

CHAPTER 72: SUBDIVISION REGULATIONS*

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ARTICLE I. GENERAL PROVISIONS

§ 72.001 TITLE

(A) This chapter shall be known, cited, and referred to as the "Bourbon County Subdivision Regulations."

(B) The City of Paris accepts and adopts for application within the city limits, the Bourbon County Subdivision Regulations prepared by Joseph Kowalski & Associates and recommended by the Bourbon County Joint Planning Commission.

(C) A complete copy of these Subdivision Regulations are on file with the City Building Inspector at the City Hall, for inspection, without charge, by any member of the public.

(D) This chapter shall be effective upon its adoption and publication as required by law.

(Ord. passed 11-14-72)

§ 72.002 ADOPTION; AMENDMENT; EFFECTIVE DATE

(A) Before adoption of these subdivision regulations, or any amendment thereto, a public hearing shall be held by the Planning Commission. A public notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city and county in accordance with the Kentucky Revised Statutes.

(B) These subdivision regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption.

(Ord. passed 11-14-72)

Cross reference:

Public meetings, see Ch. 28

§ 72.003 PURPOSE

This chapter is enacted in order to promote the orderly development of Bourbon County, Kentucky; to improve the present health, safety, convenience, and welfare of its citizens and to plan for the future development of the area to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

(Ord. passed 11-14-72)

§ 72.004 INTERPRETATION

The provisions of this chapter shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this chapter shall prevail. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this chapter, the provisions of such statute, ordinance, or regulation shall prevail.

(Ord. passed 11-14-72)

§ 72.005 SUBDIVISION CONTROL

No subdivision of any lot, tract, or parcel of land shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of this chapter.

(Ord. passed 11-12-72)

§ 72.006 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or clearly requires a different meaning. Words used in the present tense shall include the future; the singular includes the plural; and the plural includes the singular.

"ARTERIAL." Highways that are designated or utilized primarily for high vehicular speeds or heavy volumes of traffic.

"BLOCK." An area bounded by streets.

"BUILDING." Includes the word "structure" and shall be construed as if followed by the phrase, "or part thereof".

"BUILDING SETBACK LINE." The line parallel to the street line at a distance therefrom equal to the depth of the minimum required front yard.

"CITY." The City of Paris.

"COLLECTOR." Those streets that carry intermediate volumes of traffic from minor streets to arterial streets.

"COMMISSION" or "PLANNING COMMISSION." The Bourbon County Joint Planning Commission.

"CUL-DE-SAC." A minor street with only one (1) vehicular outlet to another street at one (1) end, and with a vehicular turn-around facility, at the other end.

"LOT." (Includes the word "plot" or "parcel".) A parcel of land used or set aside and available for use as the site of one (1) or more buildings and building accessory thereto or for any other purpose, in one (1) ownership and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the fee to such way is in the owner of the lot. A lot for the purposes of this chapter may or may not coincide with a lot of record.

"MARGINAL ACCESS." Are minor streets which are parallel to and adjacent to arterial streets and highways and which serve to reduce the number of access points to the arterial streets and thereby increase traffic safety.

"MINOR." Those streets that are used or will be used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.

"PERSON." Includes a corporation, unincorporated association, or a partnership, as well as the individual.

"PLAT, FINAL." A complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights, proposed streets, rights-of-way, easements, and physical improvements on and in the land.

"PLAT, PRELIMINARY." A tentative subdivision plan, showing the approximate location and size of proposed streets, lots, and improvements as a basis for consideration by the Planning Commission and other prior to preparation of a final plat.

"RIGHT-OF-WAY." The dividing line between a street or road and a lot. The right-of-way line is the same as the street line.

"*SHALL*." Is always mandatory.

"*STREET*." A way for vehicular traffic, whether designated as a court, boulevard, avenue, expressway, highway, lane, and road, or however otherwise designated.

"*SUBDIVIDER*." A person who is the owner, or authorized agent of the owner, of land to be subdivided.

"*SUBDIVISION*." The division of a tract or parcel of land into three (3) or more parcel for the purpose, whether immediate or future, of sale or of building development provided, however, that a division of land for agricultural purposes into parcels of five (5) acres or more and which does not involve a new street shall not be deemed a subdivision. The term "*SUBDIVISION*" shall refer to the land subdivided or to the process of subdividing according to the context.

"*STREET*." A public or private open way used or intended to be used for passage or travel by vehicular traffic. If private, such way must be used or intended to be used as the principal means of access to abutting lot or lots or to more than two (2) dwellings on a lot on which a private way is exclusively located. Streets are further classified as provided in this section.

"*WATERCOURSE*." Includes channel, creek, ditch, drain, dry run, spring, and stream.

"*YARD, FRONT*." An open space extending across the full width of the lot and lying between the street line at the nearest point of the building.

"*ZONING ORDINANCE*." The ordinance adopted by the Planning Commission.

(Ord. passed 11-14-72)

ARTICLE II. PROCEDURE

Division 1. General Provisions

§ 72.100 INTRODUCTION

The procedures hereinafter specified provide for a pre-application procedure, for conditional approval of a preliminary plat, and for the approval of a final plat. The pre-application procedure and the conditional approval of the preliminary plat are optional to the applicant and are not a prerequisite to the approval of the final plat. However, these optional procedures are strongly recommended in that they provide the subdivider with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a final plat.

(Ord. passed 11-14-72)

Division 2. Pre-Application Procedure

§ 72.125 PURPOSE

(A) The purpose of the pre-application procedure is to afford the subdivider the opportunity to avail himself of the advice and assistance of the Planning Commission and to consult early and informally before preparation of the preliminary plat and before formal application for its approval.

(B) During the pre-application procedure, the subdivider can advantageously make use of the services of the Planning Commission to help him analyze the problems of the development and plan more adequately for its sound coordination with the community. This preliminary discussion also affords the Planning Commission the opportunity to give informal guidance to the development at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

(Ord. passed 11-14-72)

§ 72.126 PROCEDURE

When pre-application is used, the following procedure shall apply:

(A) Prior to the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit, at least ten (10) days prior to the meeting of the Planning Commission, three (3) copies of the plats and data specified in § 72.400 through 72.402, to the Planning Commission.

(B) This step in the procedure does not require formal application, fee, or filing of a formal plat with the Planning Commission.

(Ord. passed 11-14-72)

§ 72.127 OBJECTIONS SHALL BE EXPRESSED

(A) Within thirty (30) days of the receipt of pre-application plats and data, the Planning Commission shall inform the subdivider that the plats and data, as submitted or modified, do or do not meet the objectives and requirements of this chapter.

(B) When the Planning Commission finds plats and data do not meet the objectives or requirements of this chapter, it shall express its reasons, in writing, and provide the subdivider with a copy of the same.

(Ord. passed 11-14-72)

Division 3. Procedure for Conditional Approval of Preliminary Plat

§ 72.150 PRELIMINARY PLAT REQUIRED

On reaching conclusions informally as recommended or required in § 72.127 regarding his general program and objectives, the subdivider may submit, at least ten (10) days prior, to the Secretary of the Planning Commission, three (3) copies of the plats and data specified in §' 72.403 through 72.405, to the Planning Commission.

(Ord. passed 11-14-72)

§ 72.151 STATE DEPARTMENT OF HIGHWAYS REVIEW

If the State Department of Highways has filed with the Planning Commission a map of the territory within one (1) mile on either side or both sides of any existing or proposed highway, no preliminary layout shall be approved by the Planning Commission until one (1) copy of the preliminary layout has been referred to the designated office of the Department of Highways for its review. If the Department of Highways desires to make any recommendations on the plat, it shall communicate such to the Planning Commission within fifteen (15) days from the receipt of the plat.

(Ord. passed 11-14-72)

§ 72.152 CONDITIONAL APPROVAL OF PRELIMINARY PLAT BY PLANNING COMMISSION

(A) Following review of the preliminary plat and other material submitted for conformity with this chapter and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within thirty (30) days, act thereon as submitted, or modified. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

(B) The action of the Planning Commission, including any conditions determined, shall be noted on two (2) copies of the preliminary plat. One (1) copy of the action and the plat shall be returned to the subdivider, and the other retained by the Planning Commission.

(Ord. passed 11-14-72)

§ 72.153 PRELIMINARY PLAT; A GUIDE FOR PREPARATION OF FINAL PLAT

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for final approval of the Planning Commission.

(Ord. passed 11-14-72)

Division 4. Procedure for Approval of Final Plat

§ 72.175 APPROVAL OF FINAL PLAT

A plat of a subdivision with the jurisdiction of Bourbon County shall not be recorded by the County Clerk unless and until it has first been approved by the Planning Commission. The filing and recording of a plat involving the subdivision of lands covered by this chapter shall be without legal effect unless approved by the Planning Commission. Provided, however, that failure to comply with this section shall not invalidate or affect the title to any land within the area of the plat; and provided, further, that if the plat shall bear the seal of the Planning Commission, it shall be presumed to have been approved hereby.

(A) *Application for final plat approval.* A person desiring the approval of a plat shall submit a written application for a certificate together with three (3) copies of the proposed plat in the form prescribed in Article V to the Planning Commission. Upon receipt of the application, the Planning Commission, if it tentatively approves the application, shall set a date for a hearing, notify the subdivider applicant in writing, and notify, by general publication or otherwise, any person or governmental unit having a probable interest in the proposed plat.

(B) *General requirements prerequisite to approval of plat.* In determining whether an application for approval shall be granted, the Planning Commission shall determine if the plat provides for:

- (1) Coordination of subdivision streets with existing and planned streets or highways;
- (2) Coordination with an extension of facilities included in the comprehensive plan;
- (3) Establishment of minimum width, depth, and area of lots within the projected subdivision;
- (4) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the city or county; and
- (5) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business, and industry. As a further condition of approval of a plat, the Planning Commission shall specify:
 - (6) The manner in which streets shall be laid out, graded, and improved;
 - (7) Provision for water, sewage, and other utility services;
 - (8) Provision for schools;
 - (9) Provision for essential municipal services; and
 - (10) Provision for recreational facilities.

(C) *Improvements or guarantee thereof.* Before approving any subdivision plan for recording, the Planning Commission shall either require that all facilities specified in Articles III and IV shall have been installed in strict accordance with the standards and specifications of the Planning Commission, or that the Planning Commission be assured by means of a proper contract and completion guarantee, as set forth in subsections (D) and (E) below, that the improvements will subsequently be installed by the subdivider.

(D) *Agreement to complete improvements.* In all cases where the necessary grading, paving, and other street improvements required herein shall not have been installed prior to final approval in strict accordance with the standards and specifications of the Planning Commission, the applicant shall enter into a written agreement with the city in the manner and form approved by the City Attorney, wherein the applicant shall agree, to the extent applicable:

- (1) To construct, or cause to be constructed, at his own expense, all streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, monuments, sanitary sewerage, street shade trees

and parks, and all other improvements shown on the subdivision plan, all in strict accordance with standards and specifications of the Planning Commission or other appropriate public authority and within the time specified in the agreement.

(2) To make adequate provision with the City Engineer for the inspection of the construction of the aforesaid improvements to assure strict compliance with the city standards and specifications.

(3) To maintain, at his own cost, the streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, monuments, sanitary sewerage, street shade trees, parks, and other improvements until the same are accepted or condemned for public use by the city or other appropriate public authority, and for a period of one (1) year thereafter to repair and reconstruct the same or any part or one (1) of them when such repair or reconstruction shall be specified by the Planning Commission as necessary by reason of faulty construction, workmanship, or materials.

(E) *Conditional approval of final plats.* The Planning Commission may approve a plat for a subdivision in which the improvements and installations have not been completed by the applicant as required by this chapter, provided that the subdivider enters into the agreement described and provides a bond which shall:

(1) Run to Bourbon County;

(2) Be in an amount determined by the Planning Commission to be sufficient to complete the improvements and installations in compliance with this chapter; to reimburse the city for reasonable legal, engineering, and inspection fees, and to obtain the easements required by § 72.204;

(3) Be with surety satisfactory to the Planning Commission; and

(4) Specify the time for the completion of the improvements and installations.

Any funds received from these bonds shall be used by the city only for completion of the improvements and installations for which they were provided, and without prior appropriation.

(Ord. passed 11-14-72)

§ 72.176 COMMISSION ACTION ON PLAT APPROVAL OR DISAPPROVAL

After hearing and within a reasonable time after application for approval of the plat, the Planning Commission shall approve or disapprove it. If the Planning Commission approves, it shall affix the Commission's seal upon the plat. If it disapproves, it shall set forth its reasons, in its own records, and provide the applicant with a copy.

(Ord. passed 11-14-72)

§ 72.177 OFFER OF DEDICATION MAY BE NOTED IN RECORD PLAN

Streets, parks, and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the city or an appropriate governmental agency by notation on the plan, or the subdivider may note on the plan that such improvements have not been offered for dedication to the city or an appropriate governmental agency.

(Ord. passed 11-14-72)

§ 72.178 IMPROVEMENTS PRIVATE UNTIL DEDICATED, CONDEMNED, ACQUIRED

Every street, park, or other improvement shown on a subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park, or improvement until such time as the same has been offered for dedication to the city and accepted, by resolution, and recorded in the Office of the County Clerk, or until it has been condemned for use as a public street, park, or other improvement, or until purchased by a governmental agency.

(Ord. passed 11-14-72)

§ 72.179 SUBMISSION IN SECTIONS

The Planning Commission may permit submission of the final plat in sections, provided that the sections conform to all the requirements of this chapter.

(Ord. passed 11-14-72)

ARTICLE III. DESIGN STANDARDS

§ 72.200 LOCATION; ARRANGEMENT OF STREETS

(A) The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan for the city, as adopted or amended, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(B) Where such is not indicated in the comprehensive plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(C) Local streets shall be so laid out that their use by through traffic will be discouraged.

(D) Dead-end streets (cul-de-sacs), designed to be so permanently, shall be provided at the closed end with a turn-around having an outside radius of at least forty feet (40') and a right-of-way line radius of at least fifty feet (50'). Such streets shall be not longer than seven hundred feet (700'), measured from its intersecting right-of-way line to the outer edge of the turn-around, except where topographical or other conditions make this limitation impracticable.

(E) If the lots resulting from the original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

(Ord. passed 11-14-72)

§ 72.201 ACCESS TO STREETS

(A) Where a subdivision abuts or contains a present or proposed arterial street, the Planning Commission may require reverse frontage with screen planting contained in a non-access easement along the rear property line, marginal access street, or such other treatment as may be necessary for adequate protection of residential properties and other abutting properties and to afford separation of through and local traffic.

(B) Reserve strips controlling access to streets shall be prohibited except where control is vested in the city under conditions approved by the Planning Commission. When the subdivision adjoins unsubdivided acreage, new streets shall be provided through to the boundary lines of the development with temporary easements for turn-arounds.

(Ord. passed 11-14-72)

§ 72.202 STREET INTERSECTIONS

(A) Street jogs with centerline offsets of less than one hundred fifty feet (150') shall be avoided where practicable.

(B) Streets shall be laid out so as to intersect at right angles wherever possible.

(C) Right-of-way lines at street intersections shall be rounded with a radius of twenty-five feet (25'), or of a greater radius where the Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

(D) No cross intersections of centerlines of other than minor, marginal access, or cul-de-sac streets shall be closer than eight hundred feet (800') apart, unless the Commission deems otherwise.

(E) Multiple intersections involving the junction of more than two (2) streets shall be avoided, and where such avoidance is impossible, the intersections shall be designed with extreme care for both vehicular and pedestrian safety.

(F) Grades at intersections shall be in conformance with § 72.205(C).

(G) Proper sight lines shall be maintained at all intersections of streets. Measured from the intersecting street lines, these shall be a clear sight triangle from the point of intersection indicated on the plan and maintained free and clear of shrubs, structures, signs, and other visual obstructions.

(H) The intersection should be designed and graded to allow for proper drainage.

(Ord. passed 11-14-72)

§ 72.203 STREET WIDTHS; BUILDING SETBACK LINES

(A) Street right-of-way and pavement widths shall be not less than the following, where practicable:

<i>Street Type</i>	<i>Right-of-way</i>	<i>Paving width</i>
	<u>in feet</u>	<u>in feet</u>
Arterial	80	44
Collector	60	36
Minor	50	26
Marginal access	50	18
Cul-de-sac	50	18

(B) Additional rights-of-way and paving widths than [to] those specified in this or other ordinances may be required by the Planning Commission in order to lessen traffic congestion, to secure safety from fire, panic, and other dangers, to facilitate the adequate provision for transportation and other public requirements, or to promote the general welfare.

(C) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of this chapter. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(D) Short extensions of existing streets with lesser right-of-way widths than prescribed in subsection (A) above, may be permitted.

(E) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be dedicated to conform to the standards established in subsection (A) above.

(Ord. passed 11-14-72)

§ 72.204 STREET ALIGNMENT

(A) Except for collector and minor, marginal access, and cul-de-sac streets, there shall be a tangent of at least one hundred feet (100') measured at the centerline between curves.

(B) The minimum radius at the centerline shall be four hundred feet (400') for arterial streets, three hundred feet (300') for collector streets, and one hundred feet (100') for minor streets. Proper super-elevation shall be provided on essential arterial streets where necessary.

(Ord. passed 11-14-72)

§ 72.205 STREET GRADES

(A) Street grades, where feasible, shall not exceed the following:

<i>Street Type</i>	<i>Desirable</i>	<i>Maximum</i>
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Arterial	4%	5%
Collector	5%	7%
Minor	8%	12%
Marginal access	8%	12%
Cul-de-sac	8%	12%

(B) Vertical curves shall be used at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of grade change and to provide the following minimum lengths of curves where practicable:

(1) For over crests (summits), for each four percent (4%) difference in gradients, one hundred twenty-five feet (125') in length of curve, shall be provided.

(2) For under crests (sags), for each four percent (4%) difference in gradients, one hundred feet (100') in length of curve.

(C) Where practicable, the grade of any street at the approach to an intersection should not exceed seven percent (7%). In those cases where the natural grade exceeds seven percent (7%), a leveling area shall be provided having a minimum length of fifty feet (50') measured back from the street line within which no grade shall exceed a maximum of seven percent (7%). Furthermore, the maximum grade within an intersection shall not exceed three percent (3%).

(D) No street grade shall be less than one-half percent (0.5%)

(Ord. passed 11-14-72)

§ 72.206 STREET NAMES

No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

(Ord. passed 11-14-72)

§ 72.207 PRIVATE STREETS

Private streets serving more than four (4) single-family dwellings shall be prohibited.

(Ord. passed 11-14-72)

§ 72.208 ALLEYS

(A) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(B) The width of an alley shall not be less than fifteen feet (15').

(C) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

(Ord. passed 11-14-72)

§ 72.209 EASEMENTS

(A) Easements across lots or centered on rear or side lot lines shall be provided for utilities, where necessary, and shall be at least ten feet (10') wide.

(B) 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 with the lines of the watercourse, and such further width or construction, or both, as will be adequate for both present and future drainage needs.

(Ord. passed 11-14-72)

§ 72.210 BLOCKS

(A) The lengths, widths, and shapes of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the special needs of the types of use contemplated;
- (2) Zoning requirements as to lot sizes and dimensions;
- (3) Needs for convenient access, circulation, control, and safety of street traffic; and
- (4) Limitations and opportunities of topography.

(B) To the extent possible, block lengths shall not exceed sixteen hundred feet (1600'), or be less than five hundred feet (500').

(C) Where possible, residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a street are used.

(D) Pedestrian crosswalks, with a minimum pavement width of three feet (3') shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(Ord. Passed 11-14-72)

§ 72.211 LOTS

(A) Lot dimensions shall conform to the requirements of the zoning code.

(B) The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.

(C) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(D) Side lot lines shall be substantially at right angles or radial to street lines.

(E) Generally, lot lines shall not be less than one (1), nor more than three (3) times the average width.

(F) The size, depth, and width of parcels laid out or reserved for non-residential use shall be in conformance with all the provisions of the zoning code.

(Ord. passed 11-14-72)

§ 72.212 STORM DRAINAGE

(A) Drainage facilities shall be provided:

- (1) To permit unimpeded flow of natural watercourses; and
- (2) To ensure adequate drainage of all points along the line of streets.

(B) Storm sewers, where required by the Planning Commission, shall be placed in back of the curb when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than ten (10) feet wide.

(C) In some cases, storm water must travel in original stream beds or in open channels. Where necessary concreted, or rip rapped, channels shall be required. Open channels, whether concreted or not, shall generally be straightened and widened to conform to drainage requirements.

(D) Inlets and manhole covers and frames shall conform to city standards. At street intersections, inlets shall be placed in the tangent and not in the curved portion of the curbing.

(E) Bridges and culverts shall have ample waterway to carry expected flows. Culverts shall be provided with wing walls and constructed for the full width of the right-of-way. Bridges shall be provided with a paved flow line and with deep aprons and wing walls at each end. Bridges shall be constructed no narrower than the paving width of the road they serve; and, in addition, sidewalks on at least one (1) side of all residential streets shall be required.

(Ord. passed 11-14-72)

§ 72.213 COMMUNITY FACILITIES

(A) Where a proposed park, playground, school, or other public use shown in the comprehensive plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation of such area within the subdivision in those cases which the Commission deems consistent with the comprehensive plan.

(B) Where deemed essential by the Planning Commission upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs created by the development for schools, parks, and other neighborhood purposes.

(C) The following standards shall apply to the provision of recreation space:

(1) Areas set aside for recreational purposes shall be reasonable compact parcels, placed to serve all parts of the subdivision, accessible from a public street, and not excessively irregular in terrain.

(2) Playgrounds for active sports shall be not less than two and three-quarter ($2\frac{3}{4}$) acres.

(3) In subdivisions which provide or are intended to provide housing facilities for more than fifty (50) families, suitable open areas may be required for recreation. Standards to be used by the Planning Commission in testing the adequacy of space provided shall be fifty (50) to three hundred (300) families, one and one-half ($1\frac{1}{2}$) acres per one hundred (100) families.

(Ord. passed 11-14-72)

§ 72.214 LAND SUBJECT TO FLOODING

(A) Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life, or property, or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans.

(B) The land within the subdivision shall be set aside on the plat for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(C) Where flooding is known to have occurred within an area shown on the plat, the area shall be clearly marked "subject to periodic flooding" and shall not be platted in streets and lots.

(Ord. passed 11-14-72)

Cross reference:

Flood damage prevention, see Ch. 74

§ 72.215 PRESERVATION OF NATURAL RESOURCES

(A) Wherever possible, the subdivider shall preserve trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.

(B) Subdivisions shall be laid out so as to avoid the necessity for excessive cut or fill.

(C) Topsoil shall not be stripped, covered, or removed from the subdivision site.

(Ord. passed 11-14-72)

§ 72.216 OVERHEAD UTILITIES

Wherever practicable, telephone and electric service lines shall be placed at the rear of all lots or underground, and all transformer boxes and other equipment shall be located so as not to be unsightly or hazardous to the public.

(Ord. passed 11-14-72)

§ 72.217 REQUIREMENT FOR UTILITIES

The Planning Commission may require the subdivider to furnish all necessary public utilities in and to the proposed subdivision. Water supply and sewage disposal must be furnished in accordance with the plan approved by the appropriate state, county, and city officials.

(Ord. passed 11-14-72)

Cross reference:

Utilities, see Ch. 30

Water and sewers, see Ch. 33

Electricity, see Ch. 34

ARTICLE IV. REQUIRED IMPROVEMENTS

§ 72.300 PURPOSE

(A) The purpose of this article is:

(1) To establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval; and

(2) To establish procedures for assuring compliance to these requirements.

(B) Every subdivider shall be required to install the public and other improvements listed in §' 72.302 through 72.309 in accordance with the public intent and the conditions and specifications noted.

(Ord. passed 11-14-72)

§ 72.301 RESPONSIBILITY FOR PLANS

It shall be the responsibility of the owner of every proposed subdivision to have prepared, by a registered engineer, or registered land surveyor, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required public streets, utilities, and other facilities. All construction plans shall be prepared in accordance with the following public improvement standards or specifications as approved by the appropriate officials.

(Ord. passed 11-14-72)

§ 72.302 MONUMENTS; PINS

(A) Concrete monuments at least thirty-six inches (36") in length and four inches (4") in diameter or four inches (4") square shall be set at all corners on the plat. The top of the monument shall be flat and shall have an indented cross to properly identify the location. Except in cases where it is deemed clearly unreasonable or infeasible by the Planning Commission, these monuments shall be described on the final plat in relation to the located section corners of the coordinate system of the Commonwealth of Kentucky.

(B) Iron pin or iron pipe monuments not less than three-fourths inch (3/4") in diameter and not less than twenty-four inches (24") in length shall be set at all lot corners not marked by concrete monuments, at all street corners, at all points where street lines intersect the exterior boundaries of the subdivision, and at all intersections of curves and tangents along street lines.

(Ord. passed 11-14-72)

§ 72.303 STREET REQUIREMENTS

The requirements with respect to the grading and construction of streets, roads, lanes, alleys, curbs, and sidewalks set forth upon subdivision plans shall be in conformity with specifications set forth by the Planning Commission. Curbs or gutters shall be constructed along both sides of every street within the subdivision where practicable and along the subdivision's side of every street which the subdivision abuts.

(Ord. passed 11-14-72)

§ 72.304 STORM; SURFACE DRAINAGE

All drainage facilities shall be installed and the land graded for adequate drainage as shown on the final plan. A detailed plan of storm drainage, culverts, drains, and inlets shall be required when deemed necessary by the City Engineer.

(Ord. passed 11-14-72)

§ 72.305 SEWAGE

(A) The subdivider shall provide the highest type of sewage disposal facility consistent with existing physical, geographical, and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability.

- (1) Public sanitary sewer and treatment plant system;
- (2) Community sanitary sewer and temporary sewage treatment plant;
- (3) Capped sewers with temporary on-lot facilities; or
- (4) Septic tank with tile field or septic tank with seepage pit, depending on results of soil tests and sub-soil investigation.

(B) Where an approved sanitary sewer is accessible to the development, all necessary mains and laterals for connection from the lots to the system, as shown on the preliminary plat, shall be installed by the subdivider.

(C) If a sanitary sewage system is not accessible to the development, the subdivider shall provide for sewage disposal on an individual lot basis according to the rules, regulations, terms, definitions, and conditions set forth by the Planning Commission.

(D) In all cases wherein trunkline sanitary sewer facilities are available, the owner shall be required to install sanitary sewers and connect the same to trunkline sewer, irrespective of the size of the lots included on the subdivision plan.

(E) Soil percolation tests to determine the suitability of the soil for on-lot sewage disposal facilities must be performed for all new subdivisions where buildings are not to be connected to live public or community sanitary sewers at the time of construction. The Planning Commission may waive this requirement, in whole or in part, for subdivisions [in] which the individual lots are to be two (2) acres or larger in area.

(1) The tests shall be supervised and certified by a registered professional engineer. Where the approval of the County Department of Health is required, a copy of their report of investigations, and approval of the proposed sewage disposal system may be submitted in lieu of certification by an engineer.

(2) The results of the tests shall be accompanied by a description of sub-soil strata to a depth of four feet (4') greater than the proposed effluent disposal field or seepage pit. The data shall be obtained from test borings at or near the site of each percolation test hole.

(3) Where possible, the tests shall be performed at or near the site of the proposed sewage disposal facility for each lot according to the specifications of the county health officer or as outlined in the manual of septic tank practice, U.S. Department of Health, Education, and Welfare.

(4) The results of the tests shall be evaluated individually for each lot in the light of information from test borings and topographic features at each respective test hole location.

(F) (1) All lots in any new subdivision that cannot be connected to a live public or community sanitary sewer system at the time of building construction shall be provided with an on-site sewage disposal system consisting of a septic tank or tanks connected with one (1) or both of the following:

(a) *Tile disposal field.* Wherever test results indicate that this is a desirable system;

(b) *Seepage pit (cesspool).* Wherever test results indicate that this is a desirable system.

(2) The design of proposed on-site sewage disposal facilities shall, as a minimum requirement, meet the standards set up by the Department of Health for the conditions found at each individual site.

(Ord. passed 11-14-72)

Cross reference:

Water and sewers, see Ch. 33

§ 72.306 WATER

(A) All water mains and lines and required fire hydrants as indicated on the approved preliminary plat shall be installed from each lot in the subdivision to and connected with the public water system.

(B) Where no public water is accessible, water must be furnished by the developer on an individual lot basis. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the well shall be of the drilled type cased and grout sealed into bedrock. The well will be required to have a production of not less than five (5) gallons per minute as established by bailer tests, certified by the well driller. Before being placed in consumer use it will be disinfected by the use of sodium hypochlorite, or an acceptable solution and a sample collected for bacteriological examination by an approved state laboratory. A copy of analysis shall be submitted to the Planning Commission certifying that the water is safe for domestic use.

(Ord. passed 11-14-72)

Cross reference:

Water and sewers, see Ch. 33

§ 72.307 STREET SIGNS

Street name signs conforming to city specifications shall be erected and painted in accordance with the specifications at all street intersections or junctions in all subdivisions at the expense of the subdivider.

(Ord. passed 11-14-72)

Cross reference:

Streets, sidewalks, and other places, see Ch. 41

§ 72.308 STREET LIGHTING

The subdivider shall install, or cause to be installed, at the subdivider's expense, such street lighting facilities as may be deemed adequate by the Planning Commission and as may be prescribed at the time the subdivision plan is approved. The subdivider shall pay the cost of operating the street lights until such time as the street lighting facilities shall be accepted by resolution of the city or other appropriate public authority.

(Ord. passed 11-14-72)

Cross reference:

Streets, sidewalks, and other places, see Ch. 41

§ 72.309 STREET TREES

Wherever the site is not naturally wooded, the subdivider may be required to plant street trees of not less than two inches (2") caliper as measured chest high above the ground and at not more than fifty feet (50') apart as measured along each side of the street.

(Ord. passed 11-14-72)

Cross reference:

Streets, sidewalks, and other places, see Ch. 41

ARTICLE V. PLATS AND DATA

§ 72.400 GENERAL INFORMATION

General subdivision information shall describe or outline the existing conditions of the site and the proposed developments as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, protective covenants and proposed utilities, and street improvements.

(Ord. passed 11-14-72)

§ 72.401 LOCATION MAP

The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Development name and location; main traffic arteries; public transportation lines; shopping center; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroad stations, airports, hospitals and churches; title; graphic scale; north point; and date, shall be included.

(Ord. passed 11-14-72)

§ 72.402 SKETCH PLAN

The sketch plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In

any event, the sketch plan shall include the existing topographic data listed in § 72.403 or such of these data as the Planning Commission determines is necessary for its consideration of the proposed sketch plan.

(Ord. passed 11-14-72)

§ 72.403 TOPOGRAPHIC DATA

(A) Topographic data required as a basis for the preliminary plat, in § 72.404, shall include existing conditions as follows, except when otherwise specified by the Planning Commission.

(1) Boundary lines; bearings and distances;

(2) Easements; locations, width and purpose;

(3) Street on, adjacent to, and within four hundred feet (400') of any part of the tract; name and right-of-way width and location; type, width and elevation of surfacing; and legally established centerline location; walks, curbs, gutters, culverts, etc.

(4) Utilities on and adjacent to the tract; location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, the direction and distance to and size of nearest ones, showing invert elevation of sewers shall be indicated.

(5) Ground elevations on the tract, based on a datum plane approved by the City Engineer; for land that slopes less than approximately two percent (2%) spot elevations at all breaks in grade, along all drainage channels or swales, and at selected point not more than one hundred feet (100') apart in all direction shall be shown; for land that slopes more than approximately two percent (2%) contours with an interval of not more than approximately two percent (2%), shall show either contours with an interval of not more than five feet (5') if ground slope is regular and the information is sufficient for planning, or shall show contours with an interval of not more than two feet (2') if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.

(6) Subsurface conditions on the tract, if required by the Planning Commission; location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet (5'); location and results of soil percolation tests if individual sewage disposal systems are proposed.

(7) Other conditions of the tract; watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, and other significant features and structures.

(8) Key map showing location of the tract.

(9) Title and certificates; present tract designation according to official records in the county office for the recording of deeds; title under which proposed subdivision is to be recorded, with names and addresses of owners, a list of all encumbrances, notation stating acreage, graphic scale, north arrow, datum, benchmarks, certificates of registered civil engineer or surveyor, and date of survey.

(Ord. passed 11-14-72)

§ 72.404 PRELIMINARY PLAT

The preliminary plat shall be at a scale of one hundred feet (100') to one inch (1') or larger. It shall show all existing conditions required above in § 72.403, and shall show all proposals including the following:

(A) Street names; right-of-way and roadway widths; approximate grades and gradients; lengths of new street proposed; similar data for alleys, if any;

(B) Other rights-of-way or easements; location, width and purpose;

(C) Location of utilities; if not shown on other exhibits;

(D) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

(E) Sites, if any, for multiple family dwellings, shopping centers, churches, industry other non-public uses exclusive of one-family

dwellings;

(F) Minimum building setback lines based on the zoning code;

(G) Site data, including number of residential lots, typical lot size, minimum lot size, and acres in parks, etc.;

(H) Where the preliminary plan includes a portion of a track of land in single and separate ownership, the prospective street layout for the entire tract shall be submitted;

(I) Proposed subdivision name or identifying title, scale, north point, and date; and

(J) Names of record owners of all adjoining parcels.

(Ord. passed 11-14-72)

§ 72.405 DRAFT OF PROTECTIVE COVENANTS

When required by the Planning Commission, the preliminary plat shall be accompanied by drafts of protective covenants whereby the subdivision proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(Ord. passed 11-14-72)

§ 72.406 FINAL PLAT

(A) The final plat shall be drawn in ink on tracing cloth or equally durable material that is eighteen inches by twenty-two inches (18" x 22") or thirty-six inches by forty-four inches (36" x 44") and shall be at a scale of either fifty feet (50') to the inch or one hundred feet (100') to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivision, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The final shall show the following:

- (1) Primary control points, approved by the County Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- (2) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites; with dimensions in feet and hundredths of a foot, bearings, or deflection angles, and radii, arcs, and central angles of all curves;
- (3) Location, size, and invert elevation of all sanitary, storm, and combined sewers and the location of all manholes, inlets, and culverts;
- (4) Name and right-of-way width of each street or other right-of-way;
- (5) Location, dimensions, and purpose of any easements;
- (6) Number to identify each lot or site;
- (7) Purpose for which sites, other than residential lots, are dedicated or reserved;
- (8) Minimum building setback lines on all lots and other sites;
- (9) Location and description of monuments; one (1) to be placed at each corner and at each change in direction of the boundary; two (2) to be placed at each street intersection; and one (1) at the beginning and end of curves on one (1) side of the street;
- (10) Names of record owners of adjoining unplatted land;
- (11) Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
- (12) Certification by surveyor or engineer certifying to accuracy of survey and plat;
- (13) Name and address of the owner; certification of title showing that applicant is the landowner or his authorized agent;

- (14) Statement by the owner dedicating streets, rights-of-way and any sites for public use;
- (15) Notation stating title, acreage, number of lots, and key map showing the location of tract, graphic scale, north point, and date;
- (16) Signature blocks for:
 - (a) The City Engineer;
 - (b) The Chairman and one (1) member of the Planning Commission; and
- (17) Any additional items required by § 72.404.

(Ord. passed 11-14-72)

Cross reference:

Fees due upon submission of final plat, see § 72.502

§ 72.407 CROSS SECTION; PROFILES

Cross sections and profiles of streets, as approved by the City Engineer, including existing and proposed grades and culvert locations with invert elevations and sizes. The profiles shall be drawn to city standard scales and elevations, and shall be based on a datum approved by the City Engineer.

(Ord. passed 11-14-72)

§ 72.408 CERTIFICATE BY CITY ENGINEER

A certificate by the City Engineer shall be issued certifying that the subdivider has complied with one (1) of the following alternatives:

- (A) All improvements have been installed in accord with the requirements of this chapter; or
- (B) A bond or certified check has been posted, which is available to the city, and in sufficient amount to assure the completion of all required improvements.

(Ord. passed 11-14-72)

§ 72.409 PROTECTIVE COVENANTS

A copy of any protective covenants will be imposed as a condition of sale by the present owner.

(Ord. passed 11-14-72)

§ 72.410 CERTIFICATION OF WATER AND SEWER FACILITIES

(A) When connection of public water or sewer facilities is proposed, assurance of the availability of the service must be presented to the Planning Commission before approval of the final plan. This assurance may be in the form of a letter, or a statement on the final plan, signed by a responsible officer or authority concerned indicating its ability and willingness to make the service available.

(B) When on-lot sewage disposal facilities are proposed, a satisfactory County Health Department feasibility report from the County Health Officer must be received by the Planning Commission before approval of the final plan, except as follows:

- (1) When the subdivision contains no lots under two (2) acres in area;
- (2) When on-lot sewage disposal systems are already installed and operating in a satisfactory manner on all lots under two (2) acres in area shown on the plan.

(Ord. passed 11-14-72)

Cross reference:

Water and sewers, see Ch. 33

§ 72.411 OTHER DATA

Such other certificates, affidavits, or endorsements as may be required by the Planning Commission in the enforcement of this chapter shall be provided.

(Ord. passed 11-14-72)

ARTICLE VI. FEES; VARIANCES; ENFORCEMENT

§ 72.500 HARDSHIP

Where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, the Planning Commission may make such reasonable exception as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

(Ord. passed 11-14-72)

Cross reference:

Streets, sidewalks, and other public places, see Ch. 41

§ 72.501 CONDITIONS

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. passed 11-14-72)

§ 72.502 FEES

(A) The owner shall reimburse the city for all reasonable engineering and legal expenses incurred by the city for services rendered by the City Engineer and City Attorney pursuant to the provisions of this chapter.

(B) The owner shall pay to the Planning Commission, a subdivision review fee in the amount of ten dollars (\$10.00) per final plan or section thereof, plus one dollar (\$1.00) per lot in a subdivision or per dwelling unit in a multiple-family structure, or per individual establishment in a commercial or industrial structure. This fee shall accompany the submission of the final plan for review.

(Ord. passed 11-14-72)

§ 72.503 ENFORCEMENT

(A) No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of the county or received or recorded by the County Clerk until the plat has received final approval, in writing, by the Planning

Commission as provided in the Kentucky Revised Statutes, Chapter 100.277. Admission to the records shall not be construed as approval.

(B) If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

(Ord. passed 11-14-72)

§ 72.504 CONFLICT WITH OTHER LAWS

Wherever the regulations made under authority of this article require higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose other higher standards than are required by the regulations of this ordinance the provision of such statute or local ordinance or regulation shall govern.

§ 72.505 GENERAL REPEALER

All acts or parts of acts inconsistent with the provisions of this act are, to the extent of their inconsistency, repealed, except as provided in § 72.504.

§ 72.999 PENALTY

Any person or entity who violates any of the provisions of KRS 100.201 through 100.347 and 100.991(2) or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

(Ord. passed 11-14-72)