

***SUBDIVISION REGULATIONS***  
***BOURBON COUNTY, KENTUCKY***

Revised and Typeset  
For  
The Bourbon County Joint Planning Commission  
By  
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**ABSTRACT**

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## AUTHORITY AND JURISDICTION

These subdivision regulations were adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Section 100.273 through 100.307. The Bourbon County Joint Planning Commission, which was established in accordance with the Kentucky Revised Statutes, Chapter 100, Section 100.133 through 100.181, has fulfilled the requirements set forth in the applicable sections of the Kentucky Revised Statutes as necessary for the adoption of such regulations.

These regulations provide a procedure and minimum standards of design and construction by which the Bourbon County Joint Planning Commission can equitably appraise all proposed plats for land subdivision plat preparation, review, and approval requirements.

These regulations shall govern all subdivision of land within Bourbon County, Kentucky. Any owner/developer of land within this area wishing to subdivide land shall submit to the Planning Commission a plat of the subdivision according to requirements outlined in these regulations.

### ARTICLE 1

#### TITLE, PURPOSES, INTERPRETATION, AND SEVERABILITY

##### Section 100: Title

This ordinance shall be known, cited and referred to as the Bourbon County Subdivision Regulations.

##### Section 101: Purposes

This ordinance 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 enters grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and businesses 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.

##### Section 102: Interpretation

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

##### Section 103: Severability

The provisions of this ordinance shall be severable, and if any section, clause, sentence, part of xxxxx thereof shall be held to be unconstitutional, illegal, or invalid by any court of competent

jurisdiction, such decision of the court shall not affect the validity of any of the remaining xxxxx, clauses, sentences, parts or provisions of this ordinance.

#### Section 104: Subdivision Control

Xxx as hereinafter provided, no subdivision or any lot, tract or parcel of land shall be affected, street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith xxxxx 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 ordinance.

#### Section 105: Subdivisions Heretofore Approved by the Paris Planning Commission

Subdivisions of land, the plat of which was filed with the Bourbon County Court Clerk, and which show thereon the approval of the Paris Planning Commission, shall not require the further approval of the Commission, but shall be deemed to have such approval.

#### Section 106: Subdivisions outside the Subdivision Jurisdiction of the City of Paris

Subdivisions with plats filed December 4, 1969 – July 1 1970.

Subdivisions which lie outside of the jurisdiction of the city of Paris as heretofore exercised, but the plat of which was filed with this Commission between December 4, 1969 and July 1, 1970, and the zoning for which for residential proposes was specifically approved by this Commission, to the extent not inconsistent with the provisions of the zoning order, shall be deemed approved as to street location, lot size, lot dimensions, setback requirements, and the like, shown on said plat, as though said plat has been give preliminary approval by this Commission, subject to such conditions as may have been imposed on the rezoning either by this Commission or the Fiscal Court.

1. Subdivisions, the plat of which was filed prior to December 4, 1969.
2. Subdivisions, the plat of which was filed with the Bourbon County Court Clerk prior to December 4, 1969, and have not been approved by this Commission shall be deemed given such preliminary approval as to size, area, etc., by this Commission only to the extent of the lots sold and conveyed before July 1, 1970; and the remaining portions of the subdivision shall not be deemed approved except to the extent of improvements of substantial value included therein. Subdivisions, the plat of which was filed with the County Court Clerk prior to December 4, 1969, but from which no lots have been sold and on which no substantial improvements made shall have no standing whatever, and the sub-divider, if he wishes to proceed with the subdivision, shall fully comply with all the requirements for subdivision in these regulations.
3. Before selling any further lots from any subdivision, the plat of which was filed prior to July 1, 1970, the sub-divider shall present not the Commission copies of such plat for examination and final approval as provided in Sections 300-342 of Article III of these Regulations. Commission shall have the right not withhold final approval unless or until all Final Plat Data that would be required for a final plat under these regulations, which



the Commission in its discretion deems to be both desirable and practical are included therein; including, but without limitations, the certification of the Bourbon County Health Official that the remaining unsold lots comply with the requirements of the Health Department. The Commission may also, prior to giving such final approval, require that all tangible improvements that would otherwise be required of a final plat under these regulations including memorials, streets, curbs, gutters, sidewalks, utilities, and drainage facilities be completed to the specifications of these regulations and/or the satisfaction of the County Road Department, or that a bond with sufficient surety for the completion of such improvements be posted as required in Article III, Section 330, 4 and 5. The Planning Commission, as a condition to granting final approval, may also require the dedication of additional rights-of-way for roads and streets and of areas for recreational facilities.

ARTICLE II  
DEFINITION OF TERMS

Section 200: General

Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this ordinance the meanings given in the following clauses.

Section 201: Inclusions

For the purpose of this ordinance, word and terms used herein shall be interpreted as follows:

- a. Words used in the present tense include the future.
- b. The singular includes the plural.
- c. The plural includes the singular.
- d. The word “person” includes a corporation, unincorporated association, or a partnership as well as the individual.
- e. The word “lot” includes the word “plot” or “parcel”.
- f. The term “shall” is always mandatory.
- g. The word “building” includes the word “structure” and shall be construed as if followed by the phrase “or part thereof”.
- h. The word “Commission” and the words “Planning Commission” always mean the Bourbon County Joint Planning Commission.
- i. The word “street” means a way for vehicular traffic, whether designated as a court, boulevard, avenue, expressway, highway, land, and road, or however otherwise designated.
- j. The word “City” means the City of Paris, the City of North Middletown or the City of Millersburg, depending upon where the area involved lies. If the area involved lies outside the corporate limits of all three cities, the word “City” shall be deemed to mean the County of Bourbon.
- k. The word “watercourse” includes channel, creek, ditch, drain, dry run, spring and stream.
- l. The words “Ordinance” and “Order” are used interchangeably herein and shall be deemed to include any order or ordinance or any other official action of the Bourbon County Fiscal Court, the Paris City Commission, or the City Council of Millersburg or North Middletown to the extent that the jurisdiction of such body applies.

Section 202: Subdivision

“Subdivision” means to division of a parcel of land into two or more lots or parcel; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street 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 the land subdivided; any division or re-division of land into parcels of less than one acre occurring within twelve (12) month following a division of the same land shall be deemed a subdivision with the meaning of this section.

There shall be two classes of subdivision, “major” subdivisions and “minor” subdivisions. The class of “major” subdivisions shall be those subdivisions of land, which are of major significance

to the development of the community. All subdivisions which do not conform to the definitions established for “minor” subdivisions shall be considered as major subdivisions. Further, any

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subdivision purposing the creation of a new street shall automatically be considered as, and follow the requirements for, a major subdivision.

“Agricultural use” means 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 live stock, livestock products, poultry, poultry products, grain, hay pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, 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.

Lot means a parcel of land of at least sufficient size to meet minimum zone requirements for use, coverage, and area, not including any land within the limits of a public or private way upon which said lot abuts, even if the fee to such right-of-way is in this owner of the lot. A lot for the purposes of this Ordinance may or may not coincide with a lot of record. A lot must front on a publicly owned and maintained vehicular way, except as provided in Section 407 of these regulations.

#### Section 203: Streets

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 herein provided below.

#### Street Types

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

Collector: Those that carry intermediate volumes of traffic from minor streets to arterial streets.

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

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.

Cul-de-sac: A minor street with only one vehicular outlet to another street at one end, and with a vehicular turn- around facility at the other end.

Rural Residential: Streets that carry only traffic within the development and not designed for on-street parking.

Small Community Streets: Streets constructed for primarily residential infill access in small communities (A-27 Zone)

#### Section 204: Other Terms

Block: An area bounded by streets.

**Building Setback Line:** The line parallel to the street line at a distance there from equal to the depth of the minimum required front yard.

**Lot:** A parcel of land used or set aside and available for use as the site of one or more building accessory thereto or for any other purpose, in one 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/developer of the lot. A lot for the purposes of this Ordinance may or may not coincide with a lot of record.

**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.

Amend the Subdivision Regulations to add the following definitions:

ARTICLE II  
DEFINITION OF TERM

SECTION 204: OTHER TERMS

CONDIMINIUM DEVELOPMENT PLAN

A plan which identified the location of each unit depicted on a Condominium Development Floor Plan by providing the distance and bearing of at least two corners of the building to a permanent place on the perimeter of the lot.

CONDIMINIMUM DEVELOPMENT FLOOR PLAN

A plan which depicts each building and the units in each building that compiles with Kentucky Revised Statutes.

5. 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 others prior to preparation of a final plat.
6. Right-of-Way Line: The dividing line between a street or road and a lot. The right-of-way line is the same as the street line.
7. Sub Divider: A person who is the owner/developer, or authorize agent of the owner/developer, of land to be subdivided.
8. 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.
9. Zoning Ordinance: The order adopted by the Bourbon County Joint Planning Commission or the Zoning Ordinance adopted by the City of Paris, the City of Millersburg, or the City of North Middletown as applicable.
10. Parent Tract: Any parcel or tract of record as of February 1<sup>st</sup>, 1999, or any parcel or tract resulting from a division wherein no parcel or tract was created containing less than fifty (50) acres. Parcels or tracts resulting from a division or separation from a parent tract become parent tracts if they are not further divided for five (5) years and can meet the criteria for an agricultural tract.

## ARTICLE III PROCEDURE

### Section 300: 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.

### PREAPPLICATION PROCEDURE

#### Section 310: Purpose

1. The purpose of the “Pre-application Procedure” is to afford the Sub-divider 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.
2. During the “Pre-application Procedure”, the Sub-divider 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 differences can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

#### Section 311: Procedure

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

1. Prior to the filing of an application for Conditional Approval of the Preliminary Plat, the Sub-divider may submit to the Administrator of the Commission at least twenty-two (22) days prior to a regular meeting of the Commission, three (3) copies of the plats and data specified in Article VI, Sections 600 through 602, to the Planning Commission.
2. This step in the procedure does not require formal application, fee, or filing of a formal plat with the Planning Commission.

#### Section 312: Objections Shall be Expressed

1. Within thirty (30) days of the receipt of pre-application plats and data, the Commission shall inform the Sub-divider that the plats and data as submitted or modified do or do not generally meet the objectives and requirements of this Ordinance.
2. When the Commission finds plats and data do not meet the objectives or requirements of this Ordinance, it shall express its reasons therefore in writing and provide the Sub-divider with a copy of same, if the pre-applicant provides the data specified in Sections 600-602.

PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

Section 320: Preliminary Plat Required

On reaching conclusions informally as recommended or required in Section 312 above regarding this general program and objectives, or without such preliminary procedure if he so desires, the Sub-divider may submit to the Administrator of the Commission, five (5) copies of the plats and data specified in Article VI, Sections 330, 340, 505(1), 505(6), and 600 through 605, not previously furnished the Commission.

Section 321: Sewage Treatment System and Highway Review

1. Sewage Treatment facilities shall be reviewed by the Kentucky Division of Water, as required by statute or regulation, and the Department of local Health. The recommendations of the Kentucky Department of local Health shall be considered in the selection of a sewage treatment following a pre-application site visit and soils sample and tests to determine the most appropriate sewage treatment method for the site and the size of development proposed. A written recommendation from the DOW/DLH must be obtained by the applicant. This recommendation must be attached to the development plan, or preliminary plat, except for subdivisions in the small communities A-2 zone (7/20/1995).
2. If the State Department of Highways had filed with the Planning Commission a map of the territory within one (1) mile on either or both sides of any existing or proposed highway, no Preliminary Layout shall be approved by the Planning Commission until one (1) copy of such 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.

Section 322: Conditional Approval of the Preliminary Plat by the Planning Commission

1. Following review of the Preliminary Plat and other material submitted for conformity thereof to this Ordinance and negotiations with the Sub-divider 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 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 therefore.
2. The action of the 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 Sub-divider, and the other retained by the Planning Commission.

Section 323: 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.

**Section 324: Other Basic Requirements of Preliminary Approval**

No formal or final consideration shall be given by the Planning Commission to any approval of a preliminary subdivision plat of any total area consisting of three acres or more divided into more than two parcels unless at least five (5) copies of all plats and data specified in Article VI, Sections 600-604 have been furnished the Planning Commission at least twenty-two (22) days prior to the meeting of the Commission at which such consideration is given.. Said Plats shall show all landscape buffer easements as provided in Section 5.2131.

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The Planning Commission shall have no authority to vary or waive these requirements by may attach such additional requirements as it determines to be necessary.

**Section 325: Wavier or Exception**

No exception shall be made by the Planning Commission to the above preliminary plat procedures or requirements and it shall have no authority to vary or waive the same, but, in its discretion, may add thereto.

**PROCEDURE FOR APPROVAL OF FINAL PLAT**

**Section 330: Approval of Final Plats**

1. A plat of a subdivision within the area 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 Ordinance shall be without legal effect unless approved by the Commission. Provided, however, that failure to comply with this section shall not invalidate or affect the title to any land within the area of such plat. And provided further, that if such plat shall bear the seal of the Commission it shall be presumed to have been approved thereby.
2. Application for Final Plat Approval. A person desiring the approval of a plat shall submit a written application for a certificate together with five (5) copies of the proposed plat in the form prescribed in Article VI here of to the Planning Commission. Upon receipt of the application, the Commission, if it tentatively approved the application, shall set a date for a hearing, notify the Sub-divider Applicant in writing, and notify the general publication or otherwise any person or governmental unit having a probable interest in the proposed plat.
  - a. General Requirements Prerequisite to Approval of Plats. In determining whether an application for approval shall be granted, the Commission shall determine if the plat provided for:
  - b. Coordination of sub-division streets with existing and planned streets or highways.
  - c. Coordination with an extension of facilities included in the comprehensive plan.

- d. Establishment of minimum width, depth, and area of lots within the projected subdivision.
- e. 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.
- f. 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 Commission shall specify:

The manner, in which streets shall be laid out, graded and improved.

- g. Provision for water, sewage, and other utility services. See Section 505 (3) (5) and (6), Section 506, and Section 603 (1) (f). Note: These sections relate to requirements for sewage disposal system inspection and review. Adding this section serves to fully inform proponents of the Requirements in the Regulations 7/20/95.
- h. Provision for schools.
- i. Provision for essential municipal services.
- j. Provision for recreational facilities.

3. Improvement or Guarantee Thereof. Before approving any subdivision plan for recording, the Planning Commission shall either require that all facilities specified in Article IV and V hereof shall have been installed in strict accordance with the standards and specifications of the Commission, or that the Commission be assured by means of a proper contract and completion guarantee, as set forth in Subsections 4 and 5 of Section 330 hereof, that the improvements will subsequently be installed by the Sub-divider.

4. Agreement to Complete Improvements. In all cases where the necessary grading, paving and all other street improvements required herein shall not have been installed prior to final approval in strict accordance with the standards and specification of the Commission, the Applicant shall enter into a written agreement with the appropriate governing body in the manner and form approved by the it's Attorney, wherein Applicant shall agree, to ht extent applicable:

- a. 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 other improvement shown on said subdivision plan, all in strict accordance with standards and specification of the Commission or other appropriate public authority and within the time specified in said Agreement.
- b. To make adequate provision with the City or County Engineer for the inspection of the construction of the aforesaid improvements to assure strict compliance with the applicable standards and specifications.
- c. To maintain at his own cost the said streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, 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 year thereafter to repair and reconstruct the same or any part or one of them when such repair or reconstruction shall be specified by the Planning Commission as necessary by reason of faulty construction, workmanship, or materials.

d. In addition the commission shall prepare an agreement specifying the applicant's liability for the costs of the sewage treatment system, its operation, maintenance and eventual replacement, including sinking fund, the beginning minimum rate to be charged homeowners for sewerage service and the number of homeowners required to cover all costs of the system at which point the developer/owner would be released from responsibility for the system. This agreement must be signed by the developer/owner prior to final plat approval.

5. No plat shall be given final approval unless provision is made thereon for compliance with the Landscape Ordinance.

6. Conditional approval of Final Plats: The 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 Ordinance provided that the Sub-divider enters into the Agreement described heretofore and provides bond, letter-of-credit, escrow account, property, or subdivision improvement guarantee as specified in the zoning ordinance text amendment, Rural Residential District, adopted June 27, 1990.

a. Run to the appropriate governing body.

b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance: to reimburse the particular government for reasonable legal, engineering, and inspection fees, and to obtain the easements required by Section 409 thereof.

c. Specify the time for the completion of the Improvements and Installations. Any funds received from these completions guarantees shall be used by the Government only for completion of the improvements and installations for which they were provided, and without prior appropriations.

**Section 331: Commission Action on Plat Approval or Disapproval**

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

**Section 340: Offer of Dedication May be Noted in Record Plan**

Streets, parks and other public improvements shown in a subdivision plan to be recorded may be offered for dedication to the City or an appropriate governmental agency by notation thereof on the plan, or the Sub-divider may not on the plan that such improvements have not been offered for dedication to the City or an appropriate governmental agency.

In the case of sewage treatment system in a new subdivision in the county or a rural residential district, the developer as a part of the development plan shall agree that in the event the governing body should determine that it is in the best interest of the public health, safety, and welfare to assume ownership, operation, and maintenance of the system, then the developer or the Homeowner's Association will dedicate the same at no cost.

In the event the governing body assumes ownership, operation, and maintenance of the system then all rights, duties, and obligations set forth herein and the section 3.235 shall inure to the benefit of the governing body.

**Section 341: Improvements Private Until Dedicated, Condemned or 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, County or appropriate government 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.

**Section 342: Submission in Sections**

The Planning Commission may permit submission of the Final Plat in Sections provided that such sections conform to all the requirements of this Ordinance.

**Section 343: Plat Requirements**

No consideration will be given to final approval of any plat or phase thereof of a total area consisting of three (3) acres or more than two (2) parcels unless all the requirements set forth for preliminary approval have been compiled with as to the phase of the final plat before the Commission for approval and the Commission has been furnished with at least five (5) copies of such phase at least twenty-two (22) days prior to the meeting of the Commission at which such consideration is given. Any such final plat phase thereof shall also comply with Section 606 hereof.

Section 344: Waiver or Exception

No exception shall be made by the Planning Commission to the above final plat, procedures, or requirements and it shall have no authority to vary or waive the same, but, in its discretion, may add thereto.

SUBDIVISION REGULATIONS (BOURBON COUNTY)

SECTION 345: Agricultural Land Division

The Administrative Official, subject to the final approval of the Planning Commission, shall have the authority to determine whether or not a division of land is for agricultural purposes under Section 202 hereof.

345 (A) Procedures:

The prospective owner/developer(s) shall:

1. Deliver seventeen (17) copies of a plat of any division of five (5) acres or more and an application to the Administrative Official for his/her examination. The prospective owner shall appear before the Administrative Official to be examined upon application.
2. The Administrative Official shall recommend approval or disapproval of the application to the Commission for final action.
3. All applications shall be advertised according to state law prior to standing for final action by the commission.
4. Plats for agricultural division shall be exempted from all the final plat requirements of Section 606 except for the following:
  - a. No larger than 8.5" by 14" except with the approval of the Administrative Official.
  - b. The directional and length of each line, except where the parent tract is too large, then as much of the parent tract shall be platted with dotted lines as possible, with the remaining acreage shown as per the survey. Geometrically curved lines must be identified with sufficient data to define the curve.
  - c. The area of the land being surveyed.
  - d. A description of all the monuments, including a notation as to whether found or set.
  - e. Distance from one corner to nearest road or street intersection railroad crossing, bridge.
  - f. Names of roads and ad-joiners and/or subdivision lot designations and the references if discovered in the course of performing the survey.
  - g. Encroachments discovered in the course of the survey.
  - h. A north point or reference meridian
  - i. A vicinity map of sufficient detail to show the land being surveyed, unless the location of the subject property is definitely shown by the plat itself.
  - j. A statement to whether or not the directions and distances as shown on the plat have been adjusted for closure.

PARIS-BOURBON COUNTY JOINT PLANNING COMMISSION

BOURBON COUNTY COURTHOUSE  
301 MAIN STREET  
ROOM # 212  
PARIS, KENTUCKY 40361

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PHONE #859-987-2150

FAX #859-987-2136

April 25<sup>th</sup>, 2005

The following statement shall be included as a part of the Exhibit being attested to for any deed detailing the creation of new tracts of land containing 50 acres or more. A plat shall not be required for this type of division.

“The division of land set forth in this deed is for “agricultural use” as defined in KRS 100.111 and the Bourbon County Planning and Zoning Regulations. Each tract created by this division contains at least 50 acres and 250 feet of road frontage and does not involve a new street.”

All Agricultural Land Division plats shall bear the following notation:

“This plat shall be deemed invalid if not recorded within one year of the Planning Commission Chairman’s signature being affixed.

SUBDIVISION REGULATIONS (BOURBON COUNTY)

- a. A statement as to the basis of the reference meridian used to determine the directions of survey lines. If a magnetic meridian is used, this meridian should be related to objects not affected by this survey.
- b. It is required that sight distance from proposed entrances shall permit visibility of oncoming, entering or emerging vehicles, according to the speed limit of the area or road where the entrance is proposed and shall determined by the agency having jurisdiction pursuant to Section 345 (B) 5.
- c. The date signature and seal of the land surveyor responsible for the survey.
- d. Written and graphic scale.
- e. A title block containing the following:
  - (1) title of the survey;
  - (2) location of the land being surveyed;
  - (3) name and address of the land surveyor or the surveying firm;
  - (4) name and address and signature of the owner or authorized agent;
  - (5) signature block for the chairman of the planning commission
  - (6) signature block for an authorized representative of the Bourbon County Road Department as provided in Section 345 (B),
  - (7) "This plat shall be deemed invalid if not recorded within one year of the Planning Commission Chairman's signature being affixed.

345 (B) Exception & Prohibition

1. Any divisions that results in more than one tract being separated from the parent tract shall be considered a major subdivision and shall not be exempt from any of the Final Plat requirements of Section 606.
2. Divisions of parcels of land of 50 acres or more for agricultural use as defined by KRS 100.111 (2) are exempted from the provisions of this section.
3. Any tracts of land divided and transferred pursuant to this section, including the parent tract, shall not be divided as an Agricultural Land Division again in less than one year intervals and shall not be divided into more than three tracts from the original tracts in five years, more than three tracts from the original tract means in addition to the original and permits as the product of three divisions a total of four tracts in five years. Included within this time limitation are tracts divided for purposes of consolidation with adjoining tracts pursuant to Section 346 (a), where changing the boundary line between the two original tracts is for the apparent purpose of creating more Agricultural Land Divisions than would have originally been permissible under this regulation. Following such a division and consolidation, no subsequent Agricultural Land Divisions will be permitted for a period of one year after approval of the consolidation, nor shall more than two additional such divisions in five years be permitted.



An exception to the time limitation in Section 345 (B) (3) will be the division of a tract inherited by its owners as tenants in common. Such a tract may be divided at one time into a number of tracts equal to the number of persons inheriting the parent tract, provided however that the newly created parcels must conform to the other requirements of these regulations and the Bourbon County Zoning Ordinance for Agricultural Land Divisions, including, but not limited to, size, road frontage, and set-backs. The Plat must also conform to the requirements of Section 345 (A) 4, except that where more than three tracts are being created, the plat shall be 18" x 22" in size.

a. For purposes of the time limitation in this Sections 345 (B) (3), an Agricultural Land Division occurs at the time the property divided is transferred to a new owner by recording of a Deed of Conveyance or of a Contract commonly known as a "Land Contract" in the Office of the County Clerk, not when the division is approved by the Planning Commission and only the plat recorded. No plats for subsequent divisions of either the parent tract or its division will be approved by the Planning Commission until evidence is presented by the applicant that any previously approved Agricultural Land Divisions have actually transferred in conformity with the time limitations set out above.

b. Following a division from a parent tract, the right to make additional divisions shall remain with the portion of the parent tract retained by the owner of the parent tract unless the portion of the parent tract retained by the owner of the parent tract is not eligible for further division or such right is conveyed, then all division rights are also conveyed.

c. Divisions made as a result of an agricultural land division to a tract originally from a parent tract during the five (5) years preceding the effective date hereof shall not be deemed to be a division from the parent tract for purposes of the time limitations contained in Section 345 (B) (3).

d. Tracts created, as an Agricultural Land Division shall not be subject to any deed restrictions or covenants other than those established by the Zoning Ordinance or those established prior to this ordinance being approved.

(Section 345 revised 7/18/91)

No Agricultural Land Division for property, the proposed entrance for which is on a Bourbon County road will be approved without a certification from an authorized representative of the Bourbon County Road Department as follows: "I hereby certify that the Bourbon County Road Department has inspected the site of the entrance proposed on this plat and found it to meet all current safety standards including the time/site distance standards of Secants 345 (A) 4 (1) in these Bourbon County Subdivision Regulations."

No Agricultural Land Division for property, the proposed entrance for which is on a Kentucky State Highway or U.S. Route will be approved until the applicant has obtained and Encroachment Permit from the Kentucky Department of Highways District Office and provided the planning Commission with a copy of the signed permit.

All approved Agricultural Land Divisions shall be those subdivisions of land, which are generally of minor planning significance to the community's development. Minor subdivisions include only those subdivisions defined as follows:

346 (a) Consolidation Minor Subdivision

The class of "minor subdivisions shall be those subdivisions of land which are generally of minor planning significance to the community's development. Minor subdivision include only those subdivisions as defined as follows:

Shall be subdivision for the purpose of transferring one or more parcels between adjoining properties, which share at least one common boundary involved in the transfer. The final effect of a consolidation is to change the lot boundaries of two or more properties, or to combine at least two (2) properties into a lesser number of lots than originally existed. No consolidation may result in there being more separate transferable parcels after consolidation than prior to consolidation. Also ad or refer to {Section 345 (B) (3)}.

346 (b) Single Additional Lot Subdivision

Shall be divisions of a single lot from an existing parcel of land, so long as this division does not require a new street or additional public infrastructure, and so long as the property owner has not divided other parcels from the same original tract within the preceding twelve (12) month period.

346 (c) (1) Corrected Amended Minor Subdivisions

Shall be amendments to existing plans for the purpose of correcting obvious errors of an engineering or drafting nature or other similar small discrepancies. Not included in this type of amendment are changes which materially effect building lines, street requirements, easements or any other changes of a significant planning nature. Such change shall be considered as major subdivisions unless they meet the requirements for another type of minor amendment.

346 ( c) (2) Easement Minor Amendment

Shall be amendments to existing plans for the purpose of release or modification of existing easements and the addition of new easements. The written approval of any

beneficiary of the easement is required as set forth in Article 352 ( c) (1). Excluded from this class are any easements for the purpose of pedestrian or vehicular access among properties, or for the purposes of roadway improvements except as may be required under Section 351(e). Any changes in easements of this nature shall be deemed a major amendment requiring full Commission action.

**346 ( c) (3) Administrative Action Amendment**

Shall be amendments necessitated by official acts of the County or City legislative bodies or the Board of Adjustment, where the Planning Commission does not share authority in the substance of the change in question and the amendment is for the purpose of clarifying and making consistent the information appearing on the recorded plat of the property.

**346 (d) Public Acquisition Minor Subdivision**

Shall be for the purpose of platting parcels of land or easements to be acquired by any unit of government for public purposes such as road construction, park acquisition or other similar uses. Prior to filing of such plans, the governing unit shall have approved the acquisition of land or easement. The platting of streets or other public facilities constructed by developers and dedicated to public use are not included in this minor subdivision class.

**347 Applicability**

Each division created by an act of subdividing, whether actually shown in entirety on the plat or not, shall be required to meet the requirements of all ordinances and regulations.

**348 Purpose**

The purpose of this Article is to establish procedures and content requirements, which must be met by minor subdivision plans.

349 Procedure for Minor Subdivision Plats

Shall be as follows:

349 (a) Filing

The developer shall file the following materials with the Planning Administrator: a reproducible plat prepared on durable material capable of clear reproduction; four (4) blue or black line prints of the tracing; and a filing fee in the amount determined by the Commission's adopted fee schedule.

349 (b) Review

The Planning Administrator shall review the plat for compliance with all applicable requirements and ordinances. Upon determination that all requirements have been met, the Commission's Administrator shall recommend approval to the Planning Commission Chairman, who shall certify on the plat that it is approved. If any question arises as to compliance, however, the Administrator or the Chairman may refer the plat to the full Commission for action.

349 (c) Recording

Upon certification of approval by the Administrator, the plat shall be recorded in the plat records of the Bourbon County Clerk at the developer's expense. This shall be done within one (1) year of the certification of approval; otherwise, the approval is null and void.

350 Authorizations for Plat Preparation

Any qualified individual registered and currently licensed to practice land surveying in the Commonwealth of Kentucky shall be authorized to prepare minor subdivisions plats.

351 Required Content and Format for All Minor Subdivision Plats

The following shall be required information on all minor subdivision plats:

351 (a) Title Block

The title block shall contain the type of minor subdivision; the name of the subdivision; the mailing address of the property being subdivided; the owner/developer; the land surveyor; the graphic and written scale; date of preparation; and any other appropriate information.

351 (b) Vicinity Sketch

A vicinity sketch shall be shown, oriented as for the lotting scheme. The sketch shall not be required to be drawn to scale and shall include a sufficient number of streets and other landmarks to enable one to quickly recognize the property's Bourbon County location.

351 ( c) Lotting Scheme

The lotting scheme shall be drawn at a scale of 1" = 100' with north oriented to the top of the sheet, if possible, or at another scale and/or orientation which permits clear and legible presentation of the required information. The boundary of any parcel, which is being created by the plat or is proposed for amendment, shall be shown as a solid line. Any parcel being created by the plat shall be surveyed in the field with accurate bearings and dimensions placed upon its boundaries and its acreage shown. Other boundaries shown on the plat, and boundaries of properties which are the subject of a minor amendment, shall be labeled with bearings and distances but the surveyor shall not be required to attest to their accuracy. All adjoining properties shall have their intersections with the parcel being platted shown in dashed lines and their record names shown.

351 (d) Easements

Any existing or proposed easement on or abutting the property being platted shall be shown and labeled as to its purpose.

351 (e) Streets

Any streets which adjoins the property being platted shall be shown and its right-of-way width indicated. A cross section or plat view section shall be provided indicating the extent of existing or proposed paving, sidewalks or other construction within the street right-of-way. Where the existing right-of-way is not sufficient width to be in compliance with community plans or regulations, an easement of sufficient width to comply with such plans and regulations shall be provided for public use for roadway purposes.

351 (f) (1) Owner Certification

Shall be as follows: "(I or We) do hereby certify that (I am or We are) the (owner(s)) of record of the property shown and described herein and adopt this plat." (Owner's signature and date.)

351 (f) (2) Land Surveyor's Certification

Shall be as follows: "I do hereby certify that this plat depicts a survey made by me or under my direction, by method of random traverse. The bearings and distances shown herein have been adjusted for closure. This survey and plat meets or exceeds the minimum standards of all governing authorities." (Land surveyors' signature, date address and seal.)

Amend the Subdivision Regulations to add the following section:

### Procedure for Condominium Plans

#### Section 352

The prospective owner, developer or agent shall:

Submit a preliminary development plan for the entire development, which accurately depicts the proposed condominium plan in accordance with procedure outlined in the relevant zoning ordinance.

Upon the commission's approval of the preliminary development plan, the prospective owner, developer or agent shall submit a final development plan in accordance with the procedures outlined in the relevant zoning ordinance.

Upon the Commission's approval of the final development plan and after obtaining approval of the rough0in framing for each unit in the development, the prospective owner, developer or agent shall submit a condominium development plan and a condominium development floor plan for each unit to the appropriate government official for an assignment of and address for that unit.

Upon obtaining an official address, the applicant shall submit the condominium development plan and the condominium development floor plan to the Technical Review Committee for review and approval.

Upon receiving Technical Review Committee approval, the applicant shall record the condominium development plan and condominium development floor plan with the Bourbon County Clerk's Office.

351 (f) (3) Commission's Certification

Shall be as follows: "I do hereby certify that this record plat has met the requirements of the Bourbon County Joint Planning Commission, and is now approved or recording."  
(Date and Planning Commission Chairman's Signature.)

352 Additional Information and Requirements for Minor Plats

The following additional information and requirements shall be applicable to the type of minor subdivision so indicated.

352 (a) Consolidation Plats

The parcel to be transferred shall be labeled as Parcel 1: The recipient parcel as Parcel 2: and the remaining portion of the original parcel after consolidation shall be labeled as Parcel 3. The acreages of each parcel shall be shown. A notation shall be added stating, "Parcel 1 shall be sold or transferred only to Parcel 2 for consolidation purpose." For multiple consolidations, the developer shall consult with the Division of Planning to determine appropriate parcel labeling and the wording of such consolidation note.

352 (b) Single additional lot subdivisions

All single additional lot subdivision plats shall contain the same information required for major subdivision preliminary and final plats in Section 600 of these regulations.

352 (c) Minor Amendments to Existing Plats

All minor amended subdivision plats shall contain a note stating the purpose of the amendment. Only such changes as are contained in this note shall be considered as approved. Lotting scheme information shall be as required for the original final plat. Additional requirements specific to each plat type shall be as follows:

352 ( c) (1) Easement Minor Amendment

The developer shall be required to submit a written statement from a properly designated representative of any beneficiary of the easement proposed to be modified stating that the beneficiary approved of the addition, release or modification being made.

352 ( c) (2) Administrative Action Amendment

A note shall be added indicating the date and nature of the action taken which necessitated the minor amendment.

352 (d) Public Acquisition Plats

A certification for the Mayor's or County Judge Executive's signature shall be added as follows: "I do hereby certify that the acquisition of the property shown herein was approved by the Commission or Fiscal Court on (date)." (Mayor's or County Judge Executive's Signature and date.)

ARTICLE IV  
DESIGN STANDARDS

Section 400: Location and Arrangement of Streets

- 1) 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.
- 2) 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.
- 3) Local streets shall be so laid out that their use by through traffic will be discouraged.
- 4) Deadend streets (Cul-de-sac), designed to be so permanently, shall be provided at the closed end with a turnaround having an outside radius of at least forty (40) feet and a right-of-way line radius of at least fifty (50) feet. Such streets shall be no longer than 700 feet, measured from its intersecting ROW line to the outer edge of the turnaround, except where topographical or other conditions make this limitation impracticable.
- 5) 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.

Section 401: Access to Streets

- 1) 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.
- 2) Reserve strips controlling access to streets shall be prohibited except where control thereof is vested in the City under conditions approved by the Planning Commission. When the subdivision adjoins non-subdivided acreage, new streets shall be provided through to the boundary lines of the development with temporary easements for turnaround.

Section 402: Street Intersections



- 1) Street jobs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided where practicable.
- 2) Streets shall be laid out so as to intersect at right angles wherever possible.
- 3) Right-of-way lines at street intersections shall be rounded with a radius of twenty-five (25) feet, or of a greater radius where the Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

- 4) No cross intersections of centerlines of other than minor, marginal access, or Cul-de-sac streets shall be closer than eight hundred (800) feet apart, unless the Commission deems otherwise.
- 5) Multiple intersections involving the junction of more than two (2) streets shall be avoided, and where such avoidance is impossible, such intersections shall be designed with extreme care for both vehicular and pedestrian safety.
- 6) Grades at intersections shall be in conformance with Section 405, Subsection 3 following.
- 7) 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.
- 8) The intersection shall be designed and graded to allow for proper drainage.

#### 403: Street Widths and Building Setback Lines

NOTE: There were three columns, which were marked out. The headings were  
STREET TYPE      RIGHT-OF-WAY      PAVING WIDTH

- 1) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the Sub-divider. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such trace.
- 2) Short extensions of existing streets with lesser right-of-way widths than prescribed by Section 403 Subsection 1, may be permitted.
- 3) 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 Section 403 Subsection 1.

#### Section 404: Street Alignment

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

Ordinance No. 99-5

AN ORDINANCE AMENDING SECTION 403 OF SUBDIVISION REGULATIONS  
CHANGING MINOR STREET WIDTHS TO 34' WITH 60' RIGHT OF WAY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF  
PARIS, AS FOLLOWS:

Section I: On recommendation of the Bourbon County Joint Planning Commission,  
Section 403 of Subdivision Regulations is amended to the effect that all minor street widths shall  
be 34 foot pavement width with 60 foot right of way.

Section II: That this Ordinance be in full force and effect on its adoption, recordation and  
publication as required by law.

Given first reading the 26<sup>th</sup> day of January, 1999

Given second reading and adopted the 9<sup>th</sup> day of February, 1999

CITY OF PARIS, KENTUCKY

BY: \_\_\_\_\_  
Douglas F. Castle, Mayor

Attest:

\_\_\_\_\_  
Cheryl Marsh, City Clerk

**STAFF REPORT**

**DECEMBER 1, 2005**

**STA-05-02:** Replacement of the current Section 403 (1) and (2) of the Bourbon County Subdivision Regulations with the following text:

1 Street Rights-of-Way, pavement, sidewalks, and on-street parking shall be provided ot at least the following minimum standards:

	<b>Right-of-Way</b>	<b>Pavement</b>	<b>Curbs/Gutters</b>	<b>Sidewalks</b>	<b>Parking</b>
<b>Small Community</b>	50'	18'	No	1 side	No
<b>Minor Residential</b>	50'	28'	Yes	2 sides	2 sides
<b>Minor Industrial and Marginal Access</b>	50'	26'	Yes	No (Industrial): 1 side (Marg. Access)	No
<b>All Others</b>	60'	36'	Yes	2 sides	2 sides

Cul de Sacs shall have a forty (40) foot radius pavement within a fifty (50) foot right-of-way. Temporary turnarounds may be constructed within the street right-of-way and are required at the end of stubbed streets.

2 A lesser roadway section may be utilized with Planning Commission approval, provided and a) all points served by the street have at least two (2) connections to a standard width street, and b) the Commission finds that there is ample off-street parking provided, in addition to that provided in garages and driveways. No on-street parking shall be permitted on such streets.

SUBDIVISION REGULATIONS

Proper super elevation shall be provided on essential arterial streets where necessary.

SECTION 405: Street Grades

1 Street grades, where feasible, shall not exceed the following:

Street Type	Desirable	Maximum
Arterial	4%	5%
Collector	5%	7%
Minor	8%	12%
Marginal Access	8%	12%
Cul-de-sac	8%	12%
Rural Residential	8%	12%

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

- a) For over crests (summits), for each four (4) percent difference in gradients, one hundred and twenty-five (125) feet in length of curve shall be provided.
- b) For under crests (sags), for each four (4) percent difference in gradients, one hundred (100) feet in length of curve.

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

SECTION 406: Street Names

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

SECTION 407: Private Streets

Private streets serving more than four (4) single-family dwellings shall be prohibited, except in townhouse condominium developments.

Private streets may be permitted by the Commission. Subdivisions containing private streets shall conform to all other subdivision regulations, unless different requirements are listed in the following:

No disruption to through movement. Private streets may be permitted only if they meet City specifications, if they provide absolutely no present or future impediment to the movement of traffic in the general area; and, if the adjoining properties and the general area are capable of providing a proper, efficient and safe street system that is acceptable to either the City of Paris or Bourbon County. Furthermore, if the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before acceptance of such streets by the City of Paris or Bourbon County, the owner/developer will bear the full expense of reconstruction of any other action to make the streets fully conform to the requirements applicable at that time for public streets prior to dedication and acceptance. Finally, the owners also agree that these streets shall be dedicated to public use without compensation to the owners.

2 Government and Utility Access: Any plan containing permitted private streets shall show and label all other easements normally required; and shall contain the owners signed certification.

The owner/developer(s) of this property hereby agree to grant full rights of access to this property over the designated street, utility and other easements for governmental and utility agencies to perform their normal responsibilities.

3 Maintenance of Responsibility: A homeowner's association or other mechanism which provides for equitable common responsibility for private streets, maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner/developer be individually responsible for maintenance and repair of parts of the street abutting the lot shall not be considered as acceptance for fulfilling the requirements of this section.

#### Section 408: Alleys

1 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.

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

3 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.

#### Section 409: Easements

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

2 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 such water course, and such further width or construction, or both as will be adequate for both present and future drainage needs.

#### Section 410: Blocks

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

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Needs for convenient access, circulation, control, and safety of street traffic.
- d. Limitations and opportunities of topography.

2 To the extent possible, block lengths shall not exceed sixteen hundred (1,600) feet, or be less than five hundred (500) feet.

3 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.

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

Section 411: Lots

1 Lot dimensions shall conform to the requirements of the Zoning Ordinance.

2 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.

3 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.

4 Side lot lines shall be substantially at right angles or radial to street lines.

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

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 Ordinance.

Section 412: Storm Drainage

1 Drainage facilities shall be provided:

2 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.

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

4 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.

5 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 side of all residential streets shall be required.



Section 413: Community Facilities

1 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.

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

The following standards shall apply to the provision of recreation space.

- a. Areas set aside for recreational purposes shall be reasonable compact parcels, to serve all parts of the subdivision, accessible from a public street, and not excessively irregular in terrain.
- b. Playgrounds for active sports shall be not less than two and three-quarters ( $2 \frac{3}{4}$ ) acres.
- c. 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 as follows: fifty (50) to three hundred (300) families –  $1 \frac{1}{2}$  acres per hundred families.

#### Section 415: Preservation of Natural Resources

1 Whenever possible, sub-divider shall preserve trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.

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

3 Topsoil shall not be stripped, covered or removed from the subdivision site.

#### Section 416: Overhead Utilities

1 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 located so as not to be unsightly or hazardous to the public.

2 All utilities and cable feeds will be placed underground provided that the Planning Commission upon showing that subsurface conditions are such as to render the use of underground line impractical and an unnecessary hardship, which shall not mean the personal financial hardship of the Developer/Owner may relieve the Developer/Owner in whole and in part from this requirement.

#### Section 417: Requirement for Utilities

The Planning Commission may require the Sub-divider 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.

Sewage treatment facilities of all types must follow the guideline of the Rural Residential District Text Amendment and these subdivision regulations.

ARTICLE V  
REQUIRED IMPROVEMENTS

Section 500: Purpose

1. The purpose of this article is:

- a. To establish and define the public improvements which will be required to be constructed by the
- b. Sub-divider as conditions for final plat approval.
- c. To establish procedures for assuring compliance to these requirements.

2. Every Sub-divider shall be required to install public and other improvements 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 hereinafter 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.

Section 501: Responsibility for Plans

It shall be the responsibility of the owner/developer 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 hereinafter 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.

Section 502: Monuments and Pins

1. Concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or four (4) inches 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 unfeasible 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.

2. Iron pin or iron pipe monuments not less than three-fourths (3/4) inch on diameter and not less than twenty-four (24) inches 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.

Section 503: Street Requirements

The requirements with respect to the grading and construction of streets, roads, 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, except for subdivisions in the small communities A-2 zones. (7/20/95)

**Section 504: Storm and 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 appropriate Engineer.

**Section 505: Sewage**

1 The Sub-divider 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:

- a. Public sanitary sewer and treatment plant system.
- b. Community sanitary sewer and temporary sewage.
- c. Capped sewers with temporary on-lot facilities.
- d. Septic tank with tile field or septic tank with seepage pit, depending on results of soil tests and sub-soil investigation.

2 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 Sub-divider and dedicated to the county or city without charge.

3 If a sanitary sewage system is not accessible to the development, the Sub-divider 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.

4 In all cases wherein trunk-line sanitary sewer facilities are available, owner/developer shall be required to install sanitary sewers and connect the same to trunk-line sewer, irrespective of the size of the lots included on said subdivision plan. The sewers shall be dedicated to the county or city.

5 Soil test and 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 Commission may waive this requirement in whole or part for subdivision which the individual lots are to be five (5) acres or larger in area.

- a. Such 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.
- b. The results of such tests shall be accompanied by a description of sub-soil strata to a depth of four (4) feet greater than the proposed effluent disposal field or seepage pit. These data shall be obtained from test borings at or near the site of each percolation test hole. DLH personnel must be present at the time test borings are made.
- c. Where possible such 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.
- d. The results of such 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. The results shall be reviewed by a consulting, Professional Engineer or Soils Scientist chosen by the Planning Commission.

6 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 consisting of a septic tank or tanks connected with one 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.

Plans prepared by a registered, Professional Engineer shall be submitted and shall discuss the following topics:

a. A site and soil evaluation report which specified the minimum lot sizes and land within the development unsuitable for on-site sewage disposal systems. TABLE 1(see page #34) outlines the requirements for the site and soil evaluation report.

b. The system to be used for disposal of wastewater for the development and maintenance, operations and eventual replacement plan {see section 604 (0)}. These constitute a Design Development Report and must include the items in TABLES 1, 2, and 3 (see pages # 34, 35 and 36).

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.

#### Section 506: Water

All water mains and lines 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.

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 other acceptable solution and a sample collected for bacteriologic examination by an approved State Laboratory. A copy of the analysis shall be submitted to the Planning Commission certifying that the water is safe for domestic use.

#### Section 507: Street Signs

Street name signs conforming to City Specifications shall be erected and painted in accordance with said specifications at all street intersections or junctions in all subdivisions at the expense of the Sub-divider.

#### Section 508: Street Lighting

The Sub-divider shall install, or cause to be installed, at the Sub-divider'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, and the Sub-divider shall pay the costs of

operating said street lights until such time as the street lighting facilities shall be accepted by resolution of the City or other appropriate public authority.

**Section 509: Street Trees**

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



ARTICLE VI  
PLATS AND DATA

**Section 600: General Subdivision 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.

**Section 601: Location Map**

The location map shall show the relationship of the proposed subdivision to existing community facilities, which serve of influence to it. Include development name and location; main traffic arteries; public transportation lines; shopping centers; 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.

**Section 602: 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 maybe 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 Section 603 below.

### Section 603: Topographic Data

Topographic data required as a basis for the Preliminary Plat, in Section 604 below, shall include existing conditions as follows except when submitted in connection with information pre-application procedure under Section 310-311.

- a. Boundary lines: bearings and distances.
- b. Easements: location, width and purpose.
- c. "Streets on, adjacent to, and within four hundred (400) feet of any part of the tract: name and right-of-way width and location; type, width and elevation of surfacing; and legally established centerline elevation; walks, curbs, cutters, culverts, etc.
- d. 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, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
- e. Ground elevations on the tract, based on a datum plane approved by the City Engineer: for land that slopes less than approximately two (2) percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two (2) percent either show contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings. "The Administrator may require additional information for adjoining properties.
- f. Subsurface conditions on the tract: 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 (5) feet; location and results of soil tests if individual sewage systems are proposed. For all other sewage disposal systems, subsurface conditions on the tract must be identified in the manner but current site and soils testing techniques as approved by the Kentucky Department of Local Health and the County Health Department.
- g. Other conditions on 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.
- h. Key map showing location of the tract.
- i. Title and certificated: present tract designation according to official records I 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, certification of registered Civil Engineer or Surveyor, date of survey.

Section 604: Preliminary Plat

The Preliminary Plant shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required above in Section 603, Topographic Data, include the development plans as specified by item twenty (20) of the Rural Residential District Text Amendment approved June 276, 1990, and shall show all proposals including the following:

- a. Street Names: right-of-way and roadway width: approximate grades and gradients; length 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. Lot lines, lot numbers and block numbers.
- e. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses, which shall include the site for a volunteer fire department as stated in 3.23 of the Rural Residential Zoning Ordinance.
- f. Sites, if any, for multiple family dwellings, shopping centers, churches, industry or other non-public uses exclusive of one-family dwellings.
- g. Minimum building setback lines based on the zoning ordinance.
- h. Site data, including number of residential lots, typical lot size, minimum lot size, and acres in parks, etc.
- i. Where the preliminary plan includes a portion of a tract of land in single and separate ownership, the prospective street layout for the entire tract shall be submitted.
- j. Proposed subdivision name of identifying title, scale, north point and date.
- k. Names of record owners of all adjoining parcels.
- l. Cross sections and profiles of streets, showing existing and proposed grades and culvert locations with invert elevations and sizes. The profiles shall be drawn to scale and elevations provided by the governing body having jurisdiction and which in a areas adjacent to cities shall meet such city's specifications.
- m. The sewage treatment plan prepared by a registered, Professional Engineer shall include but not be limited to the date projected for replacement of the system, the funds required for proper operations, maintenance and eventual replacement of the wastewater system and the source of funding for such expenditure. The sewage treatment plan shall specify the amount of money, the formula, and calculations used to determine the number of homeowners paying sewage treatment fees to be required before the homeowners association can assume ownership and operation of the sewage treatment system. It must also specify the amount to be paid monthly by the developer/owner into the O&M (what O & M stand for should appear in parenthesis) and replacement funds until such time as the homeowner's association is large enough to assume responsibility. The plan shall also identify, by name, a bonded and state certified operator who will operate the sewage treatment system until the responsibility and/or ownership is transferred from the developer/owner to a governing body whose purpose shall be to operate and maintain the system: Proof of this person's qualifications and availability shall be included with the development plan. See TABLES 1,2 , & 3 FOR DETAILS SEE PAGES #34, 35 & 36.)

Section 605: Draft of Protective Covenants

When required by the Planning Commission, the Preliminary Plat shall be accompanied by drafts of protective covenants where by the Sub-divider proposes to regulate land use in the subdivision and other wise protect the proposed development.

The covenants and deed restrictions for Rural Residential Developments shall include but not be limited to the following topics or statements:

1. Residents living within the development/subdivision cannot expect nor shall they receive, the same level of services as provided to residential developments located within the urban services boundary.
2. Deed restriction, covenants and conditions which shall run with the real property and which shall be binding on all parties having any right, title or interest in the property to address the following:
  - a. Acceptance and recognition of a professionally prepared maintenance, operation and replacement plan which shall be followed to determine the cost of maintenance, operation and replacement of the sewage treatment system which cost is to be borne initially by the owners and developer together and eventually by the property owners alone. The plan's cost estimates for regular maintenance, operation and replacement should be specified as should be the monthly sewer fees.
  - b. The existence of a Sewage Disposal System Escrow Account segregated from general assessment levies and attributable solely to the maintenance and operation of the sewage treatment and disposal system.  
Likewise, a portion of the general assessment shall be identified solely as a capital contribution to the reserve fund for the sewage disposal system's eventual replacement, and these funds shall be held in escrow.
  - c. A lien for assessments not paid and procedures for enforcing such lien, when delinquent.
  - d. An explanation of how may homeowners will be required before the total cost of operation, maintenance and replacement of the sewage treatment system will be borne by the homeowners.

#### **Section 606: Final Plat**

1. The Final Plat shall be drawn in ink on tracing cloth or equally durable material that is eighteen by twenty-two (18 x 22) inches and shall be at a scale of from twenty (20) feet to the inch to four hundred (400) feet to the inch with prior written approval of the Administrator. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The Final Plat shall show the following:
  - a. 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.
  - b. 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.

- c. Location, size and, invert elevation of all sanitary, storm, and combined sewers and the location of all manholes, inlets, and culverts.
- d. Name and right-of-way width of each street or other right-of-way.
- e. Location, dimensions and purpose of any easements.
- f. Number to identify each lot or site.
- g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- h. Minimum building setback line on all lots and other sites.
- i. Location and description of monuments: One to be placed at each corner and at each change in direction of the boundary; two to be placed at each street intersection; and one at the beginning and end of curves on one side of the street.
- j. Names of record owners of adjoining unplatted land.
- k. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- l. Certification by surveyor or engineer certifying to accuracy of survey and plat.
- m. Name and address of the owner/developer; certification of title showing that applicant is the land owner/developer of his authorized agent.
- n. Statement by owner/developer dedicating streets, right-of-way and any sites for public use.
- o. Notation stating title, acreage, number of lots and key map showing the location of tract, graphic scale, north point and date.
- p. Signature blocks for:
  - q. the Engineer
  - r. the Chairman
- s. Any additional items required by Section 604.

**Section 607: Engineer's Certificate**

1. A certificate by the appropriate Engineer certifying that the Subdivider has complied with one of the following alternatives:
  - a. All improvements have been installed in accordance with the requirements of this Ordinance.
  - b. A bond, with good surety, certified check, or Irrevocable Letter of Credit, approved by the chairman of the Commission and the mayor or county judge-executive of the governmental unit involved, has been posted, which is available to the governmental unit, and in sufficient amount to assure such completion of all required improvements.

**Section 608: Protective Covenants**

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

The covenants and deed restrictions for Rural Residential Developments shall include but not be limited to the following topics or statements:

1. Residents living within the development/subdivision cannot expect nor shall they receive, the same level of services as provided to residential developments located within the urban services boundary.
2. Deed restriction, covenants and conditions which shall run with the real property and which shall be binding on all parties having any right title or interest in the property to address the following:
  - a. Acceptance and recognition of a professionally prepared maintenance, operation and replacement plan which shall be followed to determine the cost of maintenance, operation and replacement of the sewage treatment system which cost is to be borne initially by the owners and developer together and eventually by the property owners alone. The plan's cost estimates for regular maintenance, operation and replacement should be specified as should be the monthly sewer fees.
  - b. The existence of a Sewage Disposal System Escrow Account segregated from general assessment levies and attributable solely to the maintenance and operation of the sewage treatment and disposal system.
  - c. A lien for assessments not paid and procedures for enforcing such lien, when delinquent.
  - d. An explanation of how may homeowners will be required before the total cost of operation, maintenance and replacement of the sewage treatment system will be borne by the homeowners.

**Section 609: Certification of Water and Sewer Facilities**

1. When connection to public water or sewer facilities is proposed, assurance of the availability of such 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 office or authority concerned indicating its ability and willingness to make such service available.
2. When on-lot sewage disposal facilities are proposed, a satisfactory County Health Department feasibility report from the County Health Office must be received by the Planning Commission before approval of the final plan except as follows:
  - a. When the subdivision contains no lots under five (5) acres in area shown on the plan.

**Section 610: Other Data**

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

**ARTICLE VII**  
**FEES, VARIANCES AND PENALTIES**

**Section 700: Hardship**

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

Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Planning Commission may make such reasonable exception thereto 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.

**Section 701: 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.

**Section 701: Fees**

1. The owner/developer shall reimburse the appropriate governmental unit for all reasonable engineering and legal expenses incurred by the appropriate governmental unit for services rendered by the Engineer and Attorney pursuant to the provisions of the Ordinance.
2. The owner/developer shall pay to the Commission a Subdivision Review Fee in the amount of ten dollars (\$10.00) per preliminary 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 preliminary plan for review.

**Section 703: Enforcement and Penalties for Violations**

1. No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of County or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission as provided in the Kentucky Revised Statutes, Chapter 100.177. Admission to the records shall not be construed as approval.
2. If any section, clause, paragraph, provision, or portion of the 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.



**Penalties**

1. 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 (10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

**Section 704: Conflict with Other Laws**

Wherever the regulations made under authority of this article required 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.

**Section 705: 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 Section 704.

**ARTICLE VIII**  
**ADOPTION, AMENDMENT, AND EFFECTIVE DATE**

1. Before adoption of these Subdivision Regulations or any Amendments 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.
  
2. These Subdivision Regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption.

Adopted by the Bourbon County Joint Planning Commission

Date \_\_\_\_\_

Chairman \_\_\_\_\_