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**ARTICLE I**  
**GENERAL PROVISIONS**

**100**            **Purpose**

These subdivision regulations are designed to encourage the development of residential, commercial, industrial, and public areas, according to recognized standards which provide for sound, healthful, and economical development; to provide for safe, convenient and efficient traffic circulation; to coordinate land development in order to ensure that future growth of Versailles, Midway and Woodford County will be orderly, efficient, and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to provide for the protection of environmentally sensitive and geologic hazard areas; to minimize fire hazards; to provide for adequate light and air in habitable structures; to mitigate flooding hazards; to provide for proper disposal of sewage; to enhance the unique aesthetics of the community; to encourage the protection and enhancement of trees and woodland areas; and to provide sound and efficient guidelines for the overall development of the community in accordance with the adopted Comprehensive Plan for Woodford County and the Cities of Versailles and Midway, Kentucky.

**110**            **Title**

These regulations shall be known and may be cited as the "Amended Versailles-Midway-Woodford County Subdivision Regulations".

**120**            **Legislative Authority**

These regulations are adopted by the Versailles-Midway-Woodford County Planning Commission under authority granted by the Kentucky Revised Statutes, Chapter 100.

**130**            **Powers of the Planning Commission**

The Planning Commission is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including but not limited to, the power to hear and finally decide applications for variances when a proposed development involves a subdivision and one or more variances from the dimensional requirements of the zoning regulations. In considering applications for variances under these regulations, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to Kentucky Revised Statutes (KRS), Chapter 100.231 through 100.251. The applicant for the subdivision, at the time of filing the application for the subdivision, may elect to have a variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Adjustment as otherwise provided by KRS Chapter 100.

**140**            **Administration**

These regulations shall be administered by the Versailles-Midway-Woodford County Joint Planning Commission. All applications, fees, maps, and documents relative to subdivision approval shall be submitted to this Planning Commission.

The Planning Commission shall appoint a Planning Director to handle the daily administration of these regulations and may seek advice from planning consultants or other local, regional, and State agencies, regarding subdivision proposals.

The Planning Commission may also appoint a Subdivision Committee, composed of members of the Planning Commission, to study proposed subdivisions. However, no subdivision plat shall be approved except by official action of the Planning Commission, or its duly authorized designee.

**150**                    **Area of Jurisdiction**

The provisions of these regulations shall apply to all lands within the boundaries of Woodford County, Kentucky.

**160**                    **Application**

No land within Woodford County shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a plat of the subdivision is approved by the Planning Commission and the plat properly filed and recorded by the Woodford County Clerk.

In their interpretation and application, the provisions of these regulations shall be held to minimum requirements adopted for the promotion of the public health, safety, and general welfare. All subdividers should consider developing their subdivisions at higher standards. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, or welfare purposes justify such increases. Whenever the provisions of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, that provision which is more restrictive or imposes higher standards of requirements shall govern.

**170**                    **Severability of Regulations**

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

**180**                    **Penalties/Violations**

Violation of the provisions of any subdivision regulation or failure to comply with any of the requirements herein shall constitute a misdemeanor. Any person or entity that violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than two-hundred and fifty dollars (\$250) or more than five hundred dollars (\$500) for each violation, and in addition, shall pay all costs and expenses involved in the case. Each day of violation shall constitute a separate offense.

## ARTICLE II

### DEFINITIONS

#### **200**            **Interpretation**

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows: The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory, the word "should" is directive but not necessarily mandatory, the word "may" is permissive. The phrase "used for" includes, "arranged for", "designed for", "intended for", "maintained for", or "occupied for". The word "lot" includes the words "plat" or "parcel". Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan or Zoning Ordinances, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other practices and otherwise according to common usage, unless the context clearly indicates otherwise.

#### **201**            **Definition of Terms**

As used in these Regulations, the following terms shall be defined as follows:

#### **202**            **Agricultural Use**

The use of a tract of land of at least five (5) acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.

#### **203**            **Alley**

See street.

#### **204**            **Architect, Landscape**

Shall be a person licensed as a Landscape Architect by the State of Kentucky.

#### **205**            **Block**

An area of land containing two or more lots and bounded by streets providing access to such lots.

#### **206**            **Blue Line Stream, Solid**

A stream defined and designated as such on seven and one-half minute quadrangle topographic maps published by the U.S. Geologic Survey.

#### **207**            **Buffer (or buffering)**

The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

**208**                    **Building**

Any man-made physical structure, or part thereof, and public land, railroad rights-of-way or waterways, affixed to the land and intended for work, residence, or other occupancy. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

**209**                    **Building and Zoning Official**

The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the administration and enforcement of building and zoning regulations.

**210**                    **Building Setback Line**

A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required yard. The term also includes front yard setback, side yard setback, and rear yard setback.

**211**                    **Caliper**

The diameter of a tree trunk, usually measured at 4.5 feet above the natural grade of the surrounding ground.

**212**                    **Common Access Easement**

An unobstructed passageway for two or more lots, typically crossing or occupying a portion of more than one lot, that provides access to garages, utilities and services such as garbage collection.

**213**                    **Common Area**

Any part of a development designed and intended to be used in common by the owners, residents, or tenants of the development and by the general public if the area is so designated. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, tenants and/or the general public.

**214**                    **Common Open Space**

All open space, or portions thereof, including landscaping, screening, and buffering, which is part of a Common Area.

**215**                    **Comprehensive Plan**

The plan which shall serve as a guide for the physical development of the area within the jurisdiction of the Planning Commission, which has been adopted by the Planning Commission, the Fiscal Court, the City Council of Midway and the City Council of Versailles. Such Plan shall include all elements whether expressed in words, graphics, or other forms.

**216**                    **Construction Easement**

A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

**217**                    **Construction Plans or Drawings**

The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of the Subdivision Regulations. This term also includes Construction Drawings.

**218**                    **Conservation Easement**

The grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

**219**                    **Conservation Line**

A line drawn on private lots that stipulates land uses for the purpose of rural conservation.

**220**                    **Cul-de-Sac**

See Street.

**221**                    **Curb**

The concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

**222**                    **Day**

The term shall mean calendar day unless otherwise specified.

**223**                    **Deceleration Lane**

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

**224**                    **Dedication**

The transfer of property from the owner to another party.

**225**                    **Deed**

A legal document conveying ownership of real property.

**226**                    **Deed Restriction**

See Restrictive Covenant.

**227**                    **Developer**

Any person, firm, corporation, partnership, or association including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

**228**                    **Easement**

Any strip of land for public or private utilities, drainage, sanitation, access or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of servitude.

**229**                    **Engineer**

A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**230**                    **Environmentally Sensitive Area**

Any area which due to its natural or physical setting may have environmental problems with regard to development. Areas included are (but are not limited to) areas of steep slope (over 12%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, significant tree stands, aquifer recharge areas, and similar areas.

**231**                    **F.E.M.A.**

The U.S. Federal Emergency Management Agency or any successor agency.

**232**                    **Fill**

A deposit of soil, rock, or other non-deteriorating material used to replace or supplement the original soil or subsoil. "Construction fill" is a term used to describe fill upon which any permanent structure or human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

**233**                    **Floodplain**

Low lying land that is susceptible to flooding from any source. The floodplain consists of two sections--the floodway, which is the channel for a water course and that portion of land needed for the passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

**234**                    **Geologic Hazard Area**

An area in which environmental problems are so numerous that even severely limited development could pose a serious problem to the immediate or surrounding areas. Examples include excessive floodplain areas, clustering of sinkholes, cliff areas, areas that have potential collapse problems due to underground caves near the surface, and similar areas.

**235**                    **Grade**

The slope of a road, street or other unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**236**                    **Grading**

Any stripping, cutting, filling, or stockpiling of earth or land, including land in its cut or filled condition, to create new grades.

**237**                    **Groundwater**

The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

**238**                    **Home Owners Association**

A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. Participation in the Association may or may not be mandatory.

**239**                    **Improvements (or Site Improvements)**

Any grading, filling or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, street lights, landscaping, permanent reference monuments (PRM's) permanent control points (PCP's), or any other improvement required by these regulations or by the Planning Commission.

**240**                    **Infrastructure**

Facilities and services needed to sustain industrial, residential, commercial and all other land use activities.

**241**                    **Interior walk**

A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

**242**                    **Land Clearing**

Removal of all trees and/or vegetation from the land surface to the mineral soil.

**243**                    **Land Surveyor**

A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**244**                    **Lot**

A tract or parcel of land intended for transfer of ownership, use or improvement.

**245**                    **Lot Area (Size)**

The amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street rights-of-way.

**246**                    **Lot, Depth**

The average horizontal distance between the front and rear property lines of a lot.

**247**                    **Lot, double frontage**

A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**248**                    **Lot Frontage**

The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

**249**                    **Lot of Record**

A lot which is included in a subdivision, the plat of which has been recorded in the office of the Woodford County Clerk.

**250**                    **Lot, Reverse frontage**

A double frontage lot extending between and having frontage on a freeway, arterial, or collector street and a local street, and with vehicular access solely from the latter.

**251**                    **Lot Width**

Generally, the distance measured along the building setback line, between the two side property lines of a lot--although at times the measurement will be along the right-of-way line or back property line.

**252**                    **Monument**

A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice of Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**253**                    **Owner**

The owner of the land proposed to be subdivided whose name last appears on the tax rolls.

**254**                    **Pavement**

That portion of a street intended for vehicular movement.

**255**                    **Performance Guarantee**

Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat, limited to, certificates of deposit or irrevocable letters of credit from a Woodford County bank with surety amount to be approved by the Planning Commission.

**256**                    **Planning Director**

The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the preparation of the community's Comprehensive Plan and the administration and enforcement of land development regulations, including but not limited to the Zoning Ordinance and Subdivision Regulations.

**257**                    **Phase**

The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

**258**                    **Plat**

A map or layout of a tract of land indicating the location and boundaries of individual properties and streets.

1.        **Conceptual Plan:** A preliminary sketch, of sufficient accuracy, indicating the subdivider's general objectives and desires in regard to the future development of his land, presented to the Planning Commission Staff for their informal consideration.
2.        **Preliminary Plat:** The preliminary drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for their consideration.
3.        **Final Subdivision Plat:** The final map, of all or a portion of the subdivision which is presented to the Planning

Commission for approval, and which, if approved, will be filed with the Woodford County Clerk for recording.

**259**                    **Planning Commission (or Commission)**

The Versailles-Midway-Woodford County Planning and Zoning Commission.

**260**                    **Property**

A lot, parcel, or tract of land together with the building and structures located thereon.

**261**                    **Property Owners Association**

An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner or a portion of a subdivision - be it lot, parcel, site, unit plat, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

**262**                    **Public Space**

Any area, lot, building site or development site that has been reserved or dedicated for public use.

**263**                    **Public Utility**

Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

**264**                    **Restrictive Covenant**

A restriction on the use of land usually set forth in the deed.

**265**                    **Right-of-Way**

Land reserved for use of a street, interior walk, or for other public purposes such as underground and above ground utilities.

**266**                    **Roadway**

The portion of the street right-of-way which contains the street pavement and gutter and is used primarily as a channel for vehicular movement and secondarily as a channel for storm water.

**267**                    **Sediment**

Solid material that may be mineral or organic and is in suspension, is being transported, or has moved from its site of origin by water.

**268**                    **Sedimentation**

The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

**269**                    **Setback**

See "Building Line".

**270**                    **Sight distance (along road)**

A straight line with unobstructed view measured between a point four feet (4') above the finished grade of a road, at the centerline of each traffic lane, and a point at a given minimum distance away from the first point, located one foot (1') above finished grade at the centerline of the same traffic lane.

**271**                    **Sight distance (across intersections)**

A straight line with unobstructed view measured in either direction across the corner between points, each seventy-five feet (75') back from the theoretical intersection of the edges of the pavement prolonged; one point four feet (4') above the grade of the pavement edge, the second point one foot (1') above the grade of the pavement edge.

**272**                    **Sight triangle**

A triangular shaped area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

**273**                    **Street**

A street, in its general sense herein, is an area of land designated for public use within defined limits in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street shall include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any street shall be coincident to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows:

1.        Expressways: Expressways rank first in the classification of streets, and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.
  
2.        Arterial: Arterial streets rank second in the classification of streets and are used primarily for vehicular movement and are used secondarily for vehicular access to abutting properties. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than providing each abutting property to have its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.
  
3.        Collector Streets: Collector streets rank third in the classification of streets and are principally used for vehicular movement; however, access to abutting properties are planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way widths, and speed control.

4. Local Streets: Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be eliminated. Local streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Local streets require the least amount of vehicular movement and may be further classified into five categories as follows:
  - a. Continuing Streets: Continuing streets are minor streets having two open ends; each end generally connecting with different streets. One or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.
  - b. Marginal Access Streets: Marginal access streets are minor streets generally having two or more access points to the major system by connecting to a street of higher classification. Property that abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.
  - c. Loop Streets: Loop streets are minor streets having two open ends each and generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.
  - d. Cul-de-Sacs: Cul-de-Sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation for an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Planning Commission.
  - e. Alleys: Alleys are streets generally having two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides thereof and are not intended for general traffic circulation.

**274**                    **Street Tree Alignment Line**

A generally straight line that street trees are to be planted along. This alignment is parallel with the street.

**275**                    **Street Tree**

A deciduous canopy tree, of a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**276**                    **Streetscape**

This term refers to the various components that make up a street, both in the right-of-way, and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

**277**                    **Stub Street**

A street that usually ends at a property line and is designated to be extended to adjoining property in the future.

**278**                    **Subdivider**

Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

**279**                    **Subdivision**

The division of a parcel of land into two or more lots or parcels, for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

**280**                    **Subdivisions/Major**

Shall be those subdivisions of land which are generally of major significance to the community's future development, and shall include all subdivisions which do not conform to the definitions established for minor subdivisions. Generally, major subdivisions would be those which create four (4) or more lots for sale or building development for housing residential, commercial, or industrial activities. Subdivisions which meet the minor subdivision definition may be treated as major subdivisions whenever the Planning Commission Staff feels such to be necessary. Major subdivision plans shall conform specifically with the requirements of these regulations.

**281**                    **Subdivisions/Minor**

Shall be those subdivisions of land which are generally of minor planning significance to the community's future development and include only the subdivision defined in Section 360A of these regulations. Such minor subdivisions shall conform specifically to the requirements established in these regulations.

**282**                    **Variance**

Permission from the Board of Adjustment or the Planning Commission to modify or depart from the dimensional subdivision standards.

**283**                    **Waiver**

Permission from the Planning Commission to depart from the non-dimensional requirements with respect to the submission of required documents, or more substantive requirements.

**284**                    **Zoning Ordinance**

The officially adopted Zoning Ordinance of Versailles-Midway-and Woodford County together with any and all amendments thereto.

## ARTICLE III

### PROCEDURE FOR FILING SUBDIVISION APPLICATIONS

#### **300            General Procedure**

The procedure for obtaining approval of a major subdivision plat generally includes four (4) steps:

1.        Pre-application meeting with Planning Commission Staff
2.        Preliminary Plat review and approval
3.        Construction Plan review and approval
4.        Final Plat review and approval

#### **310            Optional Pre-application Meeting With Planning Commission Staff**

The purpose of the optional pre-application meeting is to give the subdivider an opportunity to obtain advice and assistance from the Planning Commission Staff before committing undue time and money to the project.

For this review, subdividers shall contact the Planning Commission Staff to set a meeting date to discuss their intentions as they relate to Article IV. They should have a conceptual plan prepared before the meeting. See Article VI for plan requirements.

The pre-application meeting does not require formal application or fee and can be called at the option of either the subdivider or the Planning Commission Staff.

#### **320            Preliminary Plat Procedure**

All major subdivision plats receive their first official consideration as Preliminary Plats. The developer shall not proceed with any construction work, including grading, until a plat has been given preliminary plat approval, construction plan approval, and until appropriate permits have been received.

##### **A.        Application Procedure**

1.        The subdivider shall have a registered engineer, land surveyor or landscape architect (providing that all engineering data is supplied by a registered engineer) prepare the Preliminary Plat in conformance with the format and design requirements of Article IV.
2.        Fourteen (14) copies of the Preliminary Plat, a suitable electronic (digital) copy as determined by the Planning Commission Staff, and the supplementary material specified shall be submitted to the Planning Commission Staff, together with a written application for approval, on forms provided by the Planning Commission Staff, at least seven (7) days prior to the Technical Review Committee (TRC) meeting.
3.        Upon receipt of the fourteen (14) copies of the Preliminary Plat and other required data, the written application form, and the required fees, the Planning Commission Staff shall distribute the copies to the members of the Technical Review Committee (TRC) for their review and recommendation and shall set a place and date for a public hearing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed subdivision. Notice shall be at least seven (7) days and no more than twenty one (21) days prior to the date set for public hearing.
4.        The subdivider may, at the time of filing the application for the subdivision, elect to have any variance for

the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Adjustment as provided for in the Zoning Ordinance and KRS 100.281 (6) and (7).

B. Technical Review Procedure

1. The Technical Review Committee will review the plat and decide upon their recommendations to the Planning Commission. The developer or their representative may appear before the TRC at its meeting to discuss specific aspects of the plats being considered. A copy of all the TRC recommendations shall then be given to the plat preparer, in writing, in order that they may make any necessary changes to the plats.
2. One reproducible mylar of the revised plat, a digital copy, along with one (1) copy reduced to 8 ½" x 11" for mailing to the Planning Commission members, shall be resubmitted to the Planning Commission office by noon fourteen (14) days prior to the Planning Commission meeting.
3. The Planning Commission Staff shall review the revised plats for technical compliance with the TRC recommendations and determine if deficiencies have been satisfied. If they are not satisfied, plats will be returned for additional revisions. If all deficiencies have been complied with, the plats will be forwarded to the Planning Commission for the next meeting.

C. Public Hearing Procedure

A public hearing shall be held by the Planning Commission . Notice of the hearing shall be at least seven (7) days and no more than twenty-one (21) days prior to the date set for public hearing per KRS 424. After the hearing, the Planning Commission shall proceed to consider the Preliminary Plat. The Planning Commission shall consider the comments and opinions expressed at the public hearing but the Planning Commission shall be responsible for reaching its own conclusions on the merits of the proposed subdivision.

D. Planning Commission Procedure

1. Following Planning Commission review of the Preliminary Plat and other required application materials, and discussions with the subdivider about changes deemed advisable, the Public Hearing shall be closed. The Planning Commission shall, within forty-five (45) days after the public hearing is closed, approve or disapprove the Preliminary Plat. If approved, the Planning Commission may express its approval as conditional approval, (if applicable), and state the conditions of such approval, if any. If disapproval, the Planning Commission shall express its reasons for disapproval in writing.
2. In determining whether an application for approval for a Preliminary Plat shall be granted, the Planning Commission shall determine if the plat provides for:
  - a. Coordination of subdivision streets with existing and planned streets;
  - b. Coordination with the extension of facilities included in the Comprehensive Plan;
  - c. Establishment of minimum width, depth and area of lots within the projected subdivision;
  - d. Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the area and;
  - e. Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.

3. As a condition of approval of a plat, the Planning Commission may specify:
  - a. The manner of which streets shall be laid out, graded and improved;
  - b. Provisions for water, storm water drainage, sewage and other utility services;
  - c. Provision for schools;
  - d. Provision for essential municipal services, and;
  - e. Provision for recreational facilities, including open space.
4. The action of the Planning Commission shall be noted on all copies of the Preliminary Plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the others shall be retained by the Planning Commission Staff for distribution to TRC members. One (1) copy shall be retained in the Planning Commission office.
5. Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval of the Preliminary Plat as a guide to the preparation of the Final Plat. Upon approval of the Preliminary Plat, Construction Plans shall be submitted within twelve (12) months of the approval according to Section 330 of these regulations. No lot may be sold or transferred or building permit obtained based solely upon an approved Preliminary Plat. Failure to submit Construction Plans or Final Plat within the twelve (12) month approval period requires the applicant to reapply for approval of the Preliminary Plat.

### **330 Construction Plan Procedure**

Prior to beginning any site preparation, grading, or construction, the subdivider shall submit and have approved Construction Plans prepared by a registered engineer as provided for in these regulations. The Construction Plans are detailed plans for public improvements to be developed in conjunction with a subdivision, storm drainage, sanitary sewers and other public facilities. Upon approval of these plans by TRC and the Planning Commission Staff, the developer may construct such improvements in accordance with the approved improvement plan.

#### **A. Application and Distribution**

The subdivider shall file six (6) copies of the Construction Plans along with a digital copy, clearly marked "Draft Construction Plans," prepared and stamped by a registered civil engineer, and fully conforming to these Subdivision Regulations and the approved Preliminary Plan with the Planning Commission Staff at least seven (7) days prior to the regular meeting of the Technical Review Committee (TRC). The subdivider may attend a pre-application meeting with the Planning Commission Staff prior to the preparation of said Construction Plans. In addition, a digital copy of the proposed plans shall be submitted, clearly defined as "proposed."

#### **B. Review**

The TRC shall review the proposed Construction Plans at their regular meeting and shall notify the subdivider in writing of the approval or conditional approval of the plans. Conditional Construction Plan approval may be granted for grading and erosion control pending final approval and obtaining required grading permits. In no case shall the TRC or Planning Commission Staff be authorized to vary the requirements contained herein, since variances can only be permitted by action of the Planning Commission.

1. If conditionally approved, the subdivider shall resubmit six (6) copies of the revised Construction Plans to the Planning Commission Staff for final approval. The staff shall review the Construction Plans and within fourteen (14) days of receipt of the plans, will notify the subdivider in writing of approval or disapproval. If approved, a digital copy of the plans shall be submitted, clearly defined as "conditionally approved."
2. If approved, the subdivider is now authorized to proceed with the construction of physical

improvements and to proceed with preparation of the Final Plat. One set of approved Construction Plans shall be retained in the Planning Commission Office, one set by the City or County Engineer, and one set by the City Public Works Director. Within one (1) year of the approval of the Construction Plans, the subdivider must apply for Final Plat approval in conformance with Section 340 of these regulations.

C. Construction

Upon approval of Construction Plans, a grading permit shall be obtained from the Planning Commission Staff. Construction of all improvements except the final course of blacktop and final cleanup must be completed, inspected, and approved prior to submission of the Final Plat. See Section 350 for performance guarantee procedures for final course of blacktop, sidewalks, street trees, and cleanup.

**340 Final Plat Procedure**

Major subdivisions shall receive their last official consideration by the Planning Commission as a Final Subdivision Plat. Upon approval of the Final Subdivision Plat by the Planning Commission and subsequent recordation, lots may be sold or transferred and building permits obtained in accordance with the approved Final Subdivision Plat.

A. General Procedures

1. The subdivider shall have a registered land surveyor prepare the Final Plat in conformance with the format and design requirements of Article IV.
2. The Planning Commission Staff may permit submission of the Final Plat in sections, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plat.
3. The Final Plat and supporting documents shall comply with the provision of Article IV of these regulations and Section 340 (B)(2) below.
4. The Final Plat shall be submitted to the Planning Commission within twelve (12) months after approval of the Preliminary. Otherwise, such approval shall become null and void, unless an extension of time is applied for before the expiration of the twelve-month period by the subdivider and granted by the Planning Commission.

B. Application and Technical Review Procedures

1. The application, distribution, and review procedures for Final Plat approval shall be on forms provided by the Planning Commission, accompanied by the required fees, the same as required for Preliminary Plats in Sections 320 (A) and 320(B). A public hearing shall not be required for Final Plat approval. Additionally, a reproducible original shall be submitted after all technical deficiencies have been complied with along with a digital copy.
2. The Final Plat shall be accompanied by the required As-built Plans (1 reproducible mylar, 3 sets of prints, one (1) 11" x 17" reduced set, and a digital copy, clearly defined "As-Built Construction Plans"); a request for field inspection of constructed improvements; and an estimate of final surety amount permitted through Section 350 of these Regulations.

C. Planning Commission Procedure

1. The Planning Commission shall review the Final Plat within forty-five (45) days of the meeting at which the Final Plat is first considered. The Planning Commission shall approve, modify and approve, or disapprove such plats. The Planning Commission will not review the Final Plat unless and until the Planning Commission Staff has reviewed As-built Plans and approved the improvements through a

field inspection. As-built plans must be accompanied by an affidavit signed by the subdivider's engineer certifying that the construction was done according to the approved plans.

2. Performance guarantee requirements for final course of blacktop, sidewalks and cleanup are detailed in Section 350 below.
3. If the Planning Commission approves the Final Plat, the Plat shall be signed and dated by the Chairman of the Planning Commission after receipt of the surety as detailed in Section 350 and approved prints from utility companies. If the Planning Commission disapproves the Plat, it shall set forth the reasons in its own records and provide the applicant with a copy.

D. Recording Procedure

Upon approval of the Final Plat by the Planning Commission, the Planning Commission Staff shall, at the subdivider's expense, file such plat in the Office of the Woodford County Clerk in accordance with the appropriate provisions of the law. The Certificate of Land Use Restrictions, if required, shall also be filed by the Planning Commission Staff at the subdivider's expense as per KRS 100. Once the Final Plat has been recorded, lots may be sold.

**350                    Construction Guarantee Procedure**

Subdivider's may begin construction of improvements after the Preliminary Plat and Constructions Plans have been fully approved. All such improvements except the final course of blacktop, sidewalks, and cleanup must have been fully constructed at the time of Planning Commission consideration of the Final Record Plat. A certificate of deposit or irrevocable letter of credit from a Woodford County bank, as determined by the Planning Commission; shall be posted by the developer to cover the full cost of completing the final course of blacktop, sidewalks, and cleanup. The following requirements and procedures shall apply:

A. Required Performance Guarantee

Upon completion of all improvements, except the final course of blacktop, sidewalks, and cleanup, the subdivider shall submit As-built Plans (one (1) reproducible mylar, three (3) sets of prints, one reduced set on 11" x 17" paper, and a digital copy) along with a request for field inspection and an estimate of the final surety amount required for final course of blacktop, sidewalks and clean up at least seven (7) days prior to the Technical Review Committee (TRC) meeting. These may be submitted in conjunction with the Final Plat to expedite the Final Plat approval.

B. Determination of Surety Amount

The City or County Engineer shall conduct a field inspection upon request and certify in writing to the Planning Commission that all improvements have been constructed according to the As-built Plans. The Engineer shall also review the cost estimates for the final course of blacktop, sidewalks, and cleanup and shall prepare a letter to the Planning Commission approving a surety amount equal to one hundred fifteen (115%) percent of the estimated cost of constructing the final improvements.

C. Performance Guarantee

The subdivider must post with the Planning Commission a Certificate of Deposit or Irrevocable Letter of Credit upon a Woodford County bank, conditional to secure the construction of said improvements within a period not to exceed two (2) years. No such certificate of deposit or letter of credit shall be accepted unless it is enforceable by or payable to the appropriate governing body in a sum and in a form with surety and conditions approved by the attorney for the Planning Commission. All certificates of deposit or irrevocable letters of credit shall be posted for a minimum of one (1) year. Interest will accrue and remain with the Certificate of Deposit.

D. Release of Performance Guarantee

1. When eighty (80%) percent of the lots have received a Certificate of Occupancy, or two (2) years have passed, whichever arrives first, the final improvements shall occur. The City or County Engineer must be notified forty eight (48) hours prior to paving. Final improvements must occur within two (2) years of Final Plat approval or the subdivider shall appear before the Planning Commission for consideration of an extension. The Certificate of Deposit or Irrevocable Letter of Credit shall be increased by a minimum of ten (10%) percent of the original Certificate of Deposit or Irrevocable Letter of Credit or an amount to be determined by the City or County Engineer, whichever is greater, each year thereafter. Failure to request an extension or to meet the deadline shall result in the engineer recommending to the Planning Commission to recommend to the appropriate legislative body to call the Certificate of Deposit or Irrevocable Letter of Credit.
2. Once the final improvements have occurred, the subdivider must request in writing a final field inspection by the City or County Engineer and request in writing release of the Certificate of Deposit or Irrevocable Letter of Credit at least 10 (ten) working days prior to the Planning Commission meeting.
3. Upon inspection, the City or County Engineer shall write a letter to the Planning Commission prior to the Planning Commission meeting approving the improvements and recommending release of the Certificate of Deposit or Irrevocable Letter of Credit if improvements are acceptable.
4. The Planning Commission shall review the request and recommend to the appropriate legislative body the release of the performance guarantee and the acceptance of the improvements.
5. There may be one reduction or partial release of the Certificate of Deposit or Irrevocable Letter of Credit when 50% of the lots have received a Certificate of Occupancy. The City or County Engineer shall conduct a field inspection upon request and certify in writing to the Planning Commission which improvements have been constructed. The Engineer shall also review the cost estimates for the materials and shall prepare a letter to the Planning Commission recommending a surety amount equal to one hundred fifteen (115%) percent of the estimated cost of constructing the incomplete final improvements at current prices, including any damages that may have occurred during construction. A new Certificate of Deposit or Irrevocable Letter of Credit shall be posted for this remaining amount if the release or reduction is approved by the Planning Commission. **Amended March 2010**

#### E. Default

Wherever the required improvements have not been installed according to the terms of the performance guarantee and no extension has been granted, the Planning Commission may, upon recommendation of the applicable City or County Engineer and thirty (30) days written notice to the parties to the instrument, declare the performance guarantee to be in default and exercise the right's thereunder. When this occurs the certificate of deposit and any interest generated on the certificate of deposit or the irrevocable letter of credit shall go to the appropriate governing body to be used for completion of the improvements.

Upon default, no building permits or other approvals shall be granted for the development until the Planning Commission determines that adequate progress has been made toward completion of the remaining improvements.

#### F. Posting of Defect Security

1. Prior to acceptance of the required improvements by the applicable city or county engineer through the issuance of a Certificate of Completion, the developer/builder shall post a Defect Security for the repair or correction of material defects or failures of the improvements for a "Maintenance Period" of two (2) years following their acceptance. The Defect Security shall be in an amount equal to fifteen (15%) percent of the actual construction cost of all the improvements, and shall consist of a Certificate of Deposit or Irrevocable Letter of Credit from a Woodford County bank with the appropriate legislative body. The applicable city or county engineer shall

create, maintain, and provide approved forms for each type of Defect Security described immediately above. Upon default, the applicable city or county engineer, Planning Commission or other applicable public body may exercise its rights under the Defect Security upon ten (10) days written notice by certified mail, return receipt requested, to the parties to the instrument.

2. Release of Defect Security

Upon issuance of the Certificate of Completion for an approved development or construction stage of a development, the Performance Guarantee shall be fully released. The subdivider must request in writing a final field inspection by the applicable City or County Engineer and request in writing release of the Certificate of Deposit or Irrevocable Letter of Credit(s) at least ten (10) working days prior to the Planning Commission meeting. There shall be no reduction or partial releases of the Certificate of Deposit or Irrevocable Letter of Credit until all improvements are complete.

G. Maintenance of Common Improvements and Open Space

These regulations are established to assure that adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain common open space and common improvements, in order to ensure their continued availability and utility for the residents or occupants of the development and to prevent such facilities from becoming an unnecessary burden or nuisance to the general public or surrounding property. However, nothing in these regulations shall be construed as creating any obligation or liability upon the public to maintain such facilities or otherwise ensure their availability and condition. These regulations shall apply to all common open space and all common improvements that are required or provided pursuant to these regulations, the adopted Comprehensive Plan, or other applicable laws and regulations. However, these requirements shall not apply to the following:

1. Dedicated Lands and Improvements - Any lands or improvements to be dedicated or conveyed to the public, for designated or general public use.
2. Private Lands and Improvements - Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.
3. Condominiums and Cooperatives - Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Kentucky law.

H. Establishing a Means of Common Ownership and Management

Prior to approval of the Record Plat, the subdivider shall provide documents to establish a means of common ownership and management of all common open space and common improvements. Such documents shall establish an organization or entity to own and manage the open space and/or improvements, describe its membership and responsibilities, and shall include a maintenance and fiscal program for the improvements. In no event shall a Record Plat be recorded for a development involving common open space and/or improvements until the entity of common ownership and management has been incorporated. Documentation shall be provided to the Planning Commission Staff.

I. Funding Mechanism Required

Prior to approval of any Record Plat, the subdivider shall provide and record documents to establish a funding mechanism for the maintenance of the common improvements and/or open space. The documents shall provide a method for the organization or entity to assess the property owners having beneficial use of the improvements and open space for the cost of their maintenance. The method of assessment shall provide the legal right for the organization or entity to impose liens against those properties for which payment of any assessment is not made. Collection of assessments and

enforcing the payment thereof shall be the responsibility of the organization or entity and shall not be the responsibility of the public. The assessments imposed by the organization or entity shall not relieve property owners from any taxes, fees, charges or assessments imposed by the Planning Commission, Property Valuation Administrator or any other governmental agency.

Notice to Buyers - The documents shall also provide for notice to purchasers and prospective purchasers or properties that the organization or entity shall have the authority to make assessments and impose liens as provided in these regulations.

J. Failure to Maintain Common Improvements and Open Space

Failure to maintain common improvements and/or common open space in accordance with these regulations, established standards and the subdividers agreements, binding elements and other documents establishing the improvements and/or open space shall be considered a violation subject to enforcement in accordance with provisions of these regulations. In such cases, citations for violation shall be issued both to the organization or entity, and to all property owners, occupants and lessees having beneficial use of or legal interest in the improvements and/or open space. The public shall not be required or obligated in any way to construct or maintain, or participate in any way in the construction or maintenance of the common improvements and/or open space.

**360** Minor Plat Procedure

At the pre-application meeting (Section 310 of these Regulations) the Planning Commission Staff will determine whether the proposed subdivision constitutes a Major or Minor Subdivision. In the case of Minor Subdivision, the lesser significance on the long range development of the community is considered justification for simplifying and expediting the processing of such plats.

A. Minor Plat Classification

To qualify for classification as a Minor Subdivision Plat, a subdivision must conform with one of the following situations.

1. Three or Fewer Lots

A subdivision containing three (3) or fewer lots, counting the remainder of the original tract; and fronting on an existing public street; and involving no opening, widening, or extension of streets or utilities.

2. Consolidation Plat

a. A subdivision providing for the transfer of land between adjacent property owners and not involving the creation of any new lots or building sites and which shall neither create any new non-conforming lots nor create any additional non-conformity.

b. A subdivision in which up to and including five (5) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.

3. Minor Amendments to Existing Plats

a. A subdivision where there is a need to make technical revisions to a recorded Final Plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.

- b. A subdivision involving amendments to a recorded Final Plat for the purpose of release or modification of existing utilities and drainage easements and the addition of new utility and drainage easements.

B. Application Procedure

1. The subdivider shall have a registered land surveyor prepare a Minor Record Plat in conformance with the format and design requirements of Article IV after checking to make certain that the subdivision qualifies as a minor subdivision.
2. Fourteen (14) copies of the Minor Subdivision Plat, a filing fee, written application and any supplementary material shall be submitted to the Planning Commission Staff for review.

C. Review Procedure

1. The Plat shall be referred to the Technical Review Committee (TRC) and/or the Planning Commission for their review and approval. The TRC may forward the Plat on to the Planning Commission if they determine that it does not meet the classification of a Minor Plat. Any plat the Planning Commission reviews must comply with all Final Plat Procedures of these Regulations (Section 340).
2. The TRC reviews the plat for conformance to these regulations. Any plat deficiencies shall be given to the plat preparer in writing in order that they may make any necessary changes to the plats.
3. A digital copy of the revised plat along with a reproducible mylar shall be resubmitted to the Planning Commission office when complete.
4. Planning Commission Staff shall review the revised plat for technical compliance to determine if plat deficiencies have been satisfied.

D. Approval and Recording Procedure

1. Upon recommendation of approval by the Planning Commission Staff, the Plat shall be signed and dated by the Chairman of the Planning Commission or their designee.
2. The Planning Commission Staff shall, at the subdivider's expense, file such plat in the Office of the Woodford County Clerk in accordance with the appropriate provision of law.

**370**            **Fees.**

The Planning Commission shall establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed Preliminary, Final and Minor Plats, and Construction Plans. The subdivider shall pay the specified fee plus recording fee, at the time of filing the application for Preliminary, Final or Minor Plat, or Construction Plan approval.



## ARTICLE IV

### MAJOR PLAT REQUIREMENTS

#### **400            Pre-Application**

A Conceptual Plat should be presented by the subdivider at their initial meeting with the Planning Commission Staff for discussion and advice. The Conceptual Plat should show or be accompanied by the following: general location, boundaries of the tract, rough street and lot layout, and other information concerning pertinent physical features, availability of utilities, existing zoning, recreational areas and an estimated time schedule of development.

#### **410            Preliminary Plat**

##### A.            General

The Preliminary Plat shall be submitted by the subdivider on durable paper and shall be clear and legible. The scale shall be not smaller than one (1) inch equals one hundred (100) feet and the size of sheets shall be 18 x 24 inches, or 24 x 36 inches, depending upon the size of the subdivision, including a one inch margin for binding along the left edge.

##### B.            Required Information

The Preliminary Plat shall show or be accompanied by the following information:

1.            Title block containing the type of subdivision plat, the name of the subdivision; the mailing address of the property being subdivided; the owner's name and mailing address; the land surveyor and mailing address; the written scale; date of preparation; and any other appropriate information.
2.            Vicinity Map at a scale of not greater than four hundred (400) feet to the inch indicating the location of the property with respect to the surrounding property and streets. The map shall show all streets within five hundred (500) feet of the subdivision, and be oriented the same as the plat.
3.            North arrow, scale, and date.
4.            The names of all property owners abutting the boundaries of the subdivision as their names appear on the tax records.
5.            The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County or City.
6.            The name and address of the owner or owners of the land to be subdivided, and the name and address of the subdivider, if other than owner.
7.            The name and address of the registered engineer, land surveyor, architect, or planner responsible for the preparation of the plat.
8.            Zoning classification on the tract and adjoining properties and any proposed changes from existing zoning.
9.            Easements, existing and proposed, on or abutting the property being platted shall be shown, labeled, and dimensioned as to its purpose. Front yard setback building lines shall also be shown.
10.          Streets which adjoin the property being platted shall be shown and its right-of-way width indicated. A cross-section or plan 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 city and/or county plans or regulations, an easement of sufficient width to comply with such plans and regulations shall be dedicated to public use for roadway purposes.

11. Copies of proposed deed restrictions, if any.
12. Computation of total area of the subdivision. The approximate area of each lot to the nearest square foot or of each tract to the nearest tenth of an acre shall be shown.

#### Site Data

13. Subdivision boundaries with bearings and distances (include entire area proposed to be subdivided and remainder of the tract in the same ownership); all existing easements, railroad and utility rights-of-way and the purpose for which such easements and rights-of-way have been established; parks and other public open spaces.
14. All existing pertinent features either natural or man made that may influence the design of the subdivision, such as water courses, tree groves, swamps, rock outcrops, outstanding natural topographic features, power transmission towers, scenic or historic areas, existing buildings, sewers, water mains, culverts, utility lines, and fire hydrants. Where underground utilities exist within or adjacent to the tract the approximate location, pipe size, and direction of slope shall be indicated.
15. Existing topography, normally with five (5) foot contour intervals. Where the subdivision is proposed in the Conservation Districts, contour intervals of two (2) feet are required. Contour lines shall be shown one hundred (100) feet beyond the subdivision boundary at ten (10) foot intervals.
16. Location, widths, and names of all existing improved streets or alleys on or within five hundred (500) feet of the subdivision. Recorded but unimproved streets should be shown with dashed lines.
17. If individual wells and/or septic tanks are proposed, show sub-surface conditions on the proposed subdivision, including location and results of tests made to ascertain surface soil, rock, and ground water conditions. Show location and results of site evaluation in accordance with the specifications of the State and County Department of Health. Due regard shall be given to the effects of cut and fill which may make such data obsolete. Anticipated areas of cut and fill shall be noted upon the Preliminary Plat.
18. The limits of the one hundred (100) year flood plain with a reference to the appropriate Flood Insurance Rate Map (F.I.R.M.)

#### Proposed Design and Improvements

19. The layout of all proposed and existing lots with approximate dimensions and area in square feet for each lot; proposed uses of property and proposed front yard setback or other setback lines. Also, when known, the location of each building and the first floor elevation and the proposed location and grade of each driveway.
20. The locations, width, grades and names of proposed streets and alleys. Approximate elevations at the centerline of the street shall be shown at the beginning and end of each street, and at street intersections.
21. The cross section of each new street, from one right-of-way line to the other at a scale of ten (10) feet

or less to the inch, showing the width and type of pavement, the size and type of gutters, the location and width of sidewalks and the location of existing utility lines.

22. Location of existing monuments and proposed new monuments with the overall subdivision tied to at least two (2) Woodford County Geodetic Monuments whose coordinate values have been determined.
23. The approximate location, dimensions, and area of all property proposed to be dedicated or temporarily reserved for public use, or to be reserved by a blanket covenant for use of all property owners in the subdivision and conditions for such conveyance or reservation. Also, the location, dimensions, area, and purposes of any proposed easements.
24. Proposed public improvements, parks, streets, or other major improvements shown on the Comprehensive Plan for future construction on or near the proposed subdivision.
25. Proposed provision of water supply, fire protection, disposal of sanitary waste, storm water drainage, street trees, street lighting fixtures, street signs and sidewalks, and other proposed improvements. The providing agency must verify in writing that their corresponding utility or service is available and adequate for the proposed subdivision.
26. Connections with existing water supply, or alternative means of supply giving location and size of mains. If connections to an existing system cannot be accomplished, an interim communal water supply system shall be shown and its feasibility described, unless individual water supply systems are being considered.
27. Proposed drainage system with typical cross sections of all proposed drainage facilities including underground drains, culvert head walls, ditch lines and necessary easements. Also, the location, size and invert elevation of storm sewers and appurtenances thereto.
28. Connections with existing sanitary sewer system or alternative means of sewage treatment and disposal and location.
29. The location of existing gas lines, fire hydrants, electric and telephone poles and street lights and the recommended future locations of these services.
30. An overlay of the Preliminary Plat or a separate map showing the proposed location of trees and groves to be retained. This shall be required only on all subdivisions involving ten (10) lots or more.
31. When the Preliminary Plat covers only a part of the owner's entire adjacent holdings, a scaled drawing with topography of the prospective future street system of the entire adjacent holding shall be submitted if required by the Planning Commission.

C. **Certifications (Amended August 10, 2006)**

All preliminary subdivision plats shall have the following certifications placed on the plan and shall be properly signed:

1. Owner's Certification - Shall be as follows: "(I or We) do hereby certify that (I am or We are) the only (owner or owners) of record of the property platted hereon, said property being recorded in (Deed Book or Plat Cabinet)\_\_\_\_, (Page or Slide)\_\_\_\_, in the Woodford County Clerk's Office; and do hereby adopt this as (my or our) preliminary plat for this property." (Witness signature, address, & date) (Owner's signature, address, & date).
2. Preparer's (registered engineer, land surveyor, architect, landscape architect, or planner)

Certification - Shall be as follows: "I do hereby certify that this preliminary plat was prepared under my direction and that, to the best of my knowledge and belief, it complies with the Versailles-Midway-Woodford County Subdivision Regulations." (Preparer's signature address, seal, and date).

3. Planning Commission's Certification - Shall be as follows: "I do hereby certify that this preliminary plat has met the requirements of the Versailles-Midway-Woodford County Planning Commission, with any waivers noted." (Planning Commission Chairman's signature and date)
4. "I do hereby certify that individual site evaluations and/or existing systems inspections have been performed and preliminarily approved for each lot shown hereon."

**420**            **Final Plat**

A.            General

The Final Plat shall be legibly drawn in black waterproof ink on a reproducible mylar and a suitable electronic (digital) format as determined by the Planning Commission staff. The scale shall not be smaller than one inch equals one hundred (100) feet and the size of the sheet shall be 17 x 22 inches, including a one (1) inch margin for binding along the left edge. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

B.            Required Information

1. Title Block containing the type of major subdivision; the name of the subdivision and unit if only a portion of an overall plan; the mailing address of the property being subdivided; the owner's name and mailing address; the land surveyor and mailing address; the written scale; date of preparation; and any other appropriate information.
2. Vicinity Map at a scale not greater than four hundred (400) feet to the inch indicating the location of the property with respect to the surrounding property and streets. The maps shall show all streets within five hundred (500) feet of the subdivision, and be oriented same as the plat.
3. North Arrow.
4. Subdivision boundaries with bearings and distances with the boundary being shown as a bold solid line. Any parcel being created shall be field surveyed. The area of each lot to the nearest square foot or of each tract to the nearest tenth of an acre shall be shown. Other boundaries shown on the plan, 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.
5. The names of all property owners abutting the boundaries of the subdivision as their names appear on the tax records. If a platted subdivision, the name of the subdivision is adequate.
6. Zoning classification of the subdivision as well as that of the surrounding properties.
7. Easements, existing and proposed, on or abutting the property being platted shall be shown, labeled, and dimensioned as to its purpose. Front yard setback building lines shall also be shown.
8. Streets which adjoin the property being platted shall be shown and its right-of-way width indicated. A cross section or plan 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 city and/or county plans or regulations, an easement of sufficient width to comply with such plans and regulations shall be dedicated to public use for roadway purposes.

9. Accurate outlines with bearings and distances of any areas to be reserved for common use by the residents of the subdivision or for the general public with the purposes indicated thereon.
  10. Site statistics, including but not limited to the following shall be shown: Total Gross Area, Total Net Area, Area in the Right of Way, Area in Lots, Number of Lots, Density of lots per gross acre and lots per net acre, existing zone, length of each street.
  11. Seal and signature of the Land Surveyor responsible for the plat.
  12. Lot numbers and blocks.
  13. Street names and numbers, approved by the E-911 Coordinator in the title block and on the face of each lot.
  14. Retention/detention maintenance note (if needed).
  15. All lot corners must be monumented.
  16. Identify and note any lots with minimum floor elevations.
  17. Show and label a benchmark tied to Woodford County Vertical Geodetic datum.
  18. Show note: There shall be no intrusion within the right-of-way without an encroachment permit.
  19. Show note: All driveways are to cut the curb and to be flush with the gutter line.
  20. Show a Purpose of Plat note.
- C. Certifications: All subdivision plats shall have the following certifications placed on the plan and shall be properly signed:
1. Owner's Certification - Shall be as follows: "(I or We) do hereby certify that (I am or We are) the only (owner or owners) of record of the property platted hereon, said property being recorded in (Deed Book or Plat Cabinet)\_\_\_\_\_, (Page or Slide)\_\_\_\_\_, in the Woodford County Clerk's Office; and do hereby adopt this as (my or our) record plat for this property. • (Witness signature, address, & date) (Owners signature, address, & date)
  2. Land Surveyor's Certification - Shall be as follows: "I do hereby certify that this record plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being transferred are true and accurate and that all monuments shown hereon actually exist, and that their location, size, and material are correctly shown." (Date, Land Surveyor signature address, and seal)
  3. Planning Commission's Certification - Shall be as follows: "I do hereby certify that this record plat has met the requirements of the Versailles-Midway-Woodford County Planning Commission, and is now eligible for recording in the Woodford County Clerk's Office." (Date and Planning Commission Chairman signature)

4. Recorder's Certification - A blank space also shall be left for the recording stamp of the County Clerk's office.
5. County or City Engineer's Certification - "I do hereby certify that all public improvements required have been inspected and found to be installed, and "As-built" construction drawings received, and all are in conformance with the requirements of the Planning Commission and its Subdivision Regulations. I further certify that a Certificate of Deposit or Irrevocable Letter of Credit will be posted for the designated final improvements."
6. Board of Health Certification (if public sewers are not available) - "I do hereby certify that individual site evaluations and/or existing systems inspections have been performed and preliminarily approved for each lot shown hereon."

D. The Final Plat shall be accompanied by:

1. Profiles and cross sections of all streets, drawn to a scale approved by the Planning Commission, as built.
2. Plans and cross sections of all street pavements, and when required, walks, curbs, and gutters, and the location, size, and elevations, when appropriate, of all underground utilities, including water, sanitary and storm sewers, and gas, as built.
3. A written offer of dedication of streets and other public property including an estimate for final surface course of blacktop, sidewalks, street trees and clean up only.
4. Copies of protective covenants form for recording, including covenants governing the maintenance of unceded public spaces or reservations.
5. Such other certificates, affidavits, endorsements, or other agreements as may be required by the Planning Commission in the enforcement of these regulations.
6. A certificate by the County or City Engineer as appropriate certifying that the subdivider has installed all improvements in accord with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the Preliminary Plat, or, that the subdivider has posted a Certificate of Deposit or Irrevocable Letter of Credit which shall:
  - a. Run to either the City or the County;
  - b. Be in an amount determined by the Planning Commission to be sufficient to complete the improvements and installations in compliance with the Ordinance;
  - c. Be with surety satisfactory to the Planning Commission;
  - d. Specify the time for the completion of the improvements and installations for which they were provided.

**430 Adjustment of Final Plat Requirements**

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

## **ARTICLE V**

### **MINOR PLAT REQUIREMENTS**

#### **Section 500                      Pre-Application**

A Conceptual Plat should be presented by the subdivider at their initial meeting with the Planning Commission Staff for discussion and advice. The Conceptual Plat should show or be accompanied by the following: general location, boundaries of the tract, rough street and layout, and other information concerning pertinent physical features, availability of utilities, existing zoning, recreational areas and an estimated time schedule of development.

#### **Section 510                      Minor Plat**

##### **A.            General**

The Minor Plat shall be submitted by the subdivider on mylar or other material capable of clear reproduction and the plan shall be clear and legible. The Plat shall also be submitted in a suitable electronic (digital) format as determined by the Planning Commission Staff. The scale shall not be smaller than one (1) inch equals one hundred (100) feet and the size of the sheet shall be 17 x 22 inches, including a one (1) inch margin for binding along the left edge.

##### **B.            Required Information**

1.        Title Block containing the type of minor subdivision; the name of the subdivision; the mailing address of the property being subdivided; the owner's name and mailing address; the land surveyor and mailing address; the written scale; date of preparation; and any other appropriate information.
2.        Vicinity Map - at a scale not greater than four hundred (400) feet to the inch indicating the location of the property with respect to the surrounding property and streets. The maps shall show all streets within five hundred (500) feet of the subdivision, and be oriented same as the plat.
3.        North arrow and a graphic scale, and date.
4.        Subdivision boundaries with bearings and distances with the boundary being shown as a bold solid line. Any parcel being created shall be field surveyed. The area of each lot to the nearest square foot or of each tract to the nearest tenth of an acre shall be shown. The acreage shall be shown. Other boundaries shown on the plan, 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.
5.        All lot lines with bearings and distances in feet and hundredths.
6.        The names of all property owners abutting the boundaries of the subdivision as their names appear on the tax records.
7.        Zoning classification of the subdivision as well as that of the surrounding properties.
8.        Easements, existing and proposed, on or abutting the property being platted shall be shown, labeled, and dimensioned as to its purpose. Front yard setback building lines shall also be shown.
9.        Streets which adjoin the property being platted shall be shown and its right-of-way width indicated. A cross section or plan 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 city and/or county plans or regulations, an

easement of sufficient width to comply with such plans and regulations shall be dedicated to public use for roadway purposes.

10. Site statistics, including but not limited to the following shall be shown: Total Gross Area, Total Net Area, Area in the Right of Way, Area in Lots, Number of Lots, Density of lots per gross acre and lots per net acre, existing zone, length of each street.
11. Seal and signature of the Land Surveyor responsible for the plat.
12. Lot numbers and blocks.
13. Street names and numbers, approved by the E-911 Coordinator in the title block and on the face of each lot.
14. Retention/detention maintenance note (if needed).
15. A Purpose of Plat note.
16. Additional Information and Requirements for Minor Plans - the following additional information and requirements shall be applicable to the type of minor subdivision so indicated:
  - a. Consolidation Plans - 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 acreage 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 purposes." For multiple consolidations, the developer shall consult with the Planning Commission Staff to determine appropriate parcel labeling and the wording of such consolidation note.
  - b. Minor Amendments to Existing Plans - All minor amended subdivision plans 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 plan. Additional requirements specific to each plan type shall be as follows: 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 approves of the addition, release or modification being made.
17. Certifications: All minor subdivision plats shall have the following certifications placed on the plan and shall be properly signed:
  - a. Owner's Certification - Shall be as follows: "I or We) do hereby certify that (I am or We are) the only (owner or owners) of record of the property platted hereon, said property being recorded in (Deed Book or Plat Cabinet)\_\_\_\_, (Page or Slide)\_\_\_\_, in the Woodford County Clerk's Office; and do hereby adopt this as (my or our) record plat for this property." (Witness signature, address, & date) (Owners signature, address, & date).
  - b. Land Surveyor's Certification - Shall be as follows: "I do hereby certify that this record plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being transferred are true and accurate, and that all monument shown hereon actually exist, and that their location, size, and material are correctly shown." Date, Land Surveyor signature address, and seal).
  - c. Commission's Certification - Shall be as follows: "I do hereby certify that this record plat has met the requirements of the Versailles-Midway-Woodford County Planning Commission, and is now eligible for recording in the Woodford County Clerk's Office." (Date and

Planning Commission Chairman signature).

- d. Recorder's Certification - A blank space also shall be left for the recording stamp of the Woodford County Clerk's office.
- e. Board of Health Certification - "I do hereby certify that individual site evaluations and/or existing systems inspections have been performed and preliminarily approved for each lot shown hereon."

## ARTICLE VI

### DESIGN STANDARDS

#### **600            General Requirements**

- A.     In designing a subdivision, the subdivider shall comply with the principles and requirements of this article.
- B.     The Planning Commission in considering an application for the subdivision of land shall be guided by the considerations and standards contained herein.
- C.     Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- D.     Subdivisions shall conform to the Comprehensive Plan and to the Zoning Ordinance.

#### **610            Land Requirements**

Land shall be suited for the purposes for which it is to be subdivided. In general, the Planning Commission shall take the following factors into consideration prior to the approval of any subdivisions.

- A.     Subdivisions laid out on land subject to periodic flooding shall not be approved unless adequate safeguards against such hazards are provided, and,
- B.     Areas characterized by steep slopes greater than 18%, shall not be subdivided unless adequate safeguards against potential hazards are provided. A geotechnical engineer and a structural engineer shall evaluate the area and specify engineering conditions whereby the area could be buildable.
- C.     Sinkholes shall require geotechnical inspection to determine below surface cavernous size and conditions to insure construction limitations are safe from such hazards.

#### **620            Streets**

The subdivider shall provide for the complete construction of streets, curbs, and gutters, constructed to standards approved by the Planning Commission and the City or County Engineer. Where streets are proposed to be dedicated to the County or City, that government is not required to accept said street until it has been inspected by a qualified engineer and has been determined that said construction was in accordance with the approved construction plans.

##### A.     General Requirements

The arrangement, character, extent, width, and location of all streets shall conform to the Comprehensive Plan and Official Map (if adopted) and shall be considered in relationship to existing and planned streets, to topographical conditions, to public convenience and safety, and to their appropriate relationship to the proposed uses of the land to be served by such streets.

In designing a street system, the subdivider shall be guided by the following principles:

1.     Adequate vehicular and pedestrian access shall be provided to all parcels.
2.     Street systems shall be designed to provide for a smooth flow of traffic and a high level of connectivity within and between neighborhoods, workplaces, and downtown, with adequate and safe provisions for on and off-street parking, loading and unloading of goods and equipment.

3. Local street systems shall be logical and comprehensible and designed in a grid pattern.
4. The arrangement of local streets shall permit economical and practical patterns, shapes, and sizes of development parcels.

B. Street Layout and Design

1. Streets shall be classified with pavement widths and the number of lanes and right-of-way widths as noted below; unless approved otherwise by the Planning Commission. Street Cross Sections are found in Exhibit 6-2, number of lanes and right-of-way widths shall not be less than as follows:

Exhibit 6-1 - Street Design		
<u>Street Type</u>	<u>Pavement Width*</u>	<u>Right of Way Width**</u>
Expressways***		
Arterial Streets***		
Collector Streets	36'	60'
Local Streets	32'	50'
Cul de sac Streets	28'	50'
Alleys	12'	24'
County Roads outside the Urban Services Area	21'	50'
Marginal Access Streets	To be determined based on use.	
Rural Residential Roads (Private)	18'	30'

The standards listed above may be increased or decreased where necessary as approved by the Planning Commission.

\* Dimension of pavement is back of curb to back of curb or edge of pavement where there are no curbs.

\*\* See typical cross sections in Exhibit 6-2.

\*\*\*Design standards and right-of-way requirements shall be designed by Kentucky Transportation Cabinet.

When any proposed subdivision fronts on or has access to a State road, the Planning Commission shall consult with the Kentucky Transportation Cabinet concerning the effect of the subdivision on the State road.

3. Whenever a proposed subdivision contains any part of a street designated in the, Comprehensive Plan or noted on the official map (if adopted) such part of said street shall be platted by the subdivider in the general location and at the width indicated in the Comprehensive Plan.
4. New streets shall generally be continuous in alignment with existing streets with which they are to connect (Where appropriate to the design).
5. Proposed streets shall be extended to the boundary lines of the proposed subdivision with temporary turnarounds unless such extensions are not feasible because of topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary for the coordination with existing streets for adjacent tracts.

C. Pavement Specifications

The minimum specifications for streets are as follows:

Pavement base shall consist of not less than two (2) courses of dense graded aggregate laid and rolled separately to at least ninety (90%) percent maximum density, totaling eight (8) inches for the full widths of pavement and including any proposed shoulder. Sub-grade shall have been graded and rolled to ninety (90%) percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point of three (3) inches. A surface or wearing course of Asphalt Concrete, Class I, Type "A" or an equivalent shall be applied, with a thickness at the thinnest point of one (1) inch.

In the case of concrete streets, concrete pavement shall be a minimum of six (6) inch thick and reinforced with 6 x 6, 6/6 mesh or No. 3 bars at a minimum twelve (12) inches center to center each way with concrete having a minimum compressive strength of three thousand (3,000) psi at twenty eight (28) days. Special approval shall be required for concrete pavement.

These standards shall be increased in cases of industrial, warehousing, and heavy commercial developments where the streets must bear unusual stress and traffic. Industrial streets shall be constructed to specifications equal to or better than interstate standards for surface and subsurface materials.

Street construction plans must be approved by the County and/or City Engineer, or as designated by the Planning Commission.

D. Street Geometrics

The street system layout shall be designed so as to preserve natural features such as trees, groves, creeks, hilltops, scenic views, and historical landmarks; and to preserve, the natural lay of the land and disposition of the topsoil.

1. Grades of streets shall conform as closely as possible to the original topography and shall be designed to produce usable and reasonable grades.
2. Grades of streets shall be arranged to obtain as many building sites as possible at or above the grade of the street (s) abutting the building.
3. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Exhibit 6-4 - Street Grades

<u>Street Type</u>	<u>Maximum Percent Grade</u>
Arterial	5%
Collector	8%
Local & cul de sacs	12%
Alley	12%
County Roads in	
Agricultural Districts	15%
Marginal Access Streets	15%
Rural Residential	15%

The Planning Commission may permit steeper grades in special circumstances.

4. No street grade shall be more than 0.80 percent.
5. Street alignments shall be designed as provided in this section. A combination of steep grades and

sharp curves shall be avoided.

6. Grades at street intersections for stopping streets only shall be held to a maximum of two (2) percent for a distance of fifty (50) feet measured from back of curb.
7. Dead-end streets shall be prohibited except as stubs to permit future extension to adjoining tracts or where necessitated by topography, or where, in the opinion of the Planning Commission, they are appropriate for the type of development contemplated and are designed as cul-de-sacs.
8. Streets should be laid out to intersect as nearly as possible at right angles, and no street shall intersect with any other street at less than sixty (60) degrees. Any change in street alignment to meet this requirement shall occur at least eighty (80) feet from the intersection.
9. Intersections with State administered arterial streets shall be located not less than six hundred fifty (650) feet apart, measured from center line to center line or as determined appropriate by the Kentucky Transportation Cabinet. Intersections with County administered thoroughfares shall be as determined appropriate by the Woodford County Engineer.

EXHIBIT 6-5 - STREET GEOMETRICS

LOCAL STREETS

	<u>COLLECTOR STREET</u>	<u>CONTINUING</u>	<u>LOOP/CUL DE SAC (*3)</u>	<u>SERVICE ROAD</u>	<u>NON-RES.</u>
<u>STREET DIMENSIONS</u>					
Right of Way Width	60-70	50	50	40-50	60
Roadway Width (face to face)	36-40	30	27-30	30	36
Curbs and Gutters	Yes	Yes	Yes	Yes	Yes
Sidewalk (width and sides)	4' - both	4' - both	4' - both	4' - (*1)	4' - both
Driveway Access	*1	Yes	Yes	Yes	Yes
Backup Lots	*1	No	No	No	No
Street Grade, Maximum	6% (*4)	8%	8%	6%	6%
Street Grade, Minimum	0.8%	0.8%	0.8%	0.8%	0.8%

STREET ALIGNMENT

Horizontal Curve Radius at CL	500'	200'	100'	150'	300'
Stopping Sight Distance	250'	200'	200'	200'	200'
Crest Vertical Curve Formula	L=45A	L=22A	L=22A	L=22A	L=22A
Crest Vertical Curve, Minimum	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	L=60A	L=35A	L=35A	L=35A	L=35A
Sag Vertical Curve, Minimum	100'	100'	100'	100'	100'

STREET INTERSECTIONS

Maximum Street Legs	4	4	4	4	4
Intersection Angle (Pref.&Min.)	90-80 deg.	90-80 deg.	90-80 deg.	90-80 deg.	90-80 deg.
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	20'	20'	20'	20-40'
Max. Grade within 50' of intersecting gutter	3%	3%	3%	3%	3%
Max. Tangent Offset within 100' of intersection at gutter line	8.3'	11.3'	11.3'	11.3'	11.3'

(\*1) As approved by the Planning Commission.

(\*2) Intersection spacing shall apply as described in Section 630 (D) (10).

(\*3) Alternate dimensions of twenty two (22) feet' (face to face) roadway width may be utilized as described in Exhibit 6-2.

(\*4) On collector streets, grades from six (6) to eight (8) percent may be approved for short distances provided that no crest sight distance problem is created.

Note: Typical Cross section applications are described in Exhibit 6-2.

- Multiple intersections involving junctions of more than two (2) streets shall be avoided. All of the streets shall have a minimum offset of one hundred fifty (150) feet between street center lines, except in the case of roundabouts.

11. Clear sight triangles of fifty (50) feet measured along street right-of-way lines from their points of junction shall be provided at all intersections, and no building, structure, grade or planting higher than three (3) feet above the centerline of the street shall be permitted within such sight triangles.
12. Minimum back of curb radii or edge of pavement radii at street intersections shall be twenty (20) feet.
13. Where a proposed subdivision abuts or contains an existing or proposed arterial street, the number of intersections with the arterial street shall be kept to a minimum. Frontage roads will be incorporated into the subdivision or site design as a means of access control to the arterial when one or more of the following conditions occur:
  1. The frontage road would serve to extend an existing frontage road, improving access control for several properties abutting the same arterial.
  2. Where outlots of a commercial subdivision or development site would abut the arterial.
14. Cul-de-sac streets, permanently designed as such, shall not exceed two hundred fifty (250) feet in length. Cul-de-sac streets will only be permitted by the Planning Commission when the applicant can clearly demonstrate that one or more of the following conditions exist requiring the use of this technique.
  - a. The width and/or length of the tract would prohibit the use of a street and alley system because the use of such system would result in lots that are non-conforming with existing building placement standards. The physical dimensions of the tract must not be the result of property conveyance or platting actions taken by the property owner or applicant within two (2) years of a development application requesting approval for use of a cul-de-sac.
  - b. There are environmental or wildlife resources that the applicant proposes to preserve or protect and the use of a cul-de-sac is integral with the preservation objective.
  - c. The cul-de-sac would be utilized to continue an existing stub street from an adjoining subdivision and there would be no existing means of connecting the stub street to another existing or proposed street.
  - d. The cul-de-sac is integral to a rural residential development.
15. Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum diameter of eighty (80) feet to the outer pavement edge or back of curb and a diameter of one hundred (100) feet to the right-of-way line.
16. A suitable turnaround shall be required by the Planning Commission when a street temporarily dead-ends over one hundred fifty (150) feet from its nearest intersection.
17. When stub streets are approved and constructed the developer shall post a sign at the end of the stub street stating: "NOTICE: This road will be extended if there is future development. For more information contact the Versailles-Midway-Woodford County Planning office at 873-8611." The sign(s) will be metal with reflective 4" tall lettering. The sign (s) will be posted prior to recording of final plat.

E. Adjacent Existing Streets

1. Subdivisions that adjoin or include existing streets that do not conform to standards herein or streets included in the Comprehensive Plan or Official Map (if adopted) to dedicate additional right-of-way width, construct additional pavement width or perform other measures that may be required for the

facilities to be fully compliant with standards contained herein. The Planning Commission may also require that funds be put in escrow for the purpose of acquiring right-of-way and making improvements to correct substandard conditions for the street or streets providing primary access.

2. Where a subdivision abuts or contains an existing or proposed arterial street, there shall be no direct access to the arterial street from individual lots. Such restriction shall be noted on the plat.
3. Where a subdivision abuts or contains an existing or proposed thoroughfare, the front of abutting lots and houses shall face the thoroughfare. Driveway access to thoroughfares will not be permitted except for designated scenic/historic thoroughfares. Where houses face the thoroughfare but driveway access is not permitted, access rights to the thoroughfare shall be dedicated to the public as part of the record plat.

#### F. Street Names

Proposed streets which are clearly aligned with existing streets shall bear the name of the existing street. Proposed streets shall not duplicate or closely approximate the names of existing streets in Woodford County. In the naming of developments, streets, etc., developers are encouraged to make use of local names and historical associations. All street names and addresses shall be approved by the Emergency 911 Coordinator prior to submission of the Final Plat.

#### G. Street Signs

Subdivider's are responsible for placement of street signs of a type in use throughout the cities and county. The subdivider shall place at least two (2) street name signs at each four-way street intersection and one at each "T" intersection. Where street lighting is provided, signs shall be installed under light standards, free of visual obstruction, and easily legible. All street signs must be designed and installed in accordance with the requirements of the manual on Uniform Traffic Control Devices (UTCD). All street signs shall be metal with reflective lettering.

#### H. Street Lighting and Easements

All streets, sidewalks, and walkways shall be properly lighted within the Urban Service Boundary as required by the Planning Commission. Such lighting shall be installed by the subdivider. Easements necessary for provision of such lighting shall be provided and shall be labeled as "street light easement" on the Final Subdivision Plat. The street lights shall be installed on both sides of the streets at no more than seventy five (75) foot intervals measured parallel to the street. Street lights should be between ten (10) and fourteen (14) feet in height. Lighting should be designed to meet the minimum standards of the Illumination Engineering Society.

#### I. Sidewalks and Curbs and Guttering

Sidewalks and curbs and gutters shall be provided on both sides of all streets within the Urban Service Boundary of Versailles and Midway. Sidewalks shall be at least four (4) feet wide and at least four (4) inches thick unless otherwise approved by the Planning Commission. They shall be 6" thick at all driveway crossings. Curbs and gutters shall be Ogee Curb, Box Curb. Sidewalks are subject to performance guarantee at final platting but must be installed on each lot prior to the Certificate of Occupancy permit being issued for the structure on said lot. In any case, all sidewalks must be complete within two (2) years of the final plat being recorded or when 80% of the lots in said unit are occupied, whichever occurs first.

#### J. Alleys

1. Alleys may be provided in residential, commercial and industrial districts. Alleys shall not be provided in other locations unless required by special conditions.
2. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit safe vehicular movement.

3. Dead end alleys shall be avoided but, where necessary, shall be provided with adequate turnaround facilities at the dead end, as determined by the City or County Engineer.

K. Dedication of Right-of-Way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in Section 630 (E) (1) of this Article.

1. The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way width measured from the center of the existing roadway shall be dedicated.
2. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

L. Dedication of Right-of-way for Proposed Streets

The preferred method for dedication of Right-of-Way for proposed streets, with the exception of the alley, is fee simple title for public use by the Record Plat or other legal instrument. The preferred method for the alley's is to dedicate a cross access easement by the Record Plat or other legal instrument. A fee simple dedication of lands for this street type may be accepted if the Planning Commission finds that a suitable agreement for an adequately funded program for long-term maintenance of the facility will be implemented.

M. Erosion Protection

1. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching to prevent erosion.
2. To protect ditches and other areas from erosion, the following protective measures shall be required:

<u>Grade of Ditch</u>	<u>Required Protection</u>
Less than 1%	Seed and fertilize entire ditch and slopes.
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slope.
5% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4) inch thick reinforced concrete. Seed all other areas not paved in the right-of-way.
All over 10%	Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot center to retard flow.

All seeding and fertilization shall be done in conformance with the guidelines for Urban Sediment Control prepared by the Woodford County Conservation District (see Section 770).

3. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on

any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, it shall be corrected by the contractor immediately, to the satisfaction of the City or County Engineer.

N. Storm Water Management Facilities

Design Criteria

A. Post-Development versus Pre-Development Design Criteria

1. Peak Discharge Considerations

The basic standard for design of drainage systems will be to keep runoff characteristics after development at the same level as existed prior to development and prevent aggravation of the existing downstream drainage system. To achieve this objective, storm water detention/retention facilities will be required, in most cases, so that the peak discharge (measured in cubic feet per second - CFS) and flood elevations from the developed area shall not be greater than the peak discharge and flood elevations evaluated for four (4) separate storm events: the 2 Year/1 Hour storm; the 10 Year/1 Hour storm; the 25 Year/24 Hour storm; and the 100 Year/1 Hour storm based on a method approved by the County and/or City Engineers. Included would be peak discharges from all areas that pass through the subject development. The peak discharge for the pre-developed site shall be measured in an instantaneous flow rate at the discharge point of each watershed affected. The peak discharge for the post developed site shall be the instantaneous flow rate taking into consideration both the detained storm water and the unmanaged storm water (if applicable). Downstream interceptor storm facilities shall be studied to determine that peak discharge from the subject development would not compound the existing downstream situation. The emergency spillway shall be designed to route the 100 year/24Hour storm, but does not have to meet the pre-development flow rate.

2. Downstream Flood Levels

The developer will be required to provide storm drainage improvements that will prevent the flood level for the area immediately downstream from the subject development from being raised in a 2 year/1 hour, a 10 year/1 hour storm, a 25 year/24 hour storm and a 100 year/1 hour storm considering both the instantaneous flow rate and flood elevations caused by the increased quantity of water from the development. Where conditions and engineering calculations indicate benefit from storm water detention/retention facilities would not occur, then they may be deleted from the development requirements in favor of channel improvements and/or off-site improvements to improve flow, or other alternative as approved by the applicable City or County Engineer.

3. Watershed Overcompensation

Each watershed must be evaluated separately, and each watershed must meet the requirements as stipulated within these specifications. Overcompensating within one watershed to allow for under compensated storm water detention in any other watershed may be considered on a case by case basis.

4. Discharge Points

The discharge point (s) of any storm water management facility shall be into either a natural, well defined drainage path, or into a man-made drainage way. For areas proposed to drain onto adjoining properties essentially undetained, then the drainage must be sheet flow. Point discharges onto adjoining property are prohibited unless the discharge point is into a natural, well defined drainage path or into a man-made drainage way or into an agreed upon off-site easement.

B. Storm Water Collection System Design Criteria

1. General System Design

A preliminary storm water drainage layout plan shall be submitted with the preliminary arrangement of the development. This plan must indicate the overall drainage scheme in enough detail to insure the proposed plan is acceptable. Retention/detention areas or easements must be exclusive of all lots. The Planning Commission Staff and the City or County Engineer will review this preliminary storm water drainage layout plan.

An overlot drainage plan shall be prepared and furnished as a portion of the Construction Plans which indicate the pre-developed and post-developed contours and other information as may be necessary to establish that positive drainage from all of the lots throughout the subdivision shall be satisfactorily accomplished. Drainage swales between lots may be necessary. The developer shall insure that the lots in the field reflect the over lot drainage plan proper to the submission of the final record plat. The developer's engineer shall sign an affidavit attesting that all proposed public and private improvements for the subdivision have been constructed and tested in accordance with the approved plans and specifications prior to the submission of the Final Record Plat. The builder shall be responsible to insure that lots shall be graded so that water drains away from each building as specified in the applicable building code.

Storm water detention and retention basins shall not be included in any lot proposed as a building site. Such basins shall be constructed within parcels, tracts or lots that are specifically identified in the preliminary and record plat as non-building sites. Furthermore, for general maintenance purposes, storm water basins and facilities shall be constructed in such a fashion that no portion of the basin, including the dam/spillway and toe of slope of dam, is located within 12 feet of the basin's own lot, parcel, or tract perimeter.

Easements for the storm water management system shall be shown on the Final Record Plat (as applicable) in the locations and widths as approved by the Planning Commission. Special notes pertaining to the maintenance of detention/retention facilities may be required on plats (as applicable). Release from or modification to existing drainage easements shall require the written approval of the Planning Commission.

The City and County will not accept or maintain any detention/retention facility, except in accord with the following:

"The retention and drainage easement shall be maintained by the \_\_\_\_\_ Association (the "Association"). The retention and drainage easement shall be maintained by the Association in such a fashion as to insure that the vegetative growth will not exceed eight inches in height. All foreign objects, debris and silt will be removed from the retention site. No potential or actual health or safety hazard will be created. The Association shall perform periodic maintenance on all areas, other than storm drainage pipes and head walls to insure the hydraulic function of the project. Structural and landscaping intrusions onto the retention area shall not be allowed without written approval of the City or County Engineer. The Association shall permit necessary access to the City or County Engineer for periodic inspection. Failure to comply with the above requirements shall allow the City or County Engineer to take the necessary action to correct the non-compliance and the cost thereof shall be borne by the Association. Woodford Fiscal Court, the City of Versailles, or the City of Midway, shall have the right to assert a lien on the property to assure payment. This note shall be designated on the Final Record Plat.

The applicable City or County jurisdiction will be responsible for maintaining all head walls, storm drainage pipes and inlets, regardless of the ownership of the facilities.

The County or City Engineer shall review the drainage plan to determine the adherence to the criteria as outlined in these Regulations, and to determine compliance with other Planning Commission

Regulations. The storm water management system final plans and calculations shall be submitted to the Planning Commission Staff in triplicate. They shall include the number, seal and original signature of a professional engineer registered in Kentucky and the engineer's calculations for pre-development/post-development peak discharge runoff volumes, catch basin spacing, pipe sizing, and storage volumes in the detention facilities for each of the four (4) separate storm events outlined earlier in this regulation. Capacities of all downstream interceptor facilities receiving discharges from development shall be checked for pre-development/post-development adequacy. Outlet sizing shall be staged for each of four (4) storm events to insure the post-development discharge will not exceed the pre-development discharge rates.

The Planning Commission and/or Staff reserve the right to reject any plan that would adversely effect adjoining properties.

## 2. Piping System

Design of storm water piping system shall be designed on the basis of the 25 Year/24 Hour Storm event peak discharge. The unit shall then be checked for backwater and surcharge conditions for the one hundred (100) year storm event peak discharge. No flooding shall be induced by the system at the one hundred (100) year return frequency.

The Manning's roughness co-efficient to be used in culvert design shall be 0.024 for Corrugated Metal Pipe (CMP); and 0.012 for Reinforced Concrete Pipe (RCP), smooth interior High Density Polyethylene Pipe (HDPE), Ductile Iron Pipe (DIP), and PolyVinyl Chloride (PVC) pipe.

HDPE and PVC pipe shall only be used for private systems. Both pipes are very susceptible to permanent damage from rodding operations. A plan and profile of the proposed storm water system (including pipes, drainage swales, channels, stream relocations, etc.) shall be drawn with pipe sizes, types, grades and inverts indicated. All drainage pipes must be extended to a natural, well defined drainage path connected to a manmade drainage way, or storm water sewer systems.

Under no circumstances shall storm water drainage systems be designed, constructed or connected so that the flow is diverted into any public or private sanitary sewer system.

## 3. Head walls

Head walls are required for any pipe within the proposed storm water management plan. Head walls are also required for any existing pipe within the proposed subdivision. Energy dissipater head walls shall be provided at the outlet of all pipes over eighteen (18) inches in diameter and of a configuration to prevent erosion and to reduce the discharge velocity. For pipes less than eighteen (18) inches in diameter, the applicable City or County Engineer may require energy dissipater head walls at the outlet as deemed necessary. Four (4) foot fencing shall be required along the perimeter of the head wall if the distance from the pipe invert to the top of the head wall exceeds three and one-half (3.5) feet.

## 4. Storm Manholes

The storm water drainage system shall be designed and constructed with sufficient junction boxes, manholes, and other appurtenances to provide ready access into any section for clean out and maintenance operations. Storm sewer manholes with improved inverts shall be required for pipes at any change in direction (horizontal or vertical) or junction point and at a minimum every four hundred (400) feet. Manhole lids must be clearly marked as "storm sewers" so as not to be confused with sanitary sewer manholes.

## 5. Box Culverts

Any drainage plan requiring the use of box culverts shall include reinforced concrete designs from a professional engineer to withstand the anticipated loading. (HS 20 loading or greater). Design of culverts shall be designed on the basis of the 25 Year storm event peak discharge.

6. Drainage Channels

When open channel flow in man-made drainage channels is proposed as a method of storm water transport (in lieu of underground pipes), the developer shall provide drainage channels sufficient in size to contain the design discharge from the 10 Year/24 Hour storm event plus one (1) foot freeboard. The channel shall then be checked using the 100 Year storm event. No flooding shall be induced by the channel at the 100 Year return frequency. The side slopes for sodded channels shall not be steeper than three to one (3H:1V). The lowest floor elevation (residence and garage) for any lot adjacent to any channel shall be a minimum of one (1) foot above the elevation of the top of the bank for any channel. The side slopes for a concrete lined channel shall not be steeper than two to one (2H:1V). Channels with slopes less than two (2%) percent shall have a low flow concrete channel with a minimum of two (2) foot flat bottom, six (6) inches deep. For design velocities exceeding six (6) feet per second, riprap or other approved erosion control shall be used to the elevation of the 10 Year/24 Hour storm event. The Manning's roughness co-efficient to be used for flows contained within concrete lined open channels shall be 0.015, grass lined channels shall be 0.030, rip-rap lined channels shall be 0.045.

7. Existing Structures - On Site

The storm water management plan must take into account adjoining subdivisions and drainage areas to insure that the effects of existing structures and/or drainage ways have been considered. If existing on-site structures are to be utilized within the storm water management plan, then each existing structure must meet the design materials and construction requirements as set forth in these Regulations.

8. Sinkholes

Sinkholes (either active or inactive) shall not be used in calculations for the storage or transfer of storm water. Sinkholes should not be considered as a viable part of the storm water management system since the capacity for flow and volume for storage cannot be determined. Existing sinkhole systems shall not be covered or otherwise tampered with since they already function with existing hydrological conditions. A geotechnical engineer shall evaluate the area and specify engineering conditions whereby the area could be buildable.

9. Springs

Springs (either constantly flowing or wet weather flowing) must be considered within the storm water management system. Spring boxes and piping shall be required to divert the ground water from the spring to the storm water drainage system. This shall include existing springs and any spring discovered during construction. Under no circumstances shall spring discharge be designed, constructed, or connected so that the flow is diverted into any public or private sanitary sewer system. A geotechnical engineer shall evaluate the area and specify engineering conditions whereby they could be buildable.

10. Private Systems

A private storm water management system shall be defined as a system installed by an individual (i.e. person or company) to fulfill detention/retention requirements not associated with subdivisions. A private storm water management system shall follow the same design criteria as outlined in these Regulations, except that the use of HDPE and PVC are allowed when the system will not be dedicated

for public maintenance.

C. Detention/Retention Basin Design Criteria

1. General Basin Design

A detention basin shall be defined as a normally dry, storm water storage area with a principle spillway and/or an emergency spillway. Detention basins shall be designed so that standing water will not remain during dry weather. Grass bottoms in detention basins shall be designed with minimum slopes of two (2%) percent and shall include low flow concrete channels designed with minimum slopes of one-half (1/2) percent. In certain instances, other techniques (underground vault storage, etc.) may be considered for systems on a case-by-case basis.

A retention basin shall be defined as a storm water storage area that permanently stores a predetermined pool of water. Retention basins shall be designed within a drainage area of sufficient size or be aerated to insure that the standing water will not stagnate or present health hazards. For the design of retention basins, the static ground water level must be taken into consideration for any and all utilities including the existence or possibilities of basements. The minimum depth for a basin with a permanent pool shall be two (2) feet as measured from the bottom of the basin to the invert of the primary spillway. Permanent pools of depth greater than two (2) feet shall be fenced along all sides of the permanent pool with a minimum of a 4 (four) foot fence.

Farm ponds that are utilized for storm water storage and are off-site to the subdivision or development/building site will be exempt from the fencing requirement.

The storm water piping system used to feed the retention basin must have the inflow inverts above the normal lake level as dictated by the invert elevation of the principle spillway. Trash racks and rock silt check dams or other acceptable method as approved on a case by case basis by the City or County Engineer, shall be designed at each inflow source to the retention basin to prevent silt and/or trash from entering into the permanent pool.

2. Construction in Flood Plain

Detention/retention basins shall not be constructed within the 100 Year Flood Plain as defined by the Flood Insurance Maps for the cities of Midway and Versailles and Woodford County unless a permit for such construction is obtained from the Kentucky Division of Water in Frankfort, Kentucky.

3. Principle and Emergency Spillway

Each detention/retention basin is required to have a principle and an emergency spillway of a size dictated by the overall storm water detention/retention plan. The minimum size for a principle spillway shall be eight (8) inches in diameter for either pipe or orifice, or as determined by the Engineer and approved by the City or County Engineer. More than one principle spillway for each detention/retention basin may be required to insure compliance with the method as outlined in these regulations. The spillway (s) may be staged as necessary to insure proper discharge rates for each of the four (4) storm events: 2 Year/1 Hour storm; the 10 Year/ 1 Hour storm; the 25 Year/24 Hour storm; and the 100 Year/1 Hour storm. One spillway outlet rarely detains/retains different storm events. The principle spillway is intended to serve the 25 Year/24 Hour Storm event and the emergency spillway is intended to serve the outfall needs of a 100 Year storm event. Each detention/retention basin must have an emergency spillway of sufficient size to prevent the overtopping of the basin during the greatest of any of the four (4) storm events. Open channel emergency spillways shall be concrete.

4. Embankment Requirements

If an earthen berm is used to construct a detention/retention basin, the minimum top width shall be four (4) feet, and the maximum slope of the embankment shall be three (3) feet horizontal for each one (1) foot of vertical rise (3H:1V) or as approved by the City or County Engineer. The embankment shall be initially constructed to a minimum of one (1) foot above the crest of the 100 Year/1 Hour storm event discharge through the emergency spillway.

5. See "Storm Water Collection System Design Criteria" regarding the location and design of storm water detention and retention basins.

#### Construction Criteria

##### A. Materials

1. Pipe - Once the Construction Plans have been approved for construction by the Planning Commission Staff and the City or County Engineer, the pipe type shall not be altered without further review and approval.
  - a. Corrugated Metal Pipe (CMP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains and Sewers.
  - b. Reinforced Concrete Pipe (RCP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains and Sewers.
  - c. High Density Polyethylene (HDPE) Pipe shall only be used in private storm sewer systems and be ADS N-12 manufactured by Advanced Drainage Systems, Inc., or approved equal and conform to the requirements of ASTM F405 and ASTM F667.
  - d. Ductile Iron Pipe (DIP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains, and Sewers.
  - e. PolyVinyl Chloride (PVC) Pipe shall only be used in private storm sewer systems and shall conform to the requirements of ASTM D2241, SDR35 and ASTM D1784, Schedule 40.
2. Concrete Structures - Once the Construction Plans have been approved for construction, the size or type of concrete structures shall not be altered unless approved by the Planning Commission Staff and the City or County Engineer. The materials used to construct any concrete structure (pre-cast or cast-in-place) shall conform to Kentucky Standard Specifications for Road and Bridge Construction including any and all accessories which might be required of the structure (i.e., chain link fencing, grates, riprap, castings, etc.). Concrete for the structures shall conform to the requirements for Class 'A' concrete as described in the Kentucky Standard Specifications for Road and Bridge Construction (Latest Edition).

##### B. Construction

The installation of storm water facilities shall not begin until the Construction Plans have been approved by Planning Commission Staff and the City or County Engineer.

Construction of head walls shall conform to the Kentucky Bureau of Highways, Head Wall Supplement, RDH Series, except as modified for energy dissipaters. Head walls may be pre-cast or cast-in-place, but the use of brick is prohibited as a structural material.

Construction of other concrete structures shall conform to the Kentucky Bureau of Highways Standard Drawings Manual. The structures may be pre-cast, cast-in-place or slip formed, but the use of brick is prohibited.

C. Pipe trenching and backfill shall consist of the following:

- a. The trench width shall be a minimum of eighteen (18) inches plus the outside diameter of the pipe. The pipe shall be bedded on four (4) inches of #9 or #68 crushed stone. The pipe shall then be cushioned by at least one and a half (1 ½) feet of select soil backfill above the pipe. Backfill above this soil cushion shall not contain large pieces of rock (greater than one (1) foot).
- b. When the trench excavation is within the street then the entire trench must be bedded-with #9 or #68 stone and backfilled with D.G.A.

D. Inspection of Storm Water Management Facilities

Prior to final approval of the Construction Plans, the Developer shall designate by letter to the Planning Commission Staff, a Project Engineer to be responsible for the inspections and project certifications. The Project Engineer may propose changes to the approved construction plans. Notification of the changes shall be given to the Planning Commission Staff. Such changes shall meet the requirements of the Versailles, Midway, Woodford County Subdivision Regulations and not violate any local or state regulation. All such changes shall be reviewed and approved by the Planning Commission Staff and the City or County Engineer prior to the work being done.

Changes requiring variances from the requirements of the Subdivision Regulations must be submitted in writing to and approved by the Planning Commission prior to the work being done.

All storm sewer construction shall be inspected by the Project Engineer to insure that the construction progresses in compliance with the approved plans and specifications of the project. If the storm sewer being constructed is covered prior to inspection, it will have to be uncovered before it will be approved. However, small area spot coverings of the storm sewer prior to inspection are acceptable to prevent flotation.

The Developer shall provide ready access to the construction site for inspection by Planning Commission Staff and the City or County Engineer throughout the construction period. If the Planning Commission Staff determines that the construction is not in compliance with the approved plans or specifications, they shall notify the Contractor, the Project Engineer and the owner. The owner shall take the necessary steps to see that the problem is corrected. In the event an unresolved difference

arises between the owner, Developer, Project Engineer and the Planning Commission Staff, the parties shall present their arguments in support of their positions to the Technical Review Committee, the Planning Commission and an independent engineer, in sequence. The independent engineer's time shall be paid by the Developer, if the Developer is found to be performing construction not in compliance with Planning Commission specifications and acceptable construction techniques. Otherwise, the Planning Commission will absorb costs associated with having the independent engineer examine the work. If the difference is resolved at any stage, no further presentation of differences shall be required. If differences are not resolved by this method, either party may appeal to the Circuit Court pursuant to the provisions of KRS 147.710.

Upon completion of the construction, the Developer shall make a written request to the Planning Commission Staff for a detailed inspection by the Planning Commission Staff and the City or County Engineer for acceptance of dedicated public facilities.

E. Penalties

Failure to construct the storm water improvements in accordance with the approved plans and specifications, and the regulations contained herein (including violations of conditions or safeguards established in connection with approval)

shall constitute a misdemeanor as per Kentucky Revised Statute Chapter 100.. Any person who so violates these requirements shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00) but not more than five hundred (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.

Nothing herein contained shall prevent the Planning Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

#### F. As-Built Construction Plans

After the completion of the construction of the storm water management facilities, three (3) sets of prints, one (1) digital copy (clearly marked "As-Built"), and one (1) set of reproducible mylars shall be submitted to the Planning Commission Staff for the As-Built System.

The As-Built Construction Plans for the storm water management system shall include the following information which has been determined in the field after construction:

1. The location of each structure, piping system and detention/retention area must be shown on a plan view sheet. This shall include the location of all catch basins, storm manholes, piping systems, drainage swales or located streams, head walls, springs, box culverts, and the flooding limits and volumes of detention/retention basins.
2. Information for each basin, or other similar structures shall include the grade elevation, the flow line elevation, and type of structure including throat length, if applicable.
3. Information for storm manholes shall include a rim elevation and a flow line elevation.
4. Information for piping systems shall include the pipe sizes, pipe lengths, the pipe type, and slope of pipe installed.
5. Information for drainage swales or re-located streams shall include a cross section indicating the extent of the constructed swale and a generalized slope with flow arrows.
6. Information for head walls shall include the type of head wall and the flow line elevation.
7. Information for springs shall include the type (i.e. constantly flowing or wet weather (flowing) and the actual treatment installed.
8. Information for box culverts shall include the size and type, the flow line elevation and the design loading.
9. Information for detention/retention basins shall include a stage/storage curve for the constructed basin indicating the invert of the principle spillway (s), the invert of the emergency spillway, and the elevation of the top of the embankment. Additional data for the principle spillway shall include the size and type. Additional data for the emergency spillway shall include a cross section indicating the control section of the constructed spillway.
10. Certification that volumes and construction meets the intent of these regulations and the approved construction plans.
11. Show a bench mark.

### **630 Lots and Lot Sizes**

#### A. General Requirements

1. The size, width, depth, shape, orientation, and yards of lots shall not be less than specified in the Zoning Ordinance for the district in which the lots are located and shall be appropriate for the type of development and use contemplated.
2. All lots shall have frontage upon an approved and improved public street, except that in a Planned Unit Development lots having access to a street or common parking area along a pedestrian way may be allowed if the development meets with the specifications outlined in the Zoning Ordinance.
3. Side lot lines shall be substantially at right angles or radial to street lines, unless a variation from this rule will give a better street or lot plan. Right of way shall be substantially parallel to the street centerline. **(Amended August 10, 2006)**
4. Double frontage and reverse frontage lots should be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement of at least fifteen (15) feet contained within the required setback, across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or highway.
5. Where a watercourse separates the buildable area of the lot from the street by which it has access, a note shall be placed on the plat indicating the type and size of culvert or other structure, approved by the City or County Engineer.

**640            Blocks**

A.        Block Shape

Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance, and to provide for convenient access, circulation control, and safety of street traffic. Blocks shall be of such sizes and shapes as considerations of topography and street layout shall dictate.

Pedestrian through walks may be required when necessary to assist circulation or provide access to community facilities. Such walks shall have a right-of-way width of not less than twelve (12) feet and a paved walk of not less than four (4) feet.

**650            Easements**

A.        General Requirements

To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. Easements shall be fully indicated on the Final Subdivision Plat.

B.        Pedestrian Easements

1. The Planning Commission shall require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least twelve (12) feet in width. The Planning Commission may require a paved walk of at least four (4) feet in width for pedestrian safety within such an easement.
2. Where a subdivision borders on a watercourse in an area designated in the Comprehensive Plan for public recreational use, the Planning Commission may require easements to be reserved for public access to the water.

C.        Utility and Drainage Easements

Where topography or other conditions make it impractical, to include utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twelve (12) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street, unless otherwise specified by the utility company.

D. Storm Water Easements

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 watercourse, and such further width as may be deemed necessary with design and approval by the City or County Engineer to permit the construction of improvements designed to restrict the flooding of said watercourse on adjoining properties. Parallel streets or medians may be required.

E. Widening or Realignment of Existing Roads

Where the subdivision borders an existing street and the Comprehensive Plan indicates a plan for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Commission may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes". Land reserved for street widening may not be counted in satisfying the minimum front yard or minimum lot area requirement of the Zoning Ordinance.

**660 Land Requirement for Community Facilities and Adequacy and Accessibility to Public Facilities**

A. In reviewing subdivision plats, the Planning Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

Where a proposed park, playground, or other recreational area, proposed school site, or other public uses, shown in the Comprehensive Plan is located in whole or in part within a proposed subdivision, such proposed public use or park, if not dedicated to public use, or conveyed to the City, County or the Board of Education, shall be reserved for a period not more than two years from the date of final approval of the Final Subdivision Plat by the Planning Commission for acquisition by the Fiscal Court, the City Council, the Board of Education or other public agency by purchase or other means.

At a minimum, open space (exclusive of retention/detention basins) shall constitute no less than four (4%) percent of the gross area of any subdivision or development site except in the Rural Residential zones. This open space area shall have at least sixty (60%) percent of its perimeter abutting a public street edge. **(Amended March 2008)**

B. In reviewing subdivision plats and site plans, the Planning Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings or non-residential structures and uses proposed. This review shall be based on service or facility standards adopted by the Planning Commission. Community facilities and services that may be reviewed for adequacy and accessibility include:

1. Public Schools
2. Transportation Facilities
3. Potable Water Supply
4. Sanitary Sewer Collection and Treatment
5. Storm Water Management and
6. Parks and Recreation

**670 Urban Sediment Control**

A. Technical Principles

The subdivider shall provide effective sediment control measures in the planning and construction of subdivisions. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb five (5) or more acres. The permit will be obtained from the Kentucky Division Of Water, The Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. A practical combination of the following technical principles shall be applied:

1. The smallest practical area of land shall be exposed at any one time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.
9. All seeding and fertilizing shall be done in conformance with the guidelines or Urban Sediment Control prepared by the Woodford County Conservation District.
10. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavation or construction activity. If erosion, siltation or water impoundment should occur it shall be corrected by the contractor immediately, to the satisfaction of the City or County Engineer.

## **680    Miscellaneous**

### **A.        Preservation of Existing Features**

Existing features which would add significant aesthetic or historic value to residential development, or natural or man-made assets of Versailles, Midway, or Woodford County, such as trees, groves, woodlands, watercourses, vistas, historic spots, historic or architecturally significant buildings, and similar irreplaceable assets, shall be preserved. No more than twenty (20%) percent of the existing trees, groves, or woodlands, can be removed. Trees, groves, or woodlands being removed shall be specifically identified on the Preliminary Plan, as “Tree Protection Areas”, with appropriate acreages and percentages.

These “Tree Protection Areas” will be depicted as easements on the Final Record Plat with notes indicating that it is the responsibility of the property owner to maintain them. If any of the existing trees die or become a danger to the surrounding area, the property owner shall contact the Planning Director in writing for permission to remove and replace the tree (s). They will need to indicate the location of the tree (s) being removed and identify what type (s) of tree (s) are being planted. The new tree (s) must be native Kentucky tree species that are at least 1 ½ inch caliper and 10 feet tall

when installed.

B. Preservation of Natural Cover

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil.

C. Self-Imposed Restrictions

The subdivider may place restrictions on the development more restrictive than those required herein or by the Zoning Ordinance. Such restrictions, if any, may be required to be indicated on the Subdivision Plat.

D. Modifications of Standards

The Planning Commission may modify the special requirements in any individual case where, in the Planning Commission's judgment, such modifications would eliminate undue hardship and are in the public interest. No modifications shall be granted which will have the effect of nullifying the intent and purpose of these Regulations or the Comprehensive Plan. In granting any adjustment, the Planning Commission shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements so adjusted.

E. Construction Procedure

Equipment or structures used in construction shall not be allowed to remain in close proximity to newly occupied lots in the subdivision. Once construction is halted for a thirty (30) day period, the developer may be required to remove the construction equipment from the premises.

## ARTICLE VII

### REQUIRED IMPROVEMENTS

#### **700            General Requirements**

Before obtaining approval of the Final Plat, the subdivider shall install the required improvements indicated below and comply with Section 350, Construction Guarantee Procedure. Minimum improvements and construction standards required for all subdivisions shall be as set forth in these regulations and in the applicable design standards of other public agencies.

#### **710            Required Improvements**

##### A.            Monuments and Markers

Monuments shall be set in accordance with the standards of the Kentucky Land Surveyor's Code of Professional Practice and Conduct.

1.            The subdivider shall bear the cost of replacing a disturbed monument until construction of the subdivision is completed and the Final Plat is recorded.

##### B.            Public and Private Utilities

The Planning Commission may accept assurance from each public and private utility company whose facilities are proposed to be installed. Such assurance may be in the form of a letter addressed to the Planning Commission stating that such public utility company will make the necessary installations for furnishing its services within a specified time or may be in the form of a signature of approval on a plat.

The Planning Commission shall require placing electric, telephone and cable lines underground in new subdivisions unless unnecessary hardship can be demonstrated. Utility companies may require overhead facilities for feeder circuits and tree lines.

##### C.            Public Water Supply

1.            All subdivisions within the Urban Service Boundary of Versailles or Midway shall be connected to the public water system. The subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Such system shall be approved by the Natural Resources and Environmental Protection Cabinet (Division of Water) in accordance with the rules and regulations of the Division.
2.            In areas outside the Urban Service Boundaries where public water supply is not available within a reasonable distance an alternate water supply, approved by the Woodford County Health Department is required. Reasonable distance shall be determined by the water provider and the Woodford County Health Department.

##### D.            Sanitary Sewerage System

1.            All subdivisions within the Urban Service Boundary of Versailles or Midway shall be connected to a public sanitary sewer system. The subdivision shall be provided with a complete sanitary sewer collection system, including a connection for each lot and appropriately space manholes. Such system shall be approved by the Natural Resources and Environmental Protection Cabinet (Division of Water) in accordance with the rules and regulations of the Division.

2. In areas outside the Urban Service Boundaries where a public sanitary sewer system is not available within a reasonable distance an on-site sewage disposal system shall be required with approval by the Woodford County Health Department. Reasonable distance shall be determined by the public sewer provider and the Woodford County Health Department.
3. Where there is a plan for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served to the public system within a period of ten (10) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

E. Storm Drainage

1. All storm runoff shall be collected and conducted to a point of discharge in a positive and suitable manner. Storm sewers, culverts, and related installations shall be provided where necessary to:
  - a. Permit unimpeded flow of natural watercourses;
  - b. Insure adequate drainage of all low points along streets; and
  - c. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
2. In determining the proper drainage of any subdivision, the Planning Commission, upon recommendation of the City or County Engineer shall take into consideration and, if possible, make provisions for, future problems which may arise, and shall not be restricted in imposing conditions or regulations respecting drainage problems to the particular subdivision under consideration.
3. The subdivider shall provide for the construction of all necessary structures and storm drainage facilities required beyond the immediate boundary of the subdivision in order to conduct runoff to acceptable point of disposal.
4. Lots shall be laid out and graded to provide positive drainage away from buildings.
5. In the design of storm sewerage installations, special consideration shall be given to avoidance of problems which may arise from concentration of storm water runoff over adjacent properties.
6. A Notice of Intent (NOI) for Storm Water Discharge is required on all construction activity greater than five (5) acres. This permit can be obtained from the National Resources and Environmental Protection Cabinet Division of Water.

F. Street Rights-of-Way

All required streets, sidewalks, curbs and gutters, rights-of-way and easements shall be provided for as described in Article VII of these regulations.

## ARTICLE VIII

### NON-RESIDENTIAL SUBDIVISIONS

#### **800            General Requirements**

Nonresidential developments include commercial and industrial developments. The Planning Commission recognizes that the subdivider creating non-residential subdivisions face unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined in Article III and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show, but at least two (2). As prospective buyers express interest in lots sized to their required specifications, the owner may submit to the Planning Commission an amendment to the approved Final Subdivision Plat for consideration. Regular procedural requirements shall then apply. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

#### **810            Design Standards.**

##### **A.        Site Design**

1.        Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
2.        The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities as required by the Zoning Ordinance.
3.        Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned, and managed as a unit. Narrow, ribbon developments along arterial streets will be discouraged.
4.        With respect to physical improvements, special requirements may be imposed by the Planning Commission within the nonresidential subdivision.
5.        Every effort shall be made to protect adjacent residential areas from potential nuisance from the nonresidential subdivisions, including the provision of extra permanently landscaped buffer strip when required by the Planning Commission.

##### **B.        Street System**

1.        Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor create hazards for adjacent residential areas.
2.        The design of streets, service drives, and pedestrian ways should provide for safe and hazard-free internal circulation.
3.        Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterial or collector streets in such a way that the number of intersections with such arterial or collectors shall be minimized.

4. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at intersections shall be at least five (5) feet.

C. Building Setback Lines

Building setback lines shall be as specified by the Zoning Ordinance.

D. Utilities

Nonresidential subdivisions shall be provided with water and sewerage systems which are adequate to maintain adequate health standards, and to dispose of commercial and industrial wastes. These facilities shall be approved by the Woodford County Health Department and the Water Pollution Control Commission.

E. Drainage

The Planning Commission with assistance from the City or County Engineer shall require adequate provisions for the discharge of surface water which will result from commercial and industrial developments with large roof areas and large paved parking areas in compliance with the "Storm Water Management Facilities" found in Article VI, Section 620, M.

## ARTICLE IX

### WAIVER OF THE SUBDIVISION REGULATIONS

**900**            **Purpose**

In connection with approval of a Preliminary Plan or Record Plat, the Planning Commission may waive any non-dimensional requirement of these regulations not specifically excluded from this procedure. A request for relief from the dimensional requirements of this Chapter is deemed to be a variance and subject to review by the Board of Adjustment or by the Planning Commission.

**910**            **Procedural Requirements**

Submittal of Request for Waiver - The applicant shall submit, with the appropriate application for a plan approval, a request for waiver of the applicable subdivision standards. The request shall state the waiver being requested, and the reasons for the waiver in terms of the standards set forth in this regulation.

**920**            **Review**

Review of the Request - The request for modifications shall be reviewed and acted upon by the Technical Review Committee. The applicant may appeal a denial of the application to the Planning Commission.

A.            General Standards

No waiver may be granted under these regulations unless:

1.            The waiver is consistent with the stated purpose and intent of this Chapter and with the adopted Comprehensive Plan.
2.            The waiver would not have a significantly adverse impact on the public interest; and
3.            The waiver would not overburden or otherwise adversely impact public facilities.

B.            Specific Standards.

No waiver may be granted unless the applicant clearly shows the existence of one or more of the following circumstances:

1.            Superior Alternatives - Where the proposed waiver will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
2.            Protection of Significant Features - Where the waiver is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
3.            Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location; provided,
  - a.            Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and
  - b.            The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

4. Technical Impracticality - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided,
  - a. The development will provide an alternative adequate to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and,
  - b. Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.
5. No Relationship to the Development or its Impacts - Where all or any part of the requirements have no relationship to the needs of the development, or to the impact of the development on the public facilities, land use, traffic, public safety or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided that any specific modification requirements set forth in these regulations are met.
6. Planned Developments - Where the waiver is consistent with an approved Development Plan for a Planned Development.

**930 Planning Commission May Establish Alternative Conditions or Requirements**

Reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any waiver of any requirements under this Section.

## **ARTICLE X**

### **REGULATIONS PROVISIONS**

**1000**            **Amendments**

The regulations set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County.

Any proposed amendment shall be submitted to the Planning Commission for report and recommendation prior to any action thereon.

**1010**            **Plats Filed Without Approval**

After the adoption of these regulations, the filing and recording of a plat involving the subdivision of lands covered by these regulations shall be without legal effect unless approved by the Planning Commission.

**1020**            **Repeal of Conflicting Ordinances and Effective Date**

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective upon adoption by the Planning Commission.

**1030**            **Separability**

Should any section or provision of this regulation be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the regulation as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.