

SUBDIVISION REGULATIONS

TABLE OF CONTENTS

Section One – GENERAL PROVISIONS	Chapter/Page
1.1 General Applicability.....	1.1
1.2 Policy.....	1.1
1.3 Purposes.....	1.1
1.4 Authority.....	1.2
1.5 Jurisdiction.....	1.2
1.6 Enactment.....	1.2
1.7 Interpretation, Conflict and Separability.....	1.2
1.8 Saving Provision.....	1.3
1.9 Reservations and Repeals.....	1.3
1.10 Amendments.....	1.3
1.11 Conditions.....	1.4
1.12 Resubdivision of Land.....	1.4
1.13 Variances.....	1.4
1.14 Definition of Subdivision.....	1.5
1.15 Enforcement, Violations & Penalties.....	1.5
1.16 Schedule of Fees.....	1.6
Section Two – PROCEDURES AND REQUIREMENTS FOR MINOR SUBDIVISION	
2.1 Definition of Minor subdivision.....	2.1
2.2 Procedure for Submission of Minor Subdivision Plats.....	2.1
2.3 Content and Format of Minor Subdivision Plat Material.....	2.1
2.3 ADDENDUM “A” HCCPC Digital Data Submission Requirements.....	2.5
Section Three – PROCEDURE AND REQUIREMENTS FOR MAJOR SUBDIVISION	
3.1 Definition of Major Subdivision.....	3.1
3.2 General Procedure.....	3.1
3.3 Pre-Application Conference.....	3.1
3.4 Master Plan Procedure.....	3.2
3.5 Preliminary Subdivision Plat Procedure.....	3.4
3.6 Final Subdivision Plat Procedure.....	3.7
3.6 ADDENDUM “A” HCCPC Digital Data Submission Requirements.....	3.13
Section Four – ASSURANCE FOR COMPLETION & MAINTENANCE IMPROVEMENTS	
4.1 Improvements and Performance Bond.....	4.1
4.2 Inspection of Improvements.....	4.2
Section Five – REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS & DESIGN	
5.1 General Improvements.....	5.1
5.2 Lot Improvements.....	5.2
5.3 Street Improvements.....	5.3
5.4 Drainage and Storm Sewers.....	5.10

SUBDIVISION REGULATIONS

TABLE OF CONTENTS

5.5 Water Facilities.....	5.11
5.6 Sanitary Sewerage Facilities.....	5.12
5.7 Sidewalks.....	5.13
5.8 Utilities.....	5.14
5.9 Public Uses.....	5.14
5.10 Nonresidential Subdivisions.....	5.14

Tables

5.1 Design Standards for Streets.....	5.5
5.2 Sidewalks Required.....	5.13

Section Six – DEFINITIONS

6.1 Usage.....	6.1
6.2 Words and Terms Defined.....	6.1

SUBDIVISION REGULATIONS

SECTION 1. GENERAL PROVISIONS

1.1 GENERAL APPLICABILITY

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Henderson and Henderson County. All persons, firms or corporations laying out or subdividing or platting any lands within Henderson County shall comply with the following rules and regulations governing land subdivision.

1.2 POLICY

- (A) It is hereby the policy of the planning unit to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the planning unit for the orderly, planned, efficient, and economical development of the planning unit.
- (B) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until facilities and improvements exist, or are bonded, including but not limited to provisions for drainage, water, sewage, and such other improvements as the Planning Commission may deem advisable. In addition, greenbelts, mini-parks, and recreational areas may be required as a part of the proposed development's master plan.

These regulations shall meet the specifications of the Planning Commission and local governing bodies and shall be developed and maintained by the local governing body.

- (C) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and all other related plans adopted by the various governmental bodies of the planning unit, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, zoning ordinances, Comprehensive Plan, Access Standards Manual, and/or any other ordinances or plans enacted by the various governmental bodies of the planning unit.

1.3 PURPOSES

The regulations are adopted for the following reasons:

- (A) To protect and provide for the public health, safety, and general welfare of the planning unit.
- (B) To guide the future growth and development of the planning unit in accordance with the Comprehensive Plan.
- (C) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of land and undue congestion of population.
- (D) To protect the character and the social and economic stability of all parts of the planning unit and to encourage the orderly and beneficial development of all parts of the planning unit.
- (E) To protect and conserve the value of land throughout the planning unit and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (F) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (G) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the planning unit, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

- (H) To establish reasonable standards of design and procedures for subdivisions, and resubdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
- (I) To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- (J) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the planning unit in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (K) To preserve the natural beauty and topography of the planning unit and to insure appropriate development with regard to these natural features.
- (L) To provide for open spaces through the most efficient design and layout of the land, including the use of average density of land as established in the zoning ordinance and/or regulation of the planning unit.

1.4 AUTHORITY

By authority of resolution of the Planning Commission of Henderson-Henderson County (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through K.R.S. 100.273, K.R.S. 100.277 and K.R.S. 100.285 and other applicable laws, statutes, ordinances, and regulations of the Commonwealth of Kentucky, the Planning Commission does hereby exercise the power and authority to review, conditionally approve, postpone, approve, disapprove and revoke plats for subdivision of land within the jurisdictional limits of the planning unit which shows lots, blocks, or sites with or without new streets or highways.

1.5 JURISDICTION

- (A) These subdivision regulations shall apply to all subdivision of land, as defined herein, located within the jurisdictional limits of the planning units.
- (B) No land shall be subdivided within the jurisdictional limits of the planning unit until:
 - (1) The subdivider or his agent shall submit a preliminary plat and final plat of the parcel to the Planning Commission through its administrative assistant;
 - (2) Obtain approval of the necessary plats required by the regulation contained herein from the Planning Commission, and;
 - (3) The approved final plat is filed with the County Court Clerk of Henderson County.
- (C) No building permit or certificate of occupancy shall be issued for any parcel or plot of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

1.6 ENACTMENT

In order that land may be subdivided in accordance with these purposes and policy, these subdivisions regulations are hereby adopted.

1.7 INTERPRETATION, CONFLICT, AND SEPARABILITY

- (A) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(B) Conflict with Public and Private Provisions;

- (1) Public Provisions. The regulations are not intended to interfere with, abolish, or annul any other ordinance, rule, or regulation statute, or other provision or law. Where two or more provisions of these regulations, or other ordinances, rules, or regulations, or other provisions are more restrictive, the higher standards shall apply.
- (2) Private Provisions. These regulations are not intended to abolish any easement, covenant, or any other private agreement or restriction where the private agreements, restriction, or covenants impose higher standards or are more restrictive as long as these standards are consistent with Planning Commission or governing bodies' regulation. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations that are more restrictive or have higher standards than that required by the Planning Commission, or the governing bodies of the planning unit, then such private provisions shall be operative and supplemental to these regulations and determinations made there under.
- (3) Enforcement of Private Provisions. When the provisions of easement, covenant, private agreement, or restrictions apply, nothing in these regulations shall provide for the enforcement of said easements, covenants, private agreements, or regulations by the planning unit. Enforcement of such provisions shall be initiated by the interested parties through appropriate civil action.

- (C) Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations, even without any such part, provision, or application.

1.8 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the various governmental bodies of the planning unit under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful enactment of the various governmental bodies of the planning unit except as shall be expressly provided for in these regulations.

1.9 RESERVATIONS AND REPEALS

Upon adoption of these regulations according to law, the Subdivision Regulations of Henderson, adopted in 1968, as amended, are hereby repealed except such sections expressly retained herein.

1.10 AMENDMENTS

For the purpose of providing for the health, safety and general welfare of the public, the Planning Commission may from time to time amend the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

1.11 CONDITIONS

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this planning unit. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the planning unit and to safety and general welfare of the future plot owners in the subdivision of the community at large.

1.12 RESUBDIVISION OF LAND

- (A) Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such a map, or an area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision.
- (B) Procedure for Subdivision Where Future Resubdivision Is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of such streets may be made a requirement of the plat.

1.13 VARIANCES

General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (A) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
- (B) The request for the variance is based upon the individual character of the land and in the opinion of the Planning Commission; the proposal represents an approved innovative development, not applicable generally to other property.
- (C) Because of particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out. Financial disadvantage to the property owner is not conclusive proof of inconvenience or hardship within the purpose of these regulations.
- (D) The variances will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan.
- (E) Conditions. In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of standards or requirements of these regulations.
- (F) Procedures. A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

1.14 DEFINITION OF SUBDIVISION

“Subdivision” means the division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease or building development or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act. K.R.S. 100.111 (22).

1.15 ENFORCEMENT, VIOLATIONS, AND PENALTIES

(A) General Enforcement

- (1) It shall be the duty of the Administrative Assistant to the Planning Commission to enforce these regulations and to bring to the attention of the prosecuting attorney having jurisdiction any violations or lack of compliance herewith.
- (2) No person or his agent shall subdivide any land, before securing the approval of the Planning Commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the County Court Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairman, Secretary, or other duly authorized officer of the Commission. K.R.S. 100.277 (1).
- (3) No person owning land composing a subdivision, or his agent, shall transfer or 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 rights or remedies he may otherwise have. Provided, however, any person, or his agent may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision or land contemplated is lawful and the subdivision plat subsequently receives final approval of the Planning Commission. K.R.S. 100.277 (2).
- (4) Any street or other public ground, which has been dedicated, shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specified standards set forth in these subdivision regulations shall be by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval. K.R.S. 100.277 (3).

(B) Violations and Penalties.

Any person, owner, or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. K.R.S. 100.991

(C) Revocation of Subdivision Plats.

- (1) Upon application of all persons owning land comprising a subdivision, the Planning Commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements and rights-of-way. K.R.S. 100.285 (1).
- (2) Before any plat shall be revoked, all owners shall, as part of their application for revocation state under oath that no person has purchased a lot shown on the plat. K.R.S. 100.285 (2).
- (3) A revocation shall become effective only upon:
 - (a) A notation on the margin of the recorded plat stating that such plat has been revoked and the date of such vote on revocation; such notation shall be signed by the Chairman, Secretary, or other duly authorized officer of the Commission; and
 - (b) A written approval of such revocation filed with the Commission, duly signed by each entity to which an offer of dedication of any public or private facility, easement or right-of-way was made on the plat. K.R.S. 100.285 (3).
- (4) The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the Commission or any interested party from filing an action in Circuit Court for such relief as may be appropriate. K.R.S. 100.285 (4).

1.16 SCHEDULE OF FEES

A schedule of fees, charges and expenses and collection procedure for requests for amendment to the zoning ordinance, appeals from the Boards of Zoning Adjustments action, variances and conditional use permits, variances from the access standards manual, and requests for plan and plat approval from the Planning Commission is hereby established. No approval shall be granted nor shall any action be taken on proceedings before the Board of Zoning Adjustment or the Planning Commission unless and until charges and fees have been paid in full.

Request for zoning amendment (Rezoning)	\$200.00
Request for Variance from Access Standards	\$ 50.00
*Conditional Use Permit	\$ 40.00
*Request for Variance	\$ 40.00
Request for appeal or interpretation	\$ 40.00
*Development Plan Submittal	\$ 50.00
Revision to Development Plan	\$ 35.00
*Master Plan Submittal	\$ 50.00
Revision to Master Plan	\$ 35.00
*Preliminary Plat Submittal	\$100.00
	plus \$1.00 per lot
**Minor Subdivision	\$ 50.00
	plus \$1.00 per lot
**Agricultural Division	\$ 10.00
**Final Plat Submittal	\$ 50.00
Site Plan	\$ 50.00

*In addition to the fees listed in the schedule of fees, the applicant shall submit a sixteen dollar (\$16.00) fee for recording the Certificate of Land Use Restriction as required by K.R.S. 100.3681 through 100.3683. This fee is refundable to the applicant if the request or submittal is not approved. Other fees listed are not refundable.

** In addition to the fees listed in the schedule of fees, the applicant shall submit a twenty dollar (\$20.00) plat-recording fee. This fee is refundable to the applicant if the plat is not approved. Other fees are not refundable.

These fees and charges shall be in addition to the fee schedule established for obtaining a building permit.

SECTION II. PROCEDURES AND REQUIREMENTS FOR MINOR SUBDIVISIONS

2.1 DEFINITION OF MINOR SUBDIVISION

Minor Subdivision – Shall be those subdivisions of land, which generally are of a secondary planning significance to the community's future development. They shall contain no more than five (5) lots and no new streets.

2.2 PROCEDURE FOR SUBMISSION OF MINOR SUBDIVISION PLATS

The following procedures shall be adhered to in the processing of all minor subdivision plats:

- (A) Purpose – The purpose of this article is to establish special requirements to expedite the preparation and processing of minor subdivision plats.
- (B) Pre-Application Conference – The developer may arrange a conference with the staff of the Planning Commission before a minor subdivision plat is submitted. The developer, or his designated representative should have a rough sketch plan prepared before the pre-application conference to show the boundaries of the tract.
- (C) Plat Preparation – A plat suitable for recording shall be prepared by a licensed and registered surveyor, after the developer or his representative has communicated with the staff of the Planning Commission to determine if the proposed subdivision qualifies as a minor subdivision.
- (D) Staff Review – The Commission's staff shall review the plat for conformance to all applicable regulations, mark the copies where any necessary changes are required, and return one copy to the developer. During the review process, the staff will secure comments from other concerned agencies.
- (E) Planning Commission Review – When the plat conforms to these regulations, it shall be submitted to the Commission for the necessary approval accompanied by a completed minor subdivision checklist. The Commission may delegate this review procedure to the Commission staff.
- (F) Signing by the Chairman – When the plat fully conforms to these regulations, the Chairman of the Commission shall sign the Commission's Certification on the plat to signify the Commission's approval and make it eligible for recording. The Commission may delegate this certification procedure to the Commission staff.
- (G) Copies Required – After signing of the plat by the Chairman or a designated staff member of the Commission, and before the approved plat is returned to the developer, the developer shall have five (5) copies of the plat made and delivered to the staff of the Commission. The approved plat may then be returned to the developer.
- (H) Recording – After the staff's review and the Commission's approval of the plat, the signed plat shall be recorded in the exact form as previously approved by the administrative assistant of the Planning Commission at the expense of the applicant, or else the approval becomes null and void.

2.3 CONTENT AND FORMAT OF MINOR SUBDIVISION PLAT MATERIAL

Minor subdivision plats shall be prepared according to the following specifications. In addition to the plat, improvement drawings may be required by the Planning Commission if necessary.

(A) Material and Size – Plats submitted to the Planning Commission shall be 8 1/2" x 14", 11" x 17" or 18" x 24" unless otherwise authorized. Plats must also be submitted in digital format (**See Addendum "A"**).

2.1

(B) Title Block – The title block shall be placed at the bottom of the sheet and shall include the name of the subdivision. The title block shall also contain the following information: Names and mailing addresses of the owner and the engineer or surveyor; graphic scale; written scale; date of preparation; and other pertinent legend information.

(C) Location Sketch – A location sketch shall be placed in an appropriate location on the sheet, preferably in an upper corner of the sheet, and shall show the relationship of the property being subdivided (drafted in solid black) to a sufficient number of streets or highways in the area to enable one to quickly recognize the section of Henderson County in which the subdivision is located.

(D) Subsurface Conditions

(1) Lots containing less than one (1) acre area. When new lots are created, a site evaluation report, approved by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing, shall be submitted with the plat for each lot if individual sewage disposal systems are proposed. Owners of proposed lots containing less than one acre that have existing structures and existing sewage disposal systems must certify on the face of the plat that the existing working sewage disposal system is solely contained within the boundaries of the proposed lot.

(2) Lots containing one (1) acre or more area. A site evaluation test shall not be required by the Planning Commission for lots containing one (1) acre or more area, however, the Planning Commission may request that an on-site soils analysis be conducted by the U.S. Soil Conservation Service to ascertain soil percolation quality.

(3) All plats approved by the Planning Commission without soil percolation tests approved by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing, are approved and eligible for recording with the following stipulations:

a. All data pertinent to soil percolation quality shall be filed in the Planning Commission office and made available for review by the public.

b. Disclaimer of Liability. Approval of a subdivision plat does not imply that the lot(s) described thereon will meet state regulations pertaining to individual sewage disposal systems. The Planning Commission does not warrant that a developer or potential builder will be eligible for any permits required by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing.

c. Notification on Plat. All subdivision plats approved by the Planning Commission without a soil percolation test report for each lot, approved by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing, shall contain the following statement of notification:

NOTICE: INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

THE PROPERTY PLATTED HEREIN HAS BEEN APPROVED FOR SUBDIVISION PURPOSES BY THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITHOUT A SOIL PERCOLATION TEST REPORT(S) APPROVED BY THE KENTUCKY DEPARTMENT OF HOUSING, DIVISION OF PLUMBING. ANY PROPOSED INDIVIDUAL SEWAGE DISPOSAL SYSTEM MUST COMPLY WITH ALL REQUIREMENTS OF THIS DEPARTMENT. INTERESTED INDIVIDUALS MAY CONTACT THE HENDERSON CITY-COUNTY PLANNING COMMISSION FOR FURTHER INFORMATION.

(E) Land Subdivision Plan – The land subdivision plan shall be placed in the center of the plat and shall show the boundaries of the subdivision in a heavy solid line. The following information shall also be placed on the plat: acreage in the subdivision; names of right-of-ways; pavement width of all streets, which abut, adjoin or are included within the

subdivision; width and location of all existing and proposed easements, including utility easements within the proposed development; and building setback lines.

2.2

All subdivision boundaries and lot lines shall be surveyed in the field and accurate bearings and dimensions shall be placed on all boundary lines. The scale of the drawing shall be 1" to 100' when possible. All adjoining properties shall have their intersections with the subdivision illustrated by dashed lines, and the name of the adjacent property owners shall be placed on the plat. The record plat or deed book page and number of all properties to be subdivided shall also be shown.

(1) Consolidation of Property – When a portion of a tract of land is transferred to an adjoining property, the dimensions of the remaining property from which the portion was transferred shall be placed on the plat unless the remaining property contains five (5) acres or more and is zoned Agricultural, in which case a notation of the acreage and road frontage of the remaining property will fulfill this requirement.

(F) Certification Block – The certification blocks should be placed on the bottom of the sheet at the end of the title block and shall contain the following certifications with signatures:

(1) OWNER’S CERTIFICATION

I (We) do hereby certify that I am (We are) the owner(s) of record of the property platted herein which is recorded in Deed Book _____, page _____, in the Henderson County Clerk’s Office, do hereby adopt this plan for lots for this property, do hereby dedicate any other spaces so indicated to public use. In addition, I (We) do establish and reserve the indicated easements for public utilities and drainage purposes. If property is being consolidated by this plat, the undersigned certify and agree that title to the property, which is to be consolidated by this plat will be conveyed in the exact name as title to the existing parcel with which the property is being consolidated.

Date Owner(s)

(2) REGISTERED SURVEYOR’S CERTIFICATION

I hereby certify that this plat was prepared by me or under my direction, that all monuments indicated hereon actually exist and their locations, size, and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief; and all requirements of the Subdivision Regulations have been fully complied with.

Date Name _____
Appropriate Seal

(3) COMMISSION’S CERTIFICATION

I hereby certify that this record plat was approved by the Henderson City-County Planning Commission on _____, 20____, and is now eligible for recording.

Date

Planning Commission Chairman or Planning Director

2.3

(4) OWNER'S CERTIFICATION OF WATER SUPPLY

I hereby certify that the lot shown hereon has access to a potable supply of water, which is identified as _____.

Date

Owner's signature

If the owner of the proposed lot cannot certify that a potable supply of water is available to the property, the Planning Commission will stamp a notification on the plat to put the public on notice. It shall read as follows:

THE PROPERTY PLATTED HEREIN HAS BEEN APPROVED FOR SUBDIVISION PURPOSES BY THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITHOUT CERTIFICATION THAT A POTABLE WATER SUPPLY IS AVAILABLE. ANY REQUIREMENTS OF THE KENTUCKY DEPARTMENT OF HOUSING, DIVISION OF PLUMBING CONCERNING WATER SUPPLY MUST BE MET.

- (G) Physical Improvements – When required by the Commission the physical improvements shall conform to the improvement requirements of other Articles herein.
- (H) Lot Size – Each lot shall have the size noted. The notation shall be in square feet if under an acre and in numbers and fractions if an acre or more.
- (I) Submittal Fee – Each plat submitted for review and approval to the Planning Commission office shall be accompanied by a non-refundable application fee which is fifty (\$50.00) plus one dollar (\$1.00) per created lot and a **twenty dollar (\$20.00)** fee for recording the plat which is refundable to the applicant if the plat is not approved.

SECTION III. PROCEDURES AND REQUIREMENTS FOR MAJOR SUBDIVISIONS

3.1 DEFINITION OF MAJOR SUBDIVISION

Major Subdivision – Shall be those subdivisions of land, which are generally of major significance to the future development of the community, and shall include all subdivisions, which do not conform to the definitions established for minor subdivisions. Generally, major subdivisions are those, which create more than five (5) lots for sale or building development for the establishment of residential, commercial, or industrial activities. If a new street is created or if an existing street is extended, the subdivision automatically is classified as a major subdivision regardless of the number of lots involved.

3.2 GENERAL PROCEDURE

(A) Purpose – The purpose of this section is to describe the content and format of required plat materials and the information, which the plats must contain. Conformance to these requirements will provide for the expedient processing of plats. All plats must adhere to these specifications unless the Planning Commission grants permission for modification due to unusual or special circumstances. Plats, which are flagrantly or repeatedly lacking the required data, shall be returned to the developer by the Planning Commission's staff immediately after the absence of data is apparent.

(B) Chronology of Submittals

- (1) Pre-Application Conference (See Section 3.3)
- (2) Master Plan Submittal (See Section 3.4)
- (3) Preliminary Plat Submittal (See Section 3.5)
- (4) Final Plat Submittal (See Section 3.6)

Conferences and submittals shall be sequential from Step 1 through Step 4 as applicable, except in the case of industrial subdivisions, which may submit preliminary and final plats simultaneously.

(C) Sectionalization of Subdivisions – In such cases where an applicant intends to subdivide only a portion of a tract of land, the applicant shall submit for approval a master plan for the entire tract of land prior to any fractional portion of a preliminary plat being accepted for review. The proposed sectionalization plan of the subdivision shall be shown on the master plan. The Planning Commission may impose any restrictions upon the filing of sections, as it may deem necessary in order to secure the orderly development of the subdivision. After approval of the master plan, the Planning Commission may permit the preliminary and final plats to be divided into 2 or more sections provided that at least 10% of the total number of lots contained in the master plan are contained in the preliminary and final submittals. If an overall preliminary plat is submitted and approved, the Planning Commission may permit the final plats to be divided into 2 or more sections provided that at least 10% of the total number of lots contained in the overall preliminary are contained in the final submittals.

3.3 PRE-APPLICATION CONFERENCE

The developer may arrange a conference with the staff of the Planning Commission, the Local Government engineer and/or the Land Development Committee before a master plan or preliminary plat is submitted. The purpose of the conference is to afford the developer an opportunity to avail himself of the assistance of the Commission and its staff before he prepares a master plan or preliminary plat and makes formal application for its approval. This procedure will reduce the number of unnecessary and costly changes, which are often required when a plat is submitted for review before the staff of the

Commission has had an opportunity to review it. The minimum plat material for the pre-application conference should be a sketch plan showing the boundaries of a tract, a rough street and lot layout, and other information concerning pertinent physical features. The sketch is not required to be of any definite scale, drawn on any special material, or meet any other specifications.

3.4 MASTER PLAN PROCEDURE

A master plan may be submitted by the developer for approval in lieu of an overall preliminary plat to allow the developer to obtain approval of the general layout and other pertinent features of his development before incurring costs for engineering design of public improvements. A master plan must be submitted for the entire tract if the developer intends to subdivide only a portion of a tract of land.

- (A) Application Procedure and Requirements – The applicant shall file an application for approval of a master plan. The application shall include:
- (1) Be made on forms available at the office of the Planning Commission together with a non-refundable fee of fifty dollars (\$50.00) and a sixteen dollar (\$16.00) fee for the recording of the Certificate of Land Use Restriction, which is refundable to the applicant if the plan is not approved.
 - (2) Be accompanied by a completed master plan checklist.
 - (3) Be accompanied by a minimum of ten (10) copies of the master plan as described in these regulations.
 - (4) Be presented to the office of the Planning Commission at least seven (7) days prior to the regularly scheduled meeting of the Land Development Committee.
 - (5) A copy of the master plan will be distributed to the technical advisors to the Planning Commission by the Planning Commission staff.
 - (6) The Administrative Assistant to the Planning Commission shall refer the proposed master plan to the Land Development Committee for its review, recommendations and report. Such report of the Land Development Committee shall be submitted, in writing to the Planning Commission at the time of the next regularly scheduled public hearing. No major subdivision shall be considered for action by the Commission until it has been reviewed by the Commission staff and the Land Development Committee.
 - (7) Revisions to an approved master plan shall be accompanied by a fee of thirty-five dollars (\$35.00).
- (B) The master plan will proceed to the Planning Commission at the next regularly scheduled meeting.
- (C) Master Plan Approval – After the Planning Commission has reviewed the master plan, the report of the Land Development Committee, technical advisors and testimony and exhibits at the Public Hearing, the applicant shall be advised of any required changes and/or additions. Within thirty (30) days following the meeting or during the next regularly scheduled meeting, the Commission shall approve, postpone or disapprove the master plan. One (1) copy of the proposed master plan shall be returned to the developer with a letter from the Planning Commission staff informing the developer of the Planning Commission decision.
- (D) Effective Period of Master Plan Approval – The approval of the master plan shall be effective for a period of three (3) years at the end of which time application for preliminary plat approval on the subdivision or the first section thereof, must have been made. If no application for preliminary approval of a subdivision or a section thereof has been submitted within the said three (3) year period, then the master plan is null and void, and a new application for master plan must be submitted. After initial application has been made for the first section of preliminary approval within the time period specified, then the master plan shall remain valid provided 36 months do not elapse with no new sections of preliminary being submitted. Any new application for a master plan shall be subject to all provisions of the Zoning Ordinances and Subdivisions Regulations in effect at the time of the submission of the new application for master plan.

(E) Zoning Regulations – Every plat shall conform to existing zoning regulations, subdivision regulations and access standards regulations applicable at the time of proposed preliminary approval

3.2

(F) Requirements for Master Plan Plat:

- (1) The master plan shall be prepared by a registered land surveyor on 24" x 36" or 18" x 24" sheet size unless another size is requested and granted by the Planning Commission.
- (2) Title Block – The title block should be placed at the bottom of the sheet and contain the following information:
 - (a) Subdivision Name – The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in Henderson or Henderson County.
 - (b) Property Identification – The record name and mailing address of the property being submitted.
 - (c) Identification – The name and mailing address of the property owner and the registered land surveyor who prepared the plat.
 - (d) Legend Information – Graphic scale, written scale, north arrow, date of preparation and any other pertinent information and legend information.
- (3) Location Sketch – A sketch showing the general location of the subdivision shall be placed in an appropriate location, preferably in an upper corner of the sheet. The location sketch shall clearly show the property location's relationship to existing and proposed features such as major traffic arteries, schools, recreational areas, shopping areas and industrial areas.
- (4) Lot Design – The design scheme shall be drawn at a scale determined by the Planning Commission staff and the developers.
 - (a) Boundary Lines – The location, distance and bearing of all exterior boundary lines of the proposed development.
 - (b) Uses – The proposed uses on the development tract.
 - (c) Streets – Layout of proposed streets, access points and adjacent streets with street names.
 - (d) Utilities – The location and size of all existing utilities and easements adjacent to and within the proposed development.
 - (e) Lot lines – The approximate locations and distances of all lot lines.
 - (f) Other conditions of the site – Existing watercourse, marshes, wooded areas, isolated preservable trees and other significant features, which will be retained or removed, should be indicated.
 - (g) Adjoining property owners – The names and plat reference of adjacent subdivisions or the names and deed reference of adjacent owners.
 - (h) Other features – Any additional information deemed necessary by the Planning Commission.
- (5) Sectionalization Plan

3.5 PRELIMINARY PLAT PROCEDURE

- (A) Application Procedure and Requirements – The applicant should file an application for approval of a preliminary plat. The application should:
- (1) Be made on forms available at the Office of the Planning Commission together with a fee of \$100.00 plus \$1.00 per lot and a sixteen dollar (\$16.00) fee for the recording of the Certificate of Land Use Restriction, which is refundable to the applicant if the plat is not approved.
 - (2) Be accompanied by a completed preliminary plat checklist.
 - (3) Be accompanied by a minimum of ten (10) copies of the preliminary plat as described in these regulations.
 - (4) Be accompanied by a minimum of nine (9) copies of construction plans as described in these regulations.
 - (5) Be presented to the Planning Commission office at least seven (7) days prior to the regularly scheduled meeting of the Land Development Committee.
 - (6) A copy of the preliminary plat and construction plans, where applicable, will be distributed to all technical advisors by the Planning Commission staff.
 - (7) The Planning Commission staff shall refer the proposed preliminary plat to the Land Development Committee for its review, recommendations, and report. Such report of the Land Development Committee shall be submitted, in writing, to the Planning Commission at the time of the next regularly scheduled meeting. No major subdivision plat shall be considered for action by the Commission until it has been reviewed by the Commission staff and the Land Development Committee.
- (B) The preliminary plat will proceed to the Planning Commission at the next regularly scheduled meeting.
- (C) Preliminary Approval – After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Land Development Committee, the technical advisors testimony, and exhibits at the meeting, the applicant shall be advised of any required changes and/or additions. Within thirty (30) days following the Public Hearing or during the next regularly scheduled meeting, the Commission shall approve, conditionally approve, postpone, or disapprove the preliminary plat. One (1) copy of the proposed preliminary plat shall be returned to the developer and the reasons therefore accompanying the plat. In addition, a letter from the Planning Commission staff will accompany the plat informing the developer of the Planning Commission's decision. The planning Commission will advise the applicant of the required bond amount on the preliminary approval date.
- (D) Effective Period of Preliminary Approval – The approval of a preliminary plat or any section thereof shall be effective for a period of one (1) year at the end of which time application for final plat approval on the subdivision must have been made to Planning Commission. After initial application has been made for the first final plat approval within the time period specified, then the preliminary plat shall remain valid provided that 36 months do not elapse with no new final section being submitted. Any plat not submitted for final plat approval within the period of time set forth herein shall be null and void, and the developer shall be required to re-submit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations.
- (E) Zoning Regulations – Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval. Plats, which have received preliminary approval, shall be exempt from any subsequent

amendments to the Zoning Ordinance, provided that final plat approval is obtained within a one (1) year period, or the final plat is proceeding under an approved sectionalization process.

3.4

- (F) Requirements for Preliminary Subdivision Plat – The preliminary plat material shall be prepared by a registered land surveyor with the construction drawings prepared by a registered engineer. The preliminary plat submittal shall consist of material as explained below. Other material may be submitted by the developer or may be required by the Planning Commission.
- (1) Land Subdivision Plat – Ten (10) prints of the proposed subdivision shall be submitted on sheet sizes of 24" x 36" or 18" x 24" unless the Commission's staff grants permission for other sizes because of unusual or special circumstances. If necessary, more than one sheet may be used if a key map is prepared to relate each sheet to the entire subdivision. Plats must also be submitted in digital format (**See Addendum "A"**). The information required on the preliminary plat shall be presented in the following manner:
 - (2) Sectionalization of Subdivisions – In such cases where an applicant intends to subdivide only a portion of a tract of land, the applicant shall submit a preliminary plat for the entire tract of land unless a master plan has been submitted in conformance with the Land Subdivision Plat Requirements. If the preliminary plat is subject to sectionalization process, a key map shall be submitted on sheet size 24" x 36" or 18" x 24" showing the proposed sectionalization plan along with a classification system suitable for the identification of the sections. If a master plan has been approved, the sectionalization plan shall be in accordance with the approved master plan. The Planning Commission may impose any restrictions upon the filing of sections, as it may deem necessary in order to insure the orderly development of the subdivision.
 - (3) Title Block – The title block should be placed at the bottom of the sheet, and shall contain the following information:
 - (a) Subdivision Name – The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in Henderson or Henderson County.
 - (b) Property Identification – The record name and mailing address of the property being subdivided.
 - (c) Identification – The name and mailing address of the property owner and the developer's surveyor and engineer.
 - (d) Legend Information – Graphic scale, written scale, north point, date of preparation, and any other pertinent legend data.
 - (4) Location Sketch- A sketch showing the general location of the subdivision shall be placed in an appropriate location, preferably in an upper corner of the sheet. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed features such as major traffic arteries, schools, recreational areas, shopping areas, and industrial areas.
 - (5) Lot Design – The design scheme shall be drawn at a scale of one hundred (100) feet to the inch or other appropriate scale approved by the Planning Commission staff, and shall show the following existing conditions and proposed development features:
 - (a) Boundary Lines – The location, distance and bearing of all exterior boundary lines of the proposed development.
 - (b) Streets – Street names, right-of-way widths and approximate grades shall be shown on all streets adjacent

to and within the proposed subdivision.

(c) Utilities- The location and size of all utilities and easements adjacent to and within the proposed subdivision.

(d) Topography- Contours at vertical intervals of two and one half (2 ½) feet.

3.5

(6) Subsurface Conditions

(a) Lots containing less than one (1) acre. When new lots are created in a minor subdivision, a site evaluation report, approved by the Henderson County Health Center as prescribed by 902 KAR 10:085 shall be submitted with the plat for each lot if individual sewage disposal systems are proposed for lots containing less than one acre. Major subdivisions with lots containing less than one acre and proposing individual sewage disposal systems shall receive tentative approval from the Henderson County Health Center before preliminary plat submittal to the Planning Commission.

(b) Lots containing one (1) acre or more area. A site evaluation test shall not be required by the Planning Commission for lots containing one (1) acre or more area, however, the Planning Commission may request that an on-site soils analysis be conducted by the U.S. Soil Conservation Service to ascertain soil percolation quality.

(c) All plats approved by the Planning Commission without soil percolation tests approved by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing, are approved and eligible for recording with the following stipulations:

1. All data pertinent to soil percolation quality shall be filed in the Planning Commission office and made available for review by the public.

2. Disclaimer of Liability. Approval of a subdivision plat does not imply that the lot(s) described thereon will meet state regulations pertaining to individual sewage disposal systems. The Planning Commission does not warrant that a developer or potential homebuilder will be eligible for any permits required by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing.

3. Notification on Plat. All subdivision plats approved by the Planning Commission without a soil percolation test report for each lot, approved by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing shall contain the following statement of notification:

NOTICE: INDIVIDUAL SEWAGE DISPOSAL SYSTEM

THE PROPERTY PLATTED HEREIN HAS BEEN APPROVED FOR SUBDIVISION PURPOSES BY THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITHOUT A SOIL PERCOLATION TEST REPORT(S) APPROVED BY THE KENTUCKY DEPARTMENT OF HOUSING, DIVISION OF PLUMBING. ANY PROPOSED INDIVIDUAL SEWAGE DISPOSAL SYSTEM MUST COMPLY WITH ALL REQUIREMENTS OF THIS DEPARTMENT. INTERESTED INDIVIDUALS MAY CONTACT THE HENDERSON CITY-COUNTY PLANNING COMMISSION FOR ADDITIONAL INFORMATION.

(7) Other Conditions of the Tract- Watercourses, marshes, wooded areas, isolated preservable trees, and houses or barns and other significant features, which will be retained or removed, should be indicated.

(8) Adjoining Property Owners – The names and plat reference of adjacent subdivisions or the names and deed reference of adjacent owners.

(9) Other Features – The names, location and width of pavement and right-of-way of all existing or platted streets or other public ways within or adjacent to the subdivision, and existing permanent buildings, railroad right-of-way,

existing utility easements and other important features such as political subdivision, corporation lines, and school district boundaries within or adjacent to the tract to be subdivided.

3.6

(G) Proposed Development on Tract – The following information on proposed development shall be shown:

- (1) Streets – The proposed names, rights-of-ways, and pavement widths, and approximate grades and direction thereof.
- (2) Other Right-of-way or Easements – The locations, widths and purposes.
- (3) Lot Lines – The location and approximate distances of all lot lines. Lot numbers shall also be shown. If sectionalization is used, the lot numbers shall carry a prefix identifier showing the section-lot relationship.
- (4) Setback Lines – The location of proposed building setback lines with dimensions showing the setback from the street right-of-way.
- (5) Public Sites – The name, acreage, and use of any sites proposed for public use such as parks or playgrounds.
- (6) Multi-family and Non-Residential Uses – The acreage and use of non-public uses such as multi-family dwellings, planned unit developments, shopping centers, churches, etc.
- (7) Lot Size – Each lot shall have the size noted. The notation shall be in square feet if under an acre and in numbers and fractions if an acre or more.
- (8) Street footage – Show the total number of lineal feet of proposed street construction measured from centerline.

(H) Construction Drawings – Nine (9) copies of these drawings shall be submitted to the Planning Commission on a sheet size of 24" x 36". The drawings shall be referenced to the name of the proposed subdivision and shall be stamped by a certified and registered engineer. These drawings shall show the following information:

- (1) Street Profiles – The profile of each street indicating the existing ground at a horizontal scale equal to the scale of 1/10th of the horizontal scale with final grades indicated.
- (2) Street Cross-Section – A cross-section of each new street shall be shown at a scale of ten (10) feet or less to the inch, and shall include the width of pavement including curbs and gutters, the location and width of sidewalks, and the location of utilities.
- (3) Additional plans and profiles including drainage easements, rights-of-way, manholes and catch basins, the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- (4) The construction drawings shall be stamped approved by the local government engineer having jurisdiction over drainage, water, sewer and electric utilities.

(I) Other Information – The Planning Commission may require other information it deems necessary to properly evaluate the proposed development.

3.6 PROCEDURE FOR FINAL SUBDIVISION PLATS

(A) Application Procedure and Requirements – Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission sixteen (16) copies of the final plat. Plats must also be submitted in digital format (**See Addendum “A”**). The plat shall include:

- (1) Include as much of the subdivision as graphically possible with special emphasis given to the section, which is being submitted for final approval.
- (2) Be accompanied by an index plat if the plat is a section of the entire subdivision and has received approval for sectionalization from the Land Development Committee review. The status of other approved sections of the subdivision shall be indicated on the index plat.
- (3) Comply in all respects with the preliminary and engineering plats as approved.
- (4) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, open spaces, and easements, in a manner approved by the local unit of government affected and the subdivision plat shall be marked with a notation indicating the formal offers of dedication.
- (5) Be accompanied by the performance bond, if required, in a form satisfactory to the Planning Commission and in an amount established by the Planning Commission upon recommendation of the Local Government Engineer at preliminary approval stage and shall include a provision that the principle of the bond shall comply with all the terms of the final subdivision plat approval as determined by the Planning Commission and shall include, but not limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local governments free and clear of all liens and encumbrances on the premises.
- (6) Be accompanied by an inspection fee of one dollar (\$1.00) per lineal feet of street.
- (7) Be accompanied by a fee of seventy-five dollars (\$75.00) for each street name sign and each traffic control sign deemed necessary by the local government engineer. Said street name signs and all traffic control signs shall be installed by the local government.
- (8) Be accompanied by a fifty dollar (\$50.00) application and review fee.
- (9) Be accompanied by a twenty dollar (\$20.00) plat-recording fee, which is refundable to the applicant in the event final approval is not granted.
- (10) Be accompanied by an application made on forms available at the office of the Planning Commission.
- (11) Be accompanied by a completed final plat checklist.
- (12) Be accompanied by all signatures and ready for Planning Commission signature.

(B) Public Improvement – The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat. If the Planning Commission shall not require that all public improvements be installed and accepted prior to the signing of the final subdivision plat by the Planning Commission, the amount of the bond shall be established by the Planning Commission based upon the recommendation of the local government engineer, which shall be submitted by the applicant. The Planning Commission shall require the applicant to indicate on the plat all roads and public improvements to be dedicated.

(C) Endorsement by Health Authorities, and/or Officials Representing Local Water and Sewer Authority – The final subdivision plat shall be properly endorsed by the local water and sewer authority with respect to all water and sewer facilities and that same comply with all rules, regulations, and requirements of the local governments, regional, state,

and national authorities. When such services are not available in whole or in part, said final plat must have endorsement by the appropriate state or local office. In the case of lots proposed to be served by individual sewage disposal systems, the regulations established in Section 3.5 (F) (6) shall apply.

- (D) Upon receipt of formal application and all accompanying materials, the Executive Director or the Chairman shall after careful review, sign and record the final plat at the office of the Henderson County Court Clerk.

3.8

- (E) In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed one (1) year from the date of the final approval unless said final plat is processed in accordance with sectionalization procedures set forth in these regulations. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, noted thereon, and the reasons therefore accompanying the plat.

- (F) Vested Rights – No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the final plat by the Chairman or the Executive Director of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally be deemed a condition for any subdivision prior to the time of the signing of the final plat by the Planning Commission. Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not modify the conditions set forth in the preliminary approval.

- (G) Signing and Recording of Subdivision Plat

(1) Signing of Plat

- a) When a bond is required, the Chairman or the Executive Director of the Planning Commission shall endorse approval on the plat after the bond has been approved by the Planning Commission, and all conditions of preliminary approval have been met.
- b) When installation of improvements is required, the Chairman or the Executive Director of the Planning Commission shall endorse approval on the plat after all conditions of the final plat have been satisfied and all improvements satisfactorily completed. There shall be written evidence submitted by the Public Improvements Inspector that the required public facilities have been installed in a manner satisfactory to the Planning Commission and those local authorities having jurisdiction.

(2) Recording of Plat

- a) The Chairman or the Executive Director shall sign the final subdivision plat before the recording of same.
- b) It shall be the responsibility of the Planning Commission to file the final plat for recording with the County Clerk's office.

- (H) Sectionalizing Major Subdivision Plats – Prior to granting final approval of a major subdivision plat, the Planning Commission, upon recommendation of the Land Development Committee, may permit the final plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed. In addition, it may defer the remaining required performance bond principle amount until the remaining sections of the plat are offered for approval and filing. The developer may file irrevocable offers to dedicate streets and public improvements in the sections offered for approval and defer filing offers of dedication for the remaining sections until such sections are offered for final approval. Final plat sections of the total subdivision must contain at least ten (10) percent of the total number of lots contained in the entire subdivision unless prior approval for deviation from this requirement has been obtained from the Land Development Committee. No additional sections can receive final plat approval until such

time as a previous final section plat has been signed by the Chairman approving the recording of said plat with the County Clerk's office.

- (l) Requirements for Final Subdivision Plats – The final plat materials shall consist of a final plat as herein specified and the applicable restrictive covenants, if any. Other material may be submitted by the developer as required by the Planning Commission.

3.9

- (1) Restrictive Covenants – When the developer intends to regulate land use in a subdivision and otherwise protect the development, two (2) copies of the restrictive covenants shall be submitted as part of the final plat materials.
- (2) Sectionalization of Subdivisions – If a subdivision is subject to sectionalization, the final plat submittal must include a graphic description of sections, which have received preliminary and final approval as well as a status report on the development of improvements and the amount and time limit remaining on any outstanding bonds.
- (3) Plat for Recording – A legible plat suitable for recording with an overall sheet size of 18" x 24" shall be prepared. Sixteen (16) prints of this plat shall be submitted by the developer when he makes application for final approval. The information required on this sheet shall be as required below:

- a) Title Block – The title block should be placed at the bottom of the sheet, and shall contain the following information:

- 1. Subdivision Name – The name of the subdivision and, where the proposed final is a portion of a larger section number or other positive identification shall be included. A subdivision name shall not duplicate or closely approximate any other subdivision name in the City or County.
- 2. Person Identification – The names and mailing addresses of the property owner and the developer's surveyor.
- 3. Legend Information – The graphic scale, written scale, north point, date of preparation, and other pertinent legend information.

- b) Certification Block – The certification block should be placed on the bottom of the sheet at the end of the title block, and shall contain the following certifications with signatures:

1. OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property platted herein which is recorded in Deed Book _____, page _____, in the Henderson County Court Clerk's office, hereby dedicate the streets and any other spaces so indicated to public use, and do establish and reserve the indicated easements for public utilities and drainage purposes.

Date

Owner(s)

2. SURVEYOR'S CERTIFICATION

I hereby certify that this plat was prepared by me or under my direction, and that all monuments indicated hereon actually exist and their locations, size, and material are correctly indicated; the information shown herein is correct to the best of my knowledge and belief and all requirements of the Subdivision Regulations have been complied with.

Date

Surveyor's Name

3.10

3. CERTIFICATION OF APPROVAL OF WATER SYSTEM

I hereby certify that the water supply installed or proposed for installation in the Subdivision titled _____ will fully meet the requirements of _____ and are approved as shown.

Date

Agent having jurisdiction

4. CERTIFICATION OF APPROVAL OF SEWER SYSTEM

I hereby certify that the sewage disposal system installed, or proposed for installation in the subdivision titled _____ will fully meet the requirements of _____ and are approved as shown.

Date

Agent having jurisdiction

5. IMPROVEMENT CERTIFICATION

I hereby certify that the improvement plans for this subdivision have been reviewed by me and are in conformance with the Subdivision Regulations, and the estimated cost for such improvements have been prepared by my office and communicated to the Planning Commission for the purpose of establishing the amount of the surety performance bond.

Date

Local Government Engineer

6. COMMISSION'S CERTIFICATION

I hereby certify that this record plat was approved by the Henderson City-County Planning Commission on _____, and is now eligible for recording.

Date

Planning Commission Chairman or Executive Director

- (c) Location Sketch- A sketch showing the general location of the subdivision in relation to the surrounding area should be placed in an appropriate location on the sheet, preferably in an upper corner of the plat. The location sketch shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing

community features such as major traffic arteries, schools, recreation areas, shopping areas and industrial areas.

- (d) Lot Design- The design scheme shall be drawn at a scale of one hundred (100) feet to the inch or other appropriate scale approved by the Planning Commission staff, and shall show the following information for the proposed subdivision and adjacent land:

3.11

- (1) Streets on Adjacent Land – The exact location of streets on adjacent land, and the width along the property lines for all existing or recorded streets intersecting or paralleling and boundaries of the proposed subdivision.
- (2) Owners of Adjacent Land – The names and plat reference of adjacent subdivisions or the names and deed reference of adjacent owners.
- (3) Boundary Lines of Tract – In a line style and weight, which will distinguish the developer's property from all adjacent property, show the tract boundary lines with lengths to hundredths of a foot and bearing to the nearest minute. These boundaries shall be determined from an accurate survey in the field.
- (4) Monuments – Show the accurate location and material of all permanent reference monuments.
- (5) Street Easements, and Lot Lines – For street right-of-way show name, bearings, angles of intersection by bearing comparison, right-of-way and pavement widths; for all arcs show the length, radii, point of curvature and tangent bearings; for all easements or other right-of-way show the locations, widths, and purposes; for lot lines show dimensions and in feet to hundredths of a foot and bearings to the nearest minute.
- (6) Lot Numbers – Lot numbers shall be shown and numbered in numerical order.
- (7) Reservations and Dedications – Show the accurate outline of all property which is either offered for dedication or public use or which is reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose plainly printed therein.
- (8) Building Setback Lines – Show the minimum building setback line, which shall be at least one-half of the total width of the street right-of-way on which the building fronts, unless otherwise regulated by the Zoning Ordinance.
- (9) Lot Size – Each lot shall have the size noted. The notation shall be in square feet if under an acre and in numbers and fractions if an acre or more.

ADDENDUM “A”**HENDERSON CITY-COUNTY PLANNING COMMISSION
DIGITAL DATA SUBMISSION REQUIREMENTS**

Specifications in this document pertain to the digital drawings of all subdivisions and consolidations (as defined in the Henderson City-County Subdivision Regulations). These regulations and standards do not supersede any requirements of the Henderson City-County Subdivision Regulations to submit hardcopy drawings for the review and approval process.

A digital submittal shall be required for all submissions of corporate boundary changes (annexations) in conformance with KRS 81A.470.

The intent of a digital submittal requirement is to enable the required hard copy and the digital submission to be produced from the same digital data without any modification by the firms submitting the data or the Henderson City-County Planning Commission (HCCPC). The digital submittal is not required to have engineering or surveying stamp/certification per 201 KAR 18:104 as it relates to KRS 322.340.

The hard copy will continue to be the official document.

REQUIRED DATA FEATURES AND LAYER NAMING CONVENTIONS

Required Layers	Abbreviation	Data Element
Boundary Lines	BNDY	Line
Boundary Text, Survey Calls, etc.	BNDY-TXT	Text
Lot Lines	LOTLINE	Line
Lot numbers	LOT-TXT	Text
Right-of-Way	ROW	Line
Street Centerlines	CNTRLN	Line
Edges of pavement	EDGPVMT	Line
Street names	STRNAME	Text
New easements	NEW-ESMT	Line
Existing easements	EX-ESMT	Line
Existing Contour	EX-CONT	Line
Existing Contour Text	EX-CONT-TXT	Text
Curb/gutter (Showing both sides)	CURB	Line
Sidewalk	SIDEWALK	Line
Railroad Centerline	RR	Line

Coordinate Text	COORD-TXT	Text
Control Monuments	CONTMON	Point
Monument Text	MON-TXT	Text
Start Point	START-PNT	Point
Start Point Text	START-PNT-TXT	Text
Existing Pre-constructed Buildings	PRECONSTBLDGS-EX	Polygon
Proposed Retention Basin	RETBASIN	Polygon
Proposed Detention Basin	DETBASIN	Polygon
Waterlines	WAT-LINE	Line
Waterline Text	WAT-TXT	Text
Water Valves	WAT-VALVE	Point
Storm Sewer Pipe	ST-PIPE	Line
Storm Sewer Pipe Text	ST-PIPE-TXT	Text
Storm Sewer Manhole	ST-MH	Point
Storm Sewer Manhole Text	ST-MH-TXT	Text
Storm Sewer Headwall	ST-HDWL	Line
Storm Sewer Headwall Text	ST-HDWL-TXT	Text
Sanitary Sewer Pipe	SAN-PIPE	Line
Sanitary Sewer Pipe Text	SAN-PIPE-TXT	Text
Sanitary Sewer Manhole	SAN-MH	Point
Sanitary Sewer Manhole Text	SAN-MH-TXT	Text
Fire Hydrant	FIRE-HYD	Point
Flush Hydrants	FLUSH-HYD	Point
Gas Lines	GAS-LINE	Line
Gas Valves	GAS-VALVE	Point
Gas Text	GAS-TXT	Text

3.13

DATA FORMAT

The preferred format for digital submissions will be .DWG. The HCCPC may waive or adjust this requirement as specified herein.

The GIS software, ArcInfo, Arc Editor and ArcView can read the .DGN, .DWG, .DXF file, Arc GIS Shape File and Arc GIS Personal Database.

DATA INTEGRITY REQUIREMENTS

The requirement is to follow the 201 KAR 18.150 "The Standards of Practice for Professional Land Surveyors," Section 7, Measurement Specifications, (6) Table of Specifications by Class: Classification of Surveys, or current edition (latest).

DIGITAL DRAWING ORIENTATION AND GEOREFERENCE/TIE INTO HORIZONTAL CONTROL

HCCPC will provide a template in the form of a .DWG file that will include all required layers and naming conventions as well as control monument locations and point identifications. The control monument locations and point identifications will also be made available at the HCCPC office in hard copy format as well as in .PDF format on the HCCPC website (www.hendersonplanning.org). These monuments use the horizontal datum NAD83 and vertical datum NAVD 1988 unless otherwise noted.

3.14

1. The digital submittal file (.DWG) must be oriented to the current coordinate system used by the HCCPC/GIS.
 - a. A permanent control monument with both horizontal and vertical control will be set by the Henderson County Code Department at every intersection of a collector street with an arterial street. For subdivisions that have interior streets being constructed, a minimum of one permanent control monument will be installed at a location designated by the local government engineer. Prior to submitting subdivision plats, the surveyor shall contact the local government engineer's office for location of new control monuments. Location shall be shown on subdivision plat inside of public right-of-way.
 - b. If new monument(s) are required by the local government engineer, prior to the signing of the subdivision plat, a fee of \$250.00 per monument shall be paid by the applicant to the Henderson City-County Planning Commission to offset the cost of materials, equipment, and man power to set the monuments.

MEDIA REQUIREMENTS

Submissions will be accepted only on CD-ROM or DVD or via e-mail. Digital submittal must be submitted with labels indicating the following data:

All media will be submitted with labels indicating the following data (see example). It is understood by the HCCPC that the digital data is not a certified, legal document (201 KAR 18:104 as it relates to KRS 322.340).

Example:

Project or Subdivision Name:	Astec Acres
File Name:	astacrs.dwg
Date:	July 1, 2008
Revision Date:	Revised Aug 1, 2008
Company Name:	Smith & Associates
LS/PE:	John Smith
Reg. No:	L.S. 1234
Format:	DWG/DXF/DOS/4Backup
Signature on Disk	(Signature Line)

DIGITAL DATA FILE COMPRESSION

Files that are too large to copy onto one CD or DVD shall be compressed using the latest version of pkzip or winzip. For files using other compression techniques, the extraction program must be submitted with the digital data file.

REVIEW OF DIGITAL DATA

1. Correct Layering
2. Closure of geometry of the features in the submittal.
3. Verification that digital and hard copy maps are consistent
4. Correct geographical position, i.e. correct coordinate values

ALL DIGITAL DRAWINGS SUBMITTED TO THE HCCPC SHALL BE IN THE CORRECT FORMAT AND IN ACCORDANCE WITH THE STANDARDS CONTAINED HEREIN. INCORRECTLY FORMATTED DATA, UNREADABLE DATA, AND DATA MISSING REQUIRED INFORMATION SHALL BE RETURNED TO THE OWNER, DEVELOPER, RESPONSIBLE AGENT OR PERSON FOR CORRECTIONS AND RE-SUBMITTAL. FINAL APPROVAL OF DIGITAL AND PAPER PLAT SHALL BE CONTINGENT UPON THE DELIVERY OF CORRECT AND ACCURATE DIGITAL DATA.

SECTION IV. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 IMPROVEMENTS AND PERFORMANCE BOND

- (A) Completion of Improvements – The Chairman of the Planning Commission shall sign the final plat, within thirty (30) days of the Planning Commission approval or during the next regularly scheduled meeting, when the applicant completes, in accordance with the Planning Commission’s decision and to the satisfaction of the local governmental unit and/or authorities having jurisdiction, all street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Planning Commission, and to dedicate same to the local government having jurisdiction, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (B) Performance Bond
- (1) The Planning Commission after review of the Land Development Committee recommendations and in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat, and that, as an alternative, the applicant post an accepted bond at the time of the application for final subdivision approval in an amount estimated by the local government engineer as sufficient to secure the local government having jurisdiction the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements.
- (2) Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Planning Commission as to form, sufficiency, and manner of execution as set forth in these regulations.
- Bond release shall be subject to the developer’s compliance with the inspection process contained herein.
- The period within which required improvements must be completed shall be specified by the Planning Commission in the final approval of the final subdivision plat and shall not exceed one (1) year from date of final approval unless the principle sureties can show just cause or difficulty in meeting the one year bond requirements. In such cases, the Planning Commission may extend the completion date for a period of not more than one year.
- (C) Temporary Improvement – The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Planning Commission.
- (D) Costs of Improvements – All required improvements shall be made by the applicant at his expense.
- (E) Governmental Units – Governmental units to which these bonds or contract provisions apply may file in lieu of said contract or bond certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
- (F) Failure to Complete Improvements – For a subdivision for which no performance bond has been posted, if the improvements are not completed within the one (1) year period specified by the Planning Commission in the approval of the preliminary plat, the approval shall be deemed to have expired.

In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, and where the principles and/or sureties have not been granted a one (1) year extension, the local government having jurisdiction upon request of the Planning Commission, shall, thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

4.1

(G) Acceptance of Dedication Offers – Acceptance of formal offers of dedication of streets, or other public grounds shall be by official action of the local unit of government having jurisdiction. The approval of the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local unit of government having jurisdiction of any street, or other public ground on said plat. Any street or other public, which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specific standards set forth in the Subdivision Regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval. K.R.S. 100.277.

4.2 INSPECTION OF IMPROVEMENTS

(A) **General Procedure and Fees** – The Planning Office shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the Planning Commission an inspection fee of \$1.00 per running foot of street improvements. In addition, for those developments served by Henderson Water Utilities, the applicant should pay to the Planning Commission \$0.47 per running foot of water line improvements, \$0.97 per running foot of sanitary sewer improvements and \$0.66 per running foot of storm sewer line or ditch improvements, (ditch improvements include any swale within a drainage easement), and the subdivision plat shall not be signed by the Chairman or by the Executive Director of the Planning Commission until such fees have been paid to the Planning Commission upon application for final plat approval. (CCTV inspection is based on televising 10% of the main pipelines and 25% of the sanitary service lines. Should the CCTV inspection reveal the failure of any portion of the system to meet the requirements of Henderson Water Utilities Technical Standards, whether televised or not, Henderson Water Utilities reserves the right to televise any additional portions up to and including the entire system in which a failure was identified at the developer's expense at \$0.90 per lineal foot, payable to Henderson Water Utilities). If the final plat is denied by the Planning Commission, said inspection fee will be returned to the applicant. If the Public Improvements Inspector finds, upon inspection, that any of the required improvements have not been constructed in accordance with these specifications, the inspector shall notify the applicant of said deficiencies before proceeding with the completion of other required improvements. Wherever the cost of improvements is covered by a performance bond, the principles and/or sureties shall be severally and jointly liable for completing the improvements and/or corrections according to regulations, standards and specification set forth herein.

* Developers shall notify the Street Inspector and the Engineer at the following stages of development:

- a) Determine the need for sub-grade drainage;
- b) Approval of sub-grade compaction;
- c) Approve concrete forms after they have been set, including drains;
- d) Concrete inspection at the time of pouring, including slump test;
- e) Final strength test of concrete after curing.

(B) Release or Reduction of Performance Bond

(1) Certification of Satisfactory Completion – The governing body will not accept dedication of required improvements until receipt of notification from the Planning Commission that all required improvements have

been installed in conformance with these subdivision regulations, standards and specifications. The Chairman of the Planning Commission shall release and reduce a performance bond when the Public Improvements have been satisfactorily completed. Prior to the action of the public improvements inspector, the applicant's engineer and/or surveyor must have certified to the Public Improvements Inspector, through submission of a detailed "as built" survey plat of the subdivision indicating location, dimensions, materials, and other information required by the Planning Commission, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision.

4.2

- (2) Reduction of Performance Bond – The Planning Commission may reduce the performance bond upon actual dedication of public improvements proposed for dedication as set forth on the plat. In no event shall a performance bond be reduced below twenty-five per cent (25%) of the principle amount.

SECTION V. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

5.1 GENERAL IMPROVEMENTS

- (A) Conformance to Applicable Rules and Regulations - In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
- (1) All applicable statutory provisions.
 - (2) The local governments zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
 - (3) The Comprehensive Plan, Public Utilities Plan and Capital Improvements Program of the local government, including all streets and drainage systems.
 - (4) The special requirements of these regulations and rules of the Health Department and/or appropriate state agencies.
 - (5) The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting streets.
 - (6) The standards and regulations adopted by all boards, commissions, agencies, and officials of the Local Government.
 - (7) All pertinent standards contained within the planning guides published by the applicable regional planning unit.
 - (8) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purpose of these regulations established in Section 1.3 of these regulations.
- (B) Self-Imposed Restrictions - If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance of these regulations the Planning Commission shall require that restrictive covenants be recorded with the County Court Clerk of Henderson County.
- (C) Monuments - The applicant shall place permanent reference monuments in the subdivision as required herein, and as approved by the Kentucky Board of Registration for Professional Engineers and Land Surveyors.
- (1) Every land survey shall be monumented or witness monumented at all boundary corner locations. Every monument set by a Land Surveyor shall be of a substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or other approved identifier.

- (2) Existing permanent man-made or natural features are subject to change, realignment or misinterpretation. Such monuments or features shall be witness monumented. Witness monumentation refers to the setting of an offset monument when it is not possible or practicable to set the actual corner. Whenever witness monumentation is used, it should be placed "on line" if possible and shall be shown on plats and called for in descriptions.

5.1

- (D) Character of the Land - Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission upon recommendation of the Land Development Committee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.
- (E) Subdivision Name - The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations.

5.2 LOT IMPROVEMENTS

- (A) Lot Arrangements - The lot arrangement shall be such that there will be no foreseeable difficulties, for any reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from an approved street.
- (B) Lot Dimensions - Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the Zoning District, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback and sideyard setback shall meet the requirements as set out in the zoning ordinance. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities established in the Zoning Ordinance.
- (C) Double Frontage Lots and Access to Lots
- (1) Double Frontage Lots – Double Frontage lots and reserved frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or overcome specific disadvantages of topography and orientation.
- (2) Access from Major and Secondary Arterial – Lots shall not, in general, derive access exclusively from streets. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street.
- (D) Soil Preservation - In an effort to minimize problems on streets from undeveloped or developing lots the developer and/or builder will be responsible for minimizing erosion. It is not the intent of these regulations to dictate the method used by the developer but he will be required to work directly with the Public Improvements Inspector in employing acceptable methods. When a lot has received final approval and no construction is anticipated for a minimum of six (6) months, adequate seeding and sodding will be the responsibility of the developer to keep all grass and weeds cut on undeveloped lots.

(E) Fencing - Each subdivider and/or developer shall be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established by the Land Development committee and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

5.2

(F) Water Bodies and Watercourses - If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than twenty-five (25%) percent of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable areas of a lot from the street by which it has access, provisions shall be made for the installations of a culvert or other structure, of design approved by the Local Government Engineer.

(G) Performance Bond to Include Lot Improvement - The performance bond shall include an amount to guarantee completion of all requirements contained in Section 5.2 of these regulations. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the local government may enforce the provisions of the bond where the provisions of this section or any applicable law, ordinance, or regulations have not been complied with.

5.3 STREET IMPROVEMENTS

(A) General Requirements

- (1) Frontage on improved roads – No subdivision shall be approved unless the lot(s) to be subdivided shall have frontage on and access of at least fifty (50) feet from an existing improved and maintained city or county street on the official map, unless otherwise specified by the City or County Zoning Ordinance.
- (2) Development of Proposed Streets- Streets which are proposed for development shall be graded and improved and conform to the Planning Commission's construction standards and specifications and shall be approved as to design and specifications by the Local Government Engineer in accordance with the approved construction plans.
- (3) Topography and Arrangement
 - (a) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves should be avoided. Specific standards are contained in the design standards of these regulations.
 - (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established in the Subdivision Master Plan.
 - (c) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, church and shopping centers, to population densities and to the pattern of existing and proposed land uses.
 - (d) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit sufficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

- (e) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sac, or U-shaped street shall be encouraged where such use will result in a more desirable layout.
- (f) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

5.3

- (g) In business and industrial development, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrians.

(4) Blocks

- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exception to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
 - (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the location and the type of development contemplated. The block lengths in residential areas shall not exceed sixteen hundred (1600) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall not be less than one thousand (1000) feet in length.
 - (c) In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length as may be determined suitable by the Planning Commission for prospective users.
- (5) Access to Arterials – Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such streets by limited be one of the following means:
- (a) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - (b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto major arterial.
 - (c) A marginal access or service road (separated from the primary arterial by the planting of a grass strip and having access thereto at suitable points).
- (6) Street Names- The preliminary plat shall indicate names of proposed streets, however, the Planning Commission shall reserve the right to name streets upon recommendation of the Land Development Committee at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from street names in the Local Planning Unit so as not to cause confusion. A street which is or is planned as a continuation of an existing street shall bear the same name.
- (7) Street Regulatory Signs – The applicant shall deposit with the local government at the time of final subdivision approval the sum of seventy-five dollars (\$75) for each street name sign required by the Local Government at all road

intersections. The applicant shall also file with the final plat submittal the sum of seventy-five (\$75) for each traffic control sign deemed necessary by the local government engineer. The Local Government shall install all street signs. Street name signs are to be placed at all intersections within or abutting the subdivision. The type and location of the signs are to be approved by the Local Government Engineer.

(8) Construction of Streets and Dead-End Streets

- (a) Construction of Streets – The arrangement of streets shall provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Local Comprehensive Plan. If the adjacent property is undeveloped and the street must be a temporary dead-end the right-of-way shall be extended to the property line.
- (b) Dead-End Street (Permanent) - Where a street does not extend the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-about shall be provided at the end of a permanent dead-end street in accordance with the Planning Commission construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general be limited in length in accordance with the design standards of these regulations.

(B) Design Standard

- (1). General – In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road maintenance equipment, and to coordinate roads as to compose a convenient system and avoid undue hardships to adjoining properties, the following standards for roads are hereby required:

TABLE 5.1 DESIGN STANDARDS FOR STREETS

Development Density

LOW MED HIGH COMM IND
(See Definitions Section 6)

Improvement

Minimum Width Right-of-Way (In feet)

	LOW	MED	HIGH	COMM	IND
Frontage Streets	26	28	30	50	See Note #1
Cul-de-sacs & Dead-end	30	40	50	50	See Note #1
Local Street	40	50	50	50	See Note #1

Collector Street					
50	60	70	60	See Note #1	
Secondary Arterial					
60	80	80	80	80	
Primary Arterial					
80	80	100	100	100	

5.5

Minimum Pavement Width (In feet including curbs)

Frontage Street	18 w/c**	20 w/c*	22 w/c	30 w/c	22^
Cul-de-sac & dead ends	20 w/c**	28 w/c	32 w/c	30 w/c	22^
Local Street	28 w/c**	30 w/c	32 w/c	36 w/c	22^
Collector Street	32 w/c**	36 w/c	40 w/c	40 w/c	22^
Secondary Arterial	40 w/c	40 w/c	44 w/c	44 w/c	44 w/c
Primary Arterial	44 w/c	48 w/c	48 w/c	48 w/c	48 w/c

^with a 6' stabilized shoulder on each side. Curb and gutter and sidewalks are not required on industrial streets.

Note #1 - Minimum right-of-way is that right-of-way required to contain the full roadway section including all side slopes.

LOW	MED	HIGH	COMM	IND
<u>Recommended Maximum Grade (Percent)</u>				
Frontage Street				
10	10	8	6	6
Cul-de-sac & dead-end				
10	10	8	6	6
Local Street				
10	10	8	6	6
Collector Street				
8	8	8	6	6
Secondary Arterial				

6	6	6	5	5
Primary Arterial				
6	6	6	5	5

5.6

LOW	MED	HIGH	COMM	IND
<u>Minimum Grade (Percent)</u>				
0.25	0.25	0.25	0.25	0.25
<u>Minimum Radius of Curve in Feet</u>				
Local Street				
100	100	100	100	100
Collector Street				
100	100	100	200	200
Secondary Arterial				
300	300	300	400	400
Primary Arterial				
500	500	500	500	500
<u>Recommended Maximum Cul-de-sac or Dead-end Street Length</u>				
1000***	800***	600***	N/A	N/A

* w/c – with curbs
 ** w/c – The Planning Commission may waive this requirement when it finds, on the basis of evidence presented, that curbs and gutters would serve no essential purpose.
 *** w/c – Serving no more than fourteen dwelling units.

LOW	MED	HIGH	COMM	IND
<u>Residential Minimum Tangents Between Reverse Curves (in feet)</u>				
Local				
100	100	150	200	200
Collector Street				
100	100	150	200	200

Secondary Arterial

200	200	250	300	300
-----	-----	-----	-----	-----

Primary Arterial

300	300	350	400	400
-----	-----	-----	-----	-----

Minimum Length of Vertical Curves

Local Street

100 feet, but not less than 20 feet for each algebraic difference in grade.

Collector Street

100 feet, but not less than 20 feet for each algebraic difference in grade.

Secondary Arterial

200 feet, but not less than 50 feet for each algebraic difference in grade.

Primary Arterial

200 feet, but not less than 50 feet for each algebraic difference in grade.

LOW	MED	HIGH	COMM	IND
-----	-----	------	------	-----

Minimum Cul-de-sac (in feet)

Right-of-way radius

35	35	40	40	40
----	----	----	----	----

Pavement

30	30	35	40	40
----	----	----	----	----

Center Island Diameter (if required)

40	40	50	60	60
----	----	----	----	----

Permanent

Six times minimum lot width serving no more than fourteen (14) families and not exceeding 600 feet in length.

LOW	MED	HIGH	COMM	IND
-----	-----	------	------	-----

Design Speed (Miles per hour)

Frontage Streets

10	10	15	15	15
----	----	----	----	----

Cul-de-sac

20	20	25	25	25
----	----	----	----	----

Local Street

25	30	30	30	30
----	----	----	----	----

Collector Street

30	35	35	35	35
Secondary Arterial				
40	40	40	40	40
Primary Arterial				
40	40	40	50	50

5.8

- (2) Street Surfacing and Improvements – After sewer and utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface to the widths prescribed in these regulations. Said surfacing shall be such character as is prescribed in the Public Improvements Specifications and shall be suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvement and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and shall be incorporated into the construction plan required to be submitted by the developer for plat approval.
- (3) Excess Right-of-Way – Right-of-way widths in excess of standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slope; such slopes shall not be in excess of three to one.
- (4) Railroads and Limited Access Highways – Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
 - a) In residential districts a buffer strip at least fifty (50) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening". The placement of structures hereon is prohibited.
 - b) In districts zoned for business, commercial or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - c) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (5) Intersections
 - a) Streets shall be laid out as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
 - b) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of collector and arterial streets shall be at least eight hundred (800) feet apart.
 - c) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

- d) Intersections shall be designed with a flat grade wherever practicable. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- e) Where any street intersection will involve earth banks or crosses vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground, and/or vegetation including trees in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate site distance as determined by the local government engineer.
- f) The cross-slopes on all streets, including intersections, shall be three (3%) percent less.

5.9

(C) Pavement Specifications for Residential Streets, Curbs or Gutters, Sidewalks. See Public Improvement Specifications.

(D) Street Dedications and Reservations.

- (1) New Perimeter Streets – Street systems in new subdivisions shall be laid out so as to eliminate or a void new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider.
- (2) Dedication of Additional Right-of-way. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Local Government Plan or Zoning Setback Regulation indicate plans for re-alignment or widening a street that would require use of some of the land in the subdivision, the applicant shall be required to dedicate on the final plat additional right-of-way necessary for the improvement of such streets.

5.4 DRAINAGE AND STORM SEWERS

(A) General Requirements - The Planning Commission shall not recommend for approval any subdivision, which does not make adequate provision for storm or flood water runoff channels or basins. The storm drainage system shall be separate and independent of any sanitary sewer system. Storm sewers where required, shall be designed as required in the Public Improvements Specifications and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowances shall be made for flow beyond that point and holding basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(B) Nature of Storm Water Facilities

- (1) Location - The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed width, and shall be constructed in accordance with the construction standards and specifications.
- (2) Accessibility to Public Storm Sewers.
 - (a) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Local Government Engineer. However, in commercial and industrial subdivisions, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Local Government Engineer.

(b) If a connection to a public storm sewer is planned, as determined by the Local Government Engineer and the Planning Commission, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval.

(3) Accommodation of Upstream Drainage Areas – A culvert or other facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Local Government Engineer shall determine the necessary size of the facility based on the provisions of the Public Improvements Specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

5.10

(4) Effect on Downstream Drainage Areas - The Local Government Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local Government Drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition as the Local Government Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(5) Areas of Poor Drainage – Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected area of said subdivision to an elevation sufficient to place the elevation above the 100 year flood line. The plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water and no fill shall be placed in the overflow zone nor shall any structure be erected or placed thereon. The boundaries of the overflow zone shall be subject to approval by the Local Government Engineer. Areas of extremely poor drainage should be discouraged.

(6) Flood Plain Areas - The Planning Commission may, when it deems it necessary for the health, safety and welfare of the present and future population of the area and necessary to the conservation of water drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

(C) Dedication of Drainage Easements.

(1) General Requirements - Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction or both as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(2) Drainage Easements

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the road right-of-way, unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When a proposed drainage system will carry water across private land outside the subdivision, appropriate

drainage rights must be secured and indicated on the plat.

- (c) The applicant shall dedicate a drainage easement of land adjacent to existing watercourses, to a distance to be determined by the Planning Commission for purposes of maintenance.

5.5 WATER FACILITIES

(A) General Requirements

- (1) Where a public water main is accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the Planning Commission. All water mains shall be at least six (6) inches in diameter. If the local authority is more restrictive that rule shall prevail.

5.11

- (2) Water main extension shall be approved by the officially designated agency of the State or Local Government.
- (3) To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served shall be shown in the preliminary plat, and the cost of installing same shall be indicated in the performance bond to be furnished by the developer.

5.6 SANITARY SEWERAGE FACILITIES

- (A) General Requirements - The applicant shall install sanitary sewer facilities in a manner prescribed by the local government Public Improvement Specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Local Government Engineer, Health Department, and other appropriate agencies. Plans shall be approved by the above agencies.

- (B) High Density Residential and Nonresidential Districts - High density residential and nonresidential subdivisions shall be connected to public sanitary sewage systems, provided however, if such public sanitary sewage systems are not available to the subdivision property it may be subdivided only if served by a sewage treatment plant, other than septic tank system, which meets all the requirements of state and local Health Department regulations.

- (C) Low and Medium Density Residential District - Sanitary sewage systems shall be constructed as follows:

- (1) Where a public sanitary sewage system is reasonably accessible the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
- (2) Where public sanitary sewage systems are not accessible but the proposed development is within the geographical limits of the adopted plan (scheduled to commence within five (5) years) of the local water and sewer board or within the geographical limits of the urban service area, the applicant may choose one of the following alternatives:
 - (a) Central Sewage Systems – The maintenance cost is to be assessed against each property benefited. In addition, said central sewage system must have Health Department approval and a continuous maintenance agreement must be secured from the local governing body. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - (b) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewers becomes available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer systems, where such exist, and shall be ready for connection to such public sewer main.

(3) Where sanitary sewer systems are not accessible, are not projected to become available by an adopted plan by the local water and sewer board, and the proposed development area is not within the urban service area, the applicant may install sewage systems as follows:

(a) When the proposed development meets the standards of the appropriate local and state department, individual disposal systems or central sewage systems shall be used.

(D) Individual Disposal System Requirements - If individual disposal systems are permitted, percolation tests and test holes shall be made as directed by the appropriate local or state officer and the results submitted to the appropriate department. The individual disposal system, including the size of the septic tanks and the size of the tile fields or other secondary treatment device, shall also be approved by the appropriate local or state official.

5.12

5.7 SIDEWALKS

(A) Required Improvements

(1) Unless specifically waived by the Planning Commission, sidewalks shall be included within the dedicated non-pavement right-of-way of all roads as shown in Table 5.2.

(2) Concrete curbs are required for all roads, where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.

(3) Sidewalks shall be improved as required in the Public Improvements Specifications. A median strip of grass or landscaped areas at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

(B) Pedestrian Accesses – The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements not less than ten (10) feet in width, five (5) feet on each lot. Easements shall be indicated on the plat.

TABLE 5.2 SIDEWALKS REQUIRED

	Development Density			
	Residential		Non-Residential Business	
	LOW	MED	HIGH	NON-RES
<u>Nature of Street</u>				
Local	Opt'l*	Opt'l**	Both Sides 4 ft. wide	Both Sides 6 ft. wide
Collector	Opt'l*	Both Sides 4 ft. wide	Both Sides 4 ft. wide	Both Sides 6 ft. wide
Secondary Arterial	Opt'l*	Both Sides	Both Sides	Both Sides

		4 ft. wide	4 ft. wide	6 ft. wide
Primary Arterial	Both Sides 4 ft. wide	Both Sides 4 ft. wide	Both Sides 4 ft. wide	Both Sides 6 ft. wide

* Opt'l - Optional, but where provided 4 feet minimum to either side of street with concrete curbs.

** The Planning Commission may require that sidewalks be included subdivision plan, in the manner prescribed above, when the Planning Commission finds, on the basis of evidence presented, that a substantial, useful purpose will be served such as sidewalk access to nearby schools, parks, shopping centers or other public or private facilities.

5.8 UTILITIES

(A) Location - The Planning Commission, if deemed necessary may require that secondary electric service, telephone, and CATV cables shall be located underground throughout the subdivision. When this requirement is made, underground service connections to property lines of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(B) Easements

- (1) Public utility easements across the frontage of each lot shall be provided for utilities (private and municipal). Such easements shall be at least 12 feet in width. In any instance where additional width is required by the utility company, prior to submittal proper coordination shall be established between the subdivider and the applicable utility company and the agreement shall be indicated on the plat by appropriate signatures.
- (2) When easements are provided for utilities through adjoining lots, such easements shall be at least 20 feet in width (10 feet on each lot). Proper coordination shall be established between the subdivider and the applicable utility company.

5.9 PUBLIC USES

(A) Parks, Playgrounds, and Recreation Areas.

The developer if deemed necessary by the Planning Commission shall give due consideration to the provisions of suitable areas for parks and playgrounds. The size and location of this open space must be approved by the Planning Commission. The Planning Commission will work with the developer in an attempt to coordinate the park and playground area with retention basins or other less desirable locations. However, the park reservation must have a reasonable amount of street frontage to insure ease of access. In addition, said open space shall be dedicated to the local unit of government having jurisdiction. Before the Planning Commission approves a final plat showing park reservation of land, the Planning Commission shall obtain approval of the park or land reservation from the governing body(ies) having jurisdiction. If the local government has not, within a period of two (2) years from the date of such dedication, commenced development of the proposed public facility, the governing body shall be required to return the dedicated area to the developer or their heirs or their assigns upon written notice by the developer to the governing body requesting return of the dedicated area.

5.10 NONRESIDENTIAL SUBDIVISIONS

(A) General - If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A

nonresidential subdivision shall also be subject to all requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance.

(B) Standards - In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall apply:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated. **5.14**
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type of volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
- (4) Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential area from potential nuisance from a proposed commercial or industrial subdivision. This includes the provision of extra depth in parcels backing up to existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SECTION VI. DEFINITIONS

6.1 USAGE

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations", the word "regulations" means "these regulations".
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as club; "shall" is "mandatory"; a "building" includes a "structure" "building" or structure includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

6.2 WORDS AND TERMS DEFINED

Administrative Assistant to the Planning Commission. The officer as appointed by the Planning Commission to administer these regulations and to administratively assist other boards and commissions. If no such officer shall be appointed, the Building and Zoning Inspector and/or Planning Commission Chairman shall serve as Administrative Assistant.

Agricultural Use. The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, 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.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principle frontage is on some other street.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Arterial. See Secondary arterial and Primary arterial.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond. A form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Planning Commission wherever a bond is required by these regulations.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structures.

Building and Zoning Inspector. The person designated by the local government to enforce the zoning ordinance.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring expenditures of public funds, over and above the annual local government operating expenses, for the purchase, construction or replacement of the physical assets for the community are included.

6.1

Central Water System. A private water company formed by a developer to serve a new community development in an outlying area. It includes water treatment and distribution facilities.

Central Sewage System. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Collector Street. A street intended to move traffic from local roads to secondary arterials.

Comprehensive Plan. A comprehensive plan for the development of the local government, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plans, or parts thereof.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

Cul-de-sac. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Dwelling Unit. A house, apartment building, or other buildings designed or used primarily for human habitation.

Easement. Authorization by a property owner for the use by another, and for specified purpose, of any designated part of his property.

Escrow. A deposit of cash with the Planning Commission or an institution approved by them required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Developer in a separate account.

Final Plat. The map or plan of record of a subdivision and any accompanying material, as described in these regulations.

Flexible Zoning. Zoning which permits uses of land and density of buildings and structures different from those which are allowed within the zoning district in which the land is situated. Flexible zoning applicants shall include, but not be limited to, all special permits and special uses, planned unit developments, group housing projects, community unit projects, average density or density zoning projects.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on only one side.

Governing Body. The body of the local government having the power to adopt ordinances.

Governmental Attorney. The licensed attorney designated by the Governing Body to furnish legal assistance for the administration of these regulations.

Governmental Engineer. The licensed engineer designated by the Governing Body to furnish engineering assistance for the administration of these regulations.

6.2

Health Department and Health Officer. The agency and persons designated by the Governing Body to administer the health regulation of the local government.

High Density. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet excluding right-of-way.

Highway, Limited Access. A freeway, or expressway, providing a throughway for traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to, access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such throughway.

Improvements. See Lot Improvements or Public Improvements.

Individual Sewage Disposal System. A septic tank seepage tile sewage disposal system, or any other approved sewage treatment device.

Joint Ownership. Joint Ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Land Development Committee. A board established by the Planning Commission to provide technical services to the Planning Commission in the administration of these regulations.

Local Government Attorney. See Governmental Attorney.

Local Government Engineer. See Governmental Engineer.

Local Streets. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer or ownership or for building developments.

Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Improvement. Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property bonded as provided in these regulations.

Low Density. Those residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet excluding right-of-way.

Major Subdivision. All subdivisions not classified as minor subdivision, including but not limited to subdivisions of more than five (5) lots or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Master Plan. Master plan means written and graphic material for the proposed development of an entire tract of land, including subdivision name, property identification, legend information, location sketch, lot designs, boundary lines, streets, utilities, topography, adjoining property owners and any other pertinent conditions or features of the tract.

Medium Density. Those residential zoning districts in which the density is between 10,000 and 40,000 square feet per dwelling unit excluding right-of-way.

6.3

Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments. The agency performing A-95 review of all federal grant-in-aid projects required to be reviewed by Regional and State Planning Boards to insure the projects conform to Regional and State needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

Minor Subdivision. Any subdivision containing nor more than five (5) lots fronting on an existing street, nor involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provision of these regulations.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Map. The map established by the Governing Body pursuant to law showing the streets, highway, parks, drainage systems and setback lines therefore laid out, adopted and established by law, and any amendments or additions thereto adopted by the Governing body.

Official Comprehensive Plan. See Comprehensive Plan.

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm, or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts only one (1) side.

Planning Commission. The local government's Planning Commission established in accordance with law.

Preliminary Plat. The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Primary Arterial. A street intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges, and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

Regional Planning Commission and Regional Council of Governments. See Metropolitan or Regional Planning Commission.

Registered Engineer. An engineer properly licensed and registered in the state.

Registered Land Surveyor. A land surveyor properly licensed and registered in the state.

6.4

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot lines; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer or storm sewer main, or for another special use. The usage of the term "right-of way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roads, Classification. See Street Classification.

Road, Dead-End. A road or a portion of a street with only one (1) vehicular-traffic outlet.

Road Right-of-way width. The distance between property lines measured at right angles to the centerline of the street.

Sales or Lease. Any immediate or future transfer of ownership or any possessory interest in land, including contract sales, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or their written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporations, firm, partnership, entity, or unincorporated association.

Secondary Arterial. A Street intended to collect and distribute traffic in a manner similar to primary arterials, except that those roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Sectionalization. Approval of a preliminary or final subdivision plat in stages consisting of at least 10% of the total lots proposed in the development after a master plan or preliminary plat for the entire tract of land has been approved by the Planning Commission. The proposed sectionalization plan shall be shown on both the master plan and preliminary plats.

Setback. The distance between a building and the property line nearest thereto.

Sketch Plan. A sketch prior to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission, Local

Government Engineer, and other authorized persons as to the form of the plat and the objectives of these regulations.

Street Classifications. For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the local government and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan of the Planning Commission. The required improvements shall be measured as set forth for each street classification on the official map.

6.5

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who: (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertise for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who; (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision and who; (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision. "Subdivision" means the division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development of if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act. K.R.S. 100.111.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consist solely of rendering legal services.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor. See Minor Subdivision.

Subdivision Plat. The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Court Clerk or Recorder of Deeds for filing.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

