) located under the following words: "Official Land Use Management Map of Madison County, Kentucky" followed by the adoption date.

(b) District Locations and Boundaries

The locations and boundaries of the zoning districts are established on the *Official Land Use Management Map*, as amended.

(c) Interpretation of Boundaries

When uncertainty exists in the approximate location of a zoning district boundary, the boundary shall be construed as following the applicable feature as outlined below. Where physical or cultural features existing on the ground are at variance with those shown on the map, or in other circumstances not covered below, the Planning Commission shall interpret the district boundaries as:

(i) Center line of streets, highways, alleys, streams, canals, lakes, and railroad lines;

(ii) County limits boundary and platted property lines; or

(iii) Parallel to, or extensions of, features, with distances indicated on the map or determined by use of the map scale.

(d) Revisions

When an amendment is made to the official map, it shall be posted on the map, along with the code number, promptly following final approval by the Fiscal Court. No changes shall be made to the official map except in conformity with the procedures set forth in this section and in KRS 100. The Official Land Use Management Map shall be maintained in the Planning and Development Office and shall be the final authority as to the current land use classifications of Madison County.

(e) Copies

The Administrator may authorize printed copies of the Official Land Use Management Map to be produced for reference and shall maintain digital or printed copies of superseded versions of the Official Land Use Management Map for historical reference.

3.04 General Regulations for Zoning Districts and Overlay Districts

(a) Allowable Land Uses

Table 8: Permitted Land Uses identifies the land uses that are “permitted,” “permitted with standards,” allowed by “conditional use,” or allowed by “conditional use with standards” for each zoning district. Any land use not listed for a particular zoning district (or deemed not sufficiently similar to a listed use as described in the process in Article 3.04(b) Clarifying Land Uses shall be prohibited. Each zoning district outlines the following types of allowable land uses.

(i) Permitted Uses (P and P-S)

These are principal uses that are deemed to be the most appropriate uses and are allowed in a district or area. Those uses that are permitted with standards (P-S) are subject to the restrictions applicable to that district as well as the additional land use standards outlined in Article 3.07 Establishment of Development Standards for Specific Uses. If a use is permitted with standards and the use does not meet all applicable standards, it shall be considered a conditional use.

(ii) Conditional Uses (C and C-S)

A use which is essential to or would promote the public health, safety, or welfare in a specific district but would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation. Those uses that are allowed as conditional with standards (C-S) are subject to the restrictions applicable to that district and the additional land use standards outlined in Article 3.07 Establishment of Development Standards for Specific Uses as well as any additional restrictions deemed necessary by the Board of Adjustment. The additional land use standards for conditional uses may be modified by the Board of Adjustment but are intended to set a minimum threshold for the use regardless of the district in which it is located.

(iii) Permitted Temporary Uses

Those permitted and/or conditional uses that are temporary in duration and deemed appropriate uses and allowable in the district, subject to the restrictions applicable to that district and/or additional land use standards outlined in Article 3.07 Establishment of Development Standards for Specific Uses.

(b) Clarifying Land Uses

For land uses not listed but that are similar or related to a use that is a permitted use, conditional use, the Administrator shall attempt to determine if the desired land use is similar to a listed land use using the following methodology.

(i) Use is Similar to a Listed Use

If the desired land use is determined to be similar to a land use listed in the zoning regulations in terms of intensity (such as traffic, floor area, operations, impacts, etc.); character; potential for accessory uses; and intent/purpose of the zoning district, the respective process and development standards for the similar use shall be followed.

(ii) Use is Not Similar to a Listed Use

If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited. This decision may be appealed to the Board of Adjustment (see Article 2.02(e) Administrative Appeals).

(iii) Uncertainty

In the case of uncertainty or disagreement in classifying a land use, the Administrator or applicant may refer the request for land use clarification or classification to the Board of Adjustment for consideration and final decision (See Article 2.02(e) Administrative Appeals).

(c) Land Use Exceptions

(i) Agricultural Uses

Notwithstanding any other provision of this code, land which is used solely for agricultural use as defined in KRS 100.203(4), and established prior to any local zoning regulations that regulate such use, shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, or location requirements for agricultural buildings, except that setback lines may be required for the protection of existing and proposed streets and highways and that buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated KRS 111(2)(c).

(ii) Public Utility Facilities

Public utilities operating under the jurisdiction of the Public Service Commission, except as specified in KRS 100.987, or the Department of Vehicle Regulation or Federal Energy Regulatory Commission, any municipally owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. All uses and/or entities not regulated by KRS 100.324 shall not be exempt from approval and/or the regulations of the local planning unit.

A) Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility.

B) The Federal Energy Regulatory Commission does not have jurisdiction over the location or routing of a pipeline constructed or converted to use for transportation of hazardous liquids.

C) The Public Service Commission and the Department of Vehicle Regulation shall give notice to the planning commission of any planning unit of any hearing which affects locations or relocations of service facilities within that planning unit's jurisdiction.

D) The nonservice facilities excluded in this section must be in accordance with the zoning regulations.

E) Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.

F) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within 60 days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the 60-day period or until the planning commission issues its report, whichever occurs first.

(d) Development Standards Measurement

(i) General

The development standards (including but not limited to lot width, setbacks, and building height) are interpreted and measured as defined in Article 7.02 Definitions.

(ii) Corner Lots

All yards that abut a public or private road shall be considered front yards. Corner lots shall have two front yards in addition to one rear yard and one side yard as determined by the Administrator.

(e) Dedication of Right-of-Way

The width of all rights-of-way shall comply with the minimum standards outlined in this code. If there are conflicts, the more restrictive regulation shall apply. If a right-of-way width is less than the minimum required, additional right-of-way shall be dedicated to Madison County as outlined in Article 5.08 Transportation in order to meet the minimum standards.

3.05 Zoning Districts

The following land uses and development standards are established for each zoning district.

(a) Agricultural District (AG)

(i) Purpose

The Agricultural District is intended for agricultural uses and to protect and preserve the supply of farmland and economic resource it provides by discouraging urban development in primarily agricultural areas. Non-farm residential uses should be limited, when possible, to provide for large areas of contiguous farm land and land uses associated with agritourism.

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

(iii) Agricultural District: Uses & Development Standards

A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional ©, and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

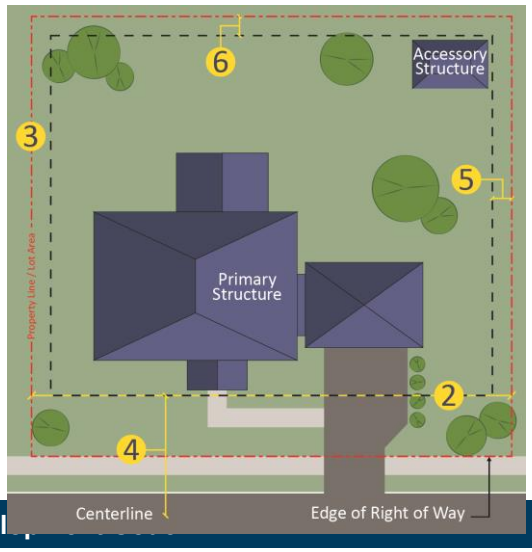
B) Table 1: AG District Development Standards Identifies the development standards that apply to all development within this zoning district.

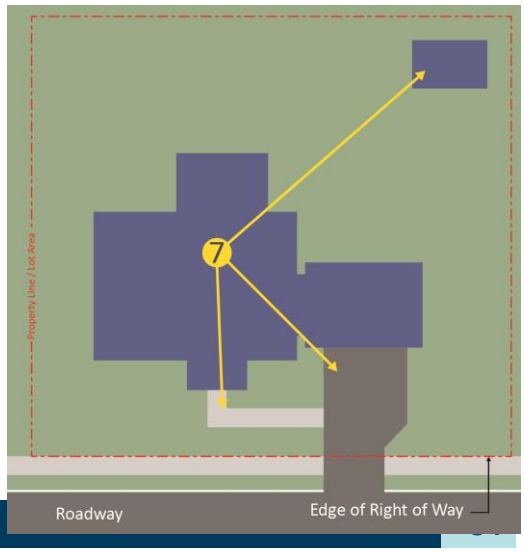
C)

TABLE 1: AG DISTRICT DEVELOPMENT STANDARDS

	Standard		AG District
1	Maximum Height of Structures		40 feet
2	Minimum Lot Width		100 feet[1]
3	Minimum Lot Area		5 acres ***or*** 1 acre if single-family residential is primary use
4	Minimum Front Yard Setback	County Roads	50 feet from centerline
		State Roads	50 feet from centerline but at least 25 feet from property line
		Interstates	25 feet from property line
5	Minimum Side Yard Setback		10 feet
6	Minimum Rear Yard Setback	Primary Structure	25 feet
		Accessory Structure	10 feet
7	Maximum Impervious Surface Coverage		50%
	Public Water Required		No
	Public Sewer Required		No
	Maximum Fire Protection Distance to Lot		N/A

1 – Lots that are subdivided shall also comply with Article 5: Subdivision Design Standards for road frontage





(b) Single-Family Residential Districts (SF)

(i) Purpose

A) Single-Family, Low-Density Residential District (SF-LD)

The Low-Density Residential District is intended for areas within Madison County where single-family houses are appropriate on larger lots. These areas can serve as transitions between suburban development and agricultural areas.

B) Single-Family, Moderate-Density Residential District (SF-MD)

1) The Moderate-Density Residential District is intended to provide the densest single-family, detached residential development within Madison County. This district should serve as a transition between lower-density residential and higher-density multi-family residential or neighborhood commercial development within the county.

2) The district shall be located in developed areas that are well served by major roadways, sanitary sewer, water, and other major utilities, and community facilities and allow for a variety of housing types, facilities, and residential services necessary to meet the demands of local residents.

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

(iii) Single-Family Residential Districts: Uses & Development Standards

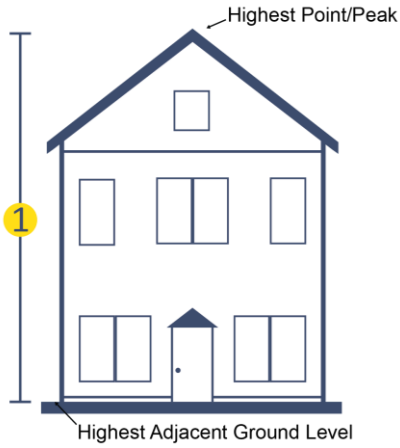
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), condition©(C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

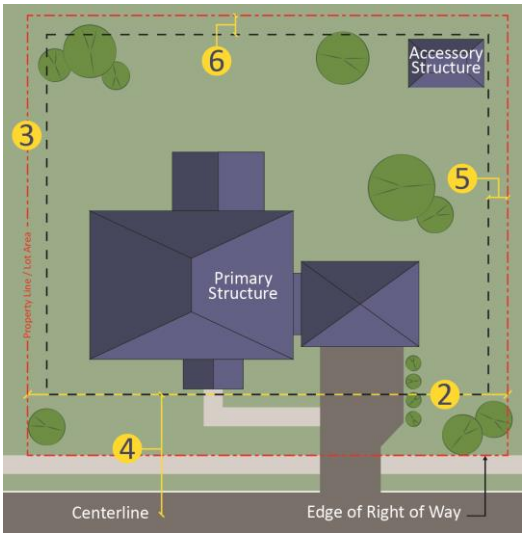
B) Table 2: Residential Districts Development Standards identifies the development standards that apply to all development within this zoning district.

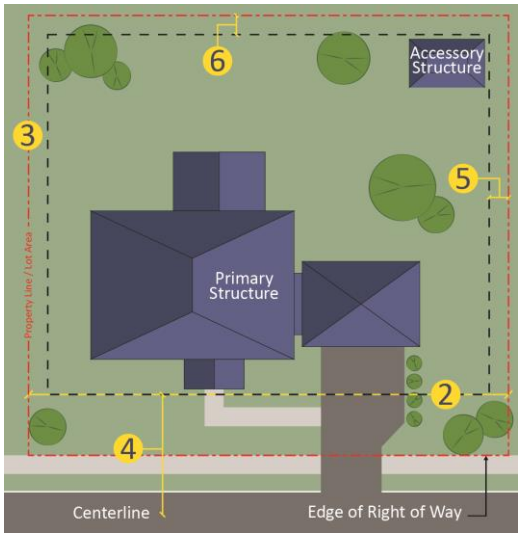
TABLE 2: RESIDENTIAL DISTRICTS DEVELOPMENT STANDARDS

	Standard		SF-LD District	SF-MD District
1	Maximum Height of Structures		40 feet	40 feet
2	Minimum Lot Width		100 feet or 50 feet on cul-de-sacs	80 feet or 40 feet on cul-de-sacs
3	Minimum Lot Area	With Sewer	21,780 sq ft (0.5 acre)	12,000 sq ft or 9,000 sq ft with minimum 20% open space[1]
		Without Sewer	1 acre	N/A
4	Minimum Front Yard Setback	County Roads	50 feet from centerline	50 feet from centerline
		State Roads	50 feet from centerline but at least 25 feet from property line	50 feet from centerline but at least 25 feet from property line
		Interstates	25 feet from property line	25 feet from property line
5	Minimum Side Yard Setback		10 feet	10 feet
6	Minimum Rear Yard Setback	Primary Structure	25 feet	25 feet
		Accessory Structure	10 feet	10 feet
7	Maximum Impervious Surface Coverage		40%	50%
	Public Water Required		No	Yes
	Public Sewer Required		No	Yes
	Maximum Fire Protection Distance to Lot[2]		N/A	5 miles

1 – Overall development / subdivision shall comply with the minimum open space requirements as outlined in Article 5.15 Community Facilities and Open Space.
2 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.







(c) Multi-Family Residential Districts (MF)

(i) Purpose

A) Multi-Family, Moderate-Density (MF-MD)

The Multi-Family, Moderate Density District is intended to provide for the development of dense neighborhoods while ensuring compatibility with existing patterns of development. New development may contain mixed residential densities and lot sizes with varied single-family, two-family, attached single-family housing, and condominium types. The district shall be located in developed areas that are well served by major roadways, sanitary sewer, water, and other major utilities and community facilities, and should serve as a buffer between less-dense residential districts and commercial and industrial uses.

B) Multi-Family, High-Density (MF-HD)

The Multi-Family, High-Density District is intended to provide for the highest density of housing within the county while also considering transitions between lower-density residential and commercial or other uses. The district shall be located in developed areas that are well served by major roadways, sanitary sewer, water, and other major utilities and community facilities, and should serve as a buffer between less-dense residential districts and commercial and industrial uses.

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

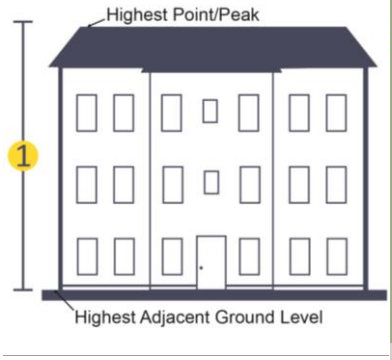
(iii) Multi-Family Residential Districts: Uses & Development Standards

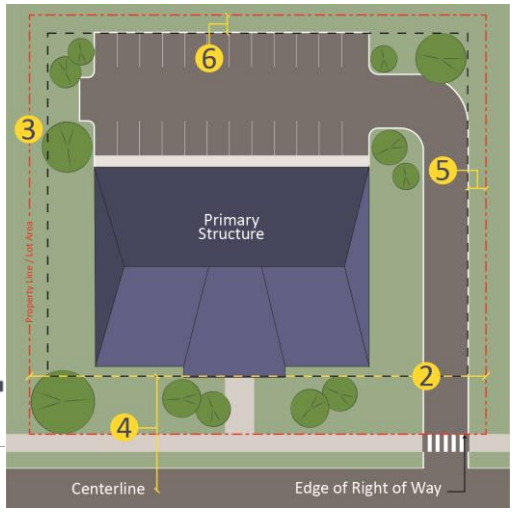
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional (C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

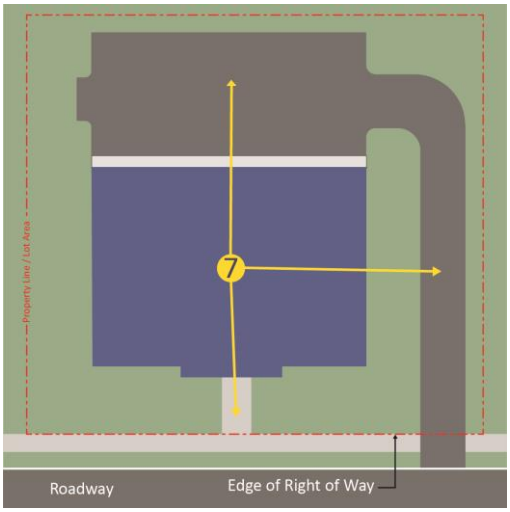
B) Table 3: Multi-Family Districts Development Standards identifies the development standards that apply to all development within this zoning district.

TABLE 3: MULTI-FAMILY DISTRICTS DEVELOPMENT STANDARDS			
	Standard	**MF-MD District**	**MF-HD District**
1	Maximum Height of Structures	40 feet or 3 stories, whichever is greater	40 feet or 3 stories, whichever is greater
2	Minimum Lot Width	100 feet[1]	100 feet[1]
3	Minimum Lot Area	N/A	5 acres
	Maximum Density	14.24 units / acre	14.24 units / acre
4	Minimum Front Yard Setback – County Roads	50 feet from centerline	50 feet from centerline
	Minimum Front Yard Setback – State Roads	50 feet from centerline but at least 25 feet from property line	50 feet from centerline but at least 25 feet from property line
	Minimum Front Yard Setback – Interstates	25 feet from property line	25 feet from property line
5	Minimum Side Yard Setback	10 feet or 0 feet for single-family attached	10 feet or 0 feet for single-family attached
6	Minimum Rear Yard Setback – Primary Structure	25 feet	25 feet
	Minimum Rear Yard Setback – Accessory Structure	10 feet	10 feet
7	Maximum Impervious Surface Coverage	75%	75%
	Minimum Open Space	0.05 acres of useable open space[2]	0.05 acres of useable open space[2]
	Public Water Required	Yes	Yes
	Public Sewer Required	Yes	Yes
	Maximum Fire Protection Distance to Lot[3]	5 miles	5 miles

1 – Lot width may be reduced to 20 feet for single-family attached dwellings if a minimum of 120-foot lot depth is provided.
2 – Shall comply with the minimum open space requirements as outlined in Article 5.15 Community Facilities and Open Space.
3 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.







(d) Manufactured Home Park District (MH)

(i) Purpose

The Manufactured Home Park District is intended for existing developments of high-density manufactured homes and mobile homes. The district shall be located in developed areas that are well served by major roadways, sanitary sewer, water, and other major utilities and community facilities.

(ii) State and Local Codes and Permits

A) Manufactured home parks shall meet all of the state requirements as provided in KRS 219.310 to KRS 219.410, and Kentucky Administrative Regulations 902 KAR Chapter 15, as well as the requirements of this code, including all manufactured home park regulations and structure standards.

B) All required state permits as provided in K.R.S. 219.310 to 219.40, and Kentucky Administrative Regulations 902 KAR Chapter 15 shall be obtained prior to issuance of any building permits.

C) 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.

D) Water distribution lines and connections shall comply with the state Plumbing Code.

E) Building permits shall be required for the placement of individual manufactured homes and their accessory structures. All structures shall comply with all applicable building codes and manufacturer specifications.

F) 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.

(iii) General Requirements

A) Conditions of soil, groundwater level, drainage, geologic structures, and topography shall not create hazard to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor or noise, or the possibility of subsidence, sudden flooding, or severe erosion.

B) Manufactured home parks are not permitted in a floodplain or floodway.

(iv) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

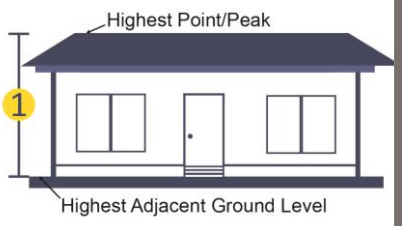
(v) Manufactured Home Park District: Uses & Development Standards

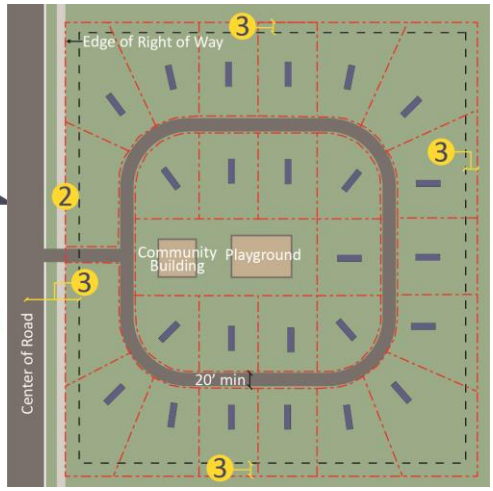
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional (C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

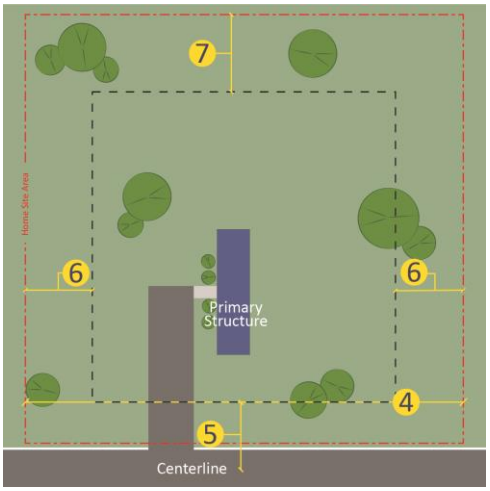
B) Table 4: MH District Development Standards identifies the development standards that apply to all development within this zoning district in addition to all additional standards in this section and code.

TABLE 4: MH DISTRICT DEVELOPMENT STANDARDS		
Standard		**MH District**
1 Maximum Height of Structures		40 feet
2 Lot Area (Overall Development)		10 acres minimum 20 acres maximum
Maximum Density (Overall Development)		4 units / acre
3 Minimum Setbacks (Overall Development)	Front Yard Setback	50 feet from centerline
	Side Yard Setback	25 feet
	Rear Yard Setback	25 feet
Maximum Impervious Surface Coverage (Overall Development)		50%
Minimum Home Site Standards	4 Home Site Width	100 fee**t or** 50 feet on cul-de-sacs
	5 Front Yard Setback	25 feet
	6 Side Yard Setback	25 feet
	7 Rear Yard Setback	25 feet
Public Water Required		Yes
Public Sewer Required[1]		Yes
Maximum Fire Protection Distance to Lot[2]		5 miles

1 – The sewer connection between the mobile home and the sewer riser opening shall have a nominal inside diameter of at least 3 inches with a slope ¼at least 1/4 inch per foot. All joints shall be watertight. The sewer outlet shall be capped when not in use.
2 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.







(vi) MH District: Access and Parking Standards

A) Manufactured home parks (not individual homesites) shall gain access from a state or county road that has a minimum pavement width of 20 feet.

B) Arrangement of manufactured homes and accessory buildings or structures on the site shall not restrict reasonable access to the site by emergency personnel.

C) All driveways and internal roads shall be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.

D) Each home site shall comply with parking standards for a single-family dwelling.

E) Each street name in the manufactured home park 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.

(vii) MH District: Fire Protection and Safety.

A) 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.

B) 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.

C) 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.

D) Phone numbers for the fire department, police/sheriff's department, manufactured home park office, and person responsible for operation/maintenance of the site in addition to the address of the manufacture home park shall be printed and posted in conspicuous places within the manufactured home community.

E) Each 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: street names; site separation lines; site numbers; water supplies for fire protection personnel; fire Hydrant location; and utility disconnects.

(viii) MH District: Lighting and Electrical Standards

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

B) 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 plan showing the "as built" location of underground utility lines shall be available for installations in multiple site facilities.

C) 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.

(ix) MH District: Standards for Each Home Site

A) Each home site shall be numbered and displayed in a manner to meet the standards of the postmaster.

B) The area of the home site shall be improved to provide an adequate foundation for the placement of the manufactured home. The home stand shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure.

C) 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.

D) A landing shall be provided on the exterior of each exit door from the home. The landing shall be placed a maximum of 8-1/4 inches below the threshold of the doorway, and it shall be a minimum 36 inches by 36 inches, constructed of a weather resistant material. Steps from the landing shall have a maximum riser height of 8-1/4 inches and a minimum tread depth of 9 inches. Handrails shall be provided on all steps containing three or more risers. Handrail heights shall between 30 inches and 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.

(x) MH District: Trash and Maintenance

A) The storage, collection, and disposal of refuse in the park area shall be the responsibility of the park operator and constructed to not create a health, safety, or fire hazard and to prevent rodent harborage, insect breeding area or cause air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be conveniently located near each home site. Containers shall be provided in sufficient number and capacity to properly store all refuse. 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. 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.

B) 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. Storage of materials such as lumber, pipe and other building materials shall be stored at least 1 foot above the ground to prevent insects and rodents.

(xi) MH District: Common Areas and Community Buildings

A) Parks or common areas 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.

B) Every manufactured home park shall provide a community building with the development as an emergency shelter during severe weather alerts and/or other disaster emergency situations. The community building shall have an occupancy capacity at least 50% of the estimated occupants in the park/community using an average household size of 3 persons per home.

C) 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.

D) Each manufactured home park/community shall provide a park/playground and green space area for the residents of the park/community that is a minimum of 5% of the total acreage.

E) All parks and playgrounds shall be properly fenced with a minimum 4 feet high fence and gates.

(xii) MH District: Registration

A) 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.

B) The permittee shall notify park occupants of all applicable provisions of this regulation and of their duties and responsibilities under this regulation.

C) 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.

D) 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.

(e) Business Districts (B)

(i) Purpose

A) Neighborhood Business District (NB)

The Neighborhood Business District is intended to allow a range of commercial activities that are convenient for frequent, small-scale purchase, require a relatively small consumer base, and can be acquired with very little travel time. The small-scale retail goods and services businesses within this district are typically located adjacent to residential uses.

B) General Business District (GB)

The General Business District is intended to allow a range of commercial activities that are convenient for less-frequent, often more expensive purchases, a larger consumer base, and higher travel time. Development should be located in areas that are highly accessible to the general community.

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

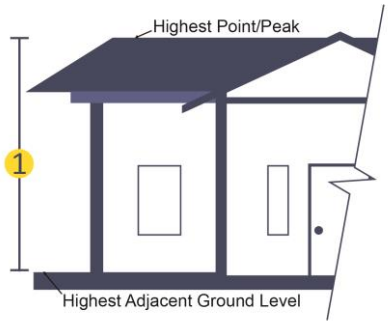
(iii) Business Districts: Uses & Development Standards

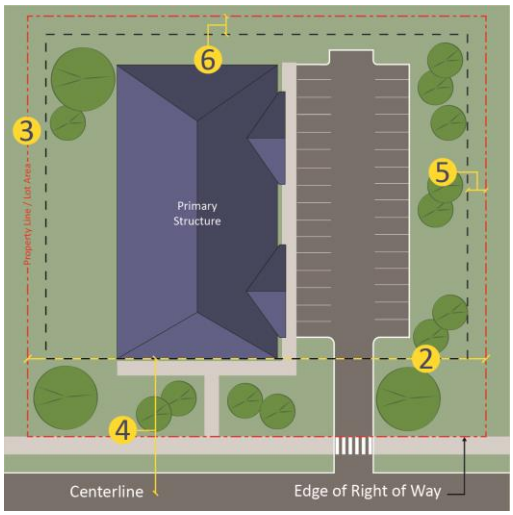
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional (C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

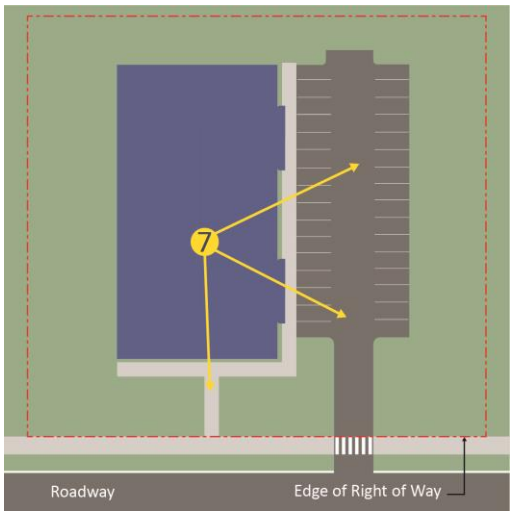
B) Table 5: Business Districts Development Standards identifies the development standards that apply to all development within this zoning district.

TABLE 5: BUSINESS DISTRICTS DEVELOPMENT STANDARDS			
Standard		**NB District**	**GB District**
1 Maximum Height of Structures		40 feet	50 feet
Maximum Ground Floor Area		10,000 sq ft	N/A
2 Minimum Lot Width		100 feet	100 feet
3 Minimum Lot Area	With Sewer	N/A	N/A
	Without Sewer	1 acre	1 acre
4 Minimum Front Yard Setback	County Roads	50 feet from centerline	50 feet from centerline
	State Roads	50 feet from centerline but at least 25 feet from property line	50 feet from centerline but at least 25 feet from property line
	Interstates	25 feet from property line	25 feet from property line
5 Minimum Side Yard Setback		10 feet	10 feet
6 Minimum Rear Yard Setback	Primary Structure	20 feet	25 feet
	Accessory Structure	10 feet	10 feet
7 Maximum Impervious Surface Coverage		70%	75%
Public Water Required		Yes	Yes
Public Sewer Required		No	No
Maximum Fire Protection Distance to Lot[1]		5 miles	5 miles

1 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.







(f) Industrial Districts (I)

(i) Purpose

A) Light Industrial District (LI)

The Light Industrial District is intended for low-intensity, light, and medium-intensity industrial activities. Activities include processing, fabricating, assembly, or disassembly of items and take place within an enclosed building or are not visible from a public street.

B) Heavy Industrial District (HI)

The Heavy Industrial District is intended for employment centers and intense industrial uses such as manufacturing, assembling, wholesale, or storage. that generate heavy demand for transportation and rail systems. These land uses are typically more labor-intensive, have greater levels of environmental impact, and may cause odors, dust, noise, and vibrations as well as generate significant amounts of truck and freight traffic.

C) Resource Extraction District (RE)

The Resource Extraction District is intended for the removal of natural recourses from a site by use of equipment and machinery. This typically, but is not limited to, quarrying of rock material from surface or sub-surface sites, digging of clay for commercial use, and removal of timer for commercial use (excluding timber removal as an agricultural use). The location of this district is largely dependent upon the specific sites which contain natural resources and the proximity to existing development.

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

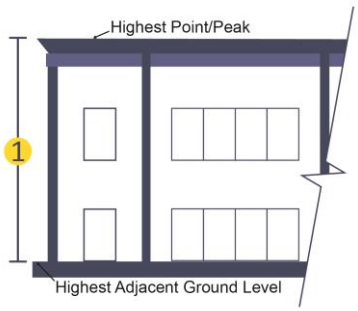
(iii) Industrial Districts: Uses & Development Standards

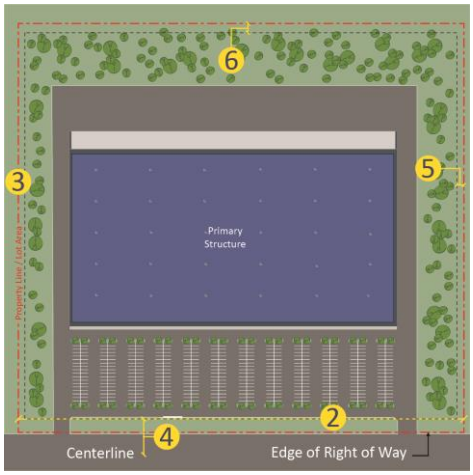
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional (C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

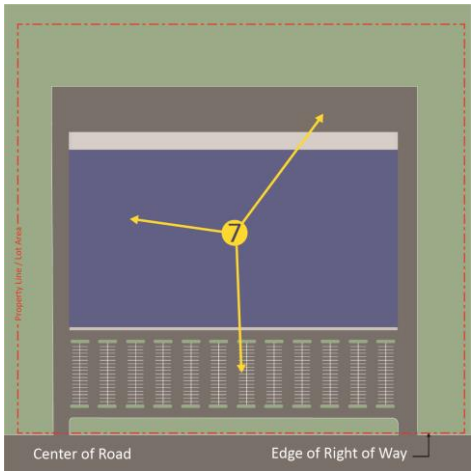
B) Table 6: Industrial Districts Development Standards identifies the development standards that apply to all development within this zoning district.

TABLE 6: INDUSTRIAL DISTRICTS DEVELOPMENT STANDARDS				
Standard		**LI District**	**HI District**	**RE District**
1 Maximum Height of Structures		40 feet	50 feet	50 feet
2 Minimum Lot Width		200 feet	200 feet	200 feet
3 Minimum Lot Area	With Sewer	2 acres	20 acres	20 acres
	Without Sewer	4 acres[1]	N/A	20 acres
4 Minimum Front Yard Setback	County Roads	75 feet from centerline	125 feet from centerline	75 feet from centerline
	State Roads	50 feet from centerline but at least 25 feet from property line	50 feet from centerline but at least 25 feet from property line	50 feet from centerline but at least 25 feet from property line
	Interstates	25 feet from property line	25 feet from property line	25 feet from property line
5 Minimum Side Yard Setback		50 feet	50 feet	30 feet
6 Minimum Rear Yard Setback		50 feet	50 feet	25 feet
7 Maximum Impervious Surface Coverage		75%	75%	75%
Public Water Required		Yes	Yes	No
Public Sewer Required		No[1]	Yes	No
Maximum Fire Protection Distance to Lot[2]		N/A[3]	5 miles	N/A[3]

1 – Any site without sewer in a Light Industrial District which is intended for an industrial use shall be considered a conditional use, regardless of intensity.
2 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.
3 – If parcel is not located within 5 miles of fire protection, it shall have the required minimum pressures for fire flow.







(g) Public / Semi-Public District (PSP)

(i) Purpose

The Public / Semi-Public District covers a broad spectrum of activities with their primary consideration in control by the public sector. These land uses may involve local, state, and federal governmental bodies, non-profits, and charitable organizations. They may take up large expanses of land (Bluegrass Army Depot) or micro-sites (cemeteries).

(ii) Other Applicable Standards

In addition to the development standards outlined for this zoning district, all other regulations of this code shall be required, as applicable. This includes, but is not limited to, Article 3.07 Establishment of Development Standards for Specific Uses, Article 4: Development Standards, and Article 5: Subdivision Design Standards.

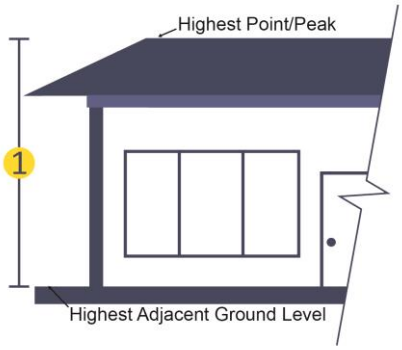
(iii) Public District: Uses & Development Standards

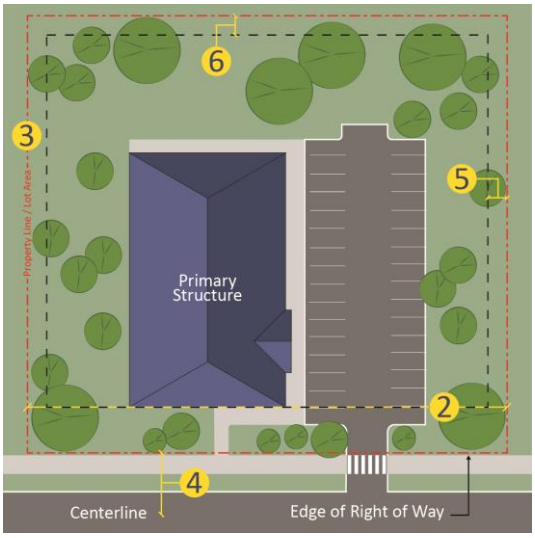
A) Table 8: Permitted Land Uses identifies the uses that are permitted (P), permitted with standards (P-S), conditional (C), and/or conditional with standards (C-S). Uses included in this table can occur as a primary use and/or accessory use.

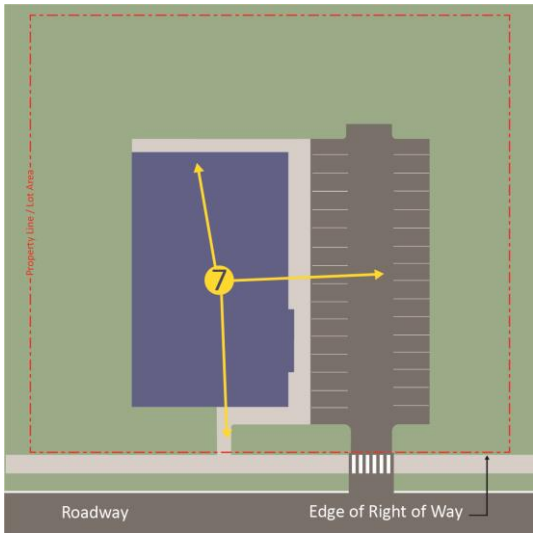
B) Table 7: Public District Development Standards identifies the development standards that apply to all development within this zoning district.

TABLE 7: PUBLIC DISTRICT DEVELOPMENT STANDARDS		
Standard		**Public District**
1 Maximum Height of Structures		50 feet
2 Minimum Lot Width		100 feet
3 Minimum Lot Area	With Sewer	N/A
	Without Sewer	1 acre
4 Minimum Front Yard Setback	County Roads	50 feet from centerline
	State Roads	50 feet from centerline but at least 25 feet from property line
	Interstates	25 feet from property line
5 Minimum Side Yard Setback		10 feet
6 Minimum Rear Yard Setback		15 feet
7 Maximum Impervious Surface Coverage		70%
Public Water Required		No
Public Sewer Required		No
Maximum Fire Protection Distance to Lot[1]		N/A

1 – Lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.







(h) Planned Unit Development District

(i) Purpose

A Planned Unit Development District allows for greater flexibility in the design and development of land when consistent with the Madison County Comprehensive Plan and the overall intent of the zoning provisions of this code. This classification should be encouraged when the proposed development promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities and is compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working.

A) The PUDs are encouraged for large-scale developments that have a wide range of uses to promote a cohesive development better suited as a PUD than multiple zoning districts.

B) PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

C) PUD projects should also encourage a more efficient use of land that reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

(ii) Development Plan

A development plan shall be required to be submitted with a PUD map amendment in order to understand the basic design, uses, and development standards within the development. The development plan can be considered concurrent with the map amendment for a PUD.

(iii) Permitted Uses

A) Uses shall be limited to those identified on the approved development plan or PUD code.

B) A PUD may contain, where appropriate, mixed-use development including residential (including variety of housing densities and types), parks and open space, commercial, office, and light industrial. All land uses proposed in a PUD must be non-conflicting and in the spirit of the comprehensive plan, surrounding land uses, and surrounding zoning districts. Furthermore, no use prohibited within this code shall be allowed in a PUD.

(iv) Development Standards

A) A PUD shall be developed in accordance with the approved development plan and any adopted development standards for the PUD.

B) Development standards shall be governed by the zoning district(s) specified in the PUD and all other and/or additional requirements of the PUD or this code.

C) All development within a PUD shall comply with all health, fire, and building codes.

(v) Utility Standards

A) Public water and sewer are required.

B) All lot(s) shall be within five miles of the fire station serving the property. Distance shall be measured along the centerline of public road(s) from nearest edge of the property lines of the lot and fire station.

3.06 Allowed Uses

(a) General Provisions

(i) A conditional use permit is required for all uses and/or structures (including primary and accessory uses and/or structures) included within this section that do not require development plan approval unless otherwise stated.

(ii) If a land use with use-specific conditions is a permitted use with standards (P-S) in Table 8: Permitted Land Uses in a zoning district, the Administrator shall determine that the use complies with the use-specific conditions outlined in Article 3.07 Establishment of Development Standards for Specific Uses. If it does not comply with all conditions included in this section, it shall be considered a conditional use.

(iii) If a land use with use-specific conditions is listed as a conditional use with standards (C-S), the Board of Adjustment shall, at a minimum, determine that the use complies with the development standards outlined in this article prior to approval of the conditional use. Additional conditions that exceed the use-specific conditions of this section may be imposed by the Board of Zoning Adjustment for any use listed in Table 8: Permitted Land Uses as a conditional use (C) or conditional use with standards (C-S).

TABLE 8: PERMITTED LAND USES

Agricultural Uses	AG	SF-LD	SF-MD	MF-MD	MF-HD	MH	NB	GB	LI	HI	RE	PSP
Agricultural Product Processing (grain only)	P											
Agricultural Support Services	P											
Agritourism	P-S											
Concentrated Animal Feeding Operation (Medium and Large)	C-S											
Crop Cultivation (Row, Field, Tree, Nursery)	P											
Equestrian Facility	P											
Farmer's Market or Produce Stand	P											
Livestock, Personal or Production	P											
Livestock, Wholesale Trade	P											
Timber Removal or Harvesting	C										C	
Residential Uses	**AG**	**SF-LD**	**SF-MD**	**MF-MD**	**MF-HD**	**MH**	**NB**	**GB**	**LI**	**HI**	**RE**	**PSP**
Accessory Dwelling	P-S											
Apartment (10 units or less per parcel)				P	P							
Apartment (11 or more units per parcel)					P							
Condominium				P	P							
Group Home, Boarding Home, Transitional Home	C	C	C	P	P	C	C	C				
Home Office	P-S	P-S	P-S	P-S	P-S	P-S						
Home-Based Business	P-S	P-S	P-S	P-S	P-S	P-S						
Live/Work Unit							C	C				
Manufactured Home Park						P-S						
Short-Term Rental	P-S	P-S	P-S	P-S	P-S	P-S						
Single-Family Attached Dwelling				P	P							
Single-Family Detached Dwelling	P	P	P	C	C							
Two-Family Dwelling or Duplex				P	P							

P = Permitted
P-S = Permitted with Standards
C = Conditional
C-S = Conditional with Standards

Business Uses	AG	SF-LD	SF-MD	MF-MD	MF-HD	MH	NB	GB	LI	HI	RE	PSP
Adult Business										C		
Bar, Tavern, or Night Club								P				
Bed and Breakfast Farmstay	P-S											
Bed and Breakfast Home or Inn, 5 or less rooms	P-S	C	C				P-S	P-S				
Bed and Breakfast Home or Inn, 6+ rooms	C	C	C				C	C				
Campground or Recreational Vehicle Park						C						
Day Care Center or Child Care Center	C	C	C	C	C	C	P	P				
Distillery, Winery, or Brewery: Craft	C-S							P-S	C-S	C-S		
Distillery, Winery, or Brewery: Large-Scale	C-S							C-S	C-S	C-S		
Distillery, Winery, or Brewery: Rickhouse Without Production	C-S								C-S	C-S		
Distillery, Winery, or Brewery: Tasting Room / Brewpub Only	C-S						C	P	P	P		
Event Venue	C							P				
Farm Chemical Supply Sales	C						C	C	C	C		
Farm Equipment Repair	P						P	P	P	P		
Funeral Home							C	P	P	P		
Golf Course or Driving Range	P	C	C	C	C		P	P				
Hotel or Motel							C	P				
Kennel	C						C	P	P	P		
Liquor Store							C	P				
Meat Processing	C							C	P	P		
Nursing Home or Assisted Living Facility	C	C	C	C	P	C	P	P				
Outdoor Storage or Outdoor Display / Sale of Merchandise							P-S	P-S	P-S	P-S		
Parking Garage or Lot (as Primary Use)							C	P	P	P		
Private Club	C						C	P				
Professional Service or Business Office				C	C		P	P	P	P		
Recreational Facility / Amusement Park (Private)	C						C	P	P	P		
Retail, General				C	C		P	P	P	P		
Retail, Service-Oriented Business				C	C		P	P	P	P		
Shooting Range or Gun Club, Indoor							P	P	P	P		
Shooting Range or Gun Club, Outdoor	C										C	
Stadium, Arena, or Racetrack	C							P	P	P		
Storage Units							C	P	P	P		
Vehicle and Equipment Sales, Service, or Repair							C	P	P	P		
Wholesale Trade							C	C	P	P		

P = Permitted
P-S = Permitted with Standards
C = Conditional
C-S = Conditional with Standards

Industrial Uses	AG	SF-LD	SF-MD	MF-MD	MF-HD	MH	NB	GB	LI	HI	RE	PSP
Chemical Processing										P		
Compressor Station	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S
Data Mining or Cryptocurrency									C	P	P	
General Industrial, Light									P	P		
General Industrial, Heavy										P		
Hazardous Liquid Pipeline	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S	C-S
Hazardous Waste or Explosive Materials Handling or Storage										P-S		
Landfill										C		
Manufacturing, Heavy										P		
Manufacturing, Light									P	P		
Mineral Extraction											P	
Mineral Processing											P	
Recycling Facility										C		
Research and Development									P	P		
Salvage Yard or Junk Yard										P-S	C	
Storage, Non-Hazardous									P	P		
Timber Processing											C	
Vehicle Impound Lot									C	P-S	P-S	
Warehousing or Distribution									P	P		
Waste Transfer Facility										C		

P = Permitted
P-S = Permitted with Standards
C = Conditional
C-S = Conditional with Standards

Other Uses	AG	SF-LD	SF-MD	MF-MD	MF-HD	MH	NB	GB	LI	HI	RE	PSP
Airport or Heliport, Public and Private												C
Bus or Transportation Facility												P
Cemetery, Columbaria, or Mausoleum												P
Church or Place of Worship												P
Crematory or Mortuary												P
Cultural Institutions												P
Emergency Response												P
Fairground												C
Governmental Offices or Uses												P
Hospital or Healthcare Facility (with Overnight Care)							P	P				
Park (Public)												P
Park or Clubhouse (Private)	P	P	P	P	P	P	P	P	P	P		
Penal or Correction Facility												C
School												P
Solar Energy Facilities, Commercial[2]	C								C	C	C	C
Solar Energy Facilities, Non-Commercial	P	P	P	P	P	P-S	P-S	P-S	P-S	P-S	P-S	P-S
Utility Facility, Non-Exempt	C	C	C	C	C	C	C	C	C	C	C	C
Wildlife or Nature Preserve												P
Wind Energy System, Commercial										C	C	
Wind Energy System, Non-Commercial / Personal	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Communication Facility	P-S			P-S	P-S		P-S	P-S	P-S	P-S	P-S	P-S

1 – Maximum of 8,000 sq ft of gross floor area per parcel and must be in conjunction and support residential development. Maximum gross floor area may be reduced at the discretion of the Board of Adjustment.
2 – Cannot be located in the urban corridor unless located on rooftop.

P = Permitted
P-S = Permitted with Standards
C = Conditional
C-S = Conditional with Standards

3.07 Establishment of Development Standards for Specific Uses

The uses listed as in Article 3.07 Establishment of Development Standards for Specific Uses are subject to use-specific conditions, regardless of the underlying zoning district in which they are located, in order to provide additional regulations for the purposes identified. These uses shall meet the respective requirements of this section in addition to all other sections of this code. All other development standards of the underlying zoning district shall apply unless otherwise stated and the more restrictive of any conflicting standards shall apply. Additional development standards have been established for all uses in this section.

(a) Accessory Dwelling Standards

(i) Purpose

The purpose of the accessory dwelling standards is to provide a variety of housing options that promote affordable workforce housing and allow farms to receive additional help during busy seasons. For purposes of this standard, a short-term rental does not qualify as an accessory dwelling.

(ii) Use Standards

An accessory dwelling shall only be permitted on a parcel with a lawfully constructed single-family dwelling unit where either the primary dwelling or accessory dwelling is owner-occupied, provided the accessory dwelling is:

A) Located on a parcel that is classified as a farm by PVA.

B) Under the same ownership as the primary structure.

C) Not constructed prior to the primary dwelling.

D) Not permitted to have its own accessory structures.

E) Either attached (connected to the primary structure with a separate entrance) or detached from the primary single-family dwelling unit.

F) Occupied by a person(s) that lives or works on the farm in which the accessory dwelling is located.

G) The accessory dwelling shall be fully independent and a complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, and sanitation. It shall also meet the all building code requirements for a single-family dwelling.

(iii) Development Standards

A) Properties with an approved accessory dwelling shall maintain the same physical address as the primary structure unless otherwise requested from Madison County Emergency Response.

B) The accessory dwelling shall utilize an existing, permitted driveway that serves the primary dwelling; it shall not be granted a separate driveway from any public right-of-way unless approved by the authority regulating encroachments.

ACCESSORY DWELLING DEVELOPMENT STANDARDS	
Maximum Number of Accessory Dwellings	1 per parcel
Minimum Lot Size	10 acres
Maximum Height of Structure	Maximum height permitted by the zoning district or the height of primary structure, whichever is less
Permitted Structures	All lawfully-built dwelling units that meet building code requirements for a single-family dwelling
	Only 1 manufactured home is permitted per parcel unless the property is zoned to allow a manufactured home park
Prohibited Structures	A recreational vehicle, travel trailer, or similar structure; a motor vehicle; or any structure not designed for permanent human occupancy is not permitted as an accessory or primary dwelling
Parking	Shall provide additional parking spaces that with standards for single-family dwelling (additional parking spaces are in addition to those required by the primary dwelling)

(iv) Utility Standards

The accessory dwelling shall comply with all water, sewer, and fire protection standards of the zoning district. If septic is permitted within the zoning district, the Madison County Health Department shall approve connections or modifications to the existing septic system that may be needed to accommodate the accessory dwelling.

(b) Adult Business Standards

(i) Purpose

The purpose of the adult business standards is to provide reasonable opportunities for these business types to location within Madison County, where appropriate, while also protecting and preserving the health, safety, morals, and welfare of patrons and employees of the business as well as citizens of the community. These regulations are supplemental to all other regulations adopted by the jurisdiction or Kentucky.

(ii) Development Standards

A) No adult entertainment establishment shall be located within 1,000 feet, as measured by a straight line from the nearest entrance door of the adult entertainment establishment to the nearest property line, of the following uses:

1) Another adult entertainment establishment;

2) Any existing school, child daycare center, park or publicly-owned open space, recreation facility, or church/place of worship;

3) Any existing residential use or residentially zone parcel; or

4) Any existing hotel, motel, and transportation depot.

B) A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of 6 feet, shall be maintained along all property lines for the purpose of screening the use from view.

(c) Agritourism Standards

(i) Purpose

The purpose of the agritourism standards is to allow opportunities for limited commercial activities that are directly associated with an agricultural use within the rural areas of Madison County in order to support and enhance the existing character and agricultural activities. These uses shall be accessory to an active agricultural use on the same parcel or adjoining parcel that is under the same ownership.

(ii) Use Standards

A) Hours of operation must be provided in writing by the applicant and shall be limited to the hours of 8:00 am to 10:00 pm (weekdays) or 11:00 pm (weekends). All events shall comply with all applicable local nuisance and noise ordinances.

B) The following uses are not considered agritourism with this code and are prohibited unless otherwise specified within a particular zoning district.

1) Event venues

2) Wineries, breweries, and distilleries

3) Motorized off-road vehicle racing or similar motor vehicle activities

4) Campground or overnight accommodations

(iii) Development Standards

A) Access to the facility shall be approved by the Administrator and Madison County Road Department Supervisor.

B) Opaque screening, consisting of an earth berm, continuous evergreen landscape buffer, solid wall, or opaque fence shall be provided near the primary public activity areas on all sides abutting or adjacent to a residential use or residential zoning district. The use of natural landscape materials is encouraged. At the written request of the applicant, Board of Adjustment may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.

C) Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution.

(iv) Utility Standards

A) Year-round operations shall have permanent public restroom facilities.

B) Seasonal operations are not required to have permanent public restroom facilities, unless required by the Madison County Health Department, but shall have temporary facilities on-site.

C) All public restroom facilities, whether temporary or permanent, shall be provided, reviewed, and approved by the Madison County Health Department.

(d) Bed & Breakfast Standards

(i) Purpose

A) The purpose of these standards for a bed and breakfast use (as defined in Article 7.02 Definitions) is to ensure both the operation and existing land uses surrounding the site are protected from potential negative impacts which may follow a commercial business operating within a residential area.

B) These regulations are supplemental to all other regulations adopted by the jurisdiction or Kentucky.

(ii) Use Standards

A) The owner of the operation or innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy.

B) The use shall be located in the primary dwelling that is a minimum of 1,500 sq ft of gross floor area.

C) The operation may include a Bed and Breakfast Home or Bed and Breakfast Inn, as defined in Article 7.02: Definitions, shall have no more than five bedrooms that are used, rented, or hired out for occupancy or which are used for sleeping purposes by persons not members of the single-family unit. Any Bed and Breakfast Home or Bed and Breakfast Inn with more than five bedrooms shall be a conditional use.

D) All farmstays shall be considered a conditional use.

E) A bed and breakfast does not include short-term rentals, hotels, or motels and does not permit meetings, seminars, parties, weddings, receptions, concerts, or similar activities.

F) Non-guests shall not be permitted to use or dine at the establishment.

G) The maximum occupancy of each room to be rented shall be two persons.

H) Guest stays shall be limited to a maximum of 30 consecutive days.

(iii) Structure Standards

The structure shall outwardly appear to be residential in character and give no appearance of a commercial business other than allowed signage and those improvements required by fire and building codes.

(e) Concentrated Animal Feeding Operation (CAFO) Standards

(i) Purpose

A) The purpose of these standards is to ensure the existing land uses and operations surrounding the site are protected from the negative impacts such operations may cause.

B) These regulations are supplemental to all other regulations adopted by the jurisdiction or Kentucky.

C) These standards apply to all Concentrated Animal Feeding Operations (including Large and Medium) as defined by 40 C.F.R. 122.23(b)(2).

(ii) Development Standards

A) No CAFO shall be located within the following minimum distances unless consent of the landowner is provided in writing, as measured by a straight line from the nearest portion of property or edge of structure used for CAFO purposes to the nearest property line of the specified use:

1) 1,320 feet (1/4 mile) of the boundary of any existing residential use, residential structure, or residentially zoned parcel.

2) 1,320 feet (1/4 mile) of any existing school, child daycare center, park or publicly-owned open space, recreation facility, and church/place of worship.

B) All front, side, and rear yard setbacks shall be a minimum of 100 feet unless a larger setback is required by other sections this UDO.

(iii) Additional Standards

A) If a conditional use permit is granted by the Board of Zoning Adjustment, a complete site development plan shall be submitted to and approved by the Madison County Planning Commission prior to commencing the animal feeding operations. Compliance with all permitting requirements imposed by the Environmental Protection Agency and the Kentucky Division of Water, KPDES General Permit or KPDES Individual Permit as mandated by the Division of Water or other state and federal regulatory agencies shall be presented to the Madison County Planning Commission.

B) For all other animal feeding operations employing a liquid waste handling system, the operation must obtain a state operational permit pursuant to 401 KAR 5:005 and Kentucky No Discharge Operational Permit (KNDOP).

C) If a CAFO plans to construct a new or expand upon an existing liquid waste handling system, a construction permit pursuant to 401 KAR 5:005 must be obtained prior to the start of construction.

(f) Compressor Station

(i) Purpose

A) The purpose of these standards is to regulate the construction and operation of compressor stations associated with natural gas pipelines that are not exempted from planning and zoning regulations by state or federal laws in order to prevent the negative impacts from their construction and operation and impairment of the integrity and character of the zone in which it is located or adjoining parcels.

B) These standards apply to public, quasi-public, and private service utility lines, pipelines, powerlines, etc., which extend more than 500 feet and transport their material, service, or supplies. This does not apply to those exempted from planning and zoning regulations by KRS 100.324 or other state or federal law.

(ii) Conditional Use Standards

A) All compressor units associated with a pipeline, including proposed units, shall require a conditional use permit prior to construction and operation of the compressor unit(s). The application for a conditional use permit shall provide information regarding those measures to be taken by the applicant to avoid impairment of the integrity and character of the zone in which it is located, and/or to adjoining zones, including:

1) Inclusion of measures to locate the unit away from adjoining properties used or zoned for residential occupation;

2) Incorporation of equipment and measures to attenuate noise associated with the construction and operation of any compressor unit, including such measures as enclosure of the unit in a sound-proofing building, sufficient that the exterior noise level associated with the construction and operation of the compressor unit or units shall not exceed the pre-development ambient noise levels as measured from the boundaries of the property on which the compressor unit(s) is located;

3) Provision of setbacks from waterbodies or other measure sufficient to control surface run-on and site run-off in order to prevent contamination from activities associated with the compressor unit;

4) Dust control measures, such as paving of any access road to and surface work areas associated with the operation of the compressor unit, and prompt and effective revegetation of all areas disturbed during construction of the facility;

5) Incorporation of architectural design of the building housing the compressor unit in order that the design of the building is compatible with the visual context of the surrounding development. Examples include design types such as barn structure or equestrian facility, estate residence, school facility or similar institutional use, gazebo or picnic area enclosure, club house or recreational facility, retail or office building, or a combination of such designs;

6) Landscaping structures and property in a manner that is compatible with the existing surrounding properties;

7) Submittal of a blasting plan for any blasting associated with the excavation and construction sufficient to minimize the effects of blasting and ensure safety during blasting operations, including the development of pre-and post-blasting inspection, notification, and repair procedures; limits for peak particle velocity and frequency in order to protect nearby underground structures and building foundations; use of measures to prevent flyrock from leaving the property; public notification of blasting schedule; audible alarms prior to any blasting; and any measures required under state law. If not blasting is proposed, a statement to that effect shall be provided;

8) Installation of such controls on ambient emissions of air pollutants associated with the testing, operation, and maintenance of the compressor unit, as is sufficient to prevent off-site nuisance conditions;

9) Development of a Spill Control and Countermeasure Plan in order to minimize the risk of potential fuel or equipment fluid spills, and to promptly and effectively contain an remediate any spill or release; and

10) Posting of a bond sufficient to protect and restore the roads affected by the haulage of equipment associated with the compressor unit construction to preconstruction status and to maintain Madison County roads that are used for the operation of the compressor unit.

B) The Board of Zoning Adjustment may impose such conditions as are deemed advisable and necessary to protect the integrity and character of the zone in which the proposed use is located and any adjoining use.

C) If the applicant has received approval for construction and operation of a compressor unit from the Federal Energy Regulatory Commission prior to Board of Adjustment consideration of an application for a conditional use permit, the applicant shall provide for Board consideration any conditions of approval imposed by the Federal Energy Regulatory Commission addressing the requirements of this section.

(g) Distillery, Winery, and Brewery Standards: Craft, Large-Scale, Rickhouse, Tasting Room

(i) Purpose

A) The purpose of the distillery, winery, and brewery standards are to regulate a variety of uses related to the production, sales, and tourism aspects of beer, wine, and spirits.

B) This use is classified into: craft, large-scale, rickhouse, and tasting room (see Article 7.02 Definitions). Each classification has specific standards that apply. The purpose of each classification of distilleries, wineries, and breweries includes:

1) Craft

The use is intended to establish standards for smaller, craft operations (including smaller production, storage, limiting dining, and similar accessory uses) to locate in agricultural, commercial, and industrial areas that allow for tourism activities while limiting the impacts to other properties and public infrastructure (see Article 7.02 Definitions).

2) Large-Scale

The use is intended to allow production, storage, eating and drinking establishments, event facilities, or similar uses which are directly related to the primary use (see Article 7.02 Definitions).

3) Rickhouse (or Distilled / Fermented Spirits Storage Structure) without Production

The use is intended solely for the storing of barrels of spirts during the maturation process and is not associated with a production facility on the same parcel or adjacent parcels. No visitors (other than employees), event facilities, dining/tasting, or tourism activities occur with this use (see Article 7.02 Definitions).

4) Tasting Room / Brewpub Only

The use is intended to serve as a tourism activity that allows visitors to taste distilled spirits, wine, and/or beer, as permitted by law, and may offer limited-service or full-service dining options on-site (see Article 7.02 Definitions).

C) These standards shall not apply to those uses exempt as an agricultural use under KRS 100. However, these standards shall apply to all associated uses that are not exempt, including but not limited to, event venues/facilities and short-term rentals.

D) Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237, the standards outlined within this article, and all other applicable standards of this code.

(ii) General Standards

A) If adjacent parcels are under the same ownership or function as one operation, they shall be considered a single for the purposes of this use standard. For example, if two craft production facilities that are under the same ownership or branding are located adjacent to each other, the use would be considered one facility and classified using the total number of gallons produced in a calendar year at both facilities.

B) All processing, production, manufacturing, distilling, brewing, storage, maturation, and/or bottling associated with the distillery, winery, and/or brewery operation shall be located within a fully enclosed building that meets all building code requirements.

C) The building design, materials, and colors of the all structures related to a distillery, winery, and/or brewery shall be consistent with the character of the surrounding area.

D) All loading and unloading areas shall be oriented away from public road, whenever feasible, and shall be fully screened from view from any public road with a continuous, evergreen landscape buffer or opaque fencing that is a minimum of six feet in height.

E) The owner shall provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau within 14 business days of any annual inspection.

(iii) Craft Standards

A) Craft Permitted and Conditional Uses

1) Production facilities and those support facilities/uses directly associated with and necessary for the production operation of the craft facility.

2) Retail space to sell alcoholic products manufactured on site, as allowed by local regulation for alcoholic beverage sales or as an exemption by KRS in dry counties.

3) Tasting rooms, brewpub, or sampling, as allowed by local regulation for alcoholic beverage sales or as an exemption by KRS in dry counties.

4) A maximum of 25,000 square feet in total floor area for storage of distilled spirits and/or fermented beverages storage that also meets all applicable state standards and building codes

5) If located in an industrial zoning district, the use shall not have public access (such as tours, tastings, sales, or other activities where the general public is invited or allowed to access the site).

6) If a craft facility includes an events center/facility, full-service restaurant, or uses not identified as permitted within this standard or the zoning district, it shall be considered a conditional use.

B) Craft Development Standards

1) All craft facilities shall be served by public water and sewer or well and/or septic facilities that are approved by the Madison County Health Department.

2) Outdoor storage of materials, equipment, or supplies is prohibited.

3) The use shall have no more than 240 barrels distilled spirits stored on the site during any 24-hour period.

4) If located in the urban corridor overlay district, all rickhouses and structures or areas used for storage of distilled spirits or fermented beverages shall comply with the following design and development standards:

a. All storage structures and areas used for storage of distilled spirits or fermented beverages shall have a minimum setback of 200 feet from any property line or right-of-way.

b. Design of the structures shall resemble a traditional rickhouse structure in scale, form, construction materials, and aesthetic character and be approved by the Administrator.

c. The distillery owner shall be responsible for and provide a plan that is approved by the Administrator to remove black fungus, if it occurs, from structures on adjacent and nearby parcels.

(iv) Large-Scale Standards

A) Large-Scale Permitted and Conditional Uses

1) Production facilities and those support facilities/uses directly associated with and necessary for the operation of the craft facility.

2) On-site tours.

3) Retail space to sell alcoholic products manufactured on site as allowed by local regulation for alcoholic beverage sales or as an exemption by KRS in dry counties.

4) Tasting rooms, brewpub, or sampling, as allowed by local regulation for alcoholic beverage sales or as an exemption by KRS in dry counties.

5) Limited or full-service restaurant.

6) Rickhouses or distilled spirits /fermented beverages storage structures that meet all applicable state standards and building codes.

7) If located in an industrial zoning district, the use shall not have public access (such as tours, tastings, sales, or other activities where the general public is invited or allowed to access the site).

8) If a large-scale facility includes uses not identified as permitted within this standard or the zoning district, it shall be considered a conditional use.

B) Large-Scale Development Standards

1) All large-scale facilities shall be served by public water and sewer or well and/or septic facilities that are approved by the Madison County Health Department.

2) If located in the urban corridor overlay district, all rickhouses and structures or areas used for storage of distilled spirits or fermented beverages shall comply with the following design and development standards:

a. All storage structures and areas used for storage of distilled spirits or fermented beverages shall have a minimum setback of 200 feet from any property line or right-of-way.

b. Design of the structures shall resemble a traditional rickhouse structure in scale, form, construction materials, and aesthetic character and be approved by the Administrator.

c. The distillery owner shall be responsible for and provide a plan that is approved by the Administrator to remove black fungus, if it occurs, from structures on adjacent and nearby parcels.

(v) Rickhouse without Production Standards (or Distilled Spirits / Fermented Beverages Storage Structure)

A) Rickhouse without Production Permitted and Conditional Uses

1) Rickhouses or distilled spirits / fermented beverage storage that are associated with a craft or large-scale facility are exempt from this standard. This standard only applies to storage structures that are not associated with an approved craft or large-scale facility on the same parcel or adjacent parcels. For example, these standards would apply to a parcel with only rickhouses with a production facility outside of Madison County. Rickhouse structure(s) shall be limited to only the distilled spirits / fermented beverages storage structure and associated utility structures (i.e., pump house, tank).

2) At least 25% of the property shall be dedicated to agricultural uses defined in KRS 100 and/or preserved as a conservation area.

B) Rickhouse without Production Prohibited Uses

All other uses other than those permitted within the rickhouse or distilled spirits / fermented beverages storage facility type and associated structures.

C) Rickhouse without Production Development Standards

1) Rickhouses are only required to be served by public water and sewer or well and/or septic facilities that are approved by the Madison County Health Department if the site facilities are provided that require these utilities (such as restrooms).

2) All storage structures and areas used for storage of distilled spirits or fermented beverages shall have a minimum setback of 200 feet from any property line or right-of-way.

3) The minimum lot size shall be at least twenty acres.

4) All rickhouses and storage of distilled / fermented spirits shall comply with all site standards as outlined by KRS.

5) All structures used for the storage of distilled spirits or fermented beverages shall comply with KRS 430 and all other applicable state and federal laws.

6) If located in the urban corridor overlay district, all rickhouses and structures or areas used for storage of distilled spirits or fermented beverages shall comply with the following design and development standards:

a. Design of the structures shall resemble a traditional rickhouse structure in scale, form, construction materials, and aesthetic character and be approved by the Administrator.

b. The distillery owner shall be responsible for and provide a plan that is approved by the Administrator to remove black fungus, if it occurs, from structures on adjacent and nearby parcels.

(vi) Tasting Room / Brewpub Standards

There are no additional use specific standards that apply to tasting rooms / brewpubs.

(h) Hazardous Liquid Pipeline

(i) Purpose

A) The purpose of the liquid pipeline standards is to provide regulation on the location or routing of a hazardous liquids pipeline that is outside of the jurisdiction of the Department of Transportation under the Pipeline Safety Act (49 U.S.C. 60104(e)).

B) These standards do not apply to public utilities regulated by the Kentucky Public Service Commission, the Department of Vehicle Regulation, or Federal Energy Regulatory Commission but does not exempt service facilities owned by entities other than public utilities.

C) Based on published reports from various entities, the need to place regulations on liquid pipelines is needed to mitigate the impacts, including:

1) The federal Office of Pipeline Safey identified that the potential consequences of the transportation of hazardous liquids in pipelines are different than the risks of natural gas pipelines, vary according to the commodity involved, and present different challenges of mitigation when compared with natural gas pipelines.

2) The Transportation Research Board of the National Academies indicated that physical separation between people and pipelines could reduce the risk associated with the increasing numbers of people in proximity to transmission pipelines and encourages the development of “risk-informed land use guidance” to assure compatibility of land uses, structures, and human activities with pipelines.

3) The US Department of Transportation has noted that the role and powers of local authorities to affect pipeline safety is critical through land use and property development regulations and nothing in federal law impinges on these local regulations so long as local officials do not attempt to regulate the field of pipeline safety preempted by federal law.

(ii) Conditional Use Standards

A) An applicant for a conditional use permit for construction or conversion of a pipeline for transportation of hazardous liquids shall demonstrate compliance with the requirements of KRS 100.111(6) and KRS 100.237, including all measures proposed to be taken to assure compatibility of the proposed use of the opaline for transportation of hazardous liquids with the surrounding land uses, considering:

1) Noise and odor from above ground pipeline operation and maintenance activities such as pump machinery, start-up and shut-down activities, heat exchangers or other equipment emissions, relief values, backup power generators, and other sources of noise or odor;

2) Impacts on existing and proposed roads and other infrastructure, including water and wastewater infrastructure;

3) Proximity to industrial areas where manufacturing processes involved storage of flammable liquids or gases, toxic chemicals, explosives, or other hazardous substances that could be compromised as a result of an accident;

4) Proximity to institutional facilities such as schools, daycare facilities, hospitals, nursing homes, jails, and prisons;

5) Proximity to public safety and emergency response facilities;

6) Proximity to current or planned places of mass public assembly;

7) Proximity to cultural, historic, and natural resources of significance;

8) Proximity to and impacts on prime or significant farmland; and

9) Proximity to residences.

B) The Board of Adjustment may retain the services of a consultant familiar with transportation of hazardous liquids by pipeline to revie wand make recommendations concerning the adequacy of the measures proposed by the applicant to assure compatibility of the use of the pipeline for transportation of hazardous liquids with other land uses. The applicant shall be required to make a deposit with the Board of the estimated costs associated with the consultant; s review upon application and shall reimburse the Board for any costs exceed the deposit. The Board may require, among other conditions, the posting of bonds for roads and structures and liability insurance to assure compensation for any injuries or damage caused by the pipeline operation.

(i) Hazardous Waste / Explosive Materials Handling or Storage Standards

(i) Purpose

The purpose of these standards is to regulate all activities relating to the storage, treatment, or disposal of wastes classified as “hazardous wastes” under KRS 224 in addition to protecting the environmental quality of the area and adjoining properties.

(ii) General Standards

The use and control of hazardous materials in Madison County, Kentucky shall also be subject to the requirements and conditions listed in Madison County Ordinance number 00-16 and all other applicable local, state, and federal regulations.

(iii) Development Standards

A) The use shall not be located, established, or constructed:

1) Within 10 miles from any existing dwelling, measured as a straight line from the closest property line of each property.

2) In a wetland as defined by the Army Corp of Engineers under Section 404 of the Clean Water Act or in the recharge zone of an aquifer.

3) In a 100-year flood plain.

4) On an active Holocene Fault or within a recognized zone of deformation along that fault.

5) On sites that do not comply with State and Federal Wildlife regulations.

B) The use shall avoid being located:

1) Within a watershed management area and agricultural lands that are available for crop production.

2) On sites of historical significance of the location and aesthetics, including visual and noise level aspects.

3) Within natural areas designated as having county, state, regional or national significance due to their recreational, historical, educational, aesthetic value or importance as a natural resource or a value to the economy.

(iv) Conditional Use Standards

The following shall be considered by the Board of Adjustment for all conditional uses for hazardous waste / explosive materials handling and storage.

A) Protection of the waters of the State, including:

- **1)** The distance from waters of the State so that an unintentional release or discharge of hazardous waste will not contaminate such waters.
- **2)** Hydro geological characteristics of the site and surrounding land, i.e., soil type, groundwater table, geology, topography, etc.
- **3)** The quantity, quality, and direction of flow of groundwater.
- **4)** Proximity to and withdrawal rates from nearby wells. Consultation with public water suppliers and ASCS Offices and KY Division of Water.
- **5)** Availability of alternative water supplies.

B) The type and permeability of the soil and depth to bedrock at the proposed site.

C) The transportation routes to the site, including:

- **1)** Methods by which wastes will be transported to and from the site.
- **2)** The types of roads that will provide principal access to the site.
- **3)** The extent to which weather impacts the safety of roads.
- **4)** The number of residential, school, and hospital structures along access routes.
- **5)** Safety, noise, and traffic disruption.
- **6)** The number of intersections per linear mile between the entrance of a facility and the nearest arterial highway.

D) The location and impacts to adjacent properties.

E) The economic and environmental impact of the proposed facility upon local government, adjacent to or within, where the facility is proposed.

F) Capability with current land use plans, including:

- **1)** Existing land use adjacent to and within the general area of the site.
- **2)** Areas with existing compatible industrial development and areas that are planned or zoned for hazardous industrial development.
- **3)** Densities of population near proposed site.

G) Any exception to these guidelines will be considered by the Planning Commission and the Madison County Fiscal Court on a case-by-case basis. The following shall be considered in granting an exception to the foregoing provisions:

- **1)** Protection of public health and the environment.
- **2)** Type of hazardous waste activity, such as treatment, storage, or disposal.
- **3)** Types and volumes of hazardous wastes to be managed.
- **4)** Other information that may be submitted or required.

(v) Environmental Impact Statement (EIS)

Each facility shall be reviewed on its own site-specific merits by means of an environmental impact statement conforming to and including all elements required under the National Environmental policy Act (NEPA) for natural and human resources, and shall address in detail

A) Natural Environmental Resources

B) Mining Claims and Natural Resources, Surface Water (Flood and Erosion), Aquatic Species, Natural Hazards, Groundwater, Air Quality, Rare Plants, Wilderness, Wildlife, Geology. Human Environmental Resources

C) Closure and Post-Closure Assurances, Description of Wastes, Treatments and processes, Monitoring and Quality Assurance, Infrastructure (Utilities and Services), Public Finance and Services, Public Safety and Emergency, Employment and Labor Force, Paleontological Resources, Grazing and Agriculture, Construction Resources, Economic Feasibility, Response Services, Health Services, Quality of Life, Transportation, Archaeological, Evaporation, Population, Recreation, Education, Earnings, Land Use, Housing, Energy.

D) The analysis of impacts under this article may be more or less intensive than that required by other permitting agencies, such as the EPA Toxic Substance Control Act (TSCA) review. The principal objective of these requirements shall be to identify and quantify those impacts that affect the local community and units of government.

(vi) Application Procedures

A) The applicant shall make application for a temporary conditional use permit for interim approval. Upon approval by the Madison County Planning Commission, and under the recommendation of the Madison County Solid Waste Department, the applicant shall be permitted to proceed with the application process, which must be initiated before the expiration of the temporary conditional use permit. The Madison County Planning Commission and/or the Madison County Fiscal Court reserves the right to review the permit requirements and fees required for small quantity hazardous waste generators. Upon payment of the $50,000 fee, the Madison County Fiscal Court shall organize an Environmental Impact Board, consisting of a representative from the Madison County Planning & Development Office, Madison County Health Department, Madison County Attorney, and other applicable state and federal agencies. Madison County Environmental Impact Board representing Madison County shall be the Environmental Impact Statement (EIS) manager, and shall select a third-party consultant by a request for proposal (RFP). The third-party consultant shall perform such studies and investigations deemed reasonable and necessary as outlined in the temporary conditional use permit by the Planning Commission. Upon selection of the third-party consultant, the applicant shall deposit with Madison County the sum of the contract plus 10%.

B) The applicant shall prepare a request for proposal (RFP) with which the Madison County Environmental Impact Board will send to a list of qualified consultants, from which it will make its selection of a consultant to perform the EIS. The applicant shall be responsible to pay for the costs of the EIS in addition to the fees required.

C) Fees

1) The applicant shall pay the commercial rate for a temporary conditional use permit. Upon Madison County Planning Commission approval with conditions, the applicant shall have six months to pay the fees outlined below. Up to three extensions of no more than six months may be granted by the Madison County Planning Commission, but in no case shall the temporary conditional use permit extend beyond a total time of two years.

2) With temporary conditional use permit approval, the applicant shall make a joint application for a permanent conditional use permit and Heavy Industrial zoning district amendment, or for a conditional use permit for a hazardous industrial activity to be located within an existing Heavy Industrial zoning district, which shall be accompanied by a $50,000 application fee, $2,500 of which shall be non-refundable. The application fee shall be used by Madison County to facilitate its review of the proposal and to pay for the expenses it incurs in managing the required Environmental Impact Statement. Upon selection by the Madison County Environmental Impact Board, the applicant shall make deposit of funds with Madison County to cover the cost of the contract plus 10% percent, before the contract is consummated with the consultant and any further action ensues.

3) With the exception of the non-refundable portion, all amounts not expended by Madison County shall be reimbursed to applicant. If the County's costs of reviewing and managing the EIS exceeds the initial fee, the applicant shall remit to the County such additional amounts as are necessary to cover the entire expenses incurred by the County.

D) Financial Capability

Each applicant for a facility shall demonstrate its financial capability to construct, and operate, and properly close said facility to the satisfaction of the County, together with a demonstration of the need for such a facility to be located within Madison County. Financial statements shall be submitted for the business, financial supporters. Statements showing the cost estimates for construction, first year of operation and closing costs shall be submitted with financial statements. Need shall be demonstrated by evidence that the proposed facility has a proven market of hazardous material, including information on the source, quantity, and price of potential hazardous materials, and a review of other existing and proposed commercial facilities regionally and nationally that would compete for the disposal of the hazardous materials.

E) Impact Mitigation

No facility shall be permitted until such time as a properly executed and binding impact mitigation agreement and bond is accepted by the Madison County Fiscal Court. Prior to the execution of such an agreement, the applicant shall identify, with the concurrence of Madison County, the impacts that the proposed facility will have upon Madison County, and will submit a plan to mitigate such impacts. All amendments to the use permits authorized under this article shall also be reviewed and approved by the Madison County Fiscal Court.

F) Compliance

All hazardous waste facilities shall comply with Commonwealth of Kentucky waste Management Regulations, Madison County Ordinance number 00-16 and other applicable State and Federal Regulations pertaining to the citing of such facilities.

(j) Home-Based Business Standards

(i) Purpose

The purpose of the home-based business standards is to regulate commercial activities in residential dwellings to ensure they are compatible with existing land uses and do not add significant traffic, noise, or other nuisances.

(ii) Use Standards

A) If the use is on a property within or contiguous to a platted major residential subdivision, it shall be considered a conditional use.

B) A maximum of two employees shall be allowed on the site per day but no more than one employee shall be present on the site at one time, other than the resident(s).

C) A maximum of eight clients or business-related visitors shall be allowed on the site per day, with no more than two clients or business-related visitors present at the same time.

D) Business hours shall be limited to Monday through Friday from 7:00 am to 7:00 pm.

(iii) Development Standards

A) The business activity must be conducted entirely within the primary dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit. Any accessary structure must be clearly incidental and secondary to the primary dwelling unit and comply all standards of this code.

B) There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character.

C) No outdoor storage or display of products or goods is permitted.

D) No additional access points and/or driveways shall be permitted. Adequate measures shall be taken to maintain safety for trucks entering the public roadway at slower speeds, including but not limited to deceleration/acceleration lanes or passing blisters.

E) Display of products or goods is not permitted.

F) Outdoor storage is permitted if not visible from any public road or adjacent property.

G) At the discretion of the administrator and/or Board of Adjustment, all parking and outdoor storage areas shall have a solid fence or masonry wall on all sides (excluding driveways) that is a minimum of six feet in height and/or continuous evergreen screen to provide screening from adjacent properties.

(k) Home Office Standards

(i) Purpose

The purpose of the home office standards is to regulate commercial activities in residential dwellings to ensure they are compatible with existing land uses and do not add significant traffic, noise, or other nuisances.

(ii) Use Standards

A) No person or persons may be employed in the home occupation at the site other than the resident(s) of the site.

B) No clients or business-related visitors shall be allowed on the site.

(iii) Development Standards

A) The business activity must be conducted entirely within the primary dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit. Any accessary structure must be clearly incidental and secondary to the primary dwelling unit and comply all standards of this code.

B) There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character.

C) No outdoor storage or display of products or goods is permitted.

D) No additional access points and/or driveways shall be permitted.

(l) Junkyards, Salvage Yards, and Vehicle Impound Lots

(i) Purpose

The purpose of the standards for junkyards, salvage yards, and vehicle impound lots is to ensure that both the operation and the existing land uses surrounding the operation are protected from the negative impacts that each may cause.

(ii) Use Standards

A) The battery, lubricants, fluids, coolants, refrigerants, and the similar components from any appliance, vehicle, or item shall be removed and recycled or disposed of in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.

B) Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten feet from any fence, structure, public road, or property line.

C) No junkyard, salvage yard, or vehicle impound lot shall be used as a dump by the public.

D) No burning of any material shall occur on site.

E) Materials and items shall not be placed in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.

(iii) Development Standards

A) No portion of a junkyard, salvage yard, or vehicle impound lot shall be located within an area designated as a special flood hazard area.

B) No portion of a junkyard, salvage yard, or vehicle impound lot that is used for storage of any materials or items shall be within two hundred (200) feet of a residential use, residentially platted subdivision, or residentially zoned parcel.

C) Storage of all junk, materials, or other items shall be within an enclosed building or it shall be fully screened with vegetation, berm, masonry wall, fence, or similar material so it is not visible from the any public road year-round.

D) Any fencing shall be securely locked unless being actively supervised.

E) A fire lane of fifteen feet in width shall be maintained that connects the main entrance to all areas used for storage of junk, materials, or other items. No point of any junkyard, salvage yard, or vehicle impound lot used for storage of junk, materials, or other items shall be more than two hundred (200) feet from a fire lane. Internal driveways and fire lanes may be gravel.

(m) Outdoor Storage, Display, and Sale of Merchandise Standards

(i) Purpose

A) The purpose of these standards is to regulate the permanent, temporary, or on-going outside storage, display, and sales operations while protecting existing adjacent uses.

B) For the purposes of this article, it does not include outdoor storage of recreational vehicles and trailers associated with a permitted primary use (such as RV sales, service, and RV storage facilities)

C) Sales, leasing, or rental display areas for vehicles, such as recreational vehicles, trucks, and automobiles, are considered to be parking areas by this code and exempt from these standards. However, these specific uses are subject to all applicable development standards for parking areas including landscaping requirements and the parking area requirements in Article 4.04 Off-Street Parking, Loading, and Stacking.

(ii) Use Standards

Outside storage, display, and sales of merchandise are permitted only when listed as a permitted use in the applicable zoning district, provided such activities are an integral function of the principal use.

(iii) Development Standards

A) Outside storage, display, and sales of merchandise shall be located in the side or rear yard only, except in industrial districts.

B) Temporary display and sales of merchandise is permitted in a front yard in all non-residential districts if the items are only displayed during business hours, located within ten feet of the front façade, and located on a private sidewalk as long as the minimum clearance for ADA compliance is provided.

C) Outside storage, display, and sales of merchandise areas shall not be located within bufferyards, setbacks, or other areas that are required to be landscaped per Article 4: Development Standards.

D) All areas used for non-temporary storage, display, and sales of merchandise that are visible from any public road or adjacent property shall be fully screened from view from any public road with a continuous, evergreen landscape buffer or opaque fencing that is a minimum of six feet in height.

(n) Short-Term Rental Standards

(i) Purpose

A) The purpose of the short-term rental standards is to provide an opportunity for property owners to use residential properties for short-term rentals while balancing the interests of property owners, visitors, and adjacent existing uses.

(ii) Use Standards

A) Short-term rental units shall only be allowed in lawfully-built dwelling units that meet building code requirements. They may include an entire dwelling or a portion of it and may be a permanent or temporary use.

B) Short-term rentals shall not be allowed in:

1) A recreational vehicle, travel trailer, tent, portable building, or similar structure (outside of a campground)

2) A motor vehicle

3) Any structure not intended for permanent human occupancy

C) Maximum overnight occupancy shall be two persons per bedroom.

D) Guest stays shall be limited to a maximum of seven consecutive days.

(iii) Development Standards

A minimum of one parking space shall be provide per sleeping area. All parking for a short-term rental shall be provided off-street and in conformity with all applicable parking standards.

(iv) Process

A) A permit is required to construct or convert an existing structure to short-term rental in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.

B) The owner of any short-term rental shall be required to obtain an annual compliance permit that demonstrates the use is meeting all standards of this code. This permit shall be administratively approved and issued.

(o) Wireless Communication Facility Standards

(i) Purpose

A) The intent of these standards is to provide for cellular telecommunication towers and facilities in appropriate locations throughout the community at sites which provide adequate cellular telecommunication service while protecting the public, preserving the character and value of surrounding property, and protecting the view from residential areas.

B) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in this article by officially registering with the Public Service Commission. The registration shall be in the form of an official resolution adopted by the local planning commission.

C) The requirements of this code are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations. All wireless communication facilities shall comply with all applicable federal, state, and local laws, regulations, and permitting and other requirements, and applicable building, fire, electrical codes, and FAA regulations.

D) All antenna towers shall be constructed in compliance with the current building codes, FAA standards, and other applicable state or federal standards, including but not limited to load capacity design for wind and ice.

(ii) Colocation

A) Colocation on an existing tower or facility does not require conditional use approval if the colocation does not substantially modify the existing tower or facility, including an increase in height.

B) Colocation shall be required unless colocation is not a viable option because:

1) The existing towers or facilities are not of sufficient height to meet the applicant's engineering standards.

2) The existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna or related equipment.

3) The physical constraints of the site preclude co-location.

4) The applicant's proposed equipment would cause frequency interference with other existing or proposed equipment on the tower or facility; or the existing or proposed equipment on the tower or facility would cause frequency interference with the applicant's planned equipment, which cannot reasonably be prevented.

5) The owner of the existing tower or facility is unwilling to entertain a colocation proposal.

(iii) Development Standards

A) Location

1) No cellular antenna tower, accessory structure or cabinet shall be permitted in a designated flood hazard area as shown on the Flood Insurance Rate Map (FIRM) as being the 100-year floodplain. Any cellular tower accessory structure must be located at least 25 feet outside of a designated flood hazard area. However, the tower itself, the equipment cabinet as well as any fence that surrounds the tower and cabinet may be located within the 25-foot buffer area.

2) No cellular antenna tower shall be permitted in or within 1,200 feet of a local historic district or within 1,200 feet of a National Register District or Property, unless the Board of Adjustment finds that no other reasonable site within the search area is available or unless it can be determined that the location of a cellular tower will be beneficial to the historic property or district where it is proposed. Every means feasible shall be used to conceal the tower or antenna so that it is reasonable to discern its existence.

B) Setbacks

1) Cellular antenna towers shall have a height-to-yard ratio of not less than 3:1 in all zoning districts except a minimum of a 1:1 height-to-yard ratio is permitted in the AG district. This ratio may be reduced by the Board of Adjustment if the owner(s) of the adjoining properties agree to the reduction or in cases of demonstrated hardship in a location that is essential for service.

2) All other structures, except fences and guy wires, shall have a minimum setback of 50 feet or the minimum setback required by the zoning district, whichever is greater.

C) Cellular antenna towers shall not be lighted, except as required by the Federal Aviation Administration (FAA).

D) A security fence that is a minimum of eight feet in height shall be used to enclose the tower and any portions of the site where access should be limited. Such fences shall be made from wove wire or chain link and may be located within the front, side, and rear yards. The use of barbed wire or sharp pointed fences is prohibited unless permitted in the zoning district.

E) A continuous, evergreen landscape buffer that is a minimum height of 6 feet shall be maintained along all adjacent private property lines for the purpose of screening the use from view.

F) There shall be no signs permitted, expect those displaying emergency information, owner contact information, warning or safety instructions, or signs that are required by federal, state, or local agency.

(iv) Procedures

A) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with this chapter, except for a county that contains a city of the first class as provided under KRS 278.650, and that has officially registered with the Public Service Commission shall:

1) Submit a copy of the utility's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services within five days of applying to the Public Service Commission for a certificate of necessity and convenience as required by KRS 278.02. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

a. All of the planning unit's jurisdiction; and

b. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;

2) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and

3) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040, and 278.280, and comply with payment of all application fees as determined by the fee schedule as adopted by the Fiscal Court.

B) Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

C) After receiving the uniform application to construct a cellular antenna tower, the planning commission shall:

1) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;

2) Make its final decision to approve or disapprove the uniform application; and

3) Advise the utility and the Public Service Commission in writing of its final decision within sixty (60) days commencing from the date that the uniform application is received by the planning commission or within a date certain specified in a written agreement between the local planning commission and the utility. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the utility to a specific date for the planning commission to issue a decision, it is presumed that the local planning commission has approved the utility's uniform application.

D) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first.

1) If a planning commission rejects the uniform application to construct an antenna tower, the Public Service Commission may override the decision of the planning commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity requires the proposed construction.

2) Any party, other than the applying utility, that is aggrieved by the final action of a planning commission under this section, may intervene in the action to the Public Service Commission, but this appeal shall not automatically postpone action by the Public Service Commission.

E) The planning commission may require the utility to make a reasonable attempt to co-locate additional transmitting or related equipment on any new or existing towers, if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applying utility can successfully co-locate its transmitting and related equipment. If the local planning commission requires the utility to attempt co-location, the utility shall provide the local planning unit with a statement indicating that the utility has:

1) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities, and that identifies the location of the tower which the applying utility will co-locate its transmission and related facilities on; or

2) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that:

a. Identifies the location of the towers which the applying utility attempted to co-locate on; and

b. Lists the reasons why the co-location was unsuccessful in each instance.

F) The local planning commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.

G) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

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ARTICLE 4: DEVELOPMENT STANDARDS

4.01 General

(a) The provisions of this section of the code shall be the responsibility of the property owner.

(b) No development plan or subdivision plat shall be approved or building permit issued unless it is in compliance with the standards herein.

4.02 Supplementary Regulations

(a) Purpose

The purpose of this section of supplementary regulations is to set specific conditions for various uses, classifications of uses, or areas where problems are frequently encountered, and are not covered elsewhere in this code.

(b) Applicability

The supplementary regulations of this section shall apply to all structures and land uses that are constructed, created, established, or expanded after the passage of this code, unless otherwise specifically stated.

(c) General Lot Design, Setback, and Frontage Provisions

(i) 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 50 feet from the intersection.

(ii) 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.

(iii) Building Setback Lines

The building setback lines are specified by each zoning district.

(iv) Large Lot Requirements

Regardless of the applicable zoning district, any lot of five or more acres in subdivision applications after the effective date of this code shall have a minimum of 250 feet in lot frontage, a minimum 125 feet front yard setback, and a minimum 50-foot side yard setback.

(d) Exceptions to Height Requirements

Height limitations described elsewhere in this code do not apply to such items as belfries, spires, steeples, antennas, water tanks, air conditioning-heating units, chimneys, or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(e) Roof and Subsurface Drains

(i) Roof downspouts, footing or foundation drains shall be discharged onto the same parcel of land from which the water is generated.

(ii) Roof downspouts shall be piped to natural drainage areas away from the road or onto concrete splash blocks, which direct water away from the building into swales, or other natural drainage areas.

(iii) Downspouts constructed toward the road shall be discharged on the surface as far back onto the lot as possible and in no case be closer than 20 feet back from the nearest edge of the right-of-way line.

(iv) All subsurface drains shall be discharged 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.

(f) Visibility at Street Intersections (Sight Clearance)

(i) Development proposed adjacent to any public or private street, or alley intersection, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

(ii) For intersections of streets with other streets, a vision clearance triangle area, which may include private property and/or public right-of-way, is a triangular area defined by measuring 25 feet from the intersection of the extension of the right-of-way lines (or edge-of-pavement lines where there is no dedicated right-of-way) and connecting the lines across the property. See Figure 1.

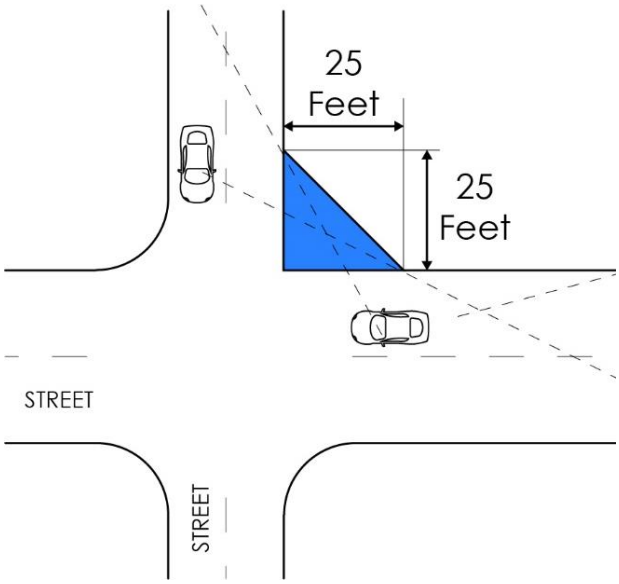

Figure 1: Traffic safety vision clearance for intersecting streets

(iii) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb (or elevation of street pavement where there is no curb), within the vision clearance area, unless approved by the Administrator.

(iv) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

(g) Fences, Walls, and Hedges

(i) Notwithstanding other provisions of this code, fences, walls, and hedges may be permitted in any rear or side yard, or along the edge of a yard, provided they do not infringe upon the property line or impair traffic visibility.

(ii) Fences, walls, and hedges shall not be constructed or planted within any easement.

(h) Accessory Buildings

Accessory buildings shall be located in the rear or side yard of a primary structure and shall comply with the setbacks outlined in Article 3.04 General Regulations for Zoning Districts and Overlay Districts. The footprint of accessory buildings shall be counted toward a lot's maximum impervious surface coverage.

(i) Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(j) Parking and Storage of Recreational Vehicles

Recreational vehicles, travel trailers, campers, coaches, motorized dwellings, tent trailers, tents, or similar equipment shall comply with the following:

(i) Such vehicles shall not be parked or stored in any manner as to encroach across lot lines or into a right-of-way, including sidewalks.

(ii) Where required by law, such vehicles shall be property registered and shall display a current vehicle license.

(iii) No temporary or permanent human occupancy shall occur within the vehicle except for:

A) When the occupants are constructing a permanent residence on the same site, in which case, the vehicle may be used as for temporary residency during construction; and

B) The occasional overnight use by a visitor.

(k) Solid Waste Management

(i) Development plans for multi-family uses and nonresidential uses shall include provisions for storage and disposal of solid waste. Containers for solid waste shall be of sufficient capacity to handle the waste being generated by the applicable use.

(ii) Waste disposal containers shall be placed in rear or side yards and located in such a way as to be accessible by service vehicles.

(iii) Containers shall be separated from the remainder of the developed area and screened in accordance with Article 4.06(e) Required Screening of Service Structures, Service Areas, and Outside Storage and Article 4.09(k) Design Standards for Outdoor Storage, Trash Collection, and Loading Areas.

(iv) In the case of construction projects, all waste resulting from the construction, demolition, or remodeling shall be removed promptly from the site and disposed of in accordance with appropriate waste disposal laws.

(l) Protection Standards

(i) Any use that uses hazardous substances be required to submit information regarding storage, use, and disposal of any materials or substances which might be detrimental to public health, safety, and welfare.

(ii) Agencies to be involved in the review of such information shall include the fire department, county health department, county utilities, and other agencies as deemed appropriate.

(iii) No materials or waste shall be stored in such a way as to be transferred off the site by natural forces or causes.

(iv) No fire, explosion, or related safety hazard shall be created or maintained on the site that could create a safety or health hazard beyond the site.

(v) No excessive noise shall be emitted from the site, beyond the average noise levels in the area, nor any objectionable heat, glare, vibration, dust, smoke, dirt, vapors, gases, or toxic/noxious matter.

4.03 Outdoor Lighting

(a) Purpose

The overall purpose of this section is to control the installation of outdoor lighting fixtures to prevent light pollution in the forms of light trespass and glare, and to preserve, protect, and enhance the character of Madison County and the lawful nighttime use and enjoyment of property located within Madison County. Appropriate site lighting, including lights for signs, buildings, and streets, shall be arranged to provide safety, utility, and security and to control light trespass and glare on adjacent properties and public roadways.

(b) Applicability

The standards of this section shall apply to all structures and land uses that are constructed, created, established, or expanded after the passage of this code, with the following exceptions:

(i) Lighting related to single-family and two-family dwellings are exempt; however, all lighting for these uses, with the exception of low-voltage landscaping lighting, shall be completely shielded from adjacent properties and rights-of-way.

(ii) Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.

(iii) Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.

(iv) Nothing in this chapter shall apply to lighting required by the FAA or any other federal regulatory authority.

(c) Outdoor Light Standards

(i) All outdoor lighting fixtures regulated according to this section, including but not limited to those used for parking areas, buildings, building overhangs, canopies, signs, displays and landscaping, shall be full-cutoff type fixtures, unless exempted per Article 4.03(b) Applicability, above.

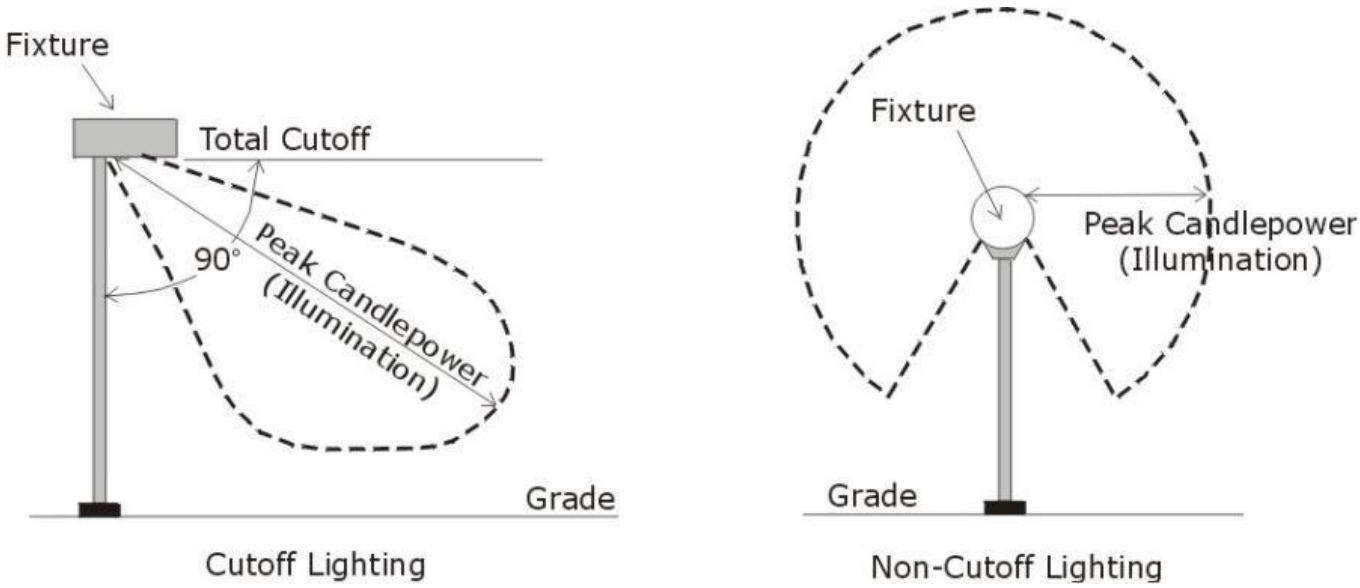

Figure 2: Cutoff or shielded lighting fixtures (left) as compared to non-cutoff lighting fixtures (right).

(ii) Any use that has a canopy with lighting fixtures attached to the bottom of the canopy shall utilize recessed ceiling fixtures.

(iii) All on-site lighting of buildings, lawns, landscaping, parking areas, and signs shall be designed to not shine onto any adjacent residential property or building, or to cause glare onto any public street or vehicle thereon.

(iv) Illumination that is required consistently across the site shall be designed to not create dark spots that may create safety issues in areas such as vehicular use areas and connecting pedestrian paths.

(v) Fully shielded decorative lighting attached to a building or placed in landscaping and directed onto a building shall be designed so that direct light emissions are not intended to be visible above the building's roof line. This exception shall not include decorative lighting used to illuminate a sign, which is regulated by Article 4.07(d)(ix) Illumination.

(vi) Light fixtures used to illuminate flags, statutes, and any other objects mounted on a pole, pedestal, or platform are permitted provided these objects are illuminated using a narrow cone beam or light fixtures designed to minimize light spillage beyond the illuminated object.

(vii) Lighting for certain outdoor recreational uses, because of their unique requirements for nighttime visibility and their limited hours of operation, shall be designed in a manner to minimize lighting impacts on adjacent residential uses. Such uses, including but not limited to, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses, shall be required to meet the following standards:

A) Cutoff from a lighting source that illuminates an outdoor recreational use may exceed an angle of 90 degrees from the pole, provided that the luminaries are shielded to prevent light and glare to spill over to adjacent residential properties.

B) Exterior lighting for an outdoor recreational use shall be extinguished no later than 11:00 p.m. or 30 minutes after the event ends (whichever is greater) unless an extended time period is approved by the Planning Commission.

C) Service connections for all freestanding lighting pole assemblies shall be located underground.

4.04 Off-Street Parking, Loading, and Stacking

(a) Purpose

The purpose of this article is to protect the public health, safety, and general welfare, and to:

(i) Regulate the appropriate amount of land for parking, loading, stacking, and maneuvering;

(ii) Relieve the congestion so the streets can be utilized more fully for movement of vehicular traffic;

(iii) Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movements in the vicinity of intensive pedestrian traffic;

(iv) Reduce surface water run-off by considering the use of pervious surfaces, where applicable;

(v) Promote the public health, safety, and general welfare of residential uses, businesses, public and institutional uses, and other substantial uses that depend upon off-street parking facilities; and

(vi) Provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with the objectives of the Comprehensive Plan.

(b) Applicability

(i) No building or structure shall be erected or expanded and no use shall be established, created, expanded, or changed unless permanently maintained off-street parking, loading, and stacking spaces (if applicable) have been provided in accordance with the requirements of this section of the code.

(ii) Whenever a building or structure constructed after the effective date of this code is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of parking spaces, additional parking, loading, and stacking spaces shall be provided. If such building or structure is enlarged by 50 percent or more in terms of the above characteristics, it shall comply with the full requirements set forth in this article.

(c) General Requirements

The following requirements shall apply to all vehicular use areas, including off-street parking, stacking, and loading spaces.

(i) Location

A) Parking spaces for all residential uses, including group quarters and multi-family, shall be provided on the same lot as the principal use they are intended to serve.

B) No part of any parking space for multi-family residential dwelling units shall be located within 10 feet of the dwelling unit structure unless the parking space is on a driveway connected to a garage or carport.

C) No portion of a vehicular use area, excluding driveways, shall be located closer than 10 feet to any established street.

D) Parking spaces for all nonresidential uses shall be provided on the same lot as the principal use they are intended to serve or may be located on another lot provided such off-site parking complies with the following:

1) Required ADA parking spaces shall be located on-site.

2) The off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the Planning Commission.

3) If the off-site parking spaces are located on a lot owned by another person, then the applicant shall be required to submit a written agreement between the owners involved that provides evidence that sufficient spaces shall be available to meet the needs of both parcels and that the parking area will be maintained.

4) Off-site parking space shall be located within 700 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal, marked crosswalk. Spaces that are more than 700 feet from the primary entrance may be approved by the Planning Commission.

E) Loading areas and stacking spaces for all nonresidential uses shall be provided on the same lot as the principal use they are intended to serve. These spaces shall not interfere with the flow of traffic on any public right-of-way.

(ii) Access and Layout

A) All parking areas and loading areas shall be designed so that any vehicle entering or leaving the lot shall be in a forward motion (parking spaces and loading areas cannot back directly onto a road).

B) Access points for all parking areas and loading areas shall maintain the required sight clearance (see Article 4.02(f) Visibility at Street Intersections (Sight Clearance)) and shall be no closer than 125 feet from a street intersection (as measured from the centerlines).

(iii) Modification to Existing Vehicular Use Areas

The modification of any existing off-street parking area, including, but not limited to, reduction, enlargement, restriping, or remarking of any vehicular use area in a manner that differs from the existing development plan shall require a review of the modification in accordance with the following:

A) Minor modifications related to maintenance and upkeep, including, but not limited to, repaving of the existing paved area, restriping, remarking, or other similar maintenance work, are permitted without a development plan approval.

B) All other modifications, including, but not limited to, the removal or expansion of existing paved areas, shall be approved through the development plan process.

(iv) Striping, Marking, and Maintenance

A) All parking spaces shall be striped and maintained in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish by the owner of the property.

B) Parking areas shall be designed in such a way as to provide for safe, efficient traffic flow, and be properly marked with arrows and stop signs to reduce hazards both to vehicular and pedestrian movements. When a parking space is designated for handicapped accessibility (ADA) or small car use, it shall be clearly marked as such and be in compliance with all state and federal regulations, if applicable.

(v) Surface and Grading

A) The surface of all vehicular use areas for multi-family and nonresidential uses, including all spaces, aisles, driveways, or circulation/maneuvering areas, shall be paved with a hard, durable, dust-free surface, such as asphalt or concrete (excluding compacted gravel).

B) Porous asphalt or pervious concrete, used to reduce surface water run-off, may be used for the pavement of parking spaces (no drive aisles, driveways, or other areas) for nonresidential uses if reviewed and approved by the Planning Commission. An applicant shall be required to submit a maintenance plan for upkeep of any permitted porous asphalt or pervious concrete. Failure to adhere to the maintenance plan shall be considered a violation of this code.

C) Driveways used as parking areas for all residential subdivisions (except minor plats) shall be paved with asphalt or concrete from the backside of the curb or road-gutter to the home.

D) Parking lots with less than 50 parking spaces or larger parking lots that will be used on an infrequent basis may request an extension of 24 months to be paved following occupancy.

E) Gravel parking is permitted only in the HI District for the parking or storage of equipment if located in the rear yard only. Such parking shall not be made available to customers and shall have gated or otherwise restricted access.

F) All vehicular use areas shall be graded and drained so that surface water shall not flow onto adjacent property.

G) Any vehicular use area that is intended for use beyond daylight hours shall be properly illuminated and shall be subject to Article 4.03 Outdoor Lighting.

(vi) Wheel Stops and Curbing

A) Vehicle parking, loading, or circulation shall not be permitted to encroach a landscape buffer or interior landscaped area by more than 2.5 feet. Parking, loading, or circulation areas shall not encroach any delineated pedestrian walkways.

B) Wheel stop devices, consisting of parking blocks, permanent curbs, or other suitable barriers, shall be installed for all parking or loading spaces to prevent any part of a parked motor vehicle from extending beyond the required parking or loading space area, or property line, overhanging a pedestrian circulation way or sidewalk, or damaging any structure or landscaping.

C) The minimum height of a wheel stop device shall be five inches.

D) Wheel stops shall be adequately anchored to the ground to prevent any movement.

E) Continuous curbing without adequate inlets, scissor curbing, or curb cuts to allow for drainage and stormwater is discouraged. See Figure 3.

Figure 3: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas

(vii) Lighting

Any lighting of vehicle use areas shall be subject to Article 4.03 Outdoor Lighting.

(viii) Landscaping and Screening

Landscape and screening shall be pursuant to Article 4.06 Landscaping.

(ix) Prohibited Activities

A) The display, sales, or storage of any goods, wares, or merchandise shall not be permitted within any areas designated for required off-street parking, circulation, and loading unless approved as part of an accessory or temporary use or approved as part of a site development plan.

B) No part of any building, structure, or related improvements shall be temporarily or permanently located or stored in areas designated for off-street parking, circulation, and loading, unless as part of an approved accessory or temporary use or approved as part of a site development plan.

(x) Bicycle and e-Scooter Parking

When bicycle or e-Scooter parking accommodations are provided on a site, they shall be located in an area adjacent to the primary building and separate from vehicular or pedestrian traffic circulation to prevent unnecessary conflicts and safety hazards between vehicles, people, bicycles, and e-Scooters.

(d) Off-Street Parking Standards

(i) Number of Required Parking Spaces

The minimum number of off-street parking spaces required shall be based on the requirements of Table 9: Minimum Number of Off-Street Parking Spaces or an alternative parking space plan may be provided in accordance with Article 4.04(d)(ii) Alternative Parking Space Plan.

A) Computation

In computing the number of parking spaces required by this code, the following shall apply:

1) Where floor area is designated as the standard for determining parking space requirements, the measurement shall be based on the gross floor area of the building or building unit (excluding floor area use for interior storage or HVAC equipment, restrooms, and other similar areas that do not have constant occupancy by people). Exterior storage areas shall not be included in the calculation.

2) Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed, and where individual seats are not provided (bench, pew, etc.), one seat shall be for each 24 lineal inches of seating facilities.

3) Any fraction shall be increased to the next highest whole number.

4) In residential use areas, garages or carports may be counted as a part of the required parking.

5) Home offices and short-term rentals do not require any additional parking spaces.

B) Mixed Use Occupancy

In the case of mixed or multiple uses in one building or on one property, the total requirements for off-street parking shall be calculated based on each of the specific uses and shall be accommodated in accordance with this section. For example, if an industrial use includes both a warehouse and supportive office spaces, parking for each use shall be calculated and summed.

C) Uses Not Listed

For uses that are not specifically stated, the Administrator may identify a parking requirement that most closely reflects the land use and intensity of the proposed use or may require an alternative parking space plan as established in Article 4.04(d)(ii) Alternative Parking Space Plan.

TABLE 9: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Use	**Parking Spaces Required**
Residential Uses	
Single-family or two-family dwellings	Two spaces plus one space for each bedroom over the first bedroom, per dwelling unit, with a maximum of five spaces per dwelling unit.
Multi-family dwellings with 10 or fewer units per building	
Multi-family dwellings with 11 or more units per building	One and one-half spaces per dwelling unit
Group homes, senior housing, or other residential uses for group living	Three spaces per five beds at maximum capacity
Business Uses	
Professional, Business, or Governmental Offices	One space per 300 square feet of gross floor area
Home-Based Business	One space per parcel (in addition to required parking for dwelling)
Bed and Breakfast	Two spaces plus one space per each sleep room for guests
Funeral Home	One space per 50 square feet of floor area in assembly rooms used for services
Hotel or Motel	One space per guest room
Bar, Tavern, Club, Restaurant, Distillery, Winery, or Brewery	One space per 150 square feet of gross floor area
All Other Business Uses	• One space per 400 square feet of gross floor area; or • One space per four seats for stadiums, auditoriums, theaters and similar; or • One space per 5,000 square feet of useable outdoor area for recreational facilities
Industrial Uses	
Indoor Sales Area and Displays of Goods (accessory to an industrial use on-site)	One space per 400 square feet of gross floor area (excludes outdoor storage/display areas)
Offices or Administrative Areas (accessory to an industrial use on-site)	One space per 300 square feet of gross floor area
Outdoor Storage/Display Area	1 space per 2,500 square feet of gross outdoor area used for storage, display, or operations.
All other Industrial Uses	• One space per 1,500 square feet of floor area; or • One space per two employees at the largest shift, whichever is greater
Other Uses	
Churches, Places of Worship, and Cemetery	One space per four persons at maximum indoor capacity
Hospital or Healthcare Facility (with overnight care)	One space for every two patient beds plus one space for every 300 square feet of outpatient clinics, laboratories, pharmacies, and other similar uses

TABLE 9: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Use	**Parking Spaces Required**
Park or Wildlife/Nature Preserve	One space per 5,000 square feet of usable outdoor area or one space per five seats if stadium/arena seating provided, whichever is greater
Penal/Correctional Facility and Utility Facility,	One space per two employees at the largest shift
Solar/Wind Energy System, or Wireless Communication Facility	One space on-site
School (College, University, etc.)	• One space for every four seats in the largest auditorium, stadium, or assembly room, or • One space per five seats for every classroom, whichever is greater
School (Preschool and K-12)	• One space for every four seats in the largest auditorium, stadium, or assembly room; or • Six spaces per classroom, whichever is greater
All Other Uses	• One space per 500 square feet of gross floor area; or • One space per five permanent seats at maximum capacity, whichever is greater

(ii) Alternative Parking Space Plan

A) For all uses except residential uses, an applicant may choose to provide an alternative parking space plan based on the proposed uses. The applicant shall be required to demonstrate that the proposed number of off-street parking spaces provided in the alternative plan is sufficient to serve the proposed use or activity. The applicant shall provide calculations based on calculations from a reliable and reputable source or previous parking counts for the specific use. As part of the alternative parking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:

1) Building square footage for each specific use to be served by off-street parking;

2) Intensity of the proposed use;

3) Hours of operation;

4) Estimated number of patrons/customers at peak hours of operation;

5) Maximum numbers of employees present on one shift;

6) Availability of joint parking areas;

7) Building occupancy loads;

8) Proposed number of spaces and their locations on the lot; and

9) Any additional information as requested by the Administrator.

B) The Planning Commission shall have the authority to approve or deny the alternative parking space plan. The Planning Commission may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or similar reputable resources in making its determination. If the Planning Commission denies the alternative parking space plan, the applicant shall be required to meet the minimum number of spaces required by Table 11: Minimum Stacking Space Requirements, above, or seek approval of a variance.

(iii) Dimensional Requirements for Parking Spaces and Drive Aisles

A) Areas for off-street parking facilities shall be designed in accordance with the minimum dimensional requirements established in Table 10: Parking Space Dimensions and illustrated in Figure 4.

B) If parking along a drive aisle has parking at two or more different angles, the width of the aisle required shall be the largest width required in Table 10: Parking Space Dimensions.

TABLE 10: PARKING SPACE DIMENSIONS

Angle	Parking Space Width (See "A" below.)	Parking Space Length (See "B" below.)	Drive Aisle Width	
			One-Way (See "C" below.)	Two-Way (See "D" below.)
Parallel (0°)	9 feet	23 feet	12 feet	20 feet
30°	9 feet	20 feet	12 feet	24 feet
45°	9 feet	20 feet	12 feet	24 feet
60°	9 feet	19 feet	14 feet	24 feet
Perpendicular (90°)	9 feet	19 feet	14 feet	24 feet

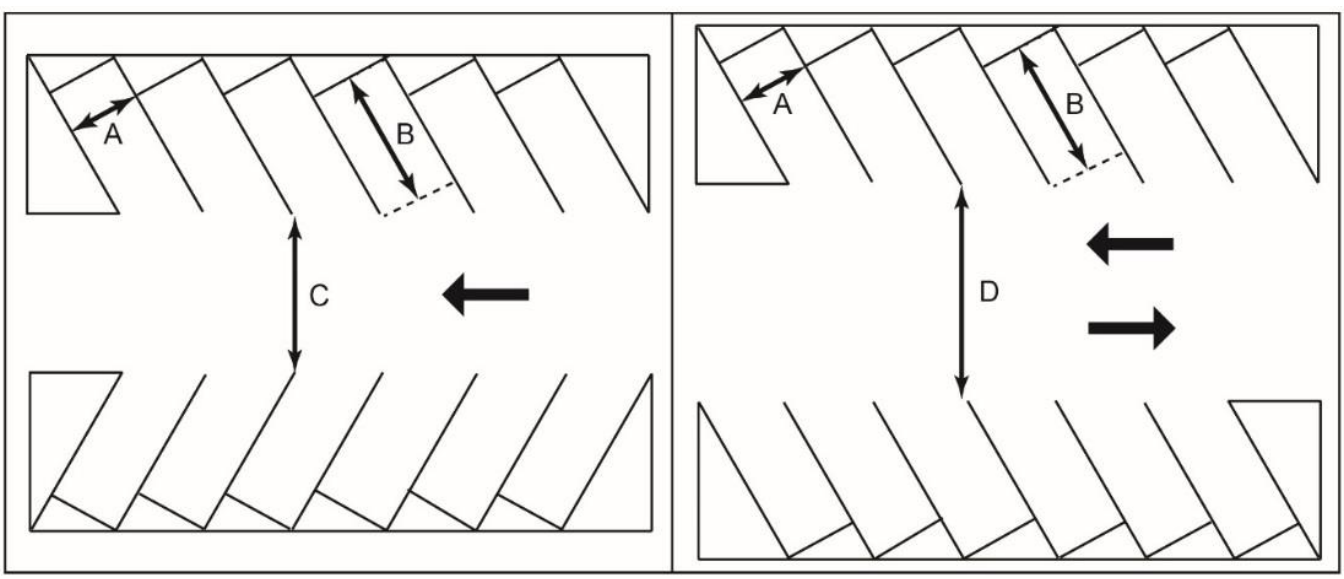

Figure 4: Parking area dimensions

(iv) Parking for Handicapped Persons

A) Parking spaces for handicapped persons shall meet all applicable state requirements and the most recent ADA Standards for Accessible Design.

B) Each handicap space may be included in the minimum number of spaces required by this article.

(v) Shared Parking

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following standards.

A) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

B) Required parking spaces reserved for persons with disabilities shall not be located on adjacent properties to which they serve.

C) Shared parking shall not be permitted in any residential districts.

D) A written parking agreement shall be required and must be approved by the Planning Commission as part of the site development plan process.

E) No shared parking space shall be located more than 500 feet from the primary entrance of the use served.

F) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request as part of the site development plan application.

G) A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.

H) Shared parking shall not account for more than 50 percent of the required parking spaces as established in Table 9: Minimum Number of Off-Street Parking Spaces.

(e) Off-Street Loading Standards

A permanently paved and maintained area for standing, loading, and unloading of delivery vehicles may be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

(i) Number of Required Loading Spaces

This code does not require a minimum number of off-street loading spaces. However, uses that receive frequent deliveries are required to provide adequate loading spaces that are built to the standards of this subsection.

(ii) Dimensional Requirements for Loading Areas

Loading spaces shall conform to the following minimum dimensions. Dimensions shall not include any driveway, aisle, or other circulation area:

A) Clearance height: 15 feet

B) Minimum width: 12 feet

C) Minimum length: 50 feet

(iii) Location and Activities

A) Off-street loading spaces shall be located in a side or rear yard unless the applicant can demonstrate to the Planning Commission that such location is not feasible.

B) Off-street loading spaces cannot block, obstruct, or occupy any parking space, circulation, drive aisles, sidewalk, or vehicle stacking space for drive through lanes.

C) No portion of a loading area, including the loading ramp, dock, door, or space, shall be located within 50 feet from any lot zoned for any residential use, unless the loading area is located completely within an enclosed building.

D) An off-street loading space shall not be used for repairing or servicing motor vehicles.

(f) Stacking Space Standards

Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street stacking areas in addition to the required number of parking spaces specified in this article.

(i) Number Required Sacking Spaces

The number of required stacking spaces shall be as provided for in Table 11: Minimum Stacking Space Requirements.

TABLE 11: MINIMUM STACKING SPACE REQUIREMENTS

Activity	Minimum Stacking Spaces	Measured From
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Food or Beverage Service	6	First Drive-Through Window or Stall
Automatic Vehicle Washing Establishment	5	Outside of Washing Bay
Self-Service Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel Stations	2 per accessible side of the pump island	Fuel Pump
Other	As determined by the Administrator	

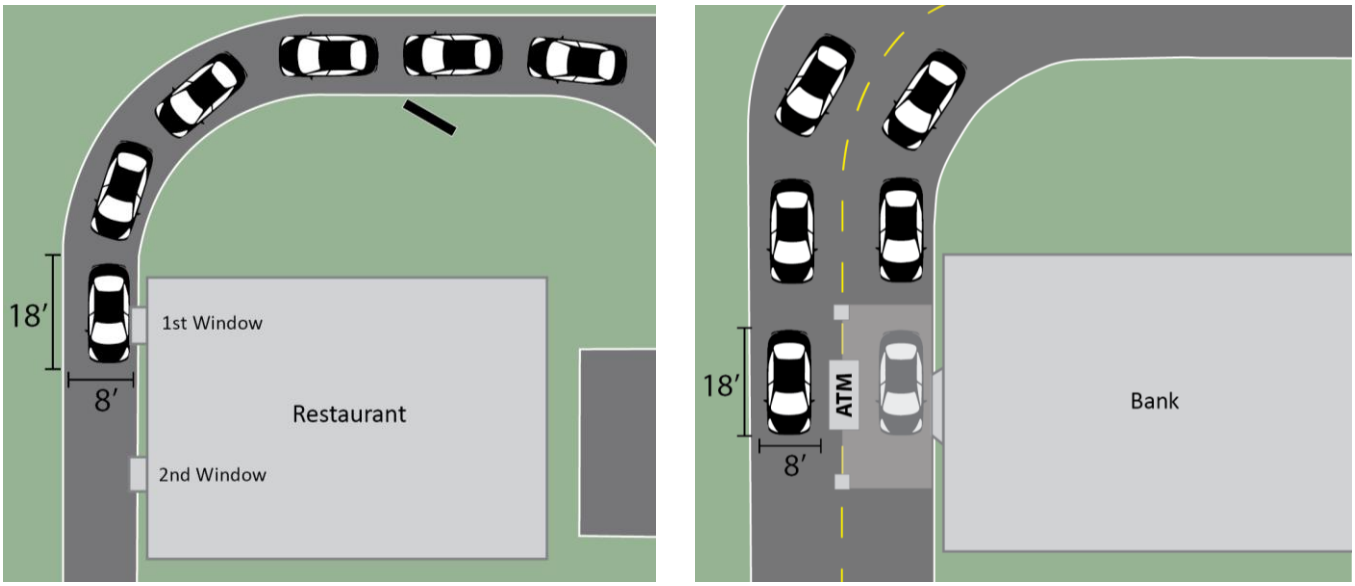

Figure 5: Illustrative example of stacking space requirements for a bank and a restaurant

(ii) Dimensional Requirements for Stacking Spaces

Stacking spaces shall conform to the following minimum dimensions. Dimensions shall not include any driveway, aisle, or other circulation area:

A) Minimum width: 8 feet

B) Minimum length: 18 feet.

(iii) Location

A) Stacking lanes shall be separated from other stacking lanes, bypass lanes, or from other site areas with a raised concrete median, concrete curb, landscaping, or painted striping.

B) Vehicles shall not be permitted to wait, stack, or idle within the public right-of-way for service any establishment.

(iv) Alternative Stacking Space Plan

A) An applicant may choose to provide an alternative stacking space plan based on the proposed use. The applicant shall be required to demonstrate that the proposed number of stacking spaces provided in the alternative plan is sufficient to serve the proposed use or activity. The applicant shall provide calculations based on calculations from a reliable and reputable source or previous traffic/customer trips during peak time for the specific use. As part of the alternative stacking space plan, the applicant shall provide a written analysis of parking requirements based on the following information:

1) Hours of operation;

2) Estimated number of patrons/customers using the drive-thru at peak hours of operation;

3) Proposed number of stacking spaces and their locations on the lot; and

4) Any additional information as requested by the Administrator.

B) The Planning Commission shall have the authority to approve or deny the alternative stacking space plan. The Planning Commission may refer to the estimates of stacking needed based on recommendations reputable resources in making its determination. If the Planning Commission denies the alternative stacking space plan, the applicant shall be required to meet the minimum number of stacking spaces required by Table 11: Minimum Stacking Space Requirements or seek approval of a variance.

4.05 Riparian Buffers

(a) Background

(i) It has been determined that buffers adjacent to stream systems, wetlands, sinkholes, reservoirs, and other significant water resources within Madison County provide numerous environmental protections and resource management benefits that include:

A) Restoring and maintaining the chemical, physical and biological integrity of the water resources;

B) Removing pollutants delivered in stormwater;

C) Reducing erosion and controlling sedimentation (the loss of one millimeter of soil over one acre of land is approximately five tons of soil);

D) Stabilizing stream banks;

E) Providing filtration of stormwater runoff;

F) Slowing the velocity of stormwater runoff;

G) Maintaining base flow of streams;

H) Contributing cleaner organic matter that is a source of food and energy for the aquatic ecosystem;

I) Providing a tree canopy to shade streams, wetlands, and lake banks; promoting desirable aquatic organisms;

J) Providing riparian wildlife habitat;

K) Furnishing scenic value, recreational opportunity, and economic value; and

L) Aiding compliance with the Clean Water Act.

(ii) It is the intent of Madison County to protect, maintain, and increase the acceptable vegetation in riparian and wetland areas by implementing specifications for the establishment, protection, and maintenance of lands along streams, wetlands, sinkholes and reservoirs within Madison County.

(b) Purpose

The purpose of these regulations is to:

(i) Establish the minimal acceptable requirements for the design of buffers to protect streams, wetlands, sinkholes, and reservoirs;

(ii) Protect the water quality of watercourses, reservoirs, and other significant water resources;

(iii) Protect riparian and aquatic ecosystems;

(iv) Protect the health and welfare of persons utilizing our water resources;

(v) Assist the County in compliance with the U.S. Clean Water Act; and

(vi) Provide for the environmentally sound use of the Madison County land resources.

(c) Applicability

(i) This section shall apply to all proposed development except for any development that meets waiver or variance criteria as outlined in Article 4.05(f) Exceptions and Waivers of Riparian Buffer Requirements and Standards.

(ii) The section shall not apply to agricultural operations that are covered by an approved NRCS conservation plan that includes the application of best management practices.

(iii) Riparian buffers shall be required for all of the following:

A) Perennial and intermittent watercourses identified on United States Geological Survey (USGS) maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line;

B) Wetlands, as defined by the Army Corp of Engineers;

C) 100-year floodplain, as defined by the Federal Emergency Management Agency (FEMA);

D) Sinkholes; and

E) Reservoirs.

(d) Required Buffers

(i) The required width for all riparian buffers (i.e., the base width) shall be a minimum of 25 feet as measured from:

A) The outside edge of the 100-year floodplain, wetland, sinkhole, or reservoir; and

B) The top of the bank at the outside edge of the active channel of a watercourse.

(ii) The riparian buffer areas subject to this section shall include the buffer area as well as the entirety of the area being protected.

(iii) Where there is an overlap between protected areas, the required buffer areas may also overlap.

(iv) Additional Setbacks from Water Pollution Hazards

The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any stream or water body by the distance indicated in Table 12: Setbacks for Water Pollution Hazards.

TABLE 12: SETBACKS FOR WATER POLLUTION HAZARDS

Hazard	Minimum Setback
Storage of hazardous substances	300 feet
Above- or below-ground petroleum storage facilities	300 feet
Drain fields from on-site sewage disposal and treatment system (i.e., septic systems)	50 feet
Raised septic systems	100 feet
Solid waste landfills or junkyards	300 feet
Confined animal feedlot operations	300 feet
Subsurface discharges from a wastewater treatment plant	100 feet

Land application of bio-solids	300 feet
Wastewater pump stations	100 feet

(e) Buffer Management, Activities, and Maintenance

(i) Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

(ii) The following structures and uses may be permitted in a riparian setback, subject to the approval of an application for a building permit or subdivision plat, as applicable. When reviewing and making a decision on applications for the following uses, the Administrator or Planning Commission, as applicable and for good cause shown, attach such conditions as it deems appropriate.

A) Crossings

1) Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall be designed by a professional engineer and only be undertaken upon approval of a crossing plan by the Planning Commission or Administrator, as applicable to the subject application.

2) If work will occur below the ordinary high-water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Nationwide Permit or Individual Permit shall also be provided to Madison County. Proof of compliance shall be the following:

a. A site development plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit;

b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit; or

c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

B) Streambank Stabilization Projects.

1) Streambank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles.

2) If streambank stabilization work is proposed below the ordinary high-water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section Nationwide Permit or Individual Permit shall be provided to Madison County. Proof of compliance shall be the following:

a. A site development plan showing that any proposed crossing conforms to the general and special conditions of Nationwide Permit;

b. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit; or

c. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(iii) Uses and Activities Prohibited in Riparian Setbacks

Any use or activity not authorized under this section shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

A) There shall be no buildings or structures of any kind related to construction.

B) There shall be no filling, dredging, or dumping of soil, spoils, liquid, or solid materials.

C) There shall be no fences or walls, except as specifically permitted under this section.

D) There shall be no roads or driveways, except as specifically permitted under this section.

E) There shall be no parking spaces, parking lots, stacking spaces, or loading/unloading spaces.

F) There shall be no use, parking, or storage of motorized vehicles, except as specifically permitted under this section.

G) There shall be no disturbance of natural vegetation within riparian setbacks except for the following:

1) Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation;

2) Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved site development plan submitted in conformance with this regulation; and

3) Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.

H) Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system in accordance with local health district regulations.

I) Riparian setbacks shall not be used for storm water retention and detention facilities.

(f) Exceptions and Waivers of Riparian Buffer Requirements and Standards

(i) This code shall apply to all proposed development except for that development which, prior to the effective date of this code:

A) Is covered by a valid, unexpired plat in accordance with this code;

B) Is covered by a current, executed public works agreement approved by Madison County;

C) Is covered by a valid, unexpired building permit; or

D) Has been granted a waiver in accordance with current development regulations.

(ii) The Planning Commission may grant a waiver for the following:

A) Those projects or activities where it can be demonstrated that strict compliance with the code would result in very serious practical difficulty or severe financial hardship;

B) Those projects or activities serving a public need where no feasible alternative is available;

C) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to nontidal wetlands and associated aquatic ecosystems have been addressed; or

D) For those developments which have had buffers applied in conformance with previously issued requirements.

(iii) Waivers for development may also be granted in an additional form, if deemed appropriate by the Planning Commission: The buffer width may be relaxed and the buffer permitted to become narrower at some limited points as long as the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure but no new structures shall be built within the 100-year floodplain.

4.06 Landscaping

(a) Purpose

The purpose of this section on landscaping is to:

(i) Improve the appearance of vehicular use areas and property abutting public rights-of-way;

(ii) Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted, land uses on adjoining lots using a suitable combination of setbacks, visual buffers, and physical barriers;

(iii) Promote attractive development and preserve the appearance and character of the surrounding area through the use of effective landscaping; and

(iv) Promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

(b) Applicability

(i) No building or structure shall be erected or expanded, and no use shall be established, created, expanded, or changed unless landscaping has been provided in accordance with the requirements of this section of the code.

(ii) Any expansion of vehicular use areas shall include landscaping required for such vehicular use areas in accordance with this code, including any required screening.

(c) Procedures

A building permit shall not be issued until the landscape plan has been approved, and no certificate of occupancy shall be issued until the required landscaping is installed and approved by the Administrator.

(d) General Standards for Landscaping, Screening, and Buffers

(i) Minimum Landscaping, Screening, and Buffers Required

The following shall require landscaping, screening, and/or buffering:

A) Service Structures, Service Areas, and Outside Storage (see Article 4.06(e))

B) Parking Lot (see Article 4.06(f))

C) Between Uses and Development (see Article 4.06(g))

D) Street Buffer for Vehicle Use and Building (see Article 4.06(h))

(ii) Location

A) Placement in Easements

Required landscape buffers, screening, and landscaping shall be provided in addition to, and separate from, any easement. No trees shall be planted in any easement.

B) Street Trees in the Rights of Way

Street trees are not permitted in the right-of-way of a public roadway.

C) Landscaping at Driveways and Intersections

All landscaping at driveway and street intersections shall be made up of plantings that, upon full maturity, do not constitute a driving hazard or impeded visibility or site distance. See Article 4.02(f) Visibility at Street Intersections (Sight Clearance) for standards related to intersection visibility.

(iii) Landscape Materials

Materials for landscaping, screening, and buffering shall comply with the following:

A) Walls and Fences

1) Walls used in landscaping areas or as screening shall be constructed of natural stone, brick, or other weatherproof materials, and fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Other materials, such as chain link, may be used as permitted by this code but cannot be used to satisfy any requirements of this section.

2) Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8 feet on center. If wood is used, the posts shall be at least 4-inches by 4-incheas in dimension. Posts shall be set in or anchored to crowned concrete footers at least six-inches larger in each direction than the post it supports.

3) All walls or fences shall have a minimum opacity of 80 percent.

4) Walls and fences used to meet the requirements of this article shall not be used for the erection or display of any sign or other advertising device unless specifically authorized in Article 4.07 Signs.

B) Earth Mounds

1) Earthen mounds and berms shall have a maximum slope of 3:1, (three feet of horizontal space is required for each one-foot vertical change in elevation).

2) The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mound.

3) Earthen mounds or berms shall be designed and constructed with variations in physical alignment throughout the length of the mound or berm.

C) Plant Material

All plant materials used to satisfy this section shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

1) Evergreen trees shall be a minimum of five feet in height or a minimum of two inches in diameter measured at four feet above the base of the tree immediately after planting.

2) All other trees shall be a minimum of eight feet in height or have a minimum of two inches in diameter as measured at four feet above the base of the tree immediately after planting.

3) Shrubs shall be a minimum of 15-inches in height at planting.

4) Hedge material shall be a minimum of 10-gallon containers that are at least five feet in height. Each plant shall be spaced in order to provide a continuous screen at maturity.

5) Any plant identified by the Kentucky Department of Fish and Wildlife Resources as being a nuisance or invasive species shall be prohibited. Furthermore, any nuisance or invasive species that exists on the site shall be eradicated as part of any landscaping plan.

6) Any fraction of a required number of plants shall be rounded up to the whole number.

D) Existing Landscape Material

Preservation of existing healthy trees on the site may be use to fulfill the requirements of this section. Preserved trees shall be indicated on a site development plan for approval by the Administrator.

E) Maintenance and Installation

1) All landscaping materials shall be installed according to accepted, good construction and planting procedures.

2) Any landscape material which fails to meet the minimum requirements of this article at the time of installation shall be removed and replaced with acceptable materials.

3) The property owner shall be responsible for the continued, proper maintenance of all landscaping materials, and all landscaping shall be kept in a proper, neat, and orderly appearance, free from refuse and debris at all times.

a. All unhealthy or dead trees and shrubs used to satisfy the landscape requirements shall be replaced within one year, while other defective landscape material shall be replaced or repaired within three months.

b. The severe cutting of limbs removing the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this article.

4) Violation of these installation and maintenance provisions shall be grounds for the Administrator to refuse a building occupancy permit, require replacement of landscape material, and/or institute legal proceedings to enforce the provisions of this article.

(e) Required Screening of Service Structures, Service Areas, and Outside Storage

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intensive uses and from views from public rights-of-way. Landscape screening shall be effective year-round, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(i) Uses and Structure to Screen

The following uses and structure shall be screened in accordance with this section:

A) Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;

B) Loading spaces;

C) Outdoor storage areas;

D) Pipes, conduit, and cables associated with the building or use;

E) Outdoor equipment (e.g., propane tanks, HVAC units, outdoor freezer or refrigeration units, storage units, etc.);

F) Ground-level or facade-mounted mechanical equipment; and

G) Roof top equipment that is not otherwise hidden by the roofline, parapet wall, or other similar feature.

(ii) Location of Screening

A) A continuous planting, hedge, opaque fence, solid wall, or earth mound shall enclose any service areas subject to this subsection on all sides. If the structure must be frequently moved (such as a dumpster) screening shall be provided on three sides with a latching, opaque gate on the fourth side.

B) The height of the screening material shall be one foot higher than the height of the use or structure being screen, but it shall not exceed the height of the primary structure.

C) All outdoor storage areas in all nonresidential zoning districts shall be screened by a solid wall or fence with a minimum height of six feet. No uses or structures being screened shall exceed the height of the wall or fence.

D) Whenever a service structure or area is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.

E) If a service structure or area is located adjacent to the principal building, a wall may be used for screening through an extension of the principal building and shall not be subject to the height limitations above. See Figure 6.

Figure 6: The above image illustrates a wall and fence that is an extension of the principal building that is designed to screen outdoor storage areas.

(iii) Protection of Screening Material

Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier (such as a curb) shall be provided to contain the placement of the container.

A) The barrier shall be at least 18 inches from the screening material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied.

B) The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.

(f) Required Parking Lot Landscaping

In the MF-MD, MF-HD, and all nonresidential zoning districts, any parcel with 50 or more parking spaces shall be required to landscape a minimum of five percent of the parking area. Any required landscape buffers between uses and development or landscaping around the perimeter of the building cannot be used to satisfy this requirement.

(g) Required Landscape Buffers Between Uses and Development

This section shall provide for the buffering between land uses and development that may be of a different intensity, or otherwise incompatible, for the purposes of mitigating impacts such as parking areas, noises, and other potential effects.

(i) Buffer Types

Buffering of land use shall be established in the following manner:

A) Locate the proposed district and adjacent districts in Table 13: Buffer Type Required. Adjacent uses include uses on adjacent lots with shared lot lines and uses on lot across the street.

B) Identify the letter which indicates the buffer type required.

C) Find the buffer type in Table 14: Screening Type Standards, which identifies the minimum buffering to be established as required in this section.

TABLE 13: BUFFER TYPE REQUIRED

		Adjacent District								
		AG	SF-LD or SF-MD	MH or MF-MD	MF-HD	NB	PSP	GB	LI	HI or RE
Zoning of Project Site	AG	None	None	None	None	None	None	None	None	None
	SF-LD or SF-MD	None	None	None	None	None	None	None	None	None
	MH or MF-MD	A	A	None	None	None	None	None	None	None
	MF-HD	B	B	A	None	None	None	None	None	None
	NB	C	C	C	B	A	None	None	None	None
	PSP	C	C	C	C	B	A	None	None	None
	GB	D	D	D	C	B	B	A	None	None
	LI	D	D	D	D	D	D	C	None	None
	HI or RE	E	E	E	E	E	E	D	C	None

TABLE 14: SCREENING TYPE STANDARDS

Screen Type	Minimum Width (Feet)		Wall or Fence Height (Feet)	Mound Height (Feet)	Shrubs	Shade or Evergreen Tree	Ornamental Tree
	With a Fence, Wall or Mound	Without a Fence, Wall or Mound			Number per 50 linear feet of buffer		
A	10	20	6	4 to 6	6	2	2
B	15	30	6	4 to 6	8	4	3
C	20	30	6	5 to 7	10	6	4
D	25	40	6	5 to 7	15	6	4
E	30	50	6	6 to 8	20	8	6

(ii) Buffer Establishment

Once a buffer has been approved by the Administrator or Planning Commission, as applicable, and established by the owner, it may not be used, disturbed, or altered for any purpose unless otherwise permitted by the County.

(iii) Location of Buffers

A) The landscape buffer shall be provided along the entire lot line between the two adjacent uses identified in Table 13: Buffer Type Required and Table 14: Screening Type Standards.

B) Buffers required by this section shall be located completely on the lot subject to the buffer requirement and only along the outer perimeter of the lot where it abuts another lot, and shall extend to the lot line or right-of-way line.

(iv) Development within Required Buffers

The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, except for the following features:

A) Fences or walls;

B) Sidewalks, trails, and other elements associated with passive recreation, if all required landscaping is provided;

C) Signs and light posts;

D) Driveways, access roads, and similar uses if they cross perpendicularly across a required buffer, are designed to limit disturbance of vegetation, and have a maximum width of 24 feet; or

E) Overhead and underground utilities required or allowed by the County.

(h) Required Street Buffer

(i) The street buffer requirements shall only apply to development within the MF-MD district, MF-HD district, and nonresidential zoning districts.

(ii) A street buffer shall be provided between any public street (right-of-way) and any vehicular use area (such as a parking lot, drive area, or loading area) or building, whichever is closest. This shall include buffering between vehicular use areas, buildings, and Interstate 75.

(iii) If a fence or wall exceeds three feet in height and fronts an arterial or collector road, a continuous hedge that is a minimum of 24 inches in height and spaced three feet on center shall be planted between the fence or wall and street.

(iv) If a fence or wall is located along the street buffer, the required trees and other landscape material shall be located between the fence and right-of-way.

(v) Every effort shall be made to undulate any fence, wall, and/or landscaping materials. It is not the intent of this requirement to obscure from view decorative elements such as emblems, tile, molding, and wrought iron.

(vi) The remaining area of the required street buffer shall contain only native vegetation, grass, ground cover, or other landscape treatment. Every effort shall be made to preserve, retain, and incorporate the existing native vegetation in these areas.

(vii) Driveways and sidewalk connections may cross the street buffer as permitted by the Planning Commission.

A) Vehicular Use Buffers

Where a vehicular use area is adjacent to a street (no building between these), the buffer shall include:

1) A minimum width of 20 feet if the adjacent to a right-of-way that is less than 100 feet or a minimum of 15 feet if adjacent to a right-of-way that is 100 feet or more.

2) A minimum of one tree for each 25 linear feet (for the length of the vehicular use area).

B) Building Buffers

If there is no vehicular use area between a building and adjacent street, then the buffer shall include:

1) No minimum buffer width.

2) One tree for each 25 linear feet (for the length of the building).

3) A hedge, wall, or other opaque durable landscape barrier, which will be at least two feet in height at the time of planting and three feet in height at the time of maturity, along the entire length of the required buffer. See Figure 7 .

Figure 7: Example of the provision of a two-foot landscape barrier along the street right-of-way

4.07 Signs

(a) Purpose

It is the purpose and intent of this section to establish reasonable regulations which preserve the public health, safety, and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:

(i) To prohibit signs which pose an unreasonable risk to the public safety;

(ii) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;

(iii) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;

(iv) To control the design of signs so that their appearance shall be aesthetically harmonious with an overall urban design for the area;

(v) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;

(vi) To promote the public right to receive religious, political, economic, social, philosophical and other First Amendment protected messages.

Madison County does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and the Kentucky Constitution. All regulations in this section are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

(b) Applicability

(i) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign in the unincorporated areas of Madison County except in accordance with the provisions of this section.

(ii) Unless otherwise provided, this section shall apply to any sign over which Madison County has authority to regulate. Additionally, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from any adjacent or surrounding property.

(iii) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Article 4.07(k) Nonconforming Signs and Sign Structures.

(iv) All signs shall require the issuance of a permit, as established in this code, unless otherwise noted below or as specifically stated in other sections of this code. All signs shall be in accordance with all applicable building and electrical codes.

(v) Permit Exempt Signs

The following signs are subject to the requirements of this section, are allowed in all districts, and do not require a permit. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this section for all other permitted signs. Exempt signs, or the structures they are attached to, may still be subject to building code or other applicable code requirements.

A) Signs and/or notices issued by any court, officer, or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;

B) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;

C) Sign face changes, on a previously permitted sign, including where the sign structure is designed with interchangeable panels and one of the panels is replaced even if such sign panel change does not alter the total sign structure;

D) Any sign that is located completely inside a building and that is not visible from the exterior (See also the definition of “window sign”);

E) Signs that are located within a stadium, open-air theater, park, arena, or other outdoor use that are not visible from a public right-of-way or adjacent property and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;

F) Certain temporary signs as established in Article 4.07(i) Temporary Signs;

G) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:

- **1)** The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
- **2)** For wall-mounted flags, the maximum projection of the post is six feet and the maximum sign area is 15 square feet per flag.
- **3)** There shall be a maximum of one flag pole and three-wall mounted posts permitted on each lot.
- **4)** While the flag itself does not require a permit, flag poles may be subject to building permit regulations.

H) A single wall sign, mounted flush on the facade of an individual dwelling unit, that is not illuminated and does not exceed four square feet in area;

I) Signs that are an integral part of the historic character of a structure that have been designated an official landmark or historic structure by any agency or body of the governments of the United States, Commonwealth of Kentucky, or Madison County;

J) Any signs located on umbrellas, seating, or similar patio furniture provided they are located outside of the right-of-way and comply with any other applicable standards of this section;

K) Any sign on a truck, bus, or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (See Article 4.07(c) Prohibited Sign Types;

L) Signs installed or required by a governmental agency including the Madison County, the Commonwealth of Kentucky, and the United States, including local and regional transit agencies and utility providers;

M) Hand-held signs not set on or affixed to the ground;

N) Any address numbers required by the Madison County or the U.S. Post Office;

O) Changes of copy on signs with changeable copy;

P) Any signs, including illuminated signs, or related decorations erected in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material; and

Q) General maintenance, painting, repainting, cleaning, and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

(c) Prohibited Sign Types

The following types of signs are specifically prohibited within Madison County:

(i) Unless otherwise specifically allowed, signs that are applied to trees, utility poles, benches, trash receptacles, fences or walls, newspaper vending machines or boxes, or any other unapproved supporting structure;

(ii) Any sign or sign structure which, in the opinion of the Administrator after consultation with the building official, is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(iii) No sign shall be installed, erected, or attached in any shape, manner, or form to block any fire escape or any door or window that is required ingress and egress for fire safety;

(iv) Pennants, streamers, and other similar type devices;

(v) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, except for electronic message centers permitted in accordance with this chapter;

(vi) Balloon signs and air-activated graphics;

(vii) Laser lights, beacons, and searchlights, except for emergency purposes;

(viii) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, supported by, or otherwise affixed to the vehicle shall not be parked or stored for a time period exceed 48 hours;

(ix) Any signs that utilize illumination by means of bare bulbs, flames, or both;

(x) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;

(xi) Any sign that violates the intersection visibility requirements of Article 4.02(f) Visibility at Street Intersections (Sight Clearance).

(xii) Any sign located in a public right-of-way, except as specifically provided for in the section;

(xiii) Any sign mounted above the roofline of the structure on which it is attached; and

(xiv) Any other sign type that is not specifically allowed by this chapter.

(d) General Regulations

Unless otherwise specifically stated, the following regulations shall apply to all signs within Madison County's jurisdiction:

(i) All signs shall be professionally manufactured or of equivalent quality. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.

(ii) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes. In the event there is a conflict between the provisions of this section and the provisions of any applicable building or electrical codes, the provisions of the more restrictive code shall govern. More specifically, all wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Safety Code (most recent edition).

(iii) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.

(iv) The lowest component of all signs that project (or are supported on posts that project) shall be at least eight feet above the finished grade of a sidewalk or any other pedestrian way. If located over a pavement used for vehicular traffic or within 18 inches of the vertical projection of the edges of pavement used for vehicular traffic, the lowest component of the sign shall be at least 15 feet above the finished pavement.

(v) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(vi) All signs shall be subject to the intersection visibility standards established in Article 4.02(f) Visibility at Street Intersections (Sight Clearance).

(vii) The back side of all permanent signs that do not contain a second sign area or structural supports shall be completely enclosed.

(viii) Signs in Public Rights-of-Way

A) Signs shall be prohibited in the public right-of-way with the exception of:

1) Signs installed by the Madison County, the Commonwealth of Kentucky, federal government, or public transit agencies;

2) Any warning signs or traffic safety signs required by public utility providers;

3) Signs at entrances as allowed by this code; or

4) Sidewalk signs as allowed by this code.

B) The Administrator may remove or cause to be removed any unlawful sign in the public right-of-way.

(ix) Illumination

Signs shall be permitted to be illuminated, as is permitted in individual districts provided they comply with all stated requirements in the district and are in compliance with the following:

A) Unless otherwise specified, where illuminated signs are permitted, such illumination may be through internal or external lighting sources.

B) Light sources shall be shielded from all adjacent buildings and streets and shall be focused exclusively on the sign.

C) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists. The illumination of signs shall be subject to the general standards for exterior lighting in Article 4.03 Outdoor Lighting.

D) Illuminated signs shall emit light of a constant intensity. Waivers may be granted to signs that provide weather, time, public announcements/information, and change copy electronically, as established in this code.

E) Electronic message centers are a permitted form of illuminated signs that are allowed as part of permitted signs. See Article 4.07(h)(iii) Freestanding Signs for specific standards related to electronic message centers.

(e) Calculations and Measurements

(i) Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, unless another point of measurement is specified, to the closest point on the sign structure.

(ii) Sign Height

A) The height of a sign shall be computed as the distance from the base of the sign at finished grade (average finished grade at the base of the sign) to the top of the highest attached component of the sign. Finished grade shall be construed to be the finished grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

B) Filling a hole or depression to an elevation that is equal to the average finished grade of the surrounding site is permitted, provided such filling is allowed by other ordinances.

C) In cases where the finished grade of a lot is below grade of the street, the elevation of the nearest point of the crown of the adjacent public or private street shall be considered the finished grade for calculating sign height. See Figure 8.

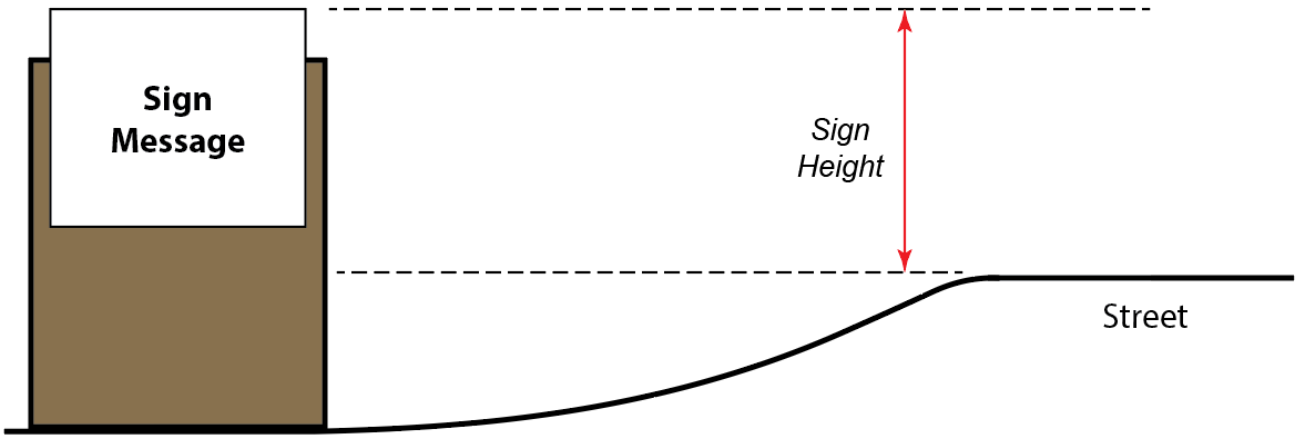

Figure 8: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

(iii) Sign Area

A) The calculation of sign area shall not include any supporting framework, bracing, decorative fences, or walls unless such structural support includes sign copy. See Figure 9.

B) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encompasses the extreme limits of the background panel, cabinet, or surface where a message could be displayed. See Figure 9 and Figure 10.

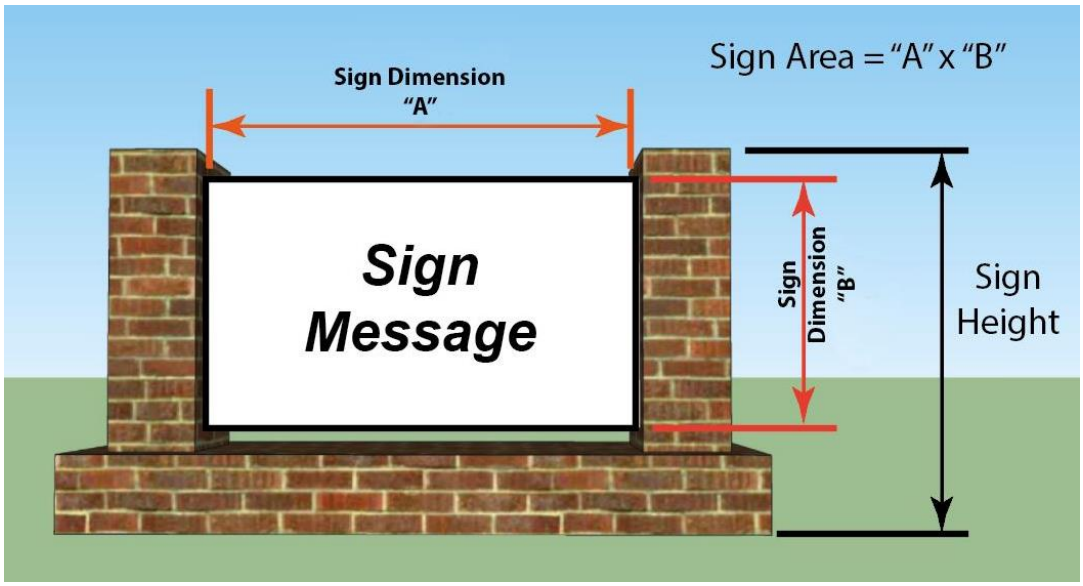

Figure 9: Illustration of sign area calculation for a freestanding sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.

Figure 10: Illustration of computing the sign area for wall signs with a background panel or cabinet

C) For sign copy where individual letters or elements are mounted on a building façade or window and there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the total area that encloses all the letters or elements associated with the sign. See Figure 11 .

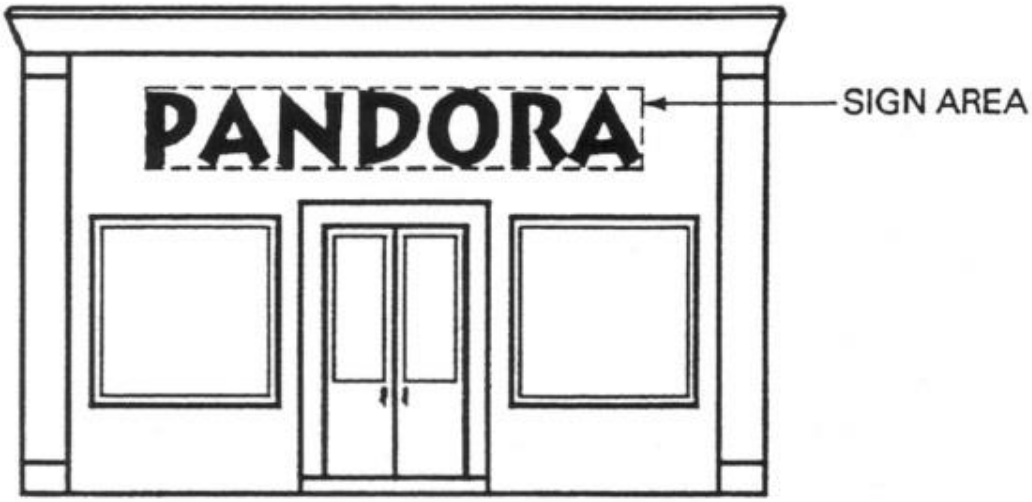

Figure 11: Illustration of sign area calculation for wall signs with individual letters.

D) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area by drawing the smallest permitted shape that encloses all sign copy within two feet of one another. If they are more than two feet apart, the sign area shall be computed for each separate piece of sign copy. See Figure 12.

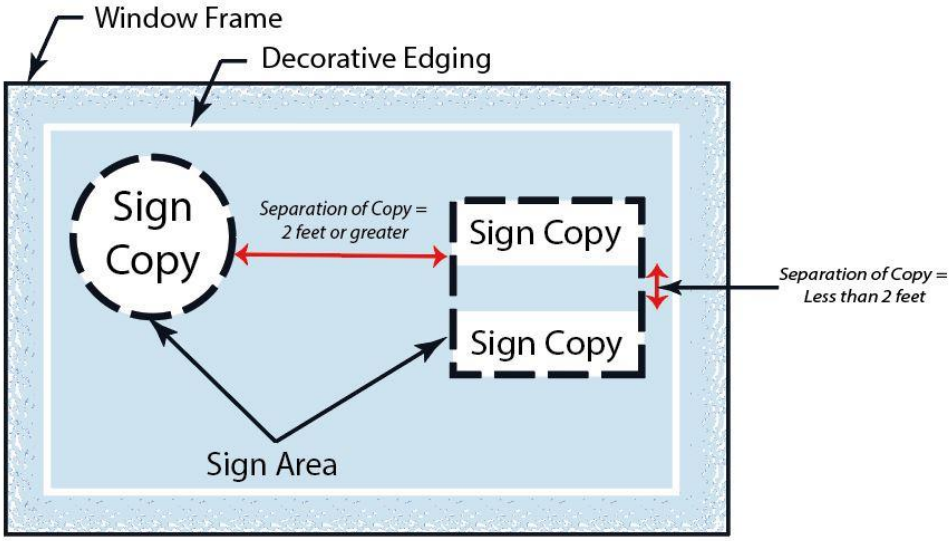

Figure 12: Illustration of sign area calculations for multiple sign areas on a window sign

E) When a sign is double sided, the sign area shall be calculated by the measurement of only one of the sign faces, provided:

1) The two sign faces are identically sized or, if the two faces are unequal, the sign area shall be calculated based on the larger of the two faces; and

2) The sign faces are flat and placed back-to-back with no more than 12 inches of separation so that both sign faces cannot be viewed from any one point at the same time. The 12-inch separation distance shall not apply in cases where the two sign faces are part of a single sign cabinet or structure that is fully enclosed

F) For a three-dimensional sign, where the sign faces are not mounted back-to-back, the sign area shall be calculated by the largest shape that encompasses the sign copy visible from any one point.

(iv) Facade Measurements

When calculating the permitted sign area based on the width of a facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of facade insets, offsets or angles. See Figure 13.

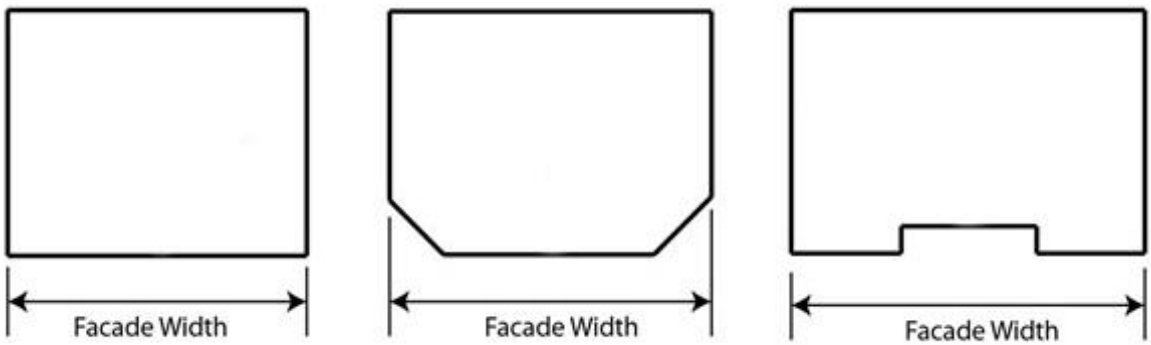

Figure 13: Illustration of facade width measurement on varied facade shapes

(f) Signs Permitted in PUD Districts

(i) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process. In general:

A) Single-family residential uses in a PUD shall comply with the sign requirements of the SF-MD District.

B) Multi-family residential uses in a PUD shall comply with the sign requirements of the MF-HD District.

C) Commercial and office uses in a PUD shall comply with the sign requirements of the GB District.

D) Industrial uses in a PUD shall comply with the sign requirements of the LI District.

E) Public and institutional uses in a PUD shall comply with the sign requirements of the PSP District.

(ii) This section shall apply to both permanent and temporary signs.

(g) Permanent Signs in Residential Districts (SF-LD, SF-MD, MF-MD, MF-HD, MH)

The following signs shall be permitted for any residential subdivision or multi-family dwelling development, provided that all signs meet the requirements in Table 15: Permanent Signs in Residential Districts.

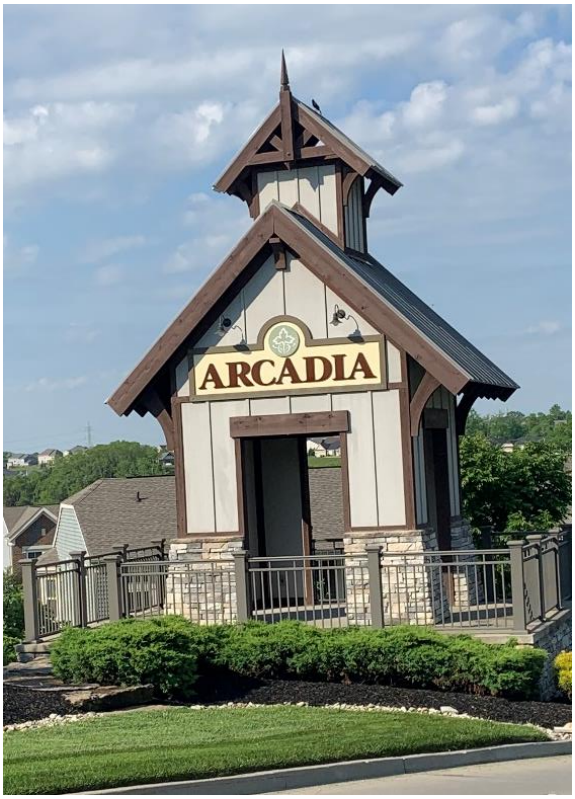

Figure 14: Example of an architectural feature at the entrance of a subdivision

TABLE 15: PERMANENT SIGNS IN RESIDENTIAL DISTRICTS	
General Standards	
Maximum Number of Signs (Per Entrance from Collector or Arterial)	• Two wall signs or one freestanding monument sign per entrance to the development that is located on a collector or arterial road. • Signs are not permitted at entrances that are located on lower road classifications.
Maximum Sign Area	24 square feet per sign
Maximum Height	Six feet
Illumination	External light source only
Permit Required	Yes
Monument Sign Standards	
Location	• Located at development entry • May be located in the public right-of-way if approved by the Administrator
Maximum Sign Faces	Two, mounted back-to-back
Wall Sign Standards	
Location	• Located at development entry • Mounted to a decorate wall or fence that generally runs parallel to the street; or • May be placed on architecture features at the entry if approved by Planning Commission
Maximum Sign Faces	• One sign face on separate fences or walls, a minimum of 50 feet apart
Minimum Separation Between Signs	50 feet

(h) Permanent Signs in Nonresidential Districts (AG, NB, GB, LI, HI, RE, PSP)

(i) The permitted sign types within all nonresidential districts include freestanding signs, building signs, window signs, and driveway signs.

(ii) The following standards apply to signs on lots in nonresidential zoning districts:

(iii) **Freestanding Signs**

A) Permitted freestanding sign types include pole, ground, and monument signs.

B) All freestanding signs shall be on-premise signs.

C) One freestanding sign is permitted on each street frontage that runs along a public street.

D) The maximum sign area permitted, per sign, shall be 200 square feet.

E) The maximum sign height shall be 40 feet

F) Table 16: Freestanding Signs in Nonresidential Districts identifies the maximum sign area and sign height for permanent freestanding signs.

TABLE 16: FREESTANDING SIGNS IN NONRESIDENTIAL DISTRICTS		
Lot Width	**Maximum Sign Area**	**Maximum Sign Height**
0 - 100 feet	50 square feet	15 feet unless the sign will be located within 1,000 feet of the closest interstate right-of-way, including the right-of-way associated with any on and off ramps, in which case the sign shall not exceed 40 feet in height.
101 - 200 feet	100 square feet	
201 - 300 feet	150 square feet	
301 or more feet	200 square feet	

G) A freestanding sign shall conform to the setback requirements of the district in which it is located, but shall be at least 15 feet from the street pavement edge. At any intersection of public roads, the minimum setback for signs shall be 50 feet from the right-of-way.

H) Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to allocate the messaging on the freestanding sign among tenants.

I) Exposed sign foundations shall be constructed with a finished material, such as brick, stone, or wood.

J) Freestanding signs may contain changeable copy (manual changes or electronic message centers). Electronic message centers shall comply with all of the following:

1) All electronic message centers shall have a minimum setback of 200 feet from any residential dwelling unit.

2) Any message changes shall be a static, instant message change.

3) Messages can only change once every eight seconds or longer.

4) The transition time between messages shall be less than one second.

5) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

6) The electronic message center shall have an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

7) Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.

8) Audio emissions from electronic message center signs shall be prohibited.

(iv) Building Signs

A) Permitted building sign types include wall signs, canopy or awning signs, and projecting signs.

B) The building sign area shall include the total amount of all wall, canopy, awning, and/or projecting signs on each façade wall. Standards for each individual building sign type are established below.

C) Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above a canopy that is permanently attached to the building, provided that the sign does not extend above the top of the roofline of the building.

D) Building signs may not be attached to mechanical equipment or roof screening.

E) Building signs shall not include electronic message centers.

F) The maximum amount of building sign area allowed on a primary or secondary facade shall be equal to 25 percent of the total surface area of the building facade. Signs are not permitted on any secondary façades that face a residential district.

G) Building sign allowances for each individual facade may not be used on other facades.

H) The primary facade shall include any facade that has frontage along a street and any facade that serves as the main access point to a building or tenant space. All other facades shall be considered to be secondary facades for the purposes of this section. The Administrator shall determine each façade type. See Figure 15. No signage shall be allocated for the facades of accessory structures.

I) Where a facade serves a multi-tenant building, it shall be the responsibility of the property owner to allocate the messaging on the building signs among tenants.

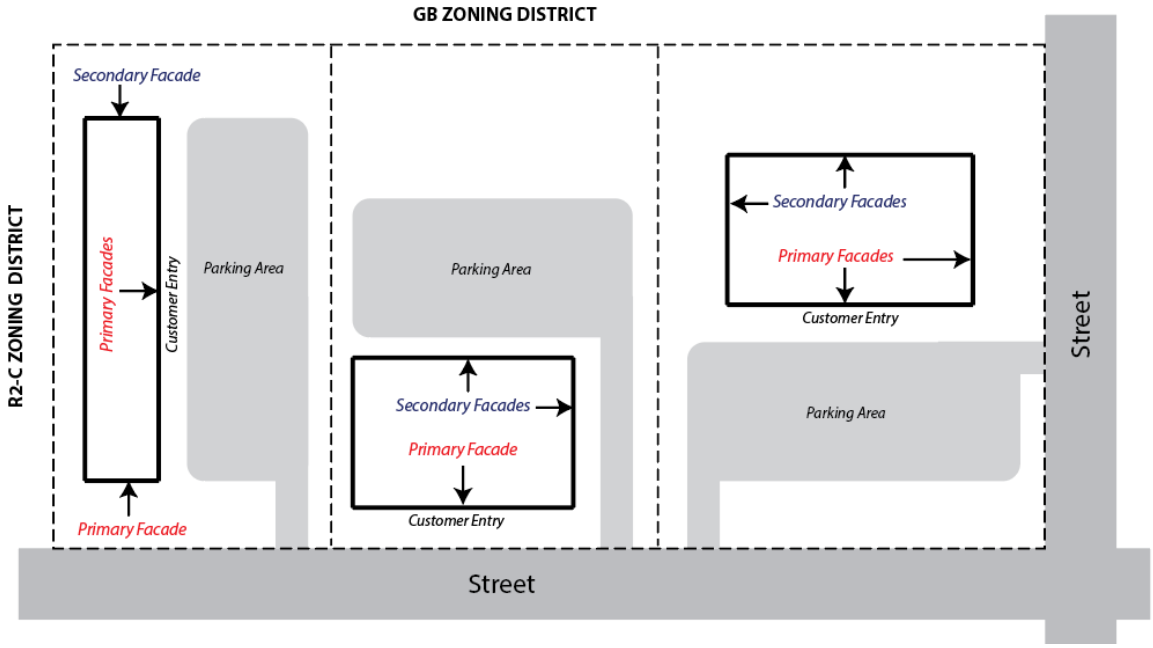

Figure 15: Examples of the location of primary and secondary facades

J) Building Signs: Wall Sign Standards

Any wall sign shall comply with the following standards:

1) Wall signs shall be mounted on or flush with a wall and shall not project more than 24 inches from the wall or face of the building to which it is attached.

2) A wall sign may be mounted on or attached to the façade wall or mounted on a raceway or wireway that is attached to the façade wall.

3) No wall sign shall extend any beyond the top or side edges of the façade to which it is attached.

4) No wall sign shall cover or obscure any wall opening.

5) Wall signs may be internally or externally illuminated.

6) The total wall sign allowance may be used for signs attached to roofed structures over fueling stations, stand-alone accessory structures, such as Automated Teller Machines (ATMs), or detached accessory buildings. However, no additional sign area shall be permitted if placed on an accessory structure.

K) Building Sign: Canopy or Awning Sign Standards

Any canopy or awning sign shall comply with the following standards:

1) Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.

2) Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.

3) Only the area of the sign may be illuminated internally on a canopy or awning. The remainder of any canopy or awning shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

L) Building Signs: Projecting Sign Standards

Any projecting sign shall comply with the following standards:

1) Only one projecting sign shall be permitted for each tenant of a building space.

2) A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.

3) Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.

4) Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.

5) The maximum sign area for a projecting sign shall be 24 square feet.

6) Projecting signs must be suspended from brackets or other supports approved by the building official and contain no exposed guy wires or turnbuckles.

7) Projecting signs shall not encroach into any right-of-way.

(v) Window Signs

A) Window signs may be temporarily or permanently attached to the window surface.

B) Window signs shall not occupy more than 50 percent of each window area. The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See Figure 16.

C) The total amount of window sign area shall not count toward the building sign area allowance above.

Figure 16: Dashed line on the two storefronts in the above image indicate window area. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

(vi) Driveway Signs

A) Driveway signs shall only be permitted near driveway entrances to a public street.

B) A maximum of two driveway signs are permitted per individual driveway.

C) Driveway signs shall be located within 30 feet of the right-of-way but shall not interfere with visibility at street intersections.

D) Each driveway sign shall not exceed four square feet in area and 30 inches in height.

E) Driveway signs may be internally or externally illuminated.

F) Driveway signs are not subject to the freestanding sign regulations in Article 4.07 Signs, above.

(i) Temporary Signs

The following are the types of temporary signs permitted and subject all applicable regulations for each type of sign.

(i) Standards Applicable to All Temporary Signs

A) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign. No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.

B) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.

C) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles, or structures. They shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.

D) Unless otherwise specifically stated, temporary signs shall not be illuminated.

E) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with this section or when such sign is attached to the principal building as permitted in this section.

F) No streamers, spinning, flashing, windblown devices, or similarly moving devices shall be allowed as part of, or attachments to, temporary signs.

G) Temporary signs shall comply with the intersection visibility requirements of Article 4.02(f) Visibility at Street Intersections (Sight Clearance).

H) Where a temporary sign is designed to have two sign faces (portable signs or temporary yard signs), such sign areas shall be the same size and mounted back-to-back. In the cases of a sidewalk sign, the sign areas shall be mounted back-to-back but may have an angular separation between faces to form a A-frame shape.

I) For permit applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent sign(s). Such banner sign shall not exceed the sign area of the permanent sign and shall require a permit.

J) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such a sign is deteriorated.

K) Temporary signs shall not be located in the right-of-way. Where the right-of-way is not dedicated, the temporary sign shall be set back a minimum of 10 feet from the edge of any street pavement.

L) No permits are required for temporary signs, unless otherwise stated, but such signs must comply with this section.

(ii) Temporary Signs without Commercial Speech

Temporary signs without a commercial message do not require a permit, unless otherwise stated, provided they comply with the following standards:

A) Temporary signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, or public trees.

B) Such signs shall be limited to yard signs, banner signs, or window signs and shall comply with the applicable sign type standards of this section.

C) The maximum sign area shall be 32 square feet on any lot.

D) The maximum height shall be six feet.

E) There shall be no time limits for such signs but they shall be maintained in good condition.

(iii) Temporary Signs with Commercial Speech

A) Table 17: Allowance for Temporary Signs with Commercial Messages establishes the allowances for temporary signs with commercial speech in all zoning districts.

B) All sign types are subject to the general provisions of this section and the temporary sign type standards.

TABLE 17: ALLOWANCE FOR TEMPORARY SIGNS WITH COMMERCIAL MESSAGES			
Zoning Districts	**Residential**	**Nonresidential**	
Time Limit	Unrestricted	Unrestricted	14 Days per Quarter[1]
Maximum Number of Signs per Lot	2 Signs	2 Signs	40 Square Feet
Maximum Sign Area of All Temporary Signs	12 Square Feet	12 Square Feet	
Maximum Sign Area per Sign	6 Square Feet	12 Square Feet	
Maximum Height	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, or Yard	Banner, Sidewalk, Feather, or Yard	Banner or Yard

NOTES:
1 - Such signs are allowed in addition to the temporary signs allowed for an unrestricted time limit. Additionally, a "quarter" shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

(iv) Temporary Sign Type Standards

Permitted temporary sign types include banner signs, sidewalk signs, window signs, and yard signs as specifically stated in Table 17: Allowance for Temporary Signs with Commercial Messages, above. Unless the sign type specifically restricts the maximum number of that specific sign type, any combination of the permitted sign types may be used provided the maximum number of signs per lot is not exceeded.

A) Banner Signs

1) Banner signs shall not be subject to the maximum height requirements of this section if they are attached to a structure and not attached above any roofline.

2) Banner signs can be affixed to a building but not to a fence, unless such fence is enclosing an outdoor dining area or similar gathering area adjacent to the building.

B) Feather Signs

1) Only one feather sign shall be permitted on any lot.

2) Such sign shall be mounted in the ground or in a weighted base to prevent it from swinging in the wind and causing harm to people or damage to property.

3) Such sign may exceed the maximum height established in Table 17: Allowance for Temporary Signs with Commercial Messages but, in no case shall the sign exceed eight feet in height.

C) Sidewalk Signs

1) Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.

2) There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

3) Such signs shall not exceed 12 square feet in area with a maximum height of four feet.

4) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement, not in any landscaped areas or on pavement used for vehicles (e.g., driveways and parking lots), and does not impede required ADA accessibility.

5) If the sign is placed on a sidewalk or walkway, the sign can only be placed where the paved sidewalk or walkway width (measured from back of curb) is at least seven feet. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.

6) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, tree, tree grate, fire hydrant, railing, or other structure.

7) The sign must not obstruct access to parking, bicycle racks, and other features legally in the right-of-way.

8) The sign must not interfere with the opening of car doors in legal parking spaces or with the operation of wheelchair lifts and ramps, drop off areas, loading zones, or bus stops.

9) The sign shall be internally weighted so that it is stable and windproof.

10) Madison County shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

D) Window Signs

Temporary window signs shall not be affixed permanently to the window.

E) Yard Signs

Temporary yard signs shall be set back a minimum of 10 feet from adjoining lot lines.

(j) Maintenance

(i) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign and accessory landscaping.

(ii) All signs and sign structures shall be maintained in a safe condition in accordance with the applicable building code.

(iii) It shall be the responsibility of the property owner, or other entity having legal control or interest of the property, to maintain all signs and sign structures in accordance with this code.

(iv) Signs shall be maintained in a manner that prevents the exposure of any internal elements through the removal of the sign face or the replacement of broken panels or elements.

(v) Failure to maintain a sign in accordance with this section shall be a violation of this code.

(k) Nonconforming Signs and Sign Structures

(i) Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified in this subsection.

(ii) No legal nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except as allowed for in this section, and the nonconforming structure regulations in Article 6.05 Nonconforming Structures and Sites shall not apply.

(iii) Legal nonconforming signs shall be maintained in good condition pursuant to Article 6.07 Repair and Maintenance and may continue until such sign is required to be removed as set forth in this section.

(iv) A nonconforming sign shall immediately lose its legal nonconforming designation and must be brought into compliance with these regulations or be removed if:

A) The sign is structurally altered or replaced but not including the changing of a sign face when the sign is specifically designed for changeable sign faces or when a message is changed on a changeable copy sign or electronic message center;

B) The sign is relocated, except signs that are required to be moved because of public right-of-way improvements;

C) The sign is a legally nonconforming temporary sign that is still in place more than one calendar year from the effective date of this code;

D) The sign is damaged to an extent of greater than 50 percent of the estimated replacement value;

E) The sign is not repaired within 60 days after it is damaged, but a shorter period as may be required if the damage presents an immediate hazard; or

F) The sign creates a hazard to vehicular or pedestrian traffic or to adjoining properties.

(v) Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way.

4.08 Housing Compatibility

(a) Purpose

The purpose of this section is to implement standard and acceptable compatibility standards for residential housing in Madison County and to protect and preserve the monetary property values of property within this County. Additionally, it is the intent of this section to continue to permit a diverse style and cost of housing within Madison County while providing for low, medium, and high-income housing potentials and to require an assessment of the compatibility of proposed residential structures to be placed and/or constructed in Madison County, whether on individual site development or subdivision development.

(b) Compatibility Standards for Manufactured Homes

(i) Prior to the placement of a manufactured home in Madison County, except as otherwise exempted by these regulations, the applicant shall demonstrate compliance with the standards set forth in these regulations as part of the building permit application.

(ii) Manufactured homes are required to comply with the compatibility standards of this subsection.

(iii) Roofing

All manufactured homes shall have the following roof design standards:

A) The minimum roof pitch permitted shall be equivalent to those homes within one-eighth of a mile or less radius of the proposed qualified housing but not less than a pitch equal to four inches of rise over 12 inches of run.

B) The structure shall have a gable or hip roof, or combination roofing system, pitched as required above.

C) Flat roof designs are prohibited.

D) Roofing material for the structure shall be of wood, tile, composition shingles (asphalt or fiberglass) or other HUD factory approved materials; but no corrugated fiberglass, or rolled roofing materials will be allowed in retrofitted structures.

E) Deck and pre- manufactured carport roofs are exempt from the roofing compatibility standards.

F) Gutters and downspouts shall be provided on all manufactured homes.

(iv) Minimum Dimensions

All manufactured homes shall have the following dimensions:

A) 900 square feet minimum total living area, excluding garages, porches, carports, etc.;

B) A width of at least 20 feet at its smallest width measurement; and

C) A design where the home is oriented with the front of the housing unit faces the street.

(v) Foundation

A) The manufactured home unit shall be affixed to a permanent masonry foundation with footing and foundation designed in accordance with the manufacturer's design standards.

B) Footing design shall be such that prevents frost damage and is capable of transferring all superimposed loads into soil or bedrock.

C) The structure shall be installed with a permanent perimeter wall of masonry material.

D) All wheels, springs, axles, lights, and towing apparatus shall be removed.

(vi) Utility Connections

Utility connections shall be completed in accordance with the manufacturer's listing and the applicable state and local codes.

(vii) Exterior Requirements

A) The structure shall be sided with wood, aluminum, or vinyl insofar as it has a shingled or horizontal clapboard appearance; or brick, stone or stucco.

B) Permanent steps, porches, stoops and or decks shall be designed and installed in accordance with the engineering structural design of the home. If the deck or other additional structures to the home must be built to "stand-alone," it must be anchored flush against the home in a manner that is aesthetically pleasing and does not put significant stress on the support systems of the home. All such attachments shall not encroach into any required yard setback lines or easements, designed in accordance with the applicable residential building codes.

C) Each manufactured home shall be treated as a single-family dwelling with regards to the number of parking spaces required and the design of any parking areas. See Article 4.04 Off-Street Parking, Loading, and Stacking.

(viii) Set-up Requirements

All manufactured homes shall be properly set up and installed in accordance with the manufacturer's installation instructions and in accordance with applicable KRS statutes and administrative regulations enforced by the office of the Kentucky State Fire Marshal's manufactured housing section.

(c) Compatibility Standards for Conventional Site-Built and Modular Homes

(i) Where new subdivisions or developments for conventional site-built and/or modular homes are being proposed within 1/8 mile of an existing housing subdivision, the planned design shall include a transitional phase to gradually alter the essential characteristics of the proposed homes within the one-eighth of a mile radius. The following are the compatibility standards that must be met for all conventional site-built and modular homes:

A) Roofing

All housing shall have the following roof design standards:

1) The minimum roof pitch permitted shall be equivalent to those homes within one-eighth of a mile or less radius of the proposed qualified housing but not less than a pitch equal to four inches of rise over 12 inches of run.

2) Gutters and downspouts shall be provided on all housing.

B) Housing Minimum Dimensions

The minimum square footage for homes directly adjacent to an existing housing development shall be equivalent to those homes in the existing development. If the overall plan is to reduce the square footage of the homes in the proposed developments, it shall be done in phases making a gradual transition.

C) Exterior Requirements

1) Where the exterior siding and finish requirements for proposed developments are planned to be different than that of the existing development a gradual transition shall be implemented. The exterior finishes of the proposed homes shall be equivalent to those in the existing development with a gradual transition phase if the exterior finishes are to be drastically changed.

2) All housing shall be required to comply with the number of parking spaces required and the design of any parking areas. See Article 4.04 Off-Street Parking, Loading, and Stacking.

(ii) An applicant for a minor or major subdivision shall be required to demonstrate how the proposed subdivision will comply with these compatibility standards as part of the subdivision review process.

4.09 Design Standards for PUDs and the Urban Corridor Overlay District

(a) Purpose

The purpose of these standards is to augment the existing standards for Planned Unit Developments (PUDs) in Article 3.05(h) Planned Unit Development District and for development within NB and GC Districts within the Urban Corridor Overlay District to encourage higher quality development and design for nonresidential uses. These standards can encourage higher quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development.

(b) Applicability and Review

(i) The standards of this section shall apply to all commercial uses in a PUD and all development in the NB and GB Districts that are also within the Urban Corridor Overlay District.

(ii) The review of these standards shall take place during the site development plan process.

(iii) The Planning Commission shall have the authority to waive any standard or guideline if they find that the applicant has demonstrated an alternative that is better than the intended standard or guideline or if the intent of the guideline or standard is addressed by another standard (e.g., landscaping buffering negates the need for special facade designs because the facade will not be highly visible).

(c) Design Standards for Front Facades

(i) Intent

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large buildings to provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale that residents of Madison County will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

(ii) Standards

A) Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.

B) Front facades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 17.

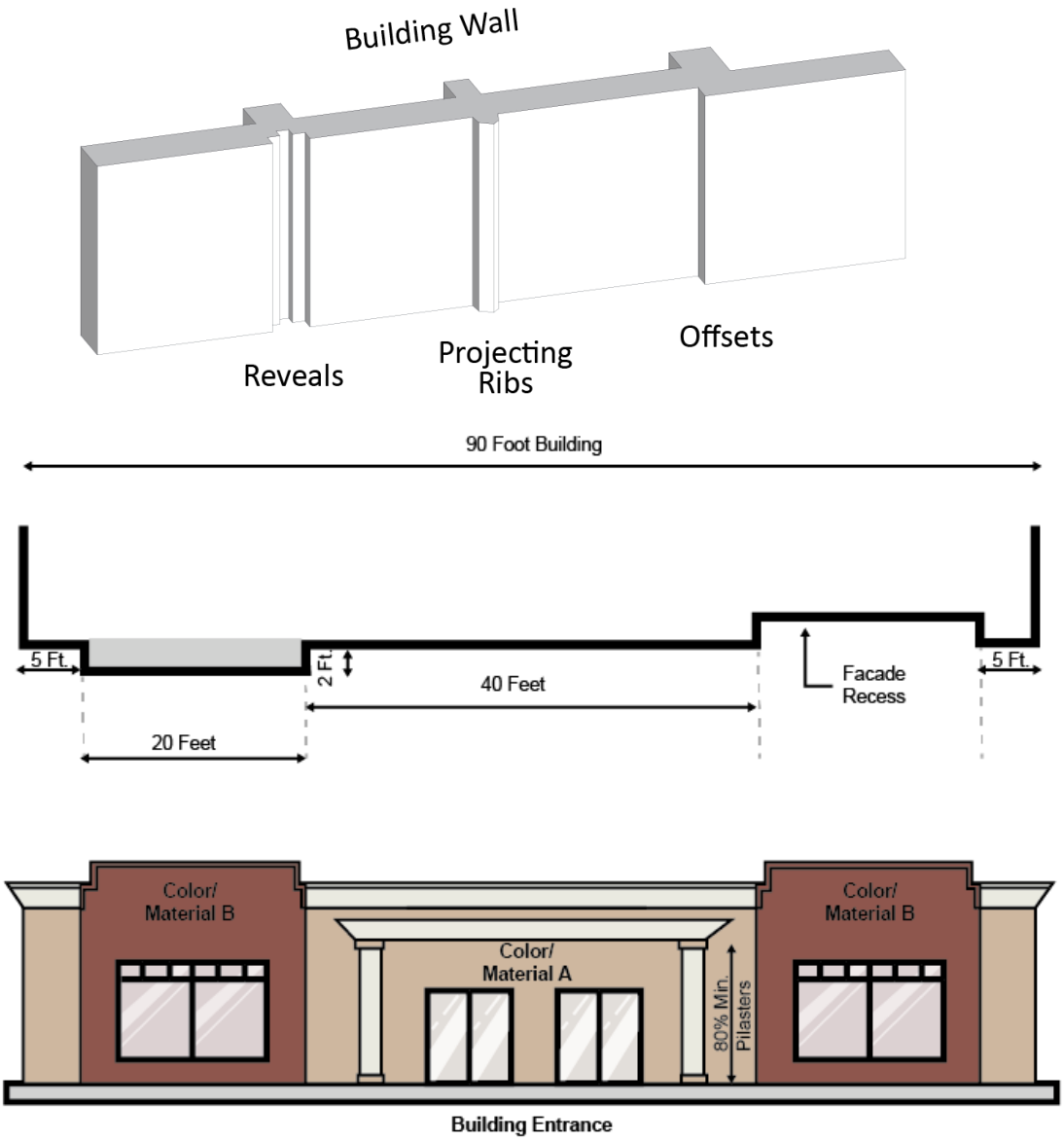

Figure 17: Illustration of how the facade offset provisions may be applied

C) The following alternatives can be used in place of the required front facade offsets as shown in Figure 18:

1) Facade color or material changes following the same dimensional standards as the offset requirements;

2) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the facade's height; and/or

3) Roofline changes when coupled with correspondingly aligned facade material changes.

Figure 18: The above image illustrates material changes, pilasters, and other architectural features break up the appearance of a single facade.

(d) Design Standards for Side and Rear Facades

(i) Intent

The side and rear facades of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. The use of architectural and landscaping features should be incorporated to mitigate these impacts. The Planning Commission may waive this requirement as part of the site development plan.

(ii) Standards

A) The minimum setback for any building facade shall be in accordance with the site development standards of the applicable zoning district.

B) Where the facade faces adjacent residential uses, an earthen berm shall be installed, no less than six feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. The Planning Commission may require additional landscaping to effectively buffer adjacent land use as deemed appropriate.

C) All additional landscape requirements of Article 4.06 Landscaping shall apply.

(e) Design Standards for Architectural Features

(i) Intent

Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standards should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

(ii) Standards

Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

A) Color change;

B) Texture change

C) Material module change

D) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

(f) Design Standards for Small Retail Stores

(i) Intent

The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

(ii) Standards

Where principal buildings contain additional, separately owned stores, which occupy less 10,000 square feet of gross floor area, with separate, exterior customer entrances:

A) The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.

B) Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

(g) Design Standards for Roofs

(i) Intent

Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings.

(ii) Standards

The following standards shall be used in the designs of roofs. Alternative approaches may be approved during the preliminary development plan review.

A) Rooflines shall be varied with a change in height at least every 100 linear feet in building length.

B) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

C) When roofline changes are included on a facade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 19.

Figure 19: Roofline changes shall be aligned with corresponding wall offsets and/or material or color changes

D) When flat roofs are used, parapet walls with three-dimensional cornice treatments, mansard roofs, or other roof types shall conceal them. Cornices shall include a perpendicular projection a minimum of eight inches from the parapet facade plane. See Figure 20.

Figure 20: Parapet walls with cornice treatments are used to disguise flat roofs

E) Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in this section are met.

Figure 21: Examples of dynamic or asymmetric roof lines

(h) Design Standards for Materials and Colors

(i) Intent

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

(ii) Standards

Predominant exterior building materials shall be high quality materials. These include, without limitation:

A) Brick;

B) Wood;

C) Sandstone

D) Other native stone;

E) Tinted, textured, concrete masonry units;

F) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited;

G) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas;

H) Predominant exterior building materials as well as accents should not include the following:

1) Smooth-faced concrete block;

2) Tilt-up concrete panels; or

3) Pre-fabricated steel panels.

(i) Design Standards for Entryways

(i) Intent

Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. These standards identify desirable entryway design features.

(ii) Standards

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

A) Canopies or porticos above the entrance;

B) Roof overhangs above the entrance;

C) Entry recesses/projections;

D) Arcades that are physically integrated with the entrance;

E) Raised corniced parapets above the entrance;

F) Gabled roof forms or arches above the entrance;

G) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

H) Display windows that are directly adjacent to the entrance;

I) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or

J) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

Figure 22: These large retail centers utilize several different design features to articulate the individual facade and customer entrances

(j) Design Standards for Parking Lot Orientation

(i) Intent

Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

(ii) Standards

No more than 60 percent of the off-street parking area for the entire property shall be located between the primary facade and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by out-lot development (such as restaurants) and/or additional tree plantings and/or berms.

(k) Design Standards for Outdoor Storage, Trash Collection, and Loading Areas

(i) Intent

Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. feet apart,

(ii) Standards

A) Appropriate locations for loading and outdoor storage areas include:

1) The rear yard;

2) Areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart; or

3) On the sides of buildings that do not have customer entrances.

B) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.

C) No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or street, public sidewalk, or internal pedestrian way.

D) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

E) Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

F) Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for the applicable district as described in this code. Location and time/duration of such sales/displays shall be reviewed and approved by the Administrator.

(l) Design Standards for Central Features and Community Spaces

(i) Intent

Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the community fabric.

(ii) Standards

A) Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

1) Patio/seating area;

2) Pedestrian plaza with benches;

3) Transportation center;

4) Window shopping walkways;

5) Outdoor play area;

6) Kiosk area;

7) Water feature;

8) Clock tower or steeple; or

9) Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

B) Although Madison County does not currently maintain a public bus system, areas shall be provided or designed to accommodate possible (future) bus service and the growing number of private bus services (i.e., nursing home/assisted living, Housing Authority, Bluegrass Action Council, etc.).

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ARTICLE 5: SUBDIVISION DESIGN STANDARDS

5.01 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 ensuring that such standards are enforced during development as a condition of subdivision approval.

5.02 Minimum Standards and Applicability

(a) 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 not be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

(b) The standards of this article shall apply to all minor subdivision and major subdivision applications.

(c) The standards of this article shall also apply whenever stormwater management is required for a development or whenever other public improvements are being installed as part of a development, regardless if a subdivision of land is occurring.

5.03 Applicant's Responsibility

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

(b) For all commercial, industrial, public/semi-public, and multi-family residential projects, the applicant is required to submit a development plan. The development plan will be reviewed in keeping with the requirements of Article 2.02(b) Site Development Plans, as applicable.

5.04 Site Conditions

(a) Land Suitability

(i) 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 applicant for solving problems that will be created by the development.

(ii) 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.

(b) 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.

5.05 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.

(a) Lot Width

Article 3.04 General Regulations for Zoning Districts and Overlay Districts establishes the minimum lot widths for specific land uses, within the applicable zoning district.

(b) Lot Area Requirements

Article 3.04 General Regulations for Zoning Districts and Overlay Districts establishes the minimum lot area for specific land uses, within the applicable zoning district. A greater area than that specified above may be required if, in the opinion of the County Health Department, there are potential health hazards due to drainage, soil, or other factors.

(c) Single Building Per Lot

In the SF-LD and SF-MD Districts, each separate principal use building shall be situated on a separate and single subdivided lot of record unless the property is platted as a condominium. In all other districts, multiple principal buildings may be located on a single lot provided they all comply with the applicable development standards.

5.06 Lot Layout

(a) Lot Lines

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

(b) Corner Lots and Double Frontage Lots

Corner lots and double frontage lots shall comply with the additional standards of Article 4.02(c) General Lot Design, Setback, and Frontage Provisions.

(c) Topography

(i) All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems.

(ii) 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 applicant request a waiver of this requirement, a detailed plan must be provided identifying the specific measures to be taken to reduce the potential problems.

(iii) 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 Administrator and the chair of the Planning Commission.

(iv) The chair of the Planning Commission may approve or disapprove the site development plan or waive their authority and recommend that the plan be considered by the entire Planning Commission.

(d) 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.

(e) Access to Cemeteries

All cemeteries on existing or subdivided lots shall have a public access easement from a public right-of-way that is at least 20 feet in width.

5.07 Lot Identification

(a) 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.

(b) 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 nonresidential use.

(c) Property Numbering System

Individual lots shall be given a street address by the Madison County Planning and Development Office.

5.08 Transportation

Proposed roads shall be considered in their relationship to existing and planned roads, 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.

(a) Roads

(i) Roads, as ways for the movement of vehicular traffic, serve two principal functions:

A) The movement of people and goods; and

B) Access to adjoining properties.

(ii) Unfortunately, the above 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 road functions of movement and access, sound traffic engineering principles require the use of a road classification system of several levels. Each road classification serves a combination of the two functions.

(iii) Road Classification System and Standards

The following functional road classification shall be considered in the planning of a subdivision:

ROAD CLASSIFICATION SYSTEM	
Road Type	**Road Type Definition**
Federal or State Highways and Arterials	Primarily designed to move vehicles at moderate speeds and connect communities.
Collector Roads	Roads that are primarily designed to collect traffic from local roads and channel it to local arterial roads 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 Roads (Subdivisions)	Roads primarily designed to provide access to individual lots that are located within subdivisions. Cul-de-sac roads (roads with only one end open to traffic and the other end terminated by a turn-around) are allowed.

ROAD CLASSIFICATION STANDARDS						
Road Type	**Minimum Right-of-Way Width (Feet)**	**Minimum Pavement Width (Feet)**	**Minimum Lane Width (Feet)**	**Maximum Grade**	**Minimum Grade**	**Number of Lanes**
Federal or State Highways and Arterials	100	24	12	6%	0.5%	2 to 4
Collector Roads	60	36	12	8%	0.5%	2 to 4
County Roads	50	20	10	8%	0.5%	2
Frontage or Service Roads	50	20	10	8%	0.5%	2
Local Roads (Subdivisions)	50	24	12	12%	0.5%	2
Local Road – Cul-de-Sac[1]	100	80	10	15%	0.5%	2
Subdivision Entrance[2]	60	36[3]	12	6%[4]	0.5%	3

ROAD CLASSIFICATION STANDARDS						
Road Type	Minimum Right-of-Way Width (Feet)	Minimum Pavement Width (Feet)	Minimum Lane Width (Feet)	Maximum Grade	Minimum Grade	Number of Lanes

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

(iv) Encroachment Permits Required

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

(v) Conformance with Plan

The arrangement, location, character, width, grade, and construction of all roads shall conform to the transportation recommendations 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 roads, topography, access to adjacent land, and public convenience and safety.

(vi) Responsibility for Roads

The applicant shall construct all subdivision roads 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.

(vii) General Road 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 tiers of lots. Block length should be at least 400 feet, but not exceed 1,200 feet.

B) Road Intersections

1) Multiple intersections involving the junction of more than two roads shall be avoided.

2) Road intersections shall be aligned opposite one another, otherwise offsets between intersections shall be greater than 125 feet between centerlines.

3) Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view as required in Article 4.02(f) Visibility at Street Intersections (Sight Clearance).

C) Road Names

Road names shall be selected which will not duplicate nor be confused with names of other existing roads in Madison County. Proposed roads which are clearly in alignment with existing roads shall bear the name of that road. Generally, no road should change direction by 90 degrees or more without a name change.

D) Road Signs

Subdivisions shall have permanent road signs installed by the applicant according to county standards.

E) Dedication of Right-Of-Way

1) The applicant shall dedicate a minimum of 50 feet as a right-of-way for roads within the subdivision.

2) Subdivisions along existing county roads or federal or state highways shall dedicate such additional right-of-way as needed to meet the standards set by adopted County policies and plans.

3) When the subdivision is located on only one side of an existing road, only one-half of the additional right-of-way shall be provided.

4) Provisions shall be made for private access easements for minor plats with the inclusion of a 50-foot right-of-way where the potential for further development exists.

F) Dead-End Roads

1) Dead-end roads, other than complete cul-de-sac roads, shall only be permitted as part of a continuing road plan and only if a temporary turn-around satisfactory to the Fiscal Court is provided.

2) Dedicated rights-of-way on dead-end roads shall extend to the tract boundary, and reserve strips which might be used to control access to adjacent property are prohibited.

G) Half-Roads

Dedication of new half-roads along tract boundaries shall not be permitted except to complete the other half where road has been previously platted.

H) Streetlights

1) The applicant shall provide a streetlight at the entrance to the subdivision.

2) The applicant shall pay for maintenance of said streetlight.

3) Other streetlights may be provided (and maintained) within the subdivision at the developer's expense.

4) In the absence of an applicant, the property owners shall be responsible for said maintenance.

(viii) Road Construction

Roads shall be constructed in conformance with the following requirements:

A) Grading and Embankments

1) The area on which roads are to be constructed should be cleared of all vegetation for a depth of at least three inches and disposed of outside of the limits of the typical section.

2) 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.

3) The embankments shall be formed by placing material in successive horizontal layers of not more than 12 inches in thickness (loose depth).

4) Each layer shall be thoroughly compacted by rolling with a 10-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-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 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) Bituminous Concrete on Macadam Base

1) The macadam base shall consist of four inches of #2 or #310 stone and six inches of D.G.A. for a total compaction of ten inches. Once final stone is placed as set out herein, the applicant shall place two and a half (2 ½) inches of base asphalt and one and a half (1 ½) inches of surface asphalt. The applicant will notify the responsible County Official in charge of roads at least 72 hours before putting down the base stone or asphalt.

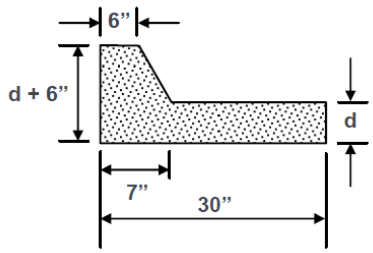
2) For streets primarily serving industrial and commercial areas, the base will be a total of twelve inches after compaction, place two and a half (2 ½) inches of Base Asphalt and one and a half (1 ½) inches of surface asphalt. The developer will notify the responsible County Official in charge of roads at least 72 hours before putting down the base stone or asphalt.

F) Road Width

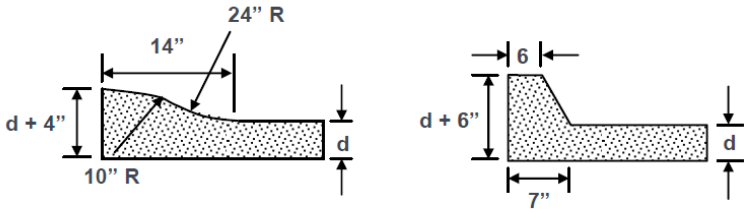
No major subdivisions (with 4 or more lots) shall be approved on a roadway with less than 20 feet of pavement width. The developer has the right to improve the entire roadway from the proposed development to the closest 20 feet wide roadway at the sole expense of the developer in accordance with Article 5.08 Transportation.

G) Curbs and Gutters

The specifications for curbs and gutters are as follows:



Concrete Curb and Gutter Design



Integral Curb Designs

Note: Other Designs May Be Acceptable If Submitted For Approval

H) Inspections

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

(ix) Road Widening Specifications

Where the Planning Commission requires a road to be widened, such widening 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:

A) The developer shall meet with the County Road Supervisor and Administrator to discuss their intentions and determine the recommendations for such widening project.

B) The developer shall employ the services of a Registered Engineer to design the proposed roadway-widening project in accordance with the Kentucky Transportation Cabinet manuals and standards for roadway and coordinated with the County Road Supervisor.

C) The engineer for the project shall provide to the County Road Supervisor and Administrator a detailed cost breakdown of all costs involved in the widening project.

D) The ditch lines adjacent to the road shall be improved to a trapezoidal ditch with a minimum 12-inch side slopes and 24-inch 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.

E) A minimum 18-inch gravel shoulder shall be provided between the edge of the blacktop and the ditch line.

F) 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.

G) Any mailboxes effected by such widening of the road shall be properly relocated and placed in accordance with the U.S. Postal Service requirements.

H) Any fences effected by the change shall be replaced to at least the minimum standards set forth in this code, if existing fencing exceeds the minimum standards, fencing shall be replaced to match existing, i.e.; board fencing.

I) If sufficient easement is not in existence, the developer shall be responsible for obtaining/purchasing all necessary easements from the effected property owners.

J) Any drain tile or culverts that are not long enough for the widening project shall be properly extended.

K) The base of the portion of the road to be extended shall be installed in accordance with the current base standards set forth in this article.

L) A minimum of four inches of asphalt shall be laid over the portion to be widened. Once the subdivision is complete and plans to place the required 1 ½ inch cap of asphalt over the subdivision streets, the applicant shall place at the same time a 1 ½ inch cap of asphalt over the existing County road being widened. This 1 ½ 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 ½ inch cap of asphalt 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 of the 18 months to complete the final layer of asphalt, however, the bond or letter of credit shall be extended as well.

M) 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.

(x) 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, as 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.

A) Turn Lanes Required from Existing Roads

1) Where a development is proposed containing 50 lots or more, the applicant is required to construct a right-hand turn lane and a left-hand turn lane, on the existing County road, at their sole expense. The applicant must construct the turn lanes to County specifications given by the Madison County Road Department and the specifications contained herein.

2) The turn lanes 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 lane requirements may be altered at the discretion of the Madison County Road Supervisor, and with the approval of the Planning Commission, with proper cause being shown as to the reason for the requested alteration.

B) Turn Lanes Required from within New Development

1) Where a development is proposed containing 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.

2) 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.

(b) Walkways

Where sidewalks are either required, or voluntarily 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.

(i) 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 guidelines are made a part of this regulation by reference. It shall be the responsibility of the developer of their 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.

(ii) Residential Subdivisions

A) In residential areas, sidewalks shall be provided on both sides of the road where the predominant lot width is less than 100 feet. Sidewalks shall be required on one side of the road where the predominant lot width is between 100 and 200 feet.

B) Where a resident block exceeds 900 feet in length, a through sidewalk in a 10-foot easement may be required by the Planning Commission.

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

(iii) Commercial Development

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

(iv) Standards

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

(v) Maintenance of Walkway

A) It shall be the responsibility of the owner or person 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.

B) It shall be the reasonability of the owner of person 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.

C) Whenever any sidewalks are repaired, renewed or re-constructed, said work shall conform to the sidewalk requirements of this section and shall be in compliance with the applicable standards of the Federal Government's Americans with Disabilities Act.

(c) 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 ensure the safety of the cyclists and encourage greater use of the bicycle as an alternate means of transportation.

(i) 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 feet wide and pave with concrete or bituminous paving material. Two-way bike paths shall be at least eight feet wide.

(ii) Bicycle Lanes

Shall include those bicycle facilities where a portion of a road 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 road and a minimum of four feet wide.

(iii) Bicycle Routes

Shall include those existing or proposed roads 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 road with other vehicles, and are designated by a map of public distribution and/or by the official "Bike Route" sign.

5.09 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, stormwater 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.

(a) 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.

(b) Package Treatment Plants

Private package treatment plants are not permitted to be utilized within the jurisdiction of the Planning Commission.

(c) 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 Department, based on the requirements of the Kentucky On-Site Sewage Disposal Systems Regulations (902 KAR 10:081, and 902 KAR 10:085).

(d) 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 years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

(e) General Standards

Subject to the specific determination to the contrary by the Planning Commission or other agency, the following general standards shall apply:

(i) The minimum size sewer pipe connection to any parcel shall be four inches inside diameter (I.D.).

(ii) The minimum sewer pipe line to be used in a residential subdivision shall be of eight (8) inches I.D., except that a six-inch I.D. line may be used to serve no more than four dwelling units.

(iii) No sanitary sewer system shall be used for the disposal of stormwater.

(iv) 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.

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

(f) 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.

5.10 Stormwater and Sediment Control

(a) Stormwater Management

(i) 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:

A) Stormwater 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; or

B) 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;

(ii) Storm sewer systems are designed to collect and convey stormwater runoff from road inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable.

(iii) The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. In general, the peak flow rate of stormwater runoff should be equal in terms of pre- development and post-development given the design of the stormwater system. Stormwater 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.

(iv) The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties unless a large drainage basin exists or is being planned.

(v) Stormwater drainage easements shall be required if stormwater 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.

(vi) As provided for within this code, the County has the right to:

A) 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;

B) 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

C) 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.

(vii) Where the permittee and/or his contractor is found to be in non-compliance, each non-compliance item shall be corrected within five working days of notification. The first occurrence of noncompliance shall result in an issue of Notice of Violation. If it is not corrected, an order to stop work until compliance is attained shall be issued. The second and all subsequent occurrences or continued non-compliance shall result in a $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.

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

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

(b) Disposal Beyond Subdivisions

Where a public storm sewer that meets KYTC standards 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 applicant 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.

(c) 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.

(d) 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. 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:

(e) General Requirements

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

(i) 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.

(ii) 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.

(iii) No area shall be allowed to go without vegetative cover for more than 14 days.

(iv) 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.

(v) Permanent final vegetation and drainage structures shall be installed as soon as grading is completed.

(vi) The development shall be fitted to the topography and soils so as to create the least erosion potential.

(vii) Whenever feasible, natural vegetation shall be retained and protected.

(f) Basic Design Criteria

(i) 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:

STORM DRAINAGE DESIGN REQUIREMENT	
Type of Site Development	**Storm Frequency for Design**
Conservation, agricultural, residential, commercial, industrial, and concentrated high value areas	25-year frequency
Flood control facilities	100-year frequency

*The runoff computed from these storm frequencies shall be from the area within the subdivision and all other areas draining thereto.

(ii) Determination of Quantity of Runoff for Design of Stormwater Collection Systems

Each portion of the stormwater 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.

A) Rational Method

Where Q= CIA Q = peak runoff quantity in cubic feet per sound; 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.

1) Runoff Coefficients

a. The runoff coefficient is the portion of the precipitation expressed as a decimal, that will reach a given stormwater facility. Each lot within a subdivision contributes runoff from the roof, driveway, sidewalk, open space, and road. Generally, the smaller the lot width, the area but the higher percentage of runoff. As the lot increases in width so does the impervious area.

b. 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 as follows:

2) 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.

3) 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, roads, through road 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 stormwater collection systems may be used as follows:

CHARACTERISTICS CONCENTRATION TIME		
Land Use	**Flat (Less than 10%)**	**Steep (10% or Greater)**
For residential and undeveloped areas:	15 Minutes	10 Minutes
Residential on one acre or larger lots:	10 Minutes	8 Minutes

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

B) SCS Method

All formulas, constants, and data shall be used with regard to the current manual from the U.S. Natural Resources Conservation Service.

C) 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.

D) 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.

E) 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.

F) Minimum Pipe Size and Design

Pipes/culvert type and material must be HDPE corrugated and double wall. The minimum diameter for public storm sewer pipe shall be 15 inches.

G) Minimum and Maximum Velocities

Velocities in public storm sewer pipes, when flowing at full peak flows, shall not be less than two feet per second. Velocities shall not exceed 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 stormwater system. For design velocities under six feet per second, the remaining bottom and side slopes of the swales shall be sodded to the elevation of the 25-year frequency storm. For design velocities of six feet per second or greater, concrete (or other approved erosion control liners) shall be used to the elevation of the 25-year frequency storm.

H) Shear Stress

The flow induced force, or shear force, shall not exceed the permissible or critical shear stress of the lining materials and shall comply with all KYTC Drainage Manual (DR 505 as amended or updated) standards for applied shear stress.

I) 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.

J) Hydraulic Grades

To insure against surface ponding or road 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 drainage reports of the stormwater 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. Storm sewer pipe sizes shall not 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 unless the design engineer can justify this need.

K) Manholes

Manholes shall be constructed in accordance with standards as shown in the current Standard Drawings, Ky. Dept. of Highways Manual.

L) Inlets (Catch Basins) Capacity

1) All curb inlets within major residential subdivisions are to be a minimum of five-foot open throat boxes and 10-foot where needed. For other developments, smaller inlets may be used if the design engineer can justify the capacity.

2) All Inlets (catch basins) are to be precast boxes and lids and must comply with all KYTC Standards.

M) Intersections

Stormwater runoff crossing the intersection of a road shall be kept to a minimum and must be approved by the Planning Commission's Engineer.

N) Outfalls

1) Standard headwalls and/or headwalls with wing-walls including rock channel protection as aprons for erosion control, shall be constructed for all outfalls.

2) Suitable baffles or other energy dissipaters shall be provided if maximum velocities are exceeded.

O) 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 stormwater 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.+.

P) Headwalls

Standard headwalls for pipe sizes 15 inch through 24 inch and headwalls including wingwalls 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. Pipes must extend a minimum of 120 feet from the back of the curb. Must include rip rap at the outflow a minimum of four feet in the direction of water flow and must be at least as wide as the headwall structure, with a swale for drainage control. If, in the opinion of the Road Supervisor, the minimum requirements are not sufficient and need to be expanded, he or she may do so with approval of the Planning Commission. If the requirements can be shown to be excessive, the Road Supervisor may adjust them as needed with Planning Commission approval.

Q) Other Drainage Improvement Measures

1) Other drainage improvement measures may be undertaken to provide the necessary hydraulic characteristics required for adequate drainage.

2) These other measures must be in compliance with the Kentucky Division of Water and USACE and 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.

R) Specifications for Construction and Materials

See Road and Storm Drainage Construction Specifications.

S) Lot Grading

1) Within the limits of the public right-of-way, adjacent to road pavements, all final grading for grass strip, sidewalks, and yards shall comply with minimum and maximum grades in accordance with typical sections for roads as shown in the current County road specifications.

2) For lots that drain toward the road, the areas between the right-of-way line and the curb shall be graded so that water drains to the road at a minimum grade of one inch per foot (approximately eight percent) except where sidewalks are required (see typical sections).

3) All grading behind the road shall be done in a fashion that does not allow ponding of water adjacent to the paved road. For lots that drain away from the road, the area between the right-of-way and the curb shall be graded so that water drains away from the road at a minimum of ½-inch per foot (approximately four percent) except where sidewalks are required

T) 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.

U) 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.

V) Swales

Swales carry surface runoff from roofs, yards, and other areas to the rear of lots or along common property lines to roads 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 percent and shall be constructed so that the surface water will drain onto a road, 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.

(iii) Aesthetic Design Requirements

Detention and retention areas should enhance the visual appeal of the community and prevent nuisance issues (such as trash or undesired pests). All detention and retention areas that are visible from a public right-of-way shall be maintained, be visually appealing, and reflect a natural environmental character. They shall be reviewed as part of the subdivision process or site development plan, as applicable, and, where practical, shall incorporate:

A) Appropriate plantings and ground cover;

B) Perimeter treatments and plantings that integrate or transition the area into adjacent open space or adjacent site features/areas;

C) Topographic changes and geometric shapes that mimic natural conditions (avoid "boxy" or similar geometric shapes that do not look natural) unless the design reflects the architectural forms on the site; and

D) Gentle and varying side slopes (maximum of 3:1) or retaining walls that use natural materials or compliment materials of the primary building on the site in order to facilitate maintenance and access.

(iv) Erosion Controls

A) 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 stormwater 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).

B) Drainage Channels

Erosion controls for drainage channels shall be provided to control runoff velocities as follows:

1) Velocities of Less than 2 Feet per Second (FPS)

a. Design velocities should generally be greater than 1.5 fps to avoid excessive deposition of sediments.

b. When flat slopes are unavoidable, concrete paving should be used to accelerate runoff.

2) Velocities between 1.5 and 4 FPS

a. The bottom and sides of the earth channel shall be seeded, mulched, and fertilized to an elevation of three feet above the design water surface.

b. Seeding shall be a perennial or annual mixture of grass seeds applied at a rate of 75 pounds per acre.

c. Acceptable whole fertilizer shall be applied at a rate of 75 pounds per 1,000 feet.

d. On slopes of over five percent, the bottom and sides of the earth channel shall be protected with sodding or turf reinforcement.

e. 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.

3) Velocities over 4 FPS

a. The bottom and sides of the earth channel shall be protected from erosion with an application of stone rip-rap, coarse aggregate, dumped rock channel linings, turf reinforcement mat, other reinforcing product.

b. The type of application thickness and quantities shall be designed by the engineer to insure maintenance free permanent stabilization.

c. Reinforced concrete pavement at least four 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.

d. On slopes over 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.

e. 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.

C) Detention/Retention Basins

1) Detention/retention basins shall be provided for all major residential subdivisions and non-single-family residential site development plans. 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.

2) In certain cases, other non-basin detention/retention techniques such as underground vault storage may be utilized when approved by the Planning Commission.

3) The amount of water to be detained shall be determined by the method described in Article 5.10 Stormwater and Sediment Control.

4) 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.

5) Addition of trash racks and/or rip-rap around outlet structures in detention/retention areas shall be installed by the owner/developer.

6) If the design engineer can show through a separate study (at the applicant's expense) that a particular watershed location does not require detention or retention, a waiver may be issued by the Planning Commission.

D) Storage Requirements

1) The amount of detention/retention required for a subdivision or development shall be the amount determined from the inflow-outflow hydrograph based on the 25-year storm frequency.

2) 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.

E) Discharge From Basins

1) 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 the two-year/one-hour storm, 10-year/24-hour storm, and 25-year/24-hour storm at that particular storage point where the discharge occurs.

2) The routing of an emergency spillway shall be shown based on the 100-year/24-hour storm frequency. This shall also serve as a check storm to ensure that there is no downstream flooding.

3) Trash racks shall be installed on the low inlet of the outlet control structure.

F) Maintenance of Basins

1) 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.

2) 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.

3) 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.

(v) 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. Where required, applicants must obtain proper permits from the Kentucky Division of Water.

(vi) Best Management Practices

A) 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.

B) Three copies of the document shall be submitted and a copy shall be on site at all times.

C) 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 road specifications such as drainage swales, silt checks, temporary retention dams, etc., and are to be used during the grading operation.

D) All slopes and graded areas are to be seeded within 14 days as required by KYTC after the grading operation has been completed and/or building development has been finished. If any area is left undistributed for more than 21 days before the site work or building is completed, it must be seeded. Additional erosion control measures to prevent erosion and excessive runoff may be required if the developer or builder has not accomplished it.

(vii) Mud and Debris

Until all lot and road improvements in the subdivision have been completed, the developer, contractor, and 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 roads, into drainage channels or sewers, or onto adjoining land.

(viii) 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.

(ix) Equipment on Roads

At any time, equipment without rubber tires use any existing pavements, all necessary precautions shall be taken to ensure that the road surface, gutters, and curbs, receive no damage.

5.11 Soil Sediment Pollution Regulations

(a) 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 (i) or (ii) below:

(i) 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 authority having jurisdiction, 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.

(ii) 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 code. 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.

(b) Exceptions

(i) 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 500 feet; and

B) Do not disrupt, alter, or expose more than 10,000 square feet of the existing natural surface of the total development site at a time.

(ii) 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.

(iii) No sediment plan shall be required to be submitted to the Administrator 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.

(c) 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 applicant's 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" available through the Administrator's office.

(d) 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.

(e) 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.

(f) Inspection to Ensure Compliance

(i) The Administrator shall inspect development areas to determine compliance with this code. If it is determined that a violation of this code exists, the owner or his appointed representative shall be notified of the deficiencies or non-compliance by the Administrator in writing, by certified mail. If within two weeks after receipt of such letter, the deficiency or non-compliance has not been corrected, or plans have not been approved by the Administrator 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 this code. 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 Article 2.03 Enforcement and Penalties.

(ii) A final inspection shall be made to determine if the criteria of this code have been satisfied prior to the approval of any final plat or the issuance of a Certificate of Occupancy for any building or structure within the development.

5.12 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.

(a) 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.

(b) Residential Subdivisions (Includes Mobile Home Parks)

(i) Water Supply

A) Water mains shall be not less than six 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 800 feet. If intersecting mains are at a distance in excess of 800 feet, eight-inch or larger mains must be used.

C) Eight-inch mains shall be used where dead-end and poor circulating grid-ironing is likely to exist for a considerable period of time, or where the layout of the roads 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.

(ii) Fire Hydrant Installation

A) Fire hydrants shall be spaced not farther than 1,000 feet apart as measured over hard-surface roads. In no event shall the distance between a fire hydrant and a building exceed 300 feet as measured on an all-weather road.

B) Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the county.

C) Fire hydrants shall be able to deliver 250 gallons per minute with a friction loss of not more than 2.5 pounds per square inch in the hydrant, and a total loss of not more than five pounds per square inch between the road main and outlet.

D) Fire hydrants shall be equipped with not less than two, 2.5-inch outlets and a large pumper outlet of 4.5 inch I.D.

E) A gate valve with box must be installed between the main and the hydrant.

(c) Industrial, Commercial, and High-Density Residential Development

(i) Water Supply

A) Water mains shall be not less than eight inches in diameter and fire hydrant branch connections shall be not less than six 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.

(ii) 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) 1,000 feet distance: 5 hydrants

B) No part of the exterior of the building, other than dwellings, shall be farther than 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 25 feet from the exterior wall of any masonry building, and at least 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 1,000 gallons per minute with a friction loss of not more than 2.5 pounds per square inch in the hydrant, and a total loss of not more than five pounds per square inch between the road main and outlet.

F) Fire hydrants shall be equipped with not less than two, 2.5-inch outlets and a large pumper outlet of 4.5-inch I.D.

G) A gate valve with box must be installed between the main and the hydrant.

(iii) 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.

(iv) 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.

(v) 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 25-feet from property lines, 100-feet uphill from septic tanks or other sewage systems, and 40-feet from lakes or drainage ways.

5.13 Electric, Telephone, and Gas Service

(a) Electric and telephone services shall be provided within each subdivision.

(b) Gas service may be required where reasonable accessible.

(c) 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.

(d) Telephone, electric and street lighting wires, etc. may be constructed underground.

5.14 Provision of Utility and Drainage Easements

(a) Easements Required

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.

(b) Location of Easements

Where utilities do not follow roads, easements shall follow lot lines in order not to restrict the placement of the building.

(c) Dimensions of Easements

(i) The minimum width for utility and drainage easements shall be 20 feet on side lot lines and 25 feet on front and rear lot lines.

(ii) Where such easements follow side lot lines, they may be split with 10 feet provided on each lot.

(iii) Dead-end easements shall not exceed 150 feet in length.

(iv) Where all utilities are being placed underground in the same easement, the Planning Commission may require a minimum separation of two feet between water and electric lines.

(d) Restrictions

(i) 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.

(ii) 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 utility 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 feet of any buried utility hereby mentioned; and
> 6. 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 |

5.15 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. Open spaces for subdivisions or developments that are required by this code shall comply with all requirements of this section.

(a) Reservation of Land

(i) 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 years from the date of approval of the final plat. During this time the affected public agency may acquire the reserved area for its fair market value or by another appropriate method.

(ii) After the two-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.

(iii) 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.

(b) Open Space Requirements

(i) The use of open spaces shall help to satisfy the recreational goals and needs of the county.

(ii) For single-family subdivisions, the lot setbacks (front, side, rear) or areas contained on a residential (housing) lot shall not be used to satisfy the open space. The calculations shall be based on the entire development and not a single phase or section.

(iii) Subdivisions within the SF-MD district that have a lot or lots that are less than 12,000 square feet shall have at least 20% open space for the entire development that complies with all of the following:

A) 50% of the required open space shall be usable space and designated for a specific use;

B) If the open space is privately owned, it shall be maintained in an attractive manner comparable with the neighborhood and shall be committed to permanent open space by deed restrictions;

(c) 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, roads, or other public use for no more than two years.

5.16 Construction Guarantees

(a) 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 this code, any applicable development ordinances, and the conditions and requirements of the approved preliminary plat, including but not limited to all contemplated roads (including final cap of asphalt), curbs and gutters (if applicable), drainage systems (including catch basins, detention/retention basics, as applicable), headwalls, and culverts, but excluding sidewalks. The Administrator shall then accept the filing of a final plat for consideration by the Planning Commission.

(b) Performance Bonds

(i) Any final plat submitted for approval shall be accompanied by a bond in an amount not less than 50% of the amount that the County Road Department Supervisor shall estimate to be the cost of the final 1.5-inch surface coat of asphalt, plus the estimated costs of all additional road improvement requirements and including but not limited to, curbs and gutters (if applicable), sidewalks, drainage systems (including catch basins, detention/retention basics, as applicable), headwalls, and culverts; said estimate shall be set out by the County Road Department Supervisor in his sole discretion of the completion of said improvement and the adoption of the right-of-ways into the County road system.

(ii) The bond may be in the form of a surety 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.

(iii) 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.

(iv) After five years from the issuance of the original performance bond, the amount of the bond shall be reassessed upon Notice by the Administrator at which time the County Road Department Supervisor shall reassess the estimate of the previous bond under current market costs and a new performance bond shall be secured by the Developer consistent with said estimate.

(v) 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 the surety bond or withdraw the requisite amount to reimburse the covered expenses from any deposits in lieu of a security bond.

(vi) 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, replacement, or completion of the improvements and shall then release any unused balance to the developer.

(vii) The bond shall remain in effect until such time as 75% of all lots have been developed and the completion of the improvements required for approval of the Final Plan, including but not limited to all contemplated roads (including final cap of asphalt), curbs and gutters (if applicable), sidewalks, drainage systems (including catch basins, detention/retention basics, as applicable), headwalls, and culverts; at which time, the Developer may petition the County to release the bond and adopt the right-of-ways into the County Road System. Approval of said petition shall be subject to the inspection and approval by the County Road Supervisor in his sole discretion of the improvements required for approval of the Final Plat.

(viii) Alternatively, after five years from the date of approval of the Final Plat and at such time as 50% of all lots have been developed and the completion of the improvements required for approval of the Final Plat, including but not limited to all contemplated roads (including final cap of asphalt), curbs and gutters (if applicable), sidewalks, drainage systems (including catch basins, detention/retention basics, as applicable), headwalls, and culverts; at which time, the Developer may petition the County to release the bond and adopt the right-of-ways into the County Road System. Approval of said petition shall be subject to the inspection and approval by the County Road Supervisor in his sole discretion of the improvements required for approval of the Final Plat.

(ix) Developers having Final Plats approved prior to the passage of Ordinance No. 18-17 (which amended Ordinance No. 00-02) may have bonds released under the requirements existing at the time of their Final Plat approval or may to elect to petition the County to release the bond under the requirements of this Code.

(x) Notwithstanding any other provision contained herein, Developers having Final Plats approved prior the passage of Ordinance No. 18-17 (which amended Ordinance No. 00-02) may petition the County to release the bond and adopt the right-of-ways into the County Road System under the requirements of this Code except they shall be responsible for the completing of sidewalks only upon the lots owned by the Developer at the time of the petition to release the bond.

5.17 Rural Residential Development

The following is a summary of the basic guidelines for development of large lot developments as a major subdivision. Other requirements may be imposed as deemed appropriate by the Planning Commission or required by other sections of this code. The following requirements do not apply to minor plat divisions.

(a) Rural Subdivision with 1 to 5 Acre Lots

(i) 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.

(ii) The developer will be required to follow the current subdivision design standards and process entirely.

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

(iv) A water line with a minimum diameter of six-inches is required and shall provide fire flow.

(v) Major residential subdivisions with lots that 5 or less acres are not permitted within the AG district.

(b) Rural Subdivision with Over 5 Acre to 10 Acre Lots

(i) The purpose of this section is to make provisions for larger lot development that has a lesser impact on the infrastructure because of the density of the area being developed.

(ii) If involving four or more lots or a new road, the development will follow the preliminary and final plat process.

(iii) Major residential subdivisions with lots that 10 or less acres are not permitted within the AG district.

(iv) **Water Service**

A) The developer is required to provide water service to all lots within the development at their sole expense.

B) A water line with a minimum diameter of six-inches is required except where otherwise directed by the water district.

(v) Road Requirements

A) 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 Article 5.08(a)(ix) Road Widening Specifications.

B) Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 5.08 Transportation 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 road construction requirements as recorded in Article 5.08 Transportation 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 this article. 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.

(vi) Re-Division of Over 5 to 10 Acre Tract Development

A) 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.

B) Before the re-division can be approved the developer or person desiring the change will be required to design the development to provide for the following additional requirements throughout the entire development:

1) A water line with a minimum diameter of six-inches shall be provided with fire flow as required in Article 5.12 Water Supply System;

2) Fire hydrants shall be provided as required in Article 5.12 Water Supply System; and

3) The re-division shall be required to comply with the requirements set forth for higher density development as set forth in Article 5.17(a) Rural Subdivision with 1 to 5 Acre Lots, and shall be done so for the entire development, not just those lots proposed to be affected by the re-division.

(c) Rural Subdivision with Over 10 Acre to 20 Acre Lots

(i) If involving four or more lots or a new road, the development will follow the preliminary and final plat process.

(ii) Water Service

A) The developer is required to provide water service to all lots within the development at their sole expense.

B) A water line with a minimum diameter of six-inches is required except where otherwise directed by the water district.

(iii) Road Requirements

A) 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.

B) Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 5.08 Transportation, 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 road construction requirements as recorded in Article 5.08 Transportation 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 this article. Where curbs and gutters are omitted, a minimum 18-inch-wide shoulder shall be provided on both sides of the road.

C) Sidewalks may be omitted.

(iv) Re-Division of Over 10 to 20 Acre Tract Development

A) 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.

B) Before the re-division can be approved the developer or person desiring the change will be required to design the development to provide for the following additional requirements throughout the entire development:

1) A water line with a minimum diameter of six-inches shall be provided with fire flow as required in Article 5.12 Water Supply System;

2) Fire hydrants shall be provided as required in Article 5.12 Water Supply System;

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 Article 5.08(a)(ix) Road Widening Specifications; and

4) The re-division shall be required to comply with the requirements set forth for higher density development as set forth in Article 5.17(a) Rural Subdivision with 1 to 5 Acre Lots, and shall be done so for the entire development, not just those lots proposed to be affected by the re-division.

(d) Rural Subdivision with Over 20 Acre Lots

(i) If involving 4 or more tracts or a new road, this development will follow the preliminary and final plat process.

(ii) Water Service

The developer is required to provide water service to all lots within the development at their sole expense. A minimum six-inch water line is required except where otherwise directed by the water district.

(iii) Road Requirements

A) 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.

B) Any new roads to be constructed shall be done so in accordance with the provisions set forth in Article 5.08 Transportation, of the current edition of this code, with the following exceptions:

1) The new roads shall not be less than 16 feet in pavement width with a minimum 50 feet right of way, in accordance with all other Road Construction Requirements as recorded in Article 5.08 Transportation being complied within its entirety.

2) Curbs and gutters may be omitted provided proper ditching of the drainage and road sides are done in accordance with this article. 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.

(iv) Re-Division of Over 20 Acre Tract Development

A) 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.

B) Before the re-division can be approved the developer or person desiring the change shall be required to design the development to provide for the following additional requirements throughout the entire development:

1) A water line with a minimum diameter of six-inches shall be provided with fire flow as required in Article 5.12 Water Supply System;

2) Fire hydrants shall be provided as required in Article 5.12 Water Supply System;

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 Article 5.08(a)(ix) Road Widening Specifications; and

4) The re-division shall be required to comply with the requirements set forth for higher density development as set forth in Article 5.17(a) Rural Subdivision with 1 to 5 Acre Lots, and shall be done so for the entire development, not just those lots proposed to be affected by the re-division.

ARTICLE 6: NONCONFORMITIES

6.01 Purpose

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities, especially when dealing with a person's residence, are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this article or specifically addressed in this code. This chapter has the further purposes for nonconformities:

(a) To permit their continuance but control nonconformities so as to minimize any adverse effect on the adjoining properties and development;

(b) To regulate their maintenance and repair;

(c) To restrict their rebuilding if substantially destroyed;

(d) To require their permanent discontinuance if not operated for certain periods of time; and

(e) To require conformity if they are discontinued, and to bring about eventual conformity in accordance with the objectives of the Comprehensive Plan and this code.

6.02 General Provisions

(a) Any structure, land, or use of land or a structure that existed at the time of the effective date of this code, that was legally established under a previous code amendment or versions, may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.

(b) In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use in the applicable district due to an amendment to the text of this code, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval in accordance with Article 2.02(c) Conditional Use Permits. Such use, provided it is conditionally permitted in the applicable district, shall not be considered a nonconforming use.

6.03 Nonconformities and Variances

(a) Whenever any nonconformity has been changed so that the use, structure, or condition conforms to the requirements of this code, such use, structure, or condition shall no longer be defined as a nonconformity, nor shall the property or structure be returned to the former nonconformity.

(b) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the structure or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.

(c) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the structure or condition that remains a nonconformity shall still be subject to the provisions of this article.

6.04 Nonconforming Uses

(a) Any use which has existed illegally and does not conform to the provisions of this code, and has been in continuous existence for a period of 10 years, and which has not been the subject of any adverse order or other adverse action by the Administrator during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of this section.

(b) Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

(i) No such nonconforming uses shall be enlarged or extended beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the Board Of Adjustment may grant approval, effective to maintain nonconforming use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons. In such cases, the applicant shall also be required to go through the site development plan process and receive approval from the Planning Commission following the decision of the Board of Adjustment.

(ii) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.

(iii) When any nonconforming use is discontinued or abandoned for more than one year, any new use shall conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The owner may appeal to the Board of Adjustment for an extension of one additional year. The intent to continue a nonconforming use shall not be evidence of its continuance.

(iv) If the building within which the nonconforming use takes place is damaged or destroyed, such building may be reconstructed to the same extent it existed prior to the damage or destruction provided that a building permit is acquired within one year of the damage or destruction.

6.05 Nonconforming Structures and Sites

A nonconforming structure or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(a) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.

(b) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

(c) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.

(d) Should any nonconforming structure, or portion thereof, be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired, but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.

6.06 Nonconforming Lots of Record

A lot of record which does not comply with the lot or yard regulations of the district in which it is located on the effective date of this code or any amendment thereto which made it nonconforming, may be used as follows:

(a) If occupied by a building, such building may be maintained, repaired or altered. However, the building may not be enlarged in floor area unless the depth of front yard, total width of side yards, and the rear yard regulations are complied with.

(b) If vacant, the lot may be used for purposes allowed in the applicable zoning district provided that:

- **(i)** No adjoining vacant lot or parcel of land was owned by the same owner on the effective date of this code;
- **(ii)** Not owning adjoining land, other vacant land adjoining the lot cannot be equitably acquired; and
- **(iii)** All other regulations of this code, except the lot area and lot width regulations, shall be complied with.

6.07 Repair and Maintenance

(a) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this article.

(b) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, including, but not limited to the Administrator or building inspector, upon order of such official. Where appropriate, a building permit for such activities shall be required.

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ARTICLE 7: DEFINITIONS

7.01 General Rules of Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this code.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this code shall be interpreted in accordance with the general purposes set forth in Article 1.02 Purpose, and the specific purpose statements set forth throughout this code. When a specific section of this code gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(b) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(c) References to Other Regulations or Publications

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

(d) Delegation of Authority

Any act authorized by this code to be carried out by a specific official of Madison County may be carried out by a designee of such official.

(e) Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(f) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Madison County, unless otherwise indicated.

(g) Mandatory and Discretionary Terms

(i) The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision.

(ii) The words "may" and "should" are permissive in nature.

(h) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(i) "And" indicates that all connected items, conditions, provisions or events apply; and

(ii) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(i) Tenses, Plurals, and Pronouns

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Where a pronoun is used (he, she, they, it, etc.), such pronoun shall mean any pronoun unless the context of the particular usage clearly indicates otherwise.

(j) Terms Not Defined

If a term used in this code is not defined in this chapter, the Administrator shall have the authority to utilize a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Administrator may also rely on Webster's Dictionary or a similar source for the definition of terms.

7.02 Definitions

Abandoned
Abandonment or cessation of the use of the property or structure for a period of twelve consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut, Adjoin, or Adjacent
The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or road.

Access
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Dwelling
See Dwelling, Accessory

Accessory Structure
See Structure, Accessory

Accessory Use
See Use, Accessory

Active Channel
The area of the stream channel that is subject to frequent flows (approximately once per one and a half years), and that includes the portion of the channel below where the floodplain flattens.

Addition
A structure added to the original structure at some time after the completion of the original, or, an extension or increase in floor area or height of a building or structure.

Administrator
The person or employee (or their designee) designated to provide staff support to the Planning Commission and Board of Adjustment. The Administrator is authorized by the legislative body to enforce this code and all other relevant codes (including the building or housing codes). The terms planning director and administrative official also refer to the Administrator.

Adult Business
See Sexually-Oriented Business

Agricultural
See Agricultural Use

Agricultural Support Services
This land use includes uses supportive of the farm community that are compatible with agricultural uses and do not adversely affect surrounding properties, groundwater, or infrastructure. Agricultural support services are uses which directly support or which are accessory or incidental to established agricultural uses within the general vicinity. This land use category DOES NOT include agricultural chemicals, fuel, or fuel oil, flammable or nonflammable bottled gas, animal waste processing, stockyards, fertilizer, feed lots, and similar uses that may have an impact on adjacent properties. Examples of agricultural support service uses include, but are not limited to:

- Farm machinery equipment and supplies sales/repair;
- Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
- Feed storage, farm products warehousing and storage of grain (EXCLUDING stockyards);
- Farm products packaging and processing for grain only (EXCLUDING meat processing and packaging); and
- Veterinary services for large and small animals, horseshoeing, and similar (EXCLUDING Kennels).

Agricultural Use

As defined by KRS 100.111 as amended, agricultural use includes:

- The use of a tract of at least five contiguous acres of land 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. For purposes of this definition, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- A tract of at least five contiguous acres used for the following activities involving horses:
    - Riding lessons;
    - Rides;
    - Training;
    - Projects for educational purposes;
    - Boarding and related care; or
    - Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local applicable zoning regulations;
- Land used for the following activities involving horses where the use was established before July 13, 2004 (only applies to acreage with the use, not necessarily entire parcel):
    - Riding lessons;
    - Rides;
    - Training;
    - Projects for educational purposes;
    - Boarding and related care; or
    - Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local applicable zoning regulations.

Agritourism

An accessory activity at a working farm or an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view, activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. Wineries, breweries, distilleries, and restaurants are not considered Agritourism for the purposes of this code.

Air-Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. See also the definition for “Sign, Balloon.”

Alley
A minor, service roadway, of not more than 20 feet in width, providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private road as defined by this code.

Alteration
Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

Amusement Park (Theme Park)
A facility, primary outdoors, that may include structures and buildings where there are various activities, including rides, water slides, pools, game booths, shows, dining, souvenir sales, and similar activities. Amusement and theme parks are not considered a private park. Private and public outdoor pools, splash pads, aquatic centers, and similar facilities are considered a private or public park and not an amusement park or theme park.

Animal Feeding Operations (AFO)
As defined by 40 C.F.R. 122.23 as amended, a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and where crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the lot or facility.

Antenna
A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

Apartment
A building containing three or more dwelling units, including units that are located on one or more stories.

Appeal
A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Article 2.02(e) Administrative Appeals.

Applicant
Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 2: Administration and Review Procedures.

Application
The process by which the applicant submits a request for any type of development review or approval identified in Article 2: Administration and Review Procedures. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the County.

Automobile
A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Awning
A shelter projecting from and supported by the exterior wall of a building, constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”

Figure 23: Examples of traditional awnings

Bar
See Tavern

Basement
That portion of a building where the floor level is more than four feet below the adjoining finished grade.

Bed and Breakfast Establishment
As defined by KRS 219.011 as amended, a one-family dwelling unit that also has guest rooms or suites used, rented, or hired out for occupancy of which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. For the purposes of this code, a bed and breakfast can be classified as one of the following: bed and breakfast home, bed and breakfast inn, or bed and breakfast farmstay.

Bed And Breakfast Farmstay
As defined by KRS 219.011 as amended, a bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801.

Bed And Breakfast Home
As defined by KRS 219.011 as amended, a bed and breakfast establishment that has five or fewer guest rooms or suites for occupancy in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

Bed And Breakfast Inn
As defined by KRS 219.011 as amended, a private inn or other unique residential facility that has six or more guest rooms or suites for occupancy of which breakfast and other meals may be served to the guests whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

Bedroom
A private room planned and intended for sleeping with a closet, separate from other rooms by a door, and accessible to a bathroom without crossing another bedroom that has egress components that comply with Kentucky Residential Building Code.

Berm
A mound of earth or the act of pushing earth into a mound.

Bikeway
A way or portion of a way intended and designated primarily for bicycle traffic.

Block (Subdivision)
The property lying between the two nearest intersecting roads, crossing or terminating, or between the nearest such road and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the County.

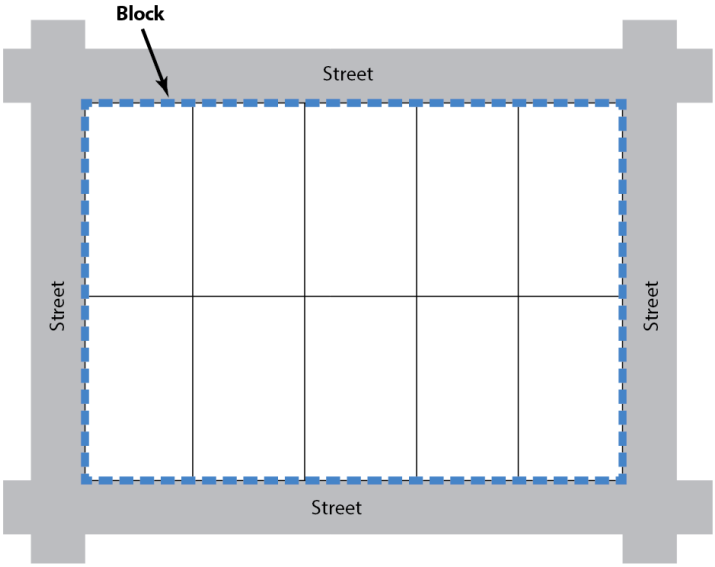

Figure 24: Illustration of block

Board of Adjustment
As established under KRS 100.217 for the jurisdiction that has the powers as granted by KRS 100.

Boarding Home
Any home, facility, institution, lodging, or other establishment, however named, which accommodates three or more adults not related by blood or marriage to the owner, operator, or manager, and which offers or holds itself out to offer room and board on a twenty-four (24) hour basis for hire or compensation. It shall not include any facility which is otherwise licensed and regulated by the cabinet or any hotel as defined in KRS 219.011(3).

Brewery
See distillery/winery/brewery

Bufferyard
A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

Building
Any structure having a roof supported by columns or walls, used, or intended to be used for the support, shelter, protection, or enclosure of persons, animals, or property.

Building Height
The vertical distance measured from highest ground level adjacent to the building to the highest point of the roof or peak. Building height does not include cellular towers, antennas, chimneys, or steeples.

Building Inspector
The Administrator or their designee who is empowered to review, approve, and inspect permits and other approvals concerning the enforcement of the applicable building codes and the regulations established by this code.

Building Line
The line that establishes the minimum permitted distance on a parcel between the front line of a structure and the right-of-way line.

Building Permit
A written permit issued by the Administrator authorizing the construction, repair, alteration, or addition to a building or structure.

Business
The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit or non-profit.

Campground and Recreational Vehicle Park
A publicly or privately-owned parcel on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee. A campground provides overnight occupancy by the owner or their guests in temporary, non-permanent lodging structures, such as tents, recreational vehicles, camping trailers, or similar means. This definition is not intended to include manufactured home parks. Any site with more than one recreational vehicle that is occupied is considered a campground.

Campsite
A piece of land, the location, shape, and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.

Canopy
A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also the definition of "awning."

Figure 25: Example of a canopy and related sign

Cemetery
A parcel used or intended to be used for the burial of the dead (human or animal) and dedicated for cemetery purposes. This includes columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Chair or Chairperson
The person elected by the Planning Commission or Board of Adjustment to be in charge of the body's meetings and other conduct of official business.

Child Care Center
As defined by KRS 199.894 as amended, a non-residential facility for four or more children which meets the state requirements for such activity.

Church
A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained, and controlled by a religious body organized to sustain religious ceremonies and purposes.

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.

Clinic
See Professional Services and Business Offices

Club
A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

Collocation
The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

Commercial Message or Speech
Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Common Area
Land within or related to a development, not individually owned, or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

Commonwealth
The Commonwealth of Kentucky

Comprehensive Plan
The Comprehensive Plan for Madison County's jurisdiction, as approved by the Planning Commission under the KRS 100 series and as amended from time to time, which includes guidelines that are intended to provide a basis for this code.

Compressor Station
Public, quasi-public, and private service utility lines, pipelines, powerlines, etc., which extend more than 500 feet and transport their material, service, or supplies. This does not include those exempted from planning and zoning regulations by KRS 100.324 or other state or federal law.

Concentrated Animal Feeding Operation (CAFO)
As defined by 40 C.F.R. 122.23 as amended, CAFOs are considered either a Large CAFO or Medium CAFO unless also specified by the Commonwealth of Kentucky. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Concentrated Animal Feeding Operation (CAFO), Large
As defined by 40 C.F.R. 122.23 as amended, a large CAFO includes a AFO that meets or exceeds the following number of animals being stabled or confined in any of the following categories:

- 700 mature dairy cows, whether milked or dry;
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows or veal calves (cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs);
- 2,500 swine each weighing 55 pounds or more;
- 10,000 swine each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;
- 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
- 82,000 laying hens, if the AFO uses other than a liquid manure handling system;
- 30,000 ducks (if the AFO uses other than a liquid manure handling system); or
- 5,000 ducks (if the AFO uses a liquid manure handling system).

Concentrated Animal Feeding Operation (CAFO), Medium
As defined by 40 C.F.R. 122.23 as amended, a medium CAFO includes a AFO that

- Has the following number of animals being stabled or confined in any of the following categories:
    - 200 to 699 mature dairy cows, whether milked or dry;
    - 300 to 999 veal calves;
    - 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
    - 750 to 2,499 swine each weighing 55 pounds or more;
    - 3,000 to 9,999 swine each weighing less than 55 pounds;
    - 150 to 499 horses;
    - 3,000 to 9,999 sheep or lambs;
    - 16,500 to 54,999 turkeys;
    - 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
    - 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;
    - 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;
    - 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or
    - 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and
- Meets either of the following conditions:
    - Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
    - Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Conditional Use
Uses that are allowed in a district but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this code.

Conditional Use Permit
Legal authorization to undertake a conditional use, issued by the Administrator pursuant to authorization by the Board of Adjustment, consisting of two parts:

- A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and
- A statement of the specific conditions which must be met in order for the use to be permitted.

Conditional Use with Standards
A conditional use that are subject to the restrictions applicable to that district and the additional land use standards outlined in Article 3.07 Establishment of Development Standards for Specific Uses as well as any additional restrictions deemed necessary by the Board of Adjustment. The additional land use standards for conditional uses may be modified by the Board of Adjustment but are intended to set a minimum threshold for the use regardless of the district in which it is located.

Condominium
A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conventional Site-Built Homes
Homes that are primarily constructed on site using traditional framing and construction practices and are not manufactured or assembled at another location and transported to the building site.

County
Territory of Madison County, Kentucky

Cultural Institutions
A for-profit or non-profit organization whose purpose is to inform, educate, or entertain citizens on associated aspects of culture, history, science, or similar. Examples include, but are not limited to, museums, libraries, and community cultural centers.

Day Care Center
See Child Care Center

Dedication
The intentional and voluntary appropriation or transfer of land from the private owner to the County or other public agency for the land to be pledged to a proper public use or purpose.

Deed
A legal document conveying ownership of real property.

Density
The density calculated using all land and areas within the development boundaries.

Developer
Any individual, firm, association, corporation, governmental agency, or any other legal entity engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy. See also definition of “applicant.”

Development
Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

Development Review Team (DRT)
A body consisting of representatives of the respective utility companies, communications companies, County Road Department, School District, Office of Planning and Development, and the Natural Resources Conservation Service office, and other persons identified in this code, who meet for the purpose of reviewing site development plans and subdivision to ensure that appropriate improvement standards are met.

Distillery/Winery/Brewery
A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution. They can be further categorized as Craft, Large Scale, Rickhouse without Production, or a Tasting Room / brewpub and may include accessory commercial facilities.

Distillery/Winery/Brewery, Craft
A facility that produces no more than 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery or 50,000 barrels of fermented beverages for a brewery per calendar year on site. Alternative terms also include a micro, artisan, or boutique.

Distillery/Winery/Brewery, Large Scale
A facility that produces more than 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery or 50,000 barrels of fermented beverages for a brewery per calendar year on site.

Distillery/Winery/Brewery, Rickhouse Without Production
A rickhouse, distilled spirits, and/or fermented beverages storage structure(s) that is not associated with a production facility on the same parcel or adjacent parcels.

Distillery/Winery/Brewery, Tasting Room / Brewpub Only
See Tasting Room / Brewpub

Driveway
An improved surface providing a private connection from a garage or parking area to a road or highway.

Dump
A parcel or portion of a parcel where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means.

Dumpster
An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

Duplex
See Dwelling, Two-Family

Dwelling
A structure, or part of a structure, that is used exclusively for human habitation that includes sleeping, cooking (stove or range), and bathing facilities, but not including a hotel, motel, short-term rental, lodging house, boarding home, group home, transitional home, nursing home/assisted living facility, transitional home, bed and breakfast, tent, RV, or other housing type specifically defined in this code.

Dwelling Unit
One room or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes, having only one kitchen or kitchenette.

Dwelling, Accessory
A dwelling unit on the same parcel as an existing single-family structure and provides a separate means of access and complete independent living facilities for one or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

Dwelling, Multi-Family
See Apartment

Dwelling, Single-Family
A dwelling on a single parcel containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition does not include attached single-family dwellings.

Dwelling, Single-Family Attached
One dwelling on a single parcel with ground-floor outside access, attached to two or more single-family dwellings by common vertical walls without openings between dwellings (the dwelling is built to the lot line where it is attached or touching an adjacent single-family dwelling through a common or exterior wall). Examples include, but are not limited to, townhomes and patio homes.

Dwelling, Two-Family
A dwelling on a single parcel containing two dwelling units that are attached or connected by common vertical walls without openings between dwellings.

Easement
A grant or authorization of one or more of the property rights by a property owner to others for use by the public, a corporation, or another person or entity.

Easement, Utility
The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

Electronic Message Center
A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Equestrian Facility
Land or a facility created and maintained for the purpose of accommodating, training, lessons, education, or competing equine or horses. This includes horse stables.

Essential Services
The erection, construction, alteration or maintenance, by public utilities or other governmental bodies of underground or overhead electric, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, fire hydrants, and other similar equipment and furnishings of adequate service for public health, safety, or general welfare, but not including buildings.

Establishment of a Business or Use
Any of the following:

- The opening or commencement of any use as a new business;
- The conversion of an existing business to any other business;
- The addition of any business other than the existing business; or
- The relocation of any business.

Event Venue
A building or structure, permanent or temporarily constructed for a specific event, utilized for commercial purposes, including but not limited to weddings, events, and social gatherings. Such events may differ from the traditionally recognized use of said structure, and may or may not involve the sell or consumption of food and beverages, whether produced on the premises or not.

FAA
The Federal Aviation Administration

Facade
The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

Facade, Primary
The facade of a building that contains the primary entrance of the building. For the purpose of the sign regulations, a primary facade shall be as defined in Article 4.07 Signs.

Facade, Secondary
For the purpose of the sign regulations, a secondary facade shall be as defined in Article 4.07 Signs.

Family
A person living alone, or two or more persons related by blood, marriage, or adoption, or not more than five unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel, fraternity or sorority house.

Farm
A parcel of land or waterbody used for agricultural purposes which is classified as a farm by the PVA and exceeds 10 acres.

Farmers Market
The seasonal selling or offering for sale at retail of vegetables or produce, animal products, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC
The Federal Communications Commission, which is primarily responsible for the administration of the Telecommunications Act of 1996.

Fence
An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fence, Solid
A fence constructed of a substantial material, such as wood or vinyl, that prevents viewing from one side to the other. For purposes of this code, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

Finished Grade
See Grade, Finished

Flag
Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flag Lot
See Lot, Flag

Floor Area
Area of all floors of all buildings or structures.

Floor Area, Gross
The sum of the gross horizontal areas of all enclosed floors of a structure, including stairwells, elevator shafts, cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6.5 feet.

Floor Area, Ground
The sum of the gross horizontal areas of all enclosed areas of the first or ground floor of a structure, measured from the outside dimensions of the ground floor of the structure. It does not include any exterior areas such as garage areas, crawl spaces, attic area, porches, patios, etc.

Floor Area, Net
The total gross floor area excluding stairwells, elevator shafts, equipment rooms, interior parking/loading, and any floors below the first or ground floor that are not intended or used for human habitation or service to the public.

Footcandle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

Foundation
The supporting member of a wall or structure below or at ground level and includes footings.

Frontage
The side(s) of a parcel that abuts and has direct access to a dedicated road or right-of-way.

Frontage Road
A road that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

Full-Service Restaurant
A restaurant that includes table, counter, and/or booth service with a wait staff.

Funeral Home
A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. This definition does not include a crematory or mortuary.

Garage
An accessory structure that is incidental to a primary structure or a portion of the primary structure that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public.

General Industrial, Heavy
Industrial uses, not otherwise specifically defined within this code, that involve processing, fabricating, assembling, or disassembling of items that occur within and outside of an enclose building or structure. These uses typically have some level of impacts of noise, dust, vibration on adjacent parcels and typically involve large equipment or machinery. This definition includes, but is not limited to, F-1 Occupancies (moderate hazard) as defined by the Kentucky Building Code, chemicals and plastics, steel and oil refining, and industrial machinery.

General Industrial, Light
Industrial uses, not otherwise specifically defined within this code, that involve processing, fabricating, assembling, or disassembling of items that wholly occur within an enclose building or structure and where the use does not have impacts of noise, dust, vibration on adjacent parcels.

General Retail
See Retail, General

Grade
Defined as the average elevation of the land around a building or the percent of rise or descent of a sloping surface.

Grade, Finished
The final elevation of the average ground level adjoining a building at all exterior walls after development.

Grass
A species of perennial grass grown as permanent lawns or for landscape purposes.

Gross Floor Area
See Floor Area, Gross

Ground Cover
A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Ground Floor Area
See Floor Area, Ground

Group Home
As defined by 902 KAR 20:078, a homelike environment and specialized services in accordance with individualized habilitation plans for four to eight people with mental retardation or developmental disabilities, at a location that is not adjacent to or part of a mental health or mental retardation institution.

Hazardous Liquids Pipeline
Any pipeline constructed for converted to use for transportation under pressure of crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide. This section does not apply to piping within the boundaries of a manufacturing facility or a gas or service station, nor to public facilities or public utility facilities as provided in KRS 100.324.

Hazardous Waste
A waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/or infectious characteristics; may:

- Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
- pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hedge
A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

Historic Structure
Any structure that is:

- Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- Individually recognized by the Kentucky Heritage Council; or
- Located in an area designated as a local historic district.

Hobby Farm
A small farm operated for pleasure or supplemental income rather than for primary income.

Home Office / Home Occupation
Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where no clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this code, uses such as a short-term rental, in-home child care (family child care home as defined by KRS 199.894 as amended), or other business activity where non-residents are accessing the site are not considered a home office. May also be referred to as a home occupation.

Home-Based Business
Any activity carried out for economic gain by a resident and conducted entirely within the resident's dwelling unit or entirely within an accessory structure upon the same premises as the primary dwelling unit where limited clients, guests, customers, or employees (other than the resident(s) of the dwelling) access the premises. For the purposes of this code, in-home child care (family child care home as defined by KRS 199.894 as amended) is considered a home-based business.

Homeowners Association
A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

Homeowners' Association
A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.

Hospital
An institution providing primary health services, overnight care, and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including related support facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel
A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment (no adult businesses), personal services, and recreational facilities.

Impervious Surface
A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include, but are not limited to, buildings, structures, sheds, patios, concrete (including driveways and walks), and asphalt. For the purposes of this code, gravel shall be considered an impervious surface.

Impervious Surface Coverage
That part of the parcel that is covered by impervious surfaces.

Improvements
Physical changes made to land and structures placed above, on, or under the land or water surface in order to make the land more useable. Typical improvements include, but are not limited to, grading, cutting and filling, road pavement, curbs and gutters, drainage ditches, storm and sanitary sewers, road name signs, and property number signs. Improvements do not include agricultural production such as row crops.

Infrastructure
Facilities and services needed to sustain all land use activities.

Junk
Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and used lumber.

Junkyard
Any lot, land, parcel, or structure, or part thereof, that is used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Retail establishments, such as pawn shops, consignment stores, or thrift store, where all goods are stored and displayed entirely within an enclosed building that sell used goods, machinery, and other items are not considered junkyards.

Jurisdiction
The area of the authority of Madison County, Kentucky.

Kennel
An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a kennel. Dog or pet daycares are considered a kennel.

Landfill
A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with state and federal regulations. This can include solid waste disposal.

Landscaping
The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

Legislative Body
Madison County Fiscal Court

Light Fixture
The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light, Cutoff
An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Article 4.03 Outdoor Lighting.

Light, Non-Cutoff
An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Article 4.03 Outdoor Lighting.

Lighting Plan
A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.

Limited-Service Restaurant
A restaurant where the customers select from a menu, pay before receiving the food, and have the option of eating in the establishment or taking the food to go.

Live/Work Unit
A single structure or portion of a structure that combines a single residence and non-residential uses where the resident(s) are owners or employees of the business.

Livestock, Personal
This land use category includes the raising of livestock that is not intended to be consumed by others and/or sold. This definition includes livestock activities for educational purposes, such as 4-H.

Livestock, Production
This land use includes animal husbandry activities (breeding and caring for farm animals) for the production of animals and/or animal products that will be consumed by others and/or sold, such as dairies, livestock farming, and similar uses that do not require a state permit. This also includes pastureland and meadows used for livestock rearing. This definition does not include stockyards, slaughtering, or meat processing.

Livestock, Wholesale Trade
This land use includes selling of livestock that occur on-site, such as animal auctions. Stockyards used for temporary keeping livestock for market or shipping is permitted but excludes stockyards for slaughter.

Living Area
The total interior habitable area of a structure on all floors or levels, measured from the interior faces of the exterior walls and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

Loading Area
An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Loading Space
An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

Lot
A designated parcel of land established by plat, subdivision, legal instrument, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot Area
The total area within the lot lines / property lines of a parcel, including any areas within easements but excluding any public rights-of-way.

Lot Coverage
See Impervious Surface Coverage.

Lot Depth
The average horizontal distance between the front lot line and rear lot line.

Lot Line
A line of record bounding a lot that divides one lot from another lot or from a public or private road or any other public space.

Lot Line, Front
Any property line separating the lot from a road, or on a flag lot, the interior lot line most parallel to and nearest the road from which access is obtained.

Lot Line, Rear
The lot line opposite and most distant from the front lot line.

Lot Line, Side
Any lot boundary-line other than a front lot line or rear lot line.

Lot of Record
A lot that exists as shown or described on a plat or deed in the records of the county clerk.

Lot Width
The horizontal distance between side lot lines of a lot that is measured at the required front setback line. For a corner lot, the lot width shall be measured from one side lot line and the opposing front lot line. See Lot, Flag for lot width for a flag lot.

Lot, Corner
A lot located at the intersection of or abutting two or more intersecting roads. Corner lots have two front yard setbacks, one side yard setback, and one rear yard setback as determined by the Administrator.

Lot, Double Frontage
A parcel that abuts or fronts on two roads that do not intersect at the boundaries of the parcel.

Lot, Flag
A lot where the major portion of the parcel has access to a public road or street by means of a narrow strip of land called the “flag pole.” The flag pole portion of the lot shall not be used in determining setbacks or in calculating lot size for zoning and building purposes.

Lot, Nonconforming
A lot that does not meet the minimum lot width, road frontage, and/or lot area requirements of the applicable zoning district.

Luminaire
The complete lighting unit, including the lamp, the fixture and other parts.

Manufactured Home
Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home constructed after June 15, 1976, as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or is 320 or more square feet when erected on site. It shall be built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities. It shall include plumbing, heating, air-conditioning, and electrical systems contained therein. The term shall also include any structure which meets all the requirements of this paragraph except the size requirements if the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter. The term shall not include any self-propelled Recreational vehicle (RV).

Manufactured Home Park
A manufactured home park or community consists of one or more parcels of land that contain individual lots that are leased or otherwise contracted and are owned, operated, or under the control of one or more persons on which a total of two or more manufactured homes are located for the purposed of being occupied as principal residences. The term includes the following:
All real and personal property used in the operation of the manufactured home community;
A single parcel or contiguous but separately owned parcels of land that are jointly operated;
Parcels of land jointly operated and connected by a private road;
One or more parcels of land, if at least two of the manufactured homes or manufactured homes located on the land are accessible from a private road or interconnected private roads, served by a common water distribution system, or served by a common sewer system or septic system.

Manufactured Housing Construction and Safety Standards Codes
Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the state, all of which became effective for manufactured home construction on June 15, 1976.

Manufacturing, Heavy
An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include, but are not limited to, concrete batch plants; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; grain milling or processing; metal or metal ore production; refining, smelting, or alloying; boat, pool, and spa manufacturing, glass manufacturing; paper manufacturing; wood or lumber processing.

Manufacturing, Light
An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or parts, including electronic goods, food, and bakery products, nonalcoholic beverages, paper imprinting and publishing, household appliances assembly, and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur.

Marker or Monument
A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

Meat Processing
The various steps in processing meat including slaughtering, cutting, inspecting, packaging, and/or processing it into other products (such as sausage/lunch meat). This definition includes stockyards used for slaughtering.

Medical Offices
See Professional Services and Business Offices

Metes and Bounds
A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

Mobile Home
Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is a dwelling, including the equipment sold that is a dwelling, that is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and
- Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.). Mobile homes are required to be installed in accordance with KRS 227.570.

Modification
Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

Modular Home
A single-family residential dwelling that is built to the industrialized building system or the Kentucky Residential Building Code and is not a manufactured home or mobile home.

Motel
See Hotel

Night Club
See Tavern

Noncommercial Speech
Any sign, wording, logo or other representation that, does fall under the definition of “commercial message or speech.”

Nonconforming, Site
A site that was legally improved, but no longer conforms to the parking, landscaping, architectural, or other design standards for the site exclusive of the lot area, lot width, or other site development standards established in this code.

Nuisance
A condition or situation that results in an interference with the enjoyment and use of property.

Nursing Home/Assisted Living Facility
A public or private residential facility (short or long-term) that is licensed by the Commonwealth of Kentucky, which houses patients suffering from disease, disabilities, or advanced age who require medical service and nursing service rendered by or under the supervision of a registered nurse. For purposes of this code, a residential care facility is considered a nursing home.

Official Land Use Management Map
The map or maps that are a part of the code and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the Planning Commission. This may also be referred to as the zoning map or official map.

One Hundred Year Floodplain
The area of land adjacent to a stream that is subject to inundation during a storm event that has a recurrence interval of one hundred (100) years.

Open Space
Common area that is not within a structure or under a roof that provides light and air and is designed for environmental, scenic, or recreational purposes. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space may be located on the same parcel as a structure but shall not include areas devoted to public or private roads or rights-of-way, structures, or similar areas.

Outdoor Lighting
Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public roads by a government agency or public utility.

Outdoor Storage
The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Overlay District
A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

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.

Parcel
See definition of “lot.”

Parcel
See Lot

Parent Parcel
The parcel of land for which approval is sought to subdivide it into at least two parcels, or other divisions of land for sale, development, or lease.

Parking Aisle
The driveway or access drive by which a vehicle enters and departs a parking space.

Parking Area
Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public roads.

Parking Garage
Any garage, other than private garage, for the parking of vehicles.

Parking Lot
An off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking Space
A space, other than on a road or alley, designed for use or to be used for the temporary parking of a motor vehicle.

Patio Home
See Dwelling, Single-Family Attached

Pennants
A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

Permitted Use
A land use that is deemed to be the most appropriate uses and are allowed in a district or area.

Permitted Use with Standards
A permitted use that is permitted with standards (P-S) if the comply with the restrictions applicable to that district as well as the additional land use standards outlined in Article3.07 Establishment of Development Standards for Specific Uses. If a use is permitted with standards and the use does not meet all applicable standards, it shall be considered a conditional use.

Person
Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Madison County, Commonwealth of Kentucky, the federal government, or any combination thereof.

Place of Worship
Defined as:

- A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs;
- A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Planned Unit Development (PUD)
A planned unit development that is a zoning district established to allow development of an area of land as a single entity for a number of uses conforming to an approved development plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, sign requirements, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

Planning Commission
The legally constituted body of seven 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.

Planning Commission
The Planning Commission for the jurisdiction

Plat
A drawing indicating the subdivision or re-plat of land intended to be filed for record.

Plat, Final
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.

Plat, Minor
The drawings and supplementary material indicating the proposed layout of a minor 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.

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

Plat, Sketch
A preliminary sketch indicating the developer's general objectives and desires in regard to the future development of their subdivision, presented to the Planning Commission for its informal consideration.

Pond
A body of standing water having a depth greater than two feet and an area of 225 square feet. For the purposes of this code, a pond and lake are considered to be the same.

Portable Storage Container
A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels. A storage container that is affixed per manufacturer’s specifications to a permanent foundation is not considered portable or temporary and is an accessory structure.

Preschool
See School

Private Club
A non-profit, social, fraternal, military, or political organization, club, or non-profit or for-profit entity maintaining or operating a space or premise where the general public is excluded. This could include, but is not limited to, unions, fraternal organizations, military clubs, political organizations or clubs, lobbing or advocacy groups, and similar organizations. This does NOT include night clubs, adult businesses, gyms, fitness centers, membership shopping stores, golf courses, uses defined as service-oriented retail, or other uses specifically defined within this code.

Produce Stand
A temporary activity where a single vendor or property owner sells agricultural products (not including live animals) that are produced on the same property in an area or structure that does not exceed two hundred (200) square feet.

Professional Services and Business Offices
Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. This term does NOT include other uses specifically defined within this code, including but not limited to, adult businesses, service-oriented retail, or general retail. Examples of this use include, but are not limited to, the following:

- Professional service or business offices, such as accounting or advertising, architectural or engineering, attorney or legal, communication or marketing, financial, insurance, investment, professional consulting, real estate, tax, trade association and travel agency services or offices, and similar service or repair that occurs within a business office setting.
- Medical offices, outpatient services, medical clinics, and veterinary services.

Public Area
Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

Public Hearing
A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk and participate.

Public Improvement
Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

Public Meeting
A meeting announced and advertised in advance and open to the public, where the public is not required to be given an opportunity to talk and participate.

Public Sewer
Any system other than an individual septic tank, tile field, or similar system, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes.

Public Use
Areas that are available for use by the general public, such as public parks, playgrounds, schools, and buildings.

Public Utility
As defined by KRS 100.324 as amended, public utilities operating under the jurisdiction of the Public Service Commission (except as specified in KRS 100.987), the Department of Vehicle Regulation, or Federal Energy Regulatory Commission in addition to any municipally-owned electric system and common carriers by rail.

Public Utility Facility
All service facilities of a public utility (as defined by this code) other than office space, garage space, and warehouse space unless such space is incidental to a service facility.

Public Water
Any system other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the furnishing of potable water.

Quality of Life
The attributes or amenities that combine to make an area a desirable place to live.

Raceway or Wireway
An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

Recreation Area
An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle (RV)
A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. This includes travel trailers, camping trailers, truck campers, motor homes, and similar vehicles. A recreational vehicle shall not be used as a primary residence or for permanent occupancy.

Recreational Vehicle Park
Any parcel upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

Recycling
A process by which materials that would otherwise become solid waste are collected, separated, or processed, and converted into materials or products for reuse or sale.

Recycling Facility
Land where recyclable materials area separated and/or processed for the eventual reuse into new products.

Redevelopment
The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

Research And Development
An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components. This type use occurs within a building that typically resembles an office and/or laboratory setting.

Reservoir
Any basin, which contains or will contain the water impounded by a dam, for example Lake Wilgreen.

Residential Care Facility
See Nursing Home / Assisted Living Facility

Restaurant
Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages. For the purposes of this code, a restaurant is considered service-oriented retail.

Retail, General

Uses whose primary purpose is the sale of goods and merchandise to a consumer. General retail does NOT include other uses specifically defined within this code, including but not limited to, adult businesses, professional and business offices, wholesale trade, or service-oriented retail. Examples of general retail include, but are not limited to the following:

- Department and super stores, such as clothing/apparel/shoes store
- Specialty retail stores, such as antique store, art gallery, art supply store (including framing services), book/stationary/newspaper store or stand, camera and photography supply store, collectible stores (cards, coins, comics, stamps, etc.), electronic/appliance store, fabrics and sewing supply store, floor covering store, furniture store, florist, gift store, greenhouse or nursery, hardware store, hobby shop, jewelry store, luggage and leather goods store, music or musical instrument store, office supply store, optic store (no medical exams), orthopedic supply store, paint store, pet store, sporting goods and recreation equipment store, bicycle and kayak rental/store, religious goods store, toy store, variety store, and video/game store.
- Supermarkets and grocery stores, such as bakery (without dining), candy store, grocery store, and meat or fish market.
- Convenience stores, such as drug store, such as convenience or corner store, drug store, gas station, and pharmacy.
- Discount stores, such as consignment and thrift store.

Retail, Service-Oriented

Uses whose primary purpose is to provide or sell a service rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees.

Service-oriented retail does NOT include other uses specifically defined within this code, including but not limited to, bed and breakfast, day care center/child care center, hotel/motel, short-term rental, general retail, medical offices and outpatient service, professional and business offices, adult businesses, vehicle and equipment sales, service, and repair, bars/taverns/night clubs, liquor stores, and storage units.

Examples of service-oriented retail include, but are not limited to, the following:

- Hospitality, instructional, and entertainment services, such as art studio, dance, educational support services, employment services, gymnastics or martial arts instruction, movie theater (drive-in or indoor), paintball, travel centers, theaters/drive-in theaters, and banquet/event facilities.
- Food establishments and restaurants (see restaurant), such as quick service and dine-in restaurants.
- Service and repair, such as computer or phone repair, jewelry repair, and shoe repair. Service-oriented retail also does NOT include vehicle and equipment sales, service, and repair.
- Personal services, such as bank or credit union, beauty or barber shop, dry cleaning or laundry receiving station (storefront only), fitness center or gym, nail or tanning salon, photography studio, print shop or copy shop, storage units (indoor and outdoor), tailoring or dressmaking, laundromat, and equestrian facilities/stables.

Rezone

Approval granted through the Planning Commission and the legislative body in accordance KRS 100 to change the zoning classification of a particular parcel.

Rickhouse/Distilled Spirits and Fermented Beverages Storage Structure
A standalone structure used for the storage and aging of distilled or fermented spirits. Examples include, but are not limited to, rickhouses, palletized warehouses, and dunnage warehouses.

Right-of-Way
Defined as:

- A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, alley, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses;
- Generally, the right of one to pass over the property of another.

Riparian Buffer
A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream system, wetland, sink hole, reservoir or other significant water resources. Alteration of this natural area is strictly limited.

Road Classifications
Road classifications are determined by the Madison County Comprehensive Plan.

Road, Private
An improved road that is not dedicated as a public right-of-way.

Road, Public
Any vehicular way, which includes the land between the road lines (whether improved or unimproved) and that is:

- An existing state, county, or municipal roadway;
- Shown upon a plat approved pursuant to law;
- Approved by other official action;
- Shown on a plat duly filed and recorded in the County Clerk's Office; or
- Shown on the official map or adopted master plan.

Roof Line
Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Salvage Yard
The dismantling or disassembling of used motor vehicles or the storage and sale of parts from such vehicles.

School
Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge, including both private and public institutions. For the purposes of this code, a preschool is considered a school.

Screening
A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

Septic System
An underground system with a septic tank used for the decomposition of domestic wastes.

Service-Oriented Retail
See Retail, Service-Oriented

Setback
The distance between the foundation of a structure and any lot line.

Setback Line
A line drawn along the required minimum setback from any lot line that is measured from the centerline of the road or property line, as specified, that establishes the area within which structures cannot be erected or placed.

Setback, Front Yard
The minimum front yard required as measured perpendicular from the centerline of the road, unless specified otherwise.

Setback, Minimum
See Setback Line

Setback, Rear Yard
The minimum rear yard required as measured perpendicular from the rear property line, unless specified otherwise.

Setback, Side Yard
The minimum side yard required as measured perpendicular from the side property line, unless specified otherwise.

Sewer
Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

Sexually Oriented Business
An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually-oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment, semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this code. The term "sexually oriented business" shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

Short-Term Rental
A dwelling unit that is rented, leased, or otherwise assigned for a tenancy of less than a 30 consecutive day duration where no meals are served. Short-term rentals do not include bed and breakfast, hotel/motel, or any other housing type defined in this code.

Shrub
A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

Sidewalk or Walkway
A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

Sight Triangle
A triangular-shaped portion of land established at road and/or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner that limits or obstructs the sign distance of motorists entering or leaving the intersection.

Sign
Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area
The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Article 4.07(e)(iii) Sign Area.

Sign Copy
Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face
The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign Height
The vertical distance of a sign, from top to bottom, as measured in accordance with Article 4.07(e)(ii) Sign Height.

Sign Structure
Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Sign, A-Frame
A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Awning
A permanent sign painted on, printed on or attached flat against the surface of an awning.

Sign, Balloon
A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for “Air-Activated Graphic.”

Sign, Banner
A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

Sign, Building
Any permanent sign attached to any part of a building including awning, canopy, projecting, or wall signs.

Sign, Canopy
A permanent sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

Sign, Changeable Copy
A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. See also the definition of “sign, manual changeable copy” and “electronic message center.”

Sign, Driveway
A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Feather
A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Freestanding
Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building or other structure.

Sign, Ground
A permanent freestanding sign that is supported by one or more poles, posts or braces in or upon the ground and is supported independently of any other structure.

Sign, Illuminated
Any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

Sign, Manual Changeable Copy
A changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as reader boards.

Sign, Monument
A permanent freestanding sign, not attached to a building, that is placed upon or supported by the ground independently of any other structure, and is limited to a height not to exceed eight feet. Monument sign, unlike pole signs or ground signs, typically are on a monument or pedestal structure.

Sign, Nonconforming
Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent
A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground and that is constructed of rigid, non-flexible materials.

Sign, Pole
A sign which is supported wholly by a pole or poles and designed so as to permit pedestrian or vehicular traffic to flow underneath the bottom of the sign cabinet or copy.

Sign, Portable
A temporary sign that may be placed outside, during business hours, in accordance with this code and all other applicable ordinances and codes. See definition of “sign, T-frame” and “sign, A-frame.”

Sign, Projecting
A permanent sign that is affixed perpendicular to a building or wall and extends more than 18 inches beyond the face of such building or wall.

Sign, Roof
Any sign erected on a roof.

Sign, Temporary
A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, T-Frame
A temporary portable sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall
A permanent sign attached directly to an exterior wall of a building and which does not extend more than 18 inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window
Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

Sign, Yard
Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Site Development Plan
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, roads, 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.

Solar Energy Facility, Commercial
Private commercial enterprises or occupancies which are engaged in the process of solar resource evaluation, solar energy development, converting solar energy into electrical energy, collecting, storing, and transmitting the electrical energy converted from solar energy, and all other activities related to the preceding.

Solar Energy Facility, Non-Commercial / Personal
An area of land or structure used to capture solar energy, convert it to either electrical energy or thermal power and supply electrical or thermal power primarily for on-site use for non-commercial purposes. A non-commercial/personal solar energy system consists of one or more free-standing ground or roof mounted solar arrays or modules as well as solar-related equipment, including storage cells or batteries, and is intended primarily to reduce on-site consumption of utility power or fuels. Examples would include, but are not limited to, solar panels on a residential structure or solar panels on the lot of a residential dwelling.

Stacking Space
A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

State
See Commonwealth

Static/Instant Message Change
On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Storage Unit
An unenclosed, semi-enclosed, or fully enclosed area, room, or space that is primarily intended for the storage of personal property, including but not limited to recreational vehicles, boats, and similar items. Note that unenclosed or semi-enclosed storage units must comply with all outdoor storage standards of this code.

Story
That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

Stream Channel
Part of a watercourse either naturally or artificially created, which contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

- Hydrophytic vegetation, hydric soil or other hydrologic indicators in the area(s) where groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed or channel banks
- Flowing water not directly related to a storm event
- Historical records of a local high groundwater table, such as well and stream gauge records.

Stream System
A stream channel together with one or both of the following:

- 100-year floodplain and/or
- Hydrologically-related non-tidal wetlands

Streamer
A ribbon-shaped or cord-like rope which may have pennants and/or banners attached, and which is stretched or hung between two or more supports.

Streams
Perennial and intermittent watercourses identified through site inspection and USGS maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

Street
See Road

Street Classification
See Road Classification

Structure
A combination of materials that has a roof supported by columns or walls whether installed on, above, or below the surface of land or water and is intended for use, shelter, protection, occupancy, or ornamentation of persons, animals, or property of any kind.

Structure, Accessory
A structure detached from a primary structure (not attached to the foundation of the primary structure) that is located on the same parcel and customarily incidental and subordinate to the primary structure or use.

Structure, Agricultural
A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

Structure, Attached
A structure having no structural connection with another structure.

Structure, Nonconforming
A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

Structure, Portable
Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

Structure, Primary
A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

Structure, Temporary
A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

Subdivision
The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any road or roads, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be exempted.

Subdivision, Major
A subdivision that is not classified as a minor subdivision.

Subdivision, Minor
A division of a parcel of land along an existing road that meets the standards in Article 2.02(g)(iii)B) Determination of Minor or Major Subdivision.

Tasting Room / Brewpub
A building or property with the primary purpose of selling distilled spirits or fermented beverages, as permitted by law, that is produced on the same property or adjacent property under the same ownership. It may also include limited or full-service on-site food services. Other terms for this use are taproom. A brewpub cannot produce more than 15,000 barrels per year on-site.

Tavern
An establishment in which alcoholic beverages are served, primarily by the drink, where food or packaged liquors may also be served or sold. This definition shall exclude a tasting room, brewpub, or other uses specifically defined within this code.

Temporary Storage Structure/Container
A portable storage unit which does not have permanent foundation or footing and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

Timber Removal as an Agricultural Use
Timber production that qualifies as an agricultural use as defined by KRS 100.111 as amended.

Townhome
See Dwelling, Single-Family Attached

Tract
See Lot

Transitional Home
A residential facility providing persons in need of temporary shelter, care, support, or supervision, which may also provide some combination of food, personal care, social or counseling services, and transportation. Examples include, but are not limited to, drug or alcohol treatment facilities, halfway houses, residential reentry centers (for those leaving incarceration), youth homes/shelters, psychiatric care, homeless shelters, and similar. For purposes of this code, transitional homes do not include group homes, nursing homes/assisted living facilities, boarding homes, or other housing that is specifically defined within this code.

Tree
A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Hamilton County or Butler County, Ohio, as applicable.

Tree, Canopy
A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Tree, Deciduous
Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen
A tree that remains green throughout the year.

Use
The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory
A use that is subordinate in area, extent, or purpose to the primary or principal use of parcel, located on the same parcel, and serves a purpose customarily incidental to and serves the primary land use.

Use, Conditional
See Conditional Use

Use, Nonconforming
Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

Use, Principal or Main
The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted. May also be referred to as primary use.

Use, Temporary
A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Utility
A utility as defined by KRS 278.010 as amended.

Variance
A departure (or variance) from dimensional terms of the land use management regulations of this code pertaining to the height, width, or location of structures and/or the size of yards, setbacks, or open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Article 2.02(d) Variances.

Vehicle and Equipment Sales
Business that sells new and/or used vehicles, including but not limited to automobiles, RV's, ATV's, motor vehicles, trailers, and similar vehicles, and/or a business that sells new and/or used equipment, including but not limited to construction equipment, forklifts, cranes, bulldozers, excavators, grades, and similar equipment.

Vehicle and Equipment Service or Repair
Business that provides service or repair to motor vehicles, equipment, and trailers, including but not limited to rebuilding or reconditioning of engines or transmissions, collision services, painting, parts replacement, upholstering, oil changes, maintenance services, and related services or repairs.

Vehicle Impound Lot
A parcel or place where vehicles are held in legal custody until they are recovered by the owner or disposed of in another legal manner. This can also be referred to as a tow lot.

Vehicle, Inoperable
Any vehicle that is partially disassembled, inoperable, or unlicensed that is on any property in a location visible from public property or adjoining private property for more than 20 calendar days or on public property without being moved for three calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

Vehicular Use Area
The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space. For residential uses, the vehicular use area shall include the driveway, garage, and any other parking areas.

Violation
The failure of a structure or other development to be fully compliant with the regulations of this code.

Wall
An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

Warehousing And Distribution
An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

Wholesale Trade
Any place or business where goods and merchandise are exclusively or principally sold for re-sale by another retailer, professional business user (industrial, commercial, institutional), other wholesalers, or similar users that does not include the general public. It may include a showroom but does not include a retail store.

Wind Energy System, Commercial
Land that is used for generating electric power by use of wind at one or multiple tower locations in a community, including accessory uses, such as but not limited to, a SCADA (Supervisory Control and Data Acquisition) tower and an electric substation. A commercial wind energy system is designed and built to provide electric power to the electric utility grid rather than the electric power consumer on site.

Wind Energy System, Non-Commercial / Personal
A wind energy conversion system for personal/on-site use where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

Windblown Devices
Objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means and may include, but are not limited to pennants, ribbons, streamers, spinners, or similar objects.

Winery
See Distillery/Winery/Brewery

Wireless Communication Facility
Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Yard
A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this code. This area may include more space than the required minimum front, side, or rear yard setback (See Setback, Minimum) depending upon where the primary structure is located.

Yard, Front
A space extending across the full width of the parcel between the front façade of the primary structure and the front lot line that is measured perpendicular to the road / property line.

Yard, Rear
A space extending across the full width of the parcel between the rear façade of the primary structure and the rear lot line that is measured perpendicular to the property line.

Yard, Side
A space extending from the front yard to the rear yard between the side facade of the primary structure and the side lot line that is measured perpendicular to the property line.

Zoning District
A specified zoning district within the jurisdictional area for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established. This may also be referred to as a land use district.

Zoning District, Base
The base zoning district is the zoning district established for each property that includes any of the residential and nonresidential zoning districts established in Article 3: Zoning Districts & Use Regulations

Zoning District, Nonresidential
The term “nonresidential zoning district” shall include the AG, NB, GB, LI, HI, RE, and PSP Districts, regardless if residential uses are permitted.

Zoning District, Overlay
A special secondary zoning district that lies over an underlying base zoning district. Such overlay district provides development control which alters some of the base zoning district regulations.

Zoning District, Residential
The term “residential zoning district” shall include the SF-LD, SF-MD, MF-MD, MF-HD, and MH Districts.

Zoning Map
An accurate map depicting Madison County, Kentucky, and indicating the official boundaries of the zoning districts established by this code.

MADISON COUNTY
LAND DEVELOPMENT &
SUBDIVISION REGULATIONS