

VERSAILLES, MIDWAY AND WOODFORD COUNTY

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# New Urban Subdivision and Site Plan Regulations

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## General Provisions

### **1.1.01 Purpose**

These regulations are designed to guide the design and development of residential, commercial, industrial and public areas, according to recognized standards. These standards provide for: sound, healthful and economical development; safe, convenient and efficient traffic circulation; the coordination of land development in order to ensure that future growth of Versailles, Midway and Woodford County will be orderly; that future growth is efficient and conducive to the minimum outlay of public and private expenditures for the provision of services to developing areas; the protection of environmentally sensitive and geologic hazard areas; the minimization of fire hazards; adequate light and air in habitable structures; the mitigation of flooding hazards; proper disposal of sewage; the enhancement of the unique aesthetics of the community; the protection and enhancement of trees and woodland areas; and, 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.

### **1.1.02 Title**

These regulations shall be known and may be cited as The New Urban Versailles-Midway-Woodford County Subdivision and Site Plan Regulations.

### **1.1.03 Legislative Authority**

The Versailles, Midway and Woodford County **PLANNING COMMISSION** adopted these requirements under authority granted by the Kentucky Revised Statutes, Chapter 100.273

### **1.1.04 Administration**

The Versailles, Midway and Woodford County Planning Commission shall administer these regulations. All applications, fees, maps, and documents relative to plan approval shall be submitted to the Planning Commission. The **PLANNING COMMISSION** should 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 and site plan proposals. The **PLANNING COMMISSION** may also appoint a subdivision committee, composed of

members of the Planning Commission, to study proposed subdivisions and site developments. However, no plan may be approved except by official action of the **PLANNING COMMISSION** or its duly authorized designee.

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 of 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.

**1.1.05  
Powers of the  
Planning  
Commission**

**Commentary Pertaining to Section 1.1.05**

This Section authorizes the Planning Commission to act as the Board of Adjustment when a request for a variance is filed in conjunction with an application for subdivision approval. There are different criteria for the approval of a variance than for a preliminary subdivision, therefore, the Planning Commission should ensure that its findings for approval or denial relate specifically to the criteria identified in Part 9 of these regulations.

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

**1.1.06  
Area of  
Jurisdiction**

**Commentary Pertaining to Section 1.1.06**

KRS 100.111 (22) provides a definition of subdivision that states, "...provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision." While these regulations apply to all lands within Woodford County, the State Statute provides for an exemption for the purpose stated above.

**1.1.07  
Subdivision  
Requires a Plat**

No person shall subdivide land without the approval and recording of a **MAJOR** or **MINOR RECORD PLAT** in accordance with the requirements of these regulations. In the event that any unapproved plat is recorded, land has been sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, then the provision of KRS 100.292 will be applicable.

**Commentary Pertaining to Section 1.1.07**

KRS 100.292 reads as follows, "When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations. Plats filed pursuant to this section may be filed by the last transferee in the chain of title including holders of deeds which may otherwise be void under KRS 100.277(2)."

**1.1.08  
Status of Lots  
Created by  
Violation**

No building permit or certificate of occupancy shall be issued for any structure on any **PARCEL** or **LOT** that was created in violation of these regulations.

**1.1.09  
Minimum  
Standards**

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 developers 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, or ordinances, the provision that is more restrictive or imposes a higher standard or requirement shall govern.

**1.1.10  
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.

The **PLANNING COMMISSION** may amend these regulations from time to time as provided by law.

**1.1.11  
Amendment of  
Regulations**

Upon the enactment of these regulations, the construction plans of subdivisions, which have previously received only **PRELIMINARY SUBDIVISION PLAN** approval, shall not be subject to the design and construction requirements of these regulations provided the **PLANNING COMMISSION** approval of design and construction plans is granted based on regulations applicable at the time of approval of the preliminary plans.

**1.1.12  
Previously  
Approved  
Subdivisions**

The **PLANNING COMMISSION**, or its duly authorized designee, shall have the power to amend any recorded plat at the request of any lot owner in the **SUBDIVISION** in accord with the following provisions:

**1.1.13  
Amendments  
to Recorded  
Plats**

- A. If all owners whose property is subject to the recorded plat have acknowledged their consent to the amendment, the **PLANNING DIRECTOR** may approve the amendment, provided it is in compliance with all other applicable requirements. Parties shall acknowledge their consent, in writing, on forms provided by the **PLANNING DIRECTOR**.
- B. If all such owners have not acknowledged consent, no amendment shall be permitted until there has been reasonable notice given to all persons who may be affected by the **RECORD PLAT** amendment and giving such persons a reasonable opportunity to express their objections or concerns.
- C. The **PLANNING COMMISSION** shall determine who may be affected; who should be given notice; the nature of the notice; and the manner by which the opportunity to express objections or concerns will be accommodated.
- D. The applicant for an amendment shall be responsible for providing the **PLANNING COMMISSION** with the names and addresses of those persons the **PLANNING COMMISSION** determines shall be notified.

**Commentary Pertaining to Section 1.1.13**

This Section authorizes the Planning Commission to determine the identity of "all persons who may be affected by the record plat amendment". One of the guidelines the Planning Commission may employ in determining who will receive notice is the list of persons who appeared before the Planning Commission to testify for the original subdivision plat. Others that may be considered include any abutting or adjoining property owners, any property owner within the boundaries of the original record plat, or any persons who communicated in writing with the Planning Commission concerning the original review and action.



## Subdivision and Site Design Requirements

### 1.2.01 General Requirements and Cross- References

In addition to the specific requirements of this Part, all **SUBDIVISIONS OR BUILDING AND DEVELOPMENT SITES** shall be designed and developed in accordance with the following:

- A. The provisions of the approved **DEVELOPMENT PLAN** or Master Plan;
- B. The applicable provisions of the **ZONING ORDINANCES**; and
- C. The applicable provisions of any **HISTORIC OVERLAY DISTRICT**.

### 1.2.02 Lot Layout and Site Design

The design and layout of lots and the placement of buildings and other structures on planned or existing lots shall be governed by **BUILDING PLACEMENT STANDARDS** for residential, commercial and workplace uses that are delineated in the adopted Zoning Regulations.

### 1.2.03 Self-Imposed Restrictions

If the owner of a parcel of property that is being subdivided or for which a site plan is being prepared, places restrictions on any part of the parcel of land that are greater than, or in addition to, those required by this Chapter or by the **PLANNING COMMISSION**, such restrictions or reference thereto may be required to be indicated on the plan. However, in such cases the Planning Commission shall only be responsible for the enforcement of the requirements it has established, and not the greater restriction.

### Commentary Pertaining to Section 1.2.03

A self-imposed restriction could include architectural treatments or restrictions (restriction from building porches beyond the building setback line for example), restrictions governing access to adjoining properties, or restrictions in the use of a garden easement.

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All **SUBDIVISIONS, BUILDING AND DEVELOPMENT SITES** shall be designed and constructed so as to ensure maximum efficiency of maintenance of improvements at minimum cost to the public.

**1.2.04  
Design for  
Maximum  
Efficiency**

The proposed street system shall provide for smooth flow of traffic and a high level of connectivity within and between neighborhoods, workplaces, downtown and small communities, adequate and safe provisions for on and off-street parking, loading and unloading of goods and equipment, and proper connections with the external system of major thoroughfares.

**1.2.05  
Roadway  
System  
Classification**

Design standards for roadways are divided into four categories. First, there are specific standards for Major Thoroughfares. The second category of standards addresses the design of Neighborhood and Small Community Streets. A third category includes standards that are applicable to both thoroughfares and neighborhood streets. The fourth category provides additional standards for Thoroughfares, Neighborhood or Small Community Streets that have also been classified as Scenic Byways by Federal, State or Local action.

**1.2.06  
Design  
Standards for  
Roadways**

The arrangement, character, extent, width, and location of all roadways shall conform to the adopted **COMPREHENSIVE PLAN** and specifically the Transportation Plan Element, 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 roadways.

Major Thoroughfare roadway types include: Expressways, Arterials and Collectors. In designing a Major Thoroughfare, the design engineer shall be guided by the following principles:

**1.2.07  
Design  
Principals  
For Major  
Thoroughfares**

- A. Adequate vehicular and pedestrian access shall be provided to all parcels.
- B. When any proposed development fronts on or has access to a State administered thoroughfare, the **PLANNING COMMISSION** shall consult with the Kentucky Transportation Cabinet concerning the effect of the proposed development on the capacity and safety of the Major Thoroughfare.
- C. Whenever a proposed subdivision or site contains any part of a Major Thoroughfare designated in the Comprehensive Plan or official map, if adopted, the part shall be platted in the general location and at the width indicated in the **COMPREHENSIVE PLAN** and these regulations.
- D. New thoroughfares, or extensions of existing thoroughfares, shall generally be continuous in alignment with existing thoroughfares with which they are to connect (where appropriate to design).

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- E. Proposed thoroughfares shall be extended to the boundary lines of the proposed development with temporary turnarounds unless such extensions are not feasible because of topography or other physical conditions, or unless the **PLANNING COMMISSION** finds such extension is not necessary or desirable for the coordination with existing thoroughfares or the most advantageous for adjacent tracts.

**Commentary Pertaining to Section 1.2.07**

Right-of-way, number of lanes, lane width and other elements of design pertaining to Major Thoroughfares are determined by the appropriate administrative authority that includes the Kentucky Transportation Cabinet, the Federal Highway Administration or Woodford County. These elements are determined for each classified roadway in Woodford County and are listed in the Comprehensive Plan.

**1.2.08  
Design  
Standards for  
Neighborhood  
and Small  
Community  
Streets**

Neighborhood and Small Community Street types include: Major Street; Main Street; Neighborhood Street; Neighborhood Minor Street, Neighborhood Alley/Common Drive; and Country Road. In designing a street, the engineer and master planner shall be guided by the **RIGHT-OF-WAY**, lane width, sidewalk location and with, and on-street parking criteria contained in the diagrams that follow and are part of this Section, as well as the following principles:

- A. **NEIGHBORHOODS** and the street system shall be designed to provide a high level of connectivity between streets in the system, land uses and the Major Thoroughfare system.
- B. The arrangement of local streets shall permit economical and practical patterns, shapes and sizes of neighborhood parcels. All lots shall share a frontage line with a street.
- C. The average **PERIMETER** of blocks created by the neighborhood and small community street system shall not exceed 1,800 feet. **BLOCKS** shall be measured at the external/frontage lot lines (along public rights-of-way, and other public, agricultural and private lands).
- D. **ALLEYS** or common access easements shall provide access to the rear of all lots, except where lots are on the perimeter of a **SUBDIVISION** or **DEVELOPMENT SITE** and also adjoin designated open space, farmland, or lands within the rural area of Woodford County. Proposed **LOTS** or **BUILDING SITES** that comply with these criteria are not required to be accessed from an **ALLEY** or cross access easement at the rear of the **LOT** or

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**BUILDING SITE.** A standard procedure for the specific location and method of installation of utilities shall be as follows:

1. An additional six (6) foot utility easement shall be created along at least one side of the **ALLEY RIGHT-OF-WAY** to accommodate the installation of underground electric lines and above ground transformer pads and equipment. No other utility shall be permitted to be located in this easement and neither the developer or the property owner will install any shrubs, trees or other materials of a permanent nature in this easement without the express approval of the utility company.
2. The provision of underground water service shall be within the pavement area portion of the **RIGHT-OF-WAY** or easement encompassing the **ALLEY**.
3. Natural gas transmission lines shall be limited to the side of the alley opposite the six (6) foot easement for underground electric service referenced in (1) above.
4. Telephone, cable and other underground services shall be located in a common trench and area within the right-of-way or easement of the alley.
5. The developer shall coordinate with all utility providers to ensure a workable system of utility location and installation is accomplished with the objective of limiting or eliminating the need to cut or bore under the alley pavement in order to install utility service.
6. The developer shall provide, where deemed necessary by the utility providers, appropriately sized conduit sleeves under the alley pavement as a means for extension of utility service from one side of the **ALLEY** to another.
7. Sanitary sewer and storm water services will be provided, wherever feasible, from the **FRONTAGE STREET** to the **LOT**, and not from the **ALLEY**. The developer shall work with the applicable City and County Engineering Officials to ensure the safe and appropriate location of sanitary and storm sewer lines within the paved portion of the **STREET**, with service laterals appropriately placed to avoid conflicts. Manholes will not be located in the travel lanes of the street, but should be located either in designated on-street parking areas or parkways within the **STREET RIGHT-OF-WAY**.

**Commentary Pertaining to Section 1.2.08 (D) (7)**

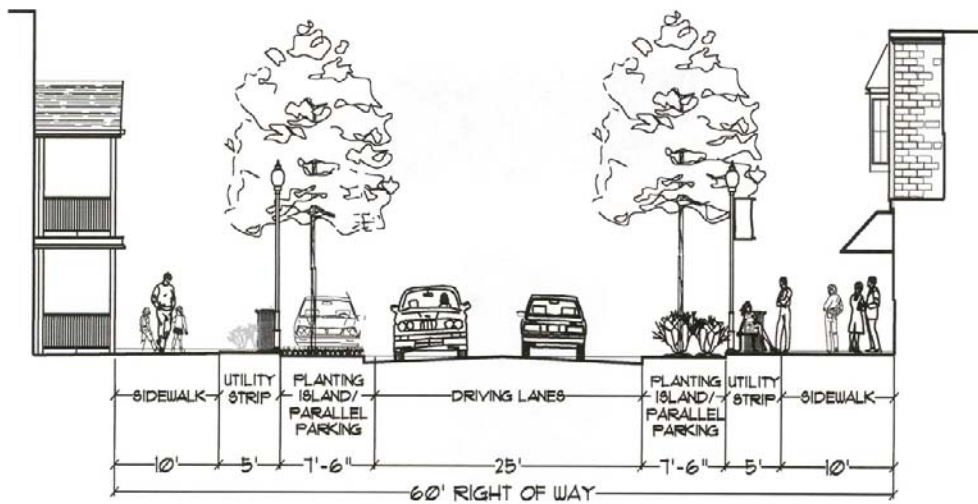
The topography of a site and other physical characteristics may require that sanitary and storm sewer service be provided through the alley right-of-way or easement. However, the site plan should not be used as a justification for rear alley service when site characteristics or engineering principles do not support the justification.

- D. **MAJOR STREET** – The function of a **MAJOR STREET** within a **NEIGHBORHOOD** or small community is to guide local traffic to appropriate connections with the system of Major Thoroughfares, and to provide access to higher density/intensity land uses. This type of **STREET** is different than a Collector (type of thoroughfare) as on-street parking is required to serve adjoining land uses. Guidelines for the use of this street type in **A SUBDIVISION** or **DEVELOPMENT SITE** are:
1. **MAJOR STREETS** are utilized as the primary connection(s) from the neighborhood, **SUBDIVISION** or **DEVELOPMENT SITE** to an adjoining thoroughfare.
  2. **MAJOR STREETS** provide connections to neighborhood **STREETS** within the development.
  3. Major **STREETS** provide access from residential parts of the neighborhood to one or more mixed-use neighborhood centers.
  4. The mix of housing types may be more varied along a **MAJOR STREET**.
  5. The density or intensity of land uses may generally be higher along a **MAJOR STREET**.
  6. The number of connections of Neighborhood Streets and **ALLEYS** to a **MAJOR STREET** is typically limited in order to enhance the traffic carrying capacity of the street.

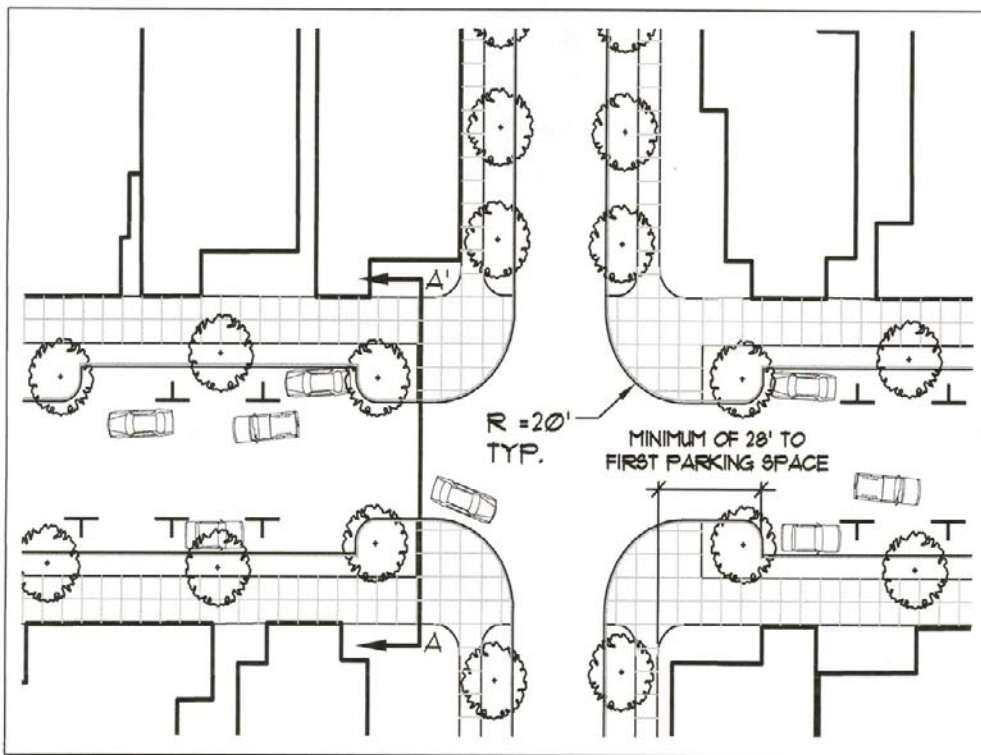
Design guidelines for a **MAJOR STREET** are illustrated on Figure 2.1 on the following page.

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Figure 2.1 Major Street Design Standards



**Major Street Elevation A-A**



MAJOR STREET PLAN

70' RIGHT-OF-WAY, DEDICATED ON-STREET PARKING, 25' B.O.C. TO B.O.C., 20' CURB RADIUS AT TRAVEL LANE SIDEWALKS 10' WIDTH MINIMUM

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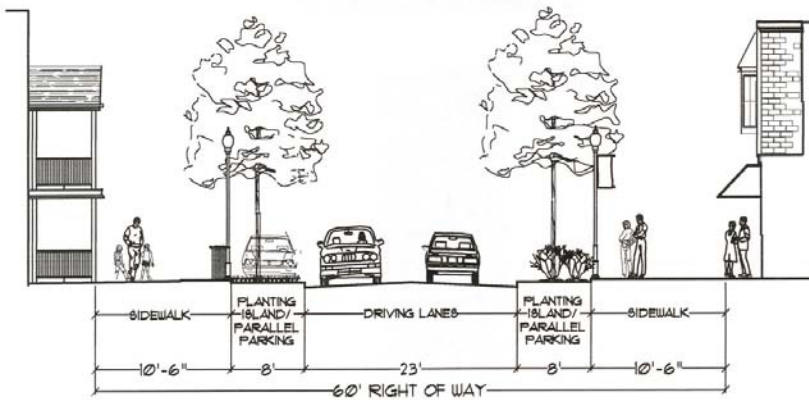
E. **MAIN STREET** – The function of a **MAIN STREET** within a **NEIGHBORHOOD** or small community is to connect interior residential areas with a central mixed use, workplace and/or civic center. Guidelines for the use of this street type in a **SUBDIVISION** or **DEVELOPMENT SITE** are:

- 1) **MAIN STREETS** should intersect with a **MAJOR STREET**.
- 2) A **MAIN STREET** may perform the same function as a **MAJOR STREET** when the proposal is less dense, contains fewer dwelling units, and/or does not contain a mixed-use neighborhood center.
- 3) **MAIN STREETS** provide connections to neighborhood streets within the development.
- 4) **MAIN STREETS** provide access from residential parts of the **NEIGHBORHOOD** to one or more mixed-use, civic or workplace centers.
- 5) The mix of housing types may be more varied along a **MAIN STREET**.
- 6) The density or intensity of land uses may generally be higher along a **MAIN STREET**.
- 7) The number of connections of Neighborhood Streets and **ALLEYS** to a **MAIN STREET** is typically increased in order to collect neighborhood traffic and channel that traffic to the **MAJOR STREET** and ultimately to a thoroughfare.

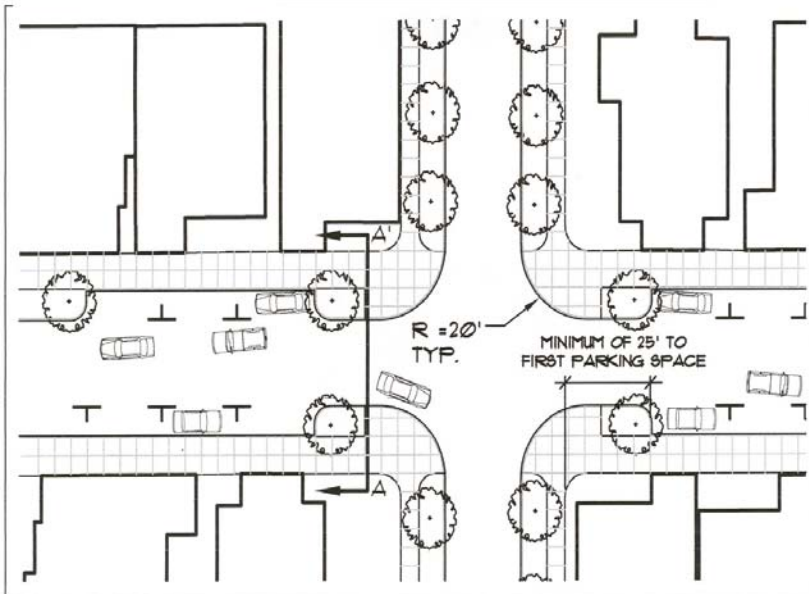
Design guidelines for a Main Street are illustrated on Figure 2.2 on the following page.

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**Figure 2.2 Main Street Design Standards**



**Main Street Elevation A-A'**



**MAIN STREET PLAN**

60' RIGHT-OF-WAY, DEDICATED ON-STREET PARKING, 23' B.O.C. TO B.O.C., 20' CURB RADIUS AT TRAVEL LANE SIDEWALKS 10' WIDTH MINIMUM

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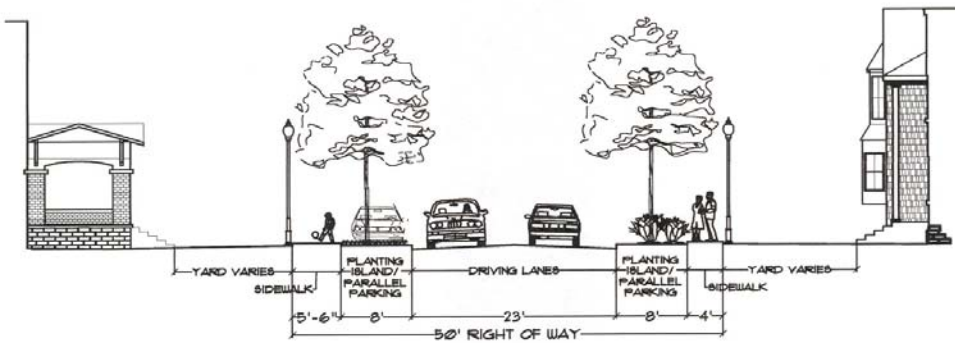
F. **NEIGHBORHOOD STREET** – The function of this street type is to provide access to lower density residential uses within the interior of **NEIGHBORHOODS** and small communities. Dedicated on-street parking is included in the typical cross-section for this street type. Guidelines for the use of this street type in a subdivision or development site are:

- 1) **NEIGHBORHOOD STREETS** provide connections with three (3) to five (5) neighborhood minor streets and channel traffic to **MAJOR** and **MAIN STREETS**.
- 2) This **STREET** is intended for lower density housing types, and is rarely used in mixed use or workplace centers. The only time this type of street may be used in connection with a non-residential use is for **LIVE-WORK UNITS**.

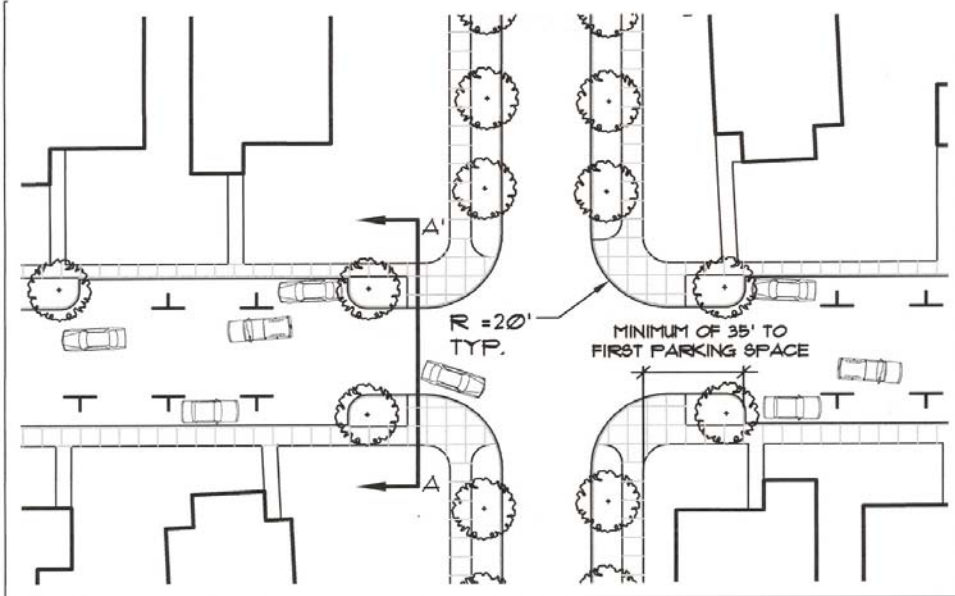
Design guidelines for a **NEIGHBORHOOD STREET** are illustrated on Figure 2.3 on the following page.

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Figure 2.3 Neighborhood Street Design Standards



**Neighborhood Street Elevation A-A'**



NEIGHBORHOOD STREET PLAN

50' RIGHT-OF-WAY, DEDICATED PARKING LANE, 20' CURB RADIUS AT TRAVEL LANE,  
SIDEWALKS 4' WIDTH MINIMUM

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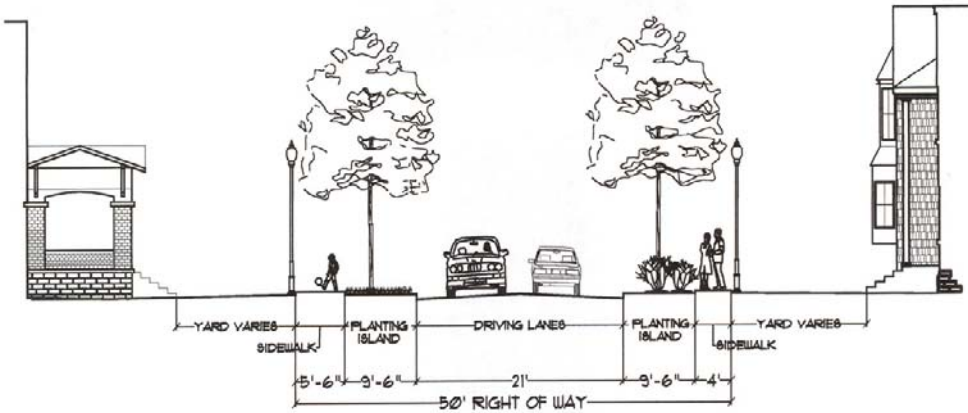
**NEIGHBORHOOD MINOR STREET** – This street type has the same function as a **NEIGHBORHOOD STREET**, however, dedicated on-street parking is not a required part of the typical street cross-section. Guidelines for the use of this street type in a **SUBDIVISION** or **DEVELOPMENT SITE** are:

- 2) The length of **NEIGHBORHOOD MINOR STREETS** should be limited to no more than two (2) or three (3) blocks.
- 2) This street is intended for lower density housing types.
- 3) On-street parking is prohibited along one side of street. The other side shall be signed to indicate no parking is allowed.

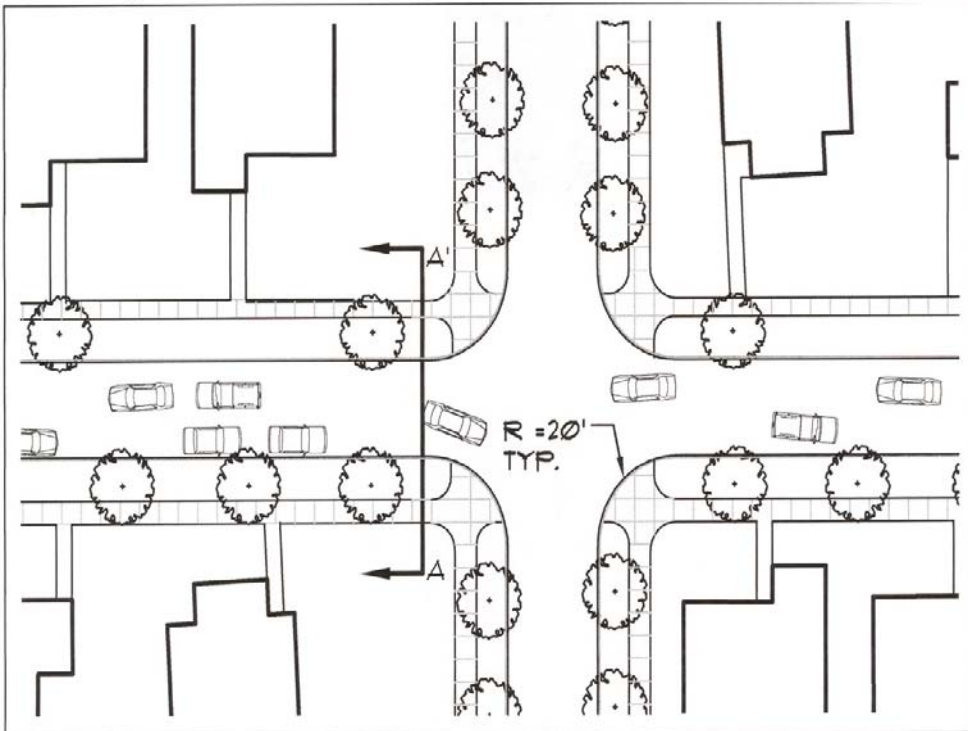
Design guidelines for a **NEIGHBORHOOD MINOR STREET** are illustrated on Figure 2.4 on the following page.

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**Figure 2.4 Neighborhood Minor Street Design Standards**



**Neighborhood Minor Street Elevation A-A'**



**NEIGHBORHOOD MINOR STREET PLAN**

50' RIGHT-OF-WAY, ON-STREET PARKING ONLY PERMITTED ALONG ONE SIDE OF THE STREET. 20' CURB RADIUS AT TRAVEL LANE. SIDEWALKS 4' WIDTH MINIMUM

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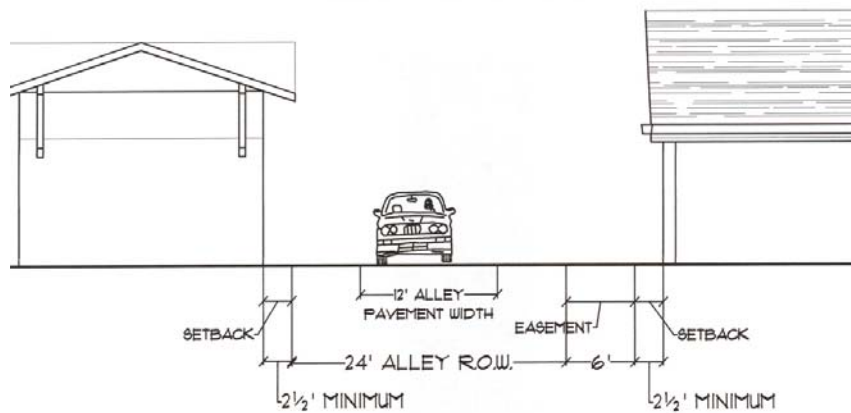
G. **NEIGHBORHOOD ALLEY/COMMON DRIVE** – The function of this street type is to provide access for vehicular and service traffic to individual lots from the rear of each lot. Guidelines for the use of this street type in a **SUBDIVISION** or **DEVELOPMENT SITE** are:

- 1.) The length of **NEIGHBORHOOD ALLEYS** should be limited to no more than two (2) blocks.

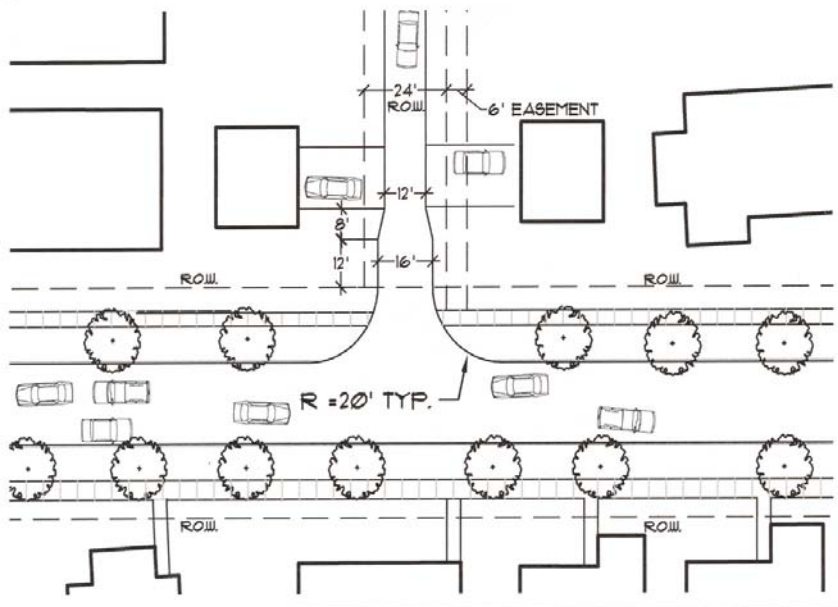
Design guidelines for a **NEIGHBORHOOD ALLEY/COMMON DRIVE** are illustrated on Figure 2.5 on the following page.

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**Figure 2.5 Neighborhood Alley Design Standards**



**Neighborhood Alley Elevation A-A'**



**NEIGHBORHOOD ALLEY/COMMON DRIVE PLAN**  
20' CURB RADIUS TO STREET, 12' MINIMUM PAVEMENT WIDTH (16' WIDTH AT STREET INTERSECTION), CURB RADIUS AND PAVEMENT WIDTH MAY VARY FOR ALL-COMMERCIAL LOCATIONS

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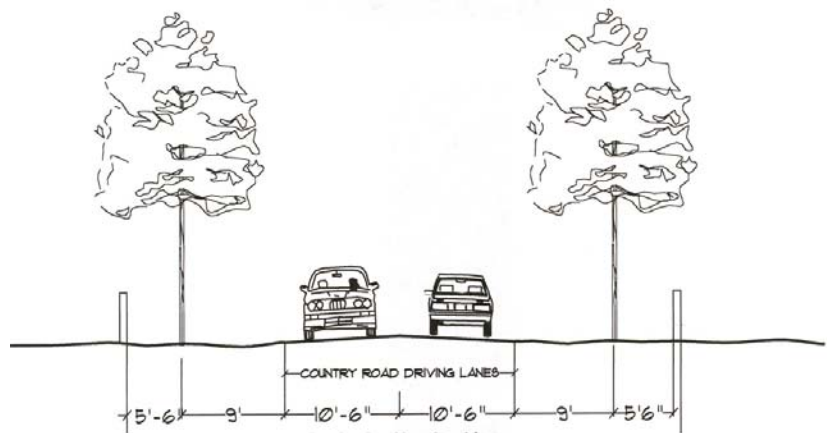
H. **COUNTRY ROAD** – This **STREET** type is intended to function as primary access to very low density residential, agricultural or agri-tourism land uses. Guidelines for the use of this street type in a **SUBDIVISION** or **DEVELOPMENT SITE** are:

- 1) **COUNTRY ROADS** are typically utilized in rural residential **SUBDIVISIONS** with fifteen (15) or fewer lots.
- 2) The **COUNTRY ROAD** can be used in conjunction with **PERIMETER LOTS** in a **NEIGHBORHOOD** or **SUBDIVISION** that abut lands outside an Urban Service Boundary or lands that have been permanently preserved as farmland or open space. However, it cannot be used in association with non-perimeter lots.

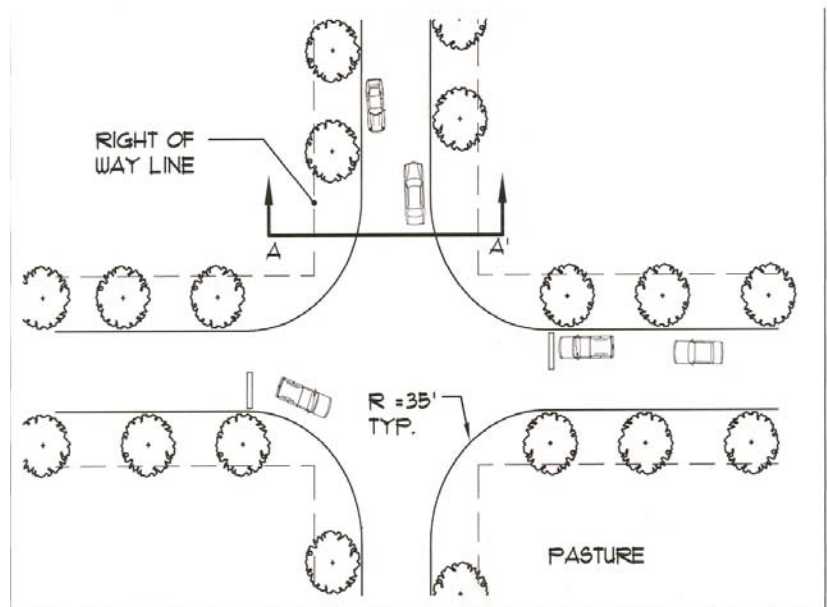
Design guidelines for a **COUNTRY ROAD** are illustrated on Figure 2.6 on the following page.

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**Figure 2.6 Country Road Design Standards**



**Country Road Elevation A-A'**



**COUNTRY ROAD PLAN**

50' RIGHT-OF-WAY, TREES 9' OFF PAVEMENT EDGE, 35' EDGE OF PAVEMENT RADIUS AT TRAVEL LANE. MINIMUM SETBACK 200'

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**1.2.09  
Design  
Standards for  
All Roadway  
Types**

The following standards are applicable for major thoroughfares, and neighborhood and small community streets. Except where noted, the **PLANNING COMMISSION** shall not approve modifications or waivers of these standards.

- A. Pavement Specifications - 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 width 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.
  - 1. 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.
- B. **STREET** construction plans must be approved by the **COUNTY ENGINEER**, or as designated by the **PLANNING COMMISSION**.
- C. 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.
- D. **GRADES** of streets shall conform as closely as possible to the original topography and shall be designed to produce usable and reasonable grades.
  - 1. **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.
  - 2. **STREETS GRADES**, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves.

<u>Street Type</u>	<u>Maximum Percent Grade</u>
Arterial Thoroughfares	5%
Collector Thoroughfares	8%
Neighborhood and Small Community Streets	8%

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3. No **STREET GRADE** shall be less than 0.80 percent.
4. Sight distances over grades shall not be less than one hundred fifty (150) feet. Sight distance around curves shall not be less than one hundred fifty (150) feet.

Street alignments shall be designed as provided in this Section. A combination of steep grades and sharp curves shall be avoided.

5. 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.
- E. **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.
  - F. 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.
  - G. 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 centerlines.
  - H. **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**, street tree or other vegetative planting higher than three (3) feet above the center line of the street shall be permitted within such sight triangles.
  - I. Minimum back of curb radii or edge of pavement radii at street intersections shall be twenty (20) feet as specified in standards for Major Thoroughfares or for Neighborhood Streets. A waiver of these standards may be granted by the **PLANNING COMMISSION** upon recommendation of the appropriate **CITY** or **COUNTY ENGINEER**. However, the maximum modification of this standard that may be granted by the **PLANNING COMMISSION** upon recommendation of the applicable **ENGINEERING OFFICIAL** is five (5) feet.
  - J. Where a proposed **SUBDIVISION** abuts or contains an existing or proposed arterial thoroughfare, the number of intersections with the arterial shall be kept to a minimum. Frontage roads will be incorporated

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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.
- K. 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.
- L. Cul-de-sac streets, permanently designed as such, shall not exceed two hundred fifty (250) feet in length and shall only be permitted by **WAIVER** granted by the **PLANNING COMMISSION** for any one of the circumstances identified below. The Planning Commission shall not grant a **WAIVER** for the maximum length of a cul-de-sac, except for the circumstances identified below in L.1 through L.3. 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. The only circumstances the **PLANNING COMMISSION** may consider as appropriate for use of a cul-de-sac street and justification for a **WAIVER** are:
1. Rural residential **SUBDIVISIONS**.
  2. Where 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.
  3. Where the width of the property proposed for **SUBDIVISION** is not sufficient to accommodate the use of **ALLEYS** and maintain adequate **LOT** depth.
- M. All **NEIGHBORHOOD** and Small Community Streets, with the exception of the **COUNTRY ROAD** street type, shall be required to connect to other **STREETS** or thoroughfares at both termini.
- N. The **PLANNING COMMISSION** shall require a suitable turnaround when a **STREET** temporarily dead-ends over one hundred fifty (150) feet from its nearest intersection.

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- O. **SUBDIVISIONS** that adjoin or include existing streets that do not conform to Thoroughfare or Neighborhood and Small Community standards shall 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 escrowed for the purpose of acquiring right-of-way and making improvements to correct substandard conditions for the street or streets providing primary access.
- P. **SUBDIVISIONS** that adjoin or include proposed Thoroughfares or Neighborhood Streets shall dedicate the full **RIGHT-OF-WAY** for the proposed facilities. This requirement will only be applicable for the portion of the proposed facility that lies within the boundary of the **SUBDIVISION** or **DEVELOPMENT/BUILDING SITE**.
- Q. The preferred method for dedication of **RIGHT-OF-WAY** for Thoroughfares and all **NEIGHBORHOOD** and Small Community streets, with the exception of the **ALLEY/COMMON STREET** type, is fee simple title for public use by the **RECORD PLAT** or other legal instrument. The preferred method for the **ALLEY/COMMON STREET** type 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 private long-term maintenance of the facility will be implemented.
- R. Box curbs may be utilized, with the approval of the appropriate Engineering Official, on all Thoroughfares or Neighborhood and Small Community streets where dedicated on-street parking is not required. Where dedicated on-street parking is required, the curb shall be of the roll or lip type.
- S. Proposed streets that 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.
- T. The following standards are applicable for the design and placement of street signage.

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1. All street signs must be designed and installed in accordance with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).
2. All street signs shall be metal with reflective lettering.
3. Developers are responsible for placement of street signs. The developer shall place at least two (2) street name signs at each four-way street intersection and one (1) at each "T" intersection. Where street lighting is provided, signs shall be installed under light standards, free of visual obstruction, and easily legible.

U. 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.

**1.2.10  
Design  
Standards for  
Designated  
Scenic Byways**

This Section Reserved

**1.2.11  
Utilities and  
Services for  
Subdivisions  
and Sites**

Adequate provisions shall be made for all necessary private and public utilities and services, including specific sites to be dedicated for public use. The definition of adequacy for any given facility or service shall be as set forth in the adopted **COMPREHENSIVE PLAN** or as otherwise determined by the **PLANNING COMMISSION**.

**1.2.12  
Geodetic  
Monuments**

All subdivision plats and site development plans shall give reference to and be tied to at least two (2) Woodford County Geodetic Monuments whose coordinate values have been determined. Each plat shall show said monuments described with name, number and State Plane Coordinate Values, and the plat bearing structure must be based on the State Plane Coordinate system from the information provided by these monuments.

**1.2.13  
Emergency  
Vehicle Access**

The layout of **BLOCKS** and **STREETS** within all **SUBDIVISIONS** and **DEVELOPMENT SITES** shall be designed to allow speedy and efficient access to all lots by emergency and service vehicles arriving from outside the area.

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Where a park, school, playground, or areas for other public uses should be provided within the **SUBDIVISION** or **DEVELOPMENT SITE** in accordance with the requirements of this Chapter, such areas should either be dedicated to the proper public or private non-profit organization or agency, or it should be reserved for acquisition by such agency/organization within a specific period of time.

**1.2.14  
Public Areas**

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 Record Plat.

**1.2.15  
Easements**

- A. Pedestrian Easements - 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 Commission may require a paved walk for pedestrian safety within such an easement.
- B. Access Easement to Public Recreational Use - 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 applicable Engineering Official, to permit the construction of improvements designed to restrict the flooding of said watercourse on adjoining properties. Parallel streets or medians may be required.

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:

**1.2.16  
Review for  
Adequacy and  
Accessibility to  
Public  
Facilities and  
Services**

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- A. Public Schools;
- B. Transportation Facilities;
- C. Potable Water Supply;
- D. Sanitary Sewer Collection and Treatment;
- E. Storm Water Management; and
- F. Parks and Recreation.

**1.2.17  
Land  
Requirements  
for Community  
Facilities**

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, BUILDING, or DEVELOPMENT SITE**, 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 of not more than two years from the date of final approval of the Record Plat or Site Building Permit 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.

**1.2.18  
Subdivision  
and Site Design  
in Areas With  
Steep Slopes**

Areas characterized by steep slopes greater than eighteen (18%) percent shall not be subdivided unless a geotechnical engineer and a structural engineer shall evaluate the area and specify engineering conditions whereby the area could be buildable.

**1.2.19  
Design to  
Minimize Cut  
and Fill**

Sinkholes shall require geotechnical inspection to determine below surface cavernous size and condition to insure construction limitations safe from such hazards.

**1.2.20  
Erosion  
Protection**

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.

- A. 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

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reinforced concrete. Seed all other areas not paved in the right-of-way.

Over 7% Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot on center to retard flow.

- B. All seeding and fertilization shall be done in conformance with the guidelines for Urban Sediment Control prepared by the Woodford County Conservation District.
- C. 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 will be corrected by the contractor immediately, to the satisfaction of the City or County Engineer.

Effective sediment control measures shall be incorporated in the planning and construction of subdivisions and sites. 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 Division Of Water, The Natural Resources and Environmental Protection Cabinet (Kentucky Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:

**1.2.21  
Sediment  
Control**

- A. The smallest practical area of land shall be exposed at any one time during development.
- B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- C. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- D. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
- E. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- F. The permanent final vegetation and structures shall be installed as soon as practical in the development.

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- G. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
- H. Wherever feasible, natural vegetation shall be retained and protected.

Pre-Development versus Post-Development Design Criteria

**1.2.22  
Storm Water  
System Design  
Criteria**

- A. Peak Discharge Considerations
  - 1. 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 of analysis acceptable to the applicable Engineering Official.
  - 2. 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/24 Hour storm, but does not have to meet the pre-development flow rate.
- B. Downstream Flood Levels
  - 1. 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.
  - 2. 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

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improvements and/or off-site improvements to improve flow, or other alternative as approved by the applicable Engineering Official.

C. Watershed Overcompensation

1. 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.

D. Discharge Points

1. 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 un-detained, 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.

Storm Water Collection System Design Criteria

A. General System Design

1. A preliminary storm water drainage layout plan shall be submitted with the preliminary subdivision plan or site plan application. This plan must indicate the overall drainage scheme in enough detail to insure the proposed plan is acceptable. The **PLANNING COMMISSION** Staff and applicable Engineering Official will review this preliminary storm water drainage layout plan.
2. An over-lot drainage plan shall be prepared and furnished as a portion of the **CONSTRUCTION PLANS** that 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** or **BUILDING SITES** throughout the **SUBDIVISION** or **DEVELOPMENT SITE** shall be satisfactorily accomplished. Drainage swales between lots and sites may be necessary. The developer shall ensure 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** or **DEVELOPMENT SITE** have been constructed and tested in accordance with the approved plans and specifications prior to the submission of the **RECORD PLAT**. The builder shall be responsible to ensure that lots shall be graded so that water drains away from each building as specified in the Kentucky State Building Code. The builder

**1.2.23  
Storm Water  
Collection  
System Design  
Criteria**

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shall sign an affidavit to this effect upon application for a certificate of occupancy.

3. 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, storm water basins and facilities shall be constructed to conform with building placement standards applicable for the proposed subdivision.
4. Easements for the storm water management system shall be shown on the **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**.
5. The City and County will not accept or maintain any detention/retention facility, except in accord with the following:
  - a. This note shall be placed on the **RECORD PLAT**, "The detention/retention facility and detention/retention drainage easement shall be maintained by the \_\_\_\_\_ Association (the "Association"). The retention and detention drainage easement shall be maintained by the Association in such a fashion as to insure that the vegetative growth will not exceed eight (8) 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 headwalls to insure the hydraulic function of the project. Structural and landscaping intrusions onto the retention and detention drainage area shall not be allowed without written approval of the County (or City) Engineer. The Association shall permit necessary access to the County (or City) Engineer for periodic inspection. Failure to comply with the above requirements shall allow the County (or City) 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."

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- b. The applicable City or County jurisdiction will be responsible for maintaining all headwalls, storm drainage pipes and inlets, regardless of the ownership of the facilities.
6. 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 ensure the post-development discharge will not exceed the pre-development discharge rates.
7. The **PLANNING COMMISSION** and/or Staff reserve the right to reject any plan that would adversely affect adjoining and/or downstream properties.

**B. Piping System**

1. 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 100-year storm event peak discharge. No flooding shall be induced by the system at the 100-year return frequency.
2. 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.
3. 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

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path connected to a manmade drainage way, or storm water sewer systems.

4. 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.

**C. Headwalls**

1. Headwalls are required for any pipe within the proposed storm water management plan. Headwalls are also required for any existing pipe within the proposed subdivision or site. Energy dissipater headwalls 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 Engineering Official may require energy dissipater headwalls at the outlet as deemed necessary. Four (4) foot fencing shall be required along the perimeter of the headwall if the distance from the pipe invert to the top of the headwall exceeds three and one-half (3.5) feet.

**D. Storm Manholes**

1. 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 cleanout 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.
2. Storm manhole covers must be permanently marked as such so as not to be confused with sanitary sewer manholes.

**E. Box Culverts**

1. 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.

**F. Drainage Channels**

1. 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 foot freeboard. The channel shall then be checked using the 100/Year storm. Flooding shall not be induced within the channel for

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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.

2. 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, riprap lined channels shall be 0.045.

**G. Existing Structures - On Site**

1. 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. Additionally, the existing structure must meet the materials and construction requirements as set forth in these regulations.

**H. Sinkholes**

1. 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.

**I. Springs**

1. 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 public system storm water drainage system. This shall include any existing spring 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 the area could be buildable.

J. Private Systems

1. 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 or sites. 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 PolyVinyl Chloride (PVC) pipe is allowed when the system will not be dedicated for public maintenance.

**1.2.24  
Storm Water  
Detention and  
Retention  
Basin System  
Design Criteria**

Detention/Retention Basin Design Criteria

A. General Basin Design

1. 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 private systems on a case-by-case basis.
2. 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 retention basin with a permanent pool shall be two (2) feet as measured from the bottom of the basin to the invert of the principle 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 four (4) foot fence with the following exception:
  - a. 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.
3. 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

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check dams or other acceptable method as approved on a case by case basis by the, applicable Engineering Official shall be designed at each inflow source to the retention basin to prevent silt and/or trash from entering into the permanent pool.

4. Detention/retention basins shall not be constructed within the 100/Year flood plain as defined by the Flood Insurance Rate 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.
5. 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 applicable Engineering Official. More than one (1) principle spillway for each detention/retention basin may be required to insure compliance with the method as outlined in these specifications regulations. The principle spillway (s) may shall 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 the 100/Year storm event.
6. 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; and, discharge the 100 Year/1 hour storm event assuming no outflow from the principle spillway. Open channel emergency spillways shall be concrete.
7. 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 applicable Engineering Official. 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.
8. See Section 1.2.23 (A)(3) regarding the location and design of storm water detention and retention basins.

**1.2.25  
Construction  
Criteria**

Construction Materials

- A. Pipe - Once the Construction Plans have been approved for construction by the **PLANNING COMMISSION** staff and the Applicable Engineering Official, the pipe type shall not be altered without further review and approval.
1. Corrugated Metal Pipe (CMP) shall be Aluminized Steel type 2. Dimensions shall conform to Kentucky Standard Specifications for Road and Bridge Construction (Latest Edition), Section 611 - Pipe Culverts, Storm Drains and Sewers.
  2. Reinforced Concrete Pipe (RCP) shall conform to Kentucky Standard Specifications for Road and Bridge Construction (Latest Edition), Section 611 - Pipe Culverts, Storm Drains and Sewers.
  3. 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.
  4. Ductile Iron Pipe (DIP) shall conform to the requirements for sanitary sewer pipe as defined by the Kentucky Standard Specifications for Road and Bridge Construction (Latest Edition), Section 611 - Pipe Culverts, Storm Drains, and Sewers.
  5. PolyVinyl Chloride (PVC) Pipe shall only be used in private storm sewer systems and shall conform to the requirements for sanitary sewer pipe as defined by the Kentucky Standard Specifications for Road and Bridge Construction of ASTM D2241, SDR35 and ASTM D1784, Schedule 40.
- B. 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 applicable Engineering Official. 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 that 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).

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- C. Construction - The installation of storm water facilities shall not begin until the Construction Plans have been approved by **PLANNING COMMISSION** staff and applicable Engineering Official and signed by all parties involved.
1. Construction of headwalls shall conform to the Kentucky Bureau of Highways, Headwall Supplement, RDH Series, except as modified for energy dissipaters. Headwalls may be pre-cast or cast-in-place, but the use of brick is prohibited as a structural material.
  2. 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.
  3. Pipe trenching and backfill shall consist of the following:
    - a. When the trench excavation is in rock, the trench width shall be a minimum of eighteen (18) inches plus the outside diameter of the pipe. The pipe shall be bedded on six (6) inches, four (4) inches of #9 or #68 crushed stone. and backfilled with #9 or #68 crushed stone for a minimum of six (6) inches above the top of the pipe. The pipe shall then be cushioned by at least one and a half feet to three (3) feet of select soil backfill above the pipe. Backfill above this soil cushion shall not contain large pieces of rock (greater than one foot).
    - b. When the trench excavation is within the street then the entire trench must be bedded and backfilled with #9 or #68 stone and backfilled with D.G.A.
- D. Inspection of Storm Water Management Facilities
1. 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 this Chapter and not violate any local or state regulation. All such changes shall be reviewed and approved by the Commission staff and applicable Engineering Official prior to the work being done.

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2. Changes requiring a modification or waiver of these standards must be submitted in writing to and approved by the **PLANNING COMMISSION** prior to the work being done.
3. 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.
4. The Developer shall provide ready access to the construction site for inspection by **PLANNING COMMISSION** representatives and applicable Engineering Official throughout the construction period. If a Planning Commission representative 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 Project Engineer and/or 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 representative 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 Developer shall pay the independent engineer, 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.
5. Upon completion of the construction, the Developer shall make a written request to the **PLANNING COMMISSION** for a detailed inspection by a Planning Commission representative and applicable Engineering Official for acceptance of dedicated public facilities.

E. Penalties

1. 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

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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.

2. 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

1. After the completion of the construction of the storm water management facilities, three (3) sets of prints, one (1) set of reproducible mylars, and a digital copy of the as-built plans shall be submitted to the **PLANNING COMMISSION** staff for the As-Built System.
2. The As-Built Construction Plans for the storm water management system shall include the following information that has been determined in the field after construction:
  - a. The location of each structure, piping system and detention/retention area must be shown on a plan view sheet, along with benchmarks to determine correlation with site geometry. This shall include the location of all catch basins, storm manholes, piping systems, drainage swales or located streams, headwalls, spring, box culverts, and the flooding limits and volumes of detention/retention basins.
  - b. Information for each basin, or other similar structures shall include the grate elevation, the flow line elevation and type of structure including throat length, if applicable. Information for storm manholes shall include a rim elevation and a flow line elevation.
  - c. Information for piping systems shall include the pipe sizes, pipe lengths, the pipe type, and slope of pipe installed.
  - d. 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.
  - e. Information for headwalls shall include the type of headwall and the flow line elevation.
  - f. Information for springs shall include the type (i.e. constantly flowing or wet weather (flowing) and the actual treatment installed.
  - g. Information for box culverts shall include the size and type, the flow line elevation and the design loading.

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- h. 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.
- i. Certification that volumes and construction meets the intent of these regulations and the approved construction plans.
- j. Show and reference a bench mark.



## Streetscape, Landscape and Open Space Design

### 1.3.01 Overview

**SUBDIVISION** or site development plans shall be designed to comply with the principles and requirements of this Part.

### 1.3.02 Minimum Open Space Required

No less than four (4%) percent of the gross area of any **SUBDIVISION** or **DEVELOPMENT SITE** shall be planned and dedicated as open space for the benefit of the residents of the **SUBDIVISION** or **DEVELOPMENT**. Required open space shall be:

- A. Designed as **CIVIC GREENS** or **SQUARES** of 10,000 to 60,000 square feet in area.
- B. Distributed throughout a **SUBDIVISION** or **DEVELOPMENT SITE** so that no **LOT** or **BUILDING SITE** is further away than seven hundred fifty (750) feet as measured along a publicly accessible pathway that may include a **STREET**, bike path, sidewalk or similar facility.

### Commentary

The 750 foot maximum distance represents an approximate 3-minute walk for an average person. The objective of this standard is to provide walk-to passive or active recreation and open space that is accessible to neighborhood residents, visitors and workers.

- C. Designed to include a central **GREEN** located within a three hundred fifty (350) foot radius of the geometric center of the residential lots of the subdivision, building or development site, and shall have at least sixty (60%) percent of its **PERIMETER** abutting a **STREET** edge.
- D. **CIVIC GREENS** or **CIVIC SQUARES** shall be surrounded by canopy street trees. Their dimensions shall be no less than a 1:4 ratio, with a minimum tract dimension of twenty five (25) feet on one side.

**Commentary Pertaining to 1.3.02**

The terms civic green or civic square describe alternative types of urban open space. The civic green typically contains a high percentage of pervious surface and extensive landscape material in the form of trees, shrubs and ground cover. It can contain play structures and active recreation uses, but may also include more passive areas with bench seating, gazebo's, fountains, etc. Ball fields and courts should not be included in this type of open space. The civic square, on the other hand, usually contains more impervious area comprised of hardscape materials (pavement, plaza's, etc.) that are appropriate to a more highly trafficked area. This type of open space also has a more formal appearance and landscape materials can include trees and shrubs, but also hanging planters and containers of plants.

The purpose of the **STREETSCAPE STANDARDS** is to ensure coherent neighborhood streets and to assist property owners with understanding the relationship between the **STREET** and their own **FRONT YARDS**. The preservation and use of native plants is strongly encouraged. The use of native trees and shrubs maintains the natural habitat, supports local bird populations, conserves water and generally requires less maintenance.

**1.3.03  
Streetscape  
and Canopy  
Shade Tree  
Standards**

A. General Design Principles

1. Front Yards and Back Yards - **FRONT YARDS** are a part of the streetscape of the Cities, Neighborhoods, and Small Communities of Woodford County. They are the public "face" of every building, and the biggest factor in the appearance of the overall neighborhood. Therefore, there should be high standards for their configuration and maintenance. **BACK YARDS** are the private realm of the owner, and are of concern to the larger community only in cases of significant disturbance to neighbors. Maintenance will require more attention in the front yard as "semi-public" space than in the private back yard.

2. The Streetscape - Street trees are part of an overall streetscape plan designed to give special character to each street and coherence to each neighborhood

B. Minimum Standards

These requirements would be triggered by an application for **PRELIMINARY SUBDIVISION PLAN**, and **MINOR PLAT**, and **FINAL SITE PLAN** approval for a building permit to construct a new structure or to substantially improve an existing structure, and would not be applied retroactively.

1. General Standards

- a. All plant material (including trees) shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.
- b. Turf and groundcover (where visible from the street) - All turf grass must be solidly sodded at installation, not seeded, sprigged, or plugged. Groundcovers may be used in place of turf grass. In addition to the **LOT, BUILDING or DEVELOPMENT SITE**, the owner must fully plant with groundcover or sod the following areas:
  - The portion of the **STREET** that directly abuts their **LOT** between the lot line(s) and the edge of pavement.
  - The portion of the **ALLEY** that directly abuts their **LOT** between the lot line(s) and the edge of pavement.
- c. Additional trees are permitted in **FRONT** and **BACK YARDS**.

2. Front Yards

- a. Canopy Shade Tree(s) in accord with the requirements of Table 3.1, shall be planted within the front yard and no closer than five (5) feet to a common property line. At planting, such trees shall be at least three (3") inch **CALIPER** and at least twelve (12) feet in overall height at the time of installation. Species shall be selected from the Canopy Shade Tree list. On a lot of forty nine (49) feet in width or less, the street canopy tree may replace the required front yard canopy tree. However, on lots more than forty nine (49) feet in width, different species of front yard and street canopy trees shall be used.
- a. Front yards shall be solidly sodded, seeded and/or planted with vegetation; groundcovers may be used in place of turf grass.
- b. Hedges are strongly encouraged along common lot lines
- c. Flowering vines and/or hedges (Min. height 18", max. 40") are encouraged along the street frontage.
- d. Invasive exotic species found in the front yard should be removed.

Table 3.1 Required Numbers of Front and Backyard Trees

Lot Width	FRONT YARD Trees	BACK YARD Trees
< 49' wide	Min. 1 canopy tree	Min. 1 canopy tree
50' to 69' wide	Min. 2 canopy trees	Min. 1 canopy tree
> 69' wide	Min. 1 canopy tree per 34 linear feet of STREET FRONTAGE	Min. 1 canopy tree per 40 linear feet of rear property line

3. Back Yards & Back Lot Lines
  - a. Along **ALLEYS** and common lot lines (in the back yard area), any privacy fencing made of wire shall have a hardy species of hedge or climbing vine planted along it (installed at no greater spacing than twenty four (24") inch on center).
  - b. Canopy Shade Tree(s) in accord with the requirements of Table 3.1, shall be planted in the **BACK YARD** area and no closer than five (5) feet to any common property line. Such trees shall be at least three (3") inch **CALIPER** and twelve (12) feet in overall height. Species shall be selected from the Canopy Shade Tree list.
  
4. Streets
  - a. Each lot must have street trees planted along the street tree alignment line at an average spacing not greater than thirty (30) feet on center. Street trees shall be at least three (3") inch caliper and at least twelve (12) feet in overall height.
  - b. The owner is responsible for maintaining **STREET TREES** fronting their lot. They shall be limbed up to not interfere with pedestrian or auto travel (minimum seven (7) feet clear over the sidewalk, and sixteen (16) feet over the travel lanes of the **STREET**).

**Commentary Pertaining to 1.3.03 (B)(4b)**  
 The 16-foot clearance standard for street trees over travel lanes is for the purpose of maintaining a clear area for the movement of large trucks and equipment, particularly those vehicles associated with the paving of streets.

5. Sidewalks
  - a. The developer is responsible for constructing all required sidewalks. Width requirements for sidewalks are identified as an element of street design standards. Where such standards are not applicable, the minimum width of a sidewalk shall be five (5) feet. The property owner shall be responsible for the maintenance of sidewalks within and abutting the property.

C.

1. Hedges (min. 18” high, max 40” high) or flowering vines on fences are encouraged along the Street Frontage. For special locations or lot configurations, the SUBDIVISION OR SITE PLAN may recommend or require certain additional plantings.

6. Street Lights

- a. Street lamps should be installed on both sides of either Neighborhood and Small Community streets or Major Thoroughfares at no more than seventy (75) foot intervals measured parallel to the street. Street lamps should be between ten (10) and fourteen (14) feet in height. Lighting should be developed to meet the minimum standards of the Illumination Engineering Society.

Commentary – General

Consult the **TOWN PLANNER** for the designated species and alignment for particular streets. The species of street tree utilized along any given segment of street does not have to be the same, but should be complimentary. For example, if more than one species is used then both should have similar growth habits in terms of height and width at maturity. Also, if canopy shade tree species are utilized in the front yard it may be more appropriate to utilize understory species for the street tree plantings.

The intent of these regulations is to insure a variety of street tree and front yard canopy shade tree species are planted to improve the overall health and resistance to disease of the tree canopy as it matures.

The following list contains all species approved for use in **FRONT YARDS** and yards adjacent to the **STREET**. It contains primarily native species, with some acceptable adapted plants. In the private realm of **BACK YARDS**, other species may be used. However, invasive exotic species may not be used anywhere on lots or other areas within Woodford County, the City of Versailles or the City of Midway.

**1.3.04  
 Canopy Shade  
 Tree List**

<b>Latin Name</b>	<b>Common Name</b>
▪ <i>Acer rubrum</i>	Red Maple
▪ <i>Acer saccharum</i>	Sugar Maple
▪ <i>Acer saccharum</i>	Green Mountain Maple (Sugar Maple)
▪ <i>Aesculus octandra</i>	Yellow Buckeye
▪ <i>Catalpa speciosa</i>	Northern Catalpa
▪ <i>Celtis laevigata</i>	Sugar Hackberry
▪ <i>Celtis occidentalis</i>	Hackberry
▪ <i>Cercidiphyllum japonicum</i>	Katsura Tree
▪ <i>Fraxinus americana</i>	White Ash
▪ <i>Fraxinus pennsylvanica</i>	Green Ash
▪ <i>Fraxinus quadrangulata</i>	Blue Ash
▪ <i>Ginkgo biloba</i>	Ginkgo (male only)
▪ <i>Gleditsia triacanthos</i>	Thornless Honeylocust
▪ <i>Gymnocladus dioicus</i>	Kentucky Coffeetree
▪ <i>Koelreutaria paniculata</i>	Golden Raintree
▪ <i>Liquidambar styracifolia</i>	Sweetgum
▪ <i>Liriodendron tulipifera</i>	Tulip Poplar
▪ <i>Nyssa sylvatica</i>	Tupelo Black Gum
▪ <i>Ostrya virginiana</i>	Hophornbeam
▪ <i>Parrotia persica</i>	Persian Parrotia
▪ <i>Platanus x acerifolia</i>	London Planetree
▪ <i>Platanus occidentalis</i>	Sycamore
▪ <i>Quercus acutissima</i>	Sawtooth Oak
▪ <i>Quercus alba</i>	White Oak
▪ <i>Quercus borealis</i>	Northern Red Oak
▪ <i>Quercus coccinea</i>	Scarlet Oak
▪ <i>Quercus imbricaria</i>	Shingle Oak
▪ <i>Quercus macrocarpa</i>	Bur Oak
▪ <i>Quercus muchlenbergii</i>	Chinkapin Oak
▪ <i>Quercus nigra</i>	Water Oak
▪ <i>Quercus phellos</i>	Willow Oak
▪ <i>Quercus robur</i>	English Oak
▪ <i>Quercus rubra</i>	Red Oak
▪ <i>Quercus shumardii</i>	Shumard Oak
▪ <i>Sophora japonica</i>	Japanese Pagoda
▪ <i>Taxodium distichum</i>	Bald Cypress
▪ <i>Tilia tomentosa</i>	Silver Linden
▪ <i>Ulmus parvifolia</i>	Chinese Elm
▪ <i>Ulmus americana</i>	American Elm
▪ <i>Zelkova serrata</i>	Japanese Zelkova



## Preliminary Subdivision Plan Review

### **1.4.01 Intent**

Preliminary Subdivision Plan Review is intended to provide for a complete review of a subdivision plan and layout, technical data and preliminary engineering drawings for a proposed **MAJOR SUBDIVISION**. The review shall evaluate potential impacts on both the site and surrounding areas, determine if public facilities and services are adequate to serve the proposed development, and resolve planning, engineering and other technical issues so that development may proceed.

### **1.4.02 When Major Subdivision Plan Review Applies**

Preliminary Subdivision Plan Review for a **MAJOR SUBDIVISION** shall be required for all **SUBDIVISIONS** not eligible for **MINOR PLAT** Review.

### **1.4.03 Optional Pre- Application**

Prior to formal application for this review the subdivider may present for discussion a sketch showing generally the boundaries of the proposed **SUBDIVISION**, the proposed **STREET** and **LOT** pattern, dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the subdivider. The subdivider or property owner or their agent, or the **PLANNING DIRECTOR**, may request a conference to discuss the requirements for a major subdivision of the **PLANNING COMMISSION** and other public agencies, the improvements and uses of the **SUBDIVISION** and any potential problems involved in the proposed **SUBDIVISION**.

For this review, the **SUBDIVIDER** shall contact the **PLANNING DIRECTOR** to set a meeting date to discuss intentions as they relate to a preliminary plat review. The pre-application meeting does not require formal application or fee.

The **SUBDIVIDER** shall file a formal application for Preliminary Subdivision Plan Review on a form supplied by the **PLANNING DIRECTOR** (see Appendix for forms) and shall submit therewith a preliminary plan prepared in conformance with the requirements of this Chapter. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The **PLANNING DIRECTOR** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with these regulations.

**1.4.04  
Submittal of  
Application**

Upon receipt and acceptance of the Preliminary Subdivision Plan Review Application, the **PLANNING DIRECTOR** shall submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company. Notice of the proposed subdivision and date of the **TECHNICAL REVIEW COMMITTEE** (TRC) meeting shall be provided to adjoining property owners of the proposed **SUBDIVISION**.

**1.4.05  
The Review  
Process**

Staff Review - The staff of the **PLANNING COMMISSION** shall review the plan and shall consult with the affected cities, public agencies and utility company to resolve any problems raised by the proposed subdivision. The staff shall then present its recommendations and the reports of the agencies and companies to the **SUBDIVIDER** and adjoining property owners at the TRC meeting.

Administrative Approval - the **PLANNING DIRECTOR** or a staff member authorized by the **PLANNING COMMISSION** may take Planning Commission action if the plan or revision complies with the applicable provisions of these regulations. Such action shall not be taken until the expiration of the seven-day petition period provided for in this Part. No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items that are not appropriate for administrative approval shall be submitted to the **TECHNICAL REVIEW COMMITTEE** in accordance with the provisions of this Chapter.

A. Applicants or other affected parties seeking **PLANNING COMMISSION** review of an action of the **TECHNICAL REVIEW COMMITTEE** may request such on forms supplied by the **PLANNING DIRECTOR**. Requests for review must be submitted

within seven (7) calendar days of the TRC meeting at which the application is considered for approval. The request shall set out the item(s) for which the applicant or other affected party is seeking Planning Commission review. The request will be considered for review at the first Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. Planning Commission action, along with the reasons therefore, shall be communicated in writing to the applicant. Final action on the Preliminary Plan shall be taken in accordance with these regulations.

- B. Planning Commission review of TRC recommendations shall address only specific items of the Preliminary Plan proposal that:
1. do not receive a consensus recommendation through the TRC process;
  2. are set out in a request for review by the applicant;
  3. are set out in a request for review by other affected parties; or
  4. are requested as waivers from current regulations.

The proposed subdivision plat shall be reviewed and action taken within ninety (90) days of receipt of a complete application and the preliminary subdivision plan, unless this time limit is waived, in writing, by the applicant.

**1.4.06  
Conditions of  
Approval**

When an application for Preliminary Subdivision Plan Review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Part. Violation of such conditions and safeguards, when made a part of the terms under which the Preliminary Plan is approved, shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

**1.4.07  
Effect of  
Preliminary Plan  
Approval**

Approval of the Preliminary Plan shall give the applicant authority to submit **CONSTRUCTION DRAWINGS** to the applicable **ENGINEERING OFFICIAL** and other appropriate agencies. All **CONSTRUCTION DRAWINGS** and **RECORD PLATS** submitted on the basis of an approved Preliminary Plan must conform to such Preliminary Plan and any conditions that may have been approved with it. However, the applicable **ENGINEERING OFFICIAL** may authorize minor modifications and adjustments during Construction Drawings review, without requiring additional Preliminary Plan review. Approval shall not authorize recording of the Plat nor constitute the acceptance of any land or improvements proposed to be dedicated.

**1.4.08  
Expiration of  
Preliminary  
Plan Approval,  
Extensions**

**CONSTRUCTION DRAWINGS** for the first construction stage of the development must be submitted within one year of Preliminary Plan

approval or the Preliminary Plan shall expire. One or more extensions for an additional one-year each may be granted by the **PLANNING COMMISSION** if it finds that the **SUBDIVIDER** has diligently pursued the application. The developer shall submit in writing a letter requesting and justifying an extension.

In the case of **SUBDIVISIONS** being developed by sections, for the period within five years of original approval of the Preliminary Plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section. Beyond this five-year period, an extension in accordance with the provisions above shall be required.

A decision by the Planning Director may be reviewed by the **PLANNING COMMISSION**. If the Planning Commission upholds the decision made by the Planning Director, it may be appealed to the Circuit Court of Woodford County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Commission's action. Such petition must be filed with the Circuit Court of Woodford County within thirty (30) days after the date of such decision.

**1.4.09  
Appeal of  
Planning  
Director and  
Planning  
Commission  
Decision**

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** shall be authorized to waive these informational requirements where deemed appropriate.

A. General Information

1. Number of Copies: As determined by the **PLANNING DIRECTOR**. The applicant shall also submit the Preliminary Plan (inclusive of all application materials) in digital form and format determined by the **PLANNING DIRECTOR**. The Engineer or Surveyor shall also acknowledge that the coordinate geometry of the survey has been checked and found to close.
2. Legend, including
  - a) Name of the **SUBDIVISION** or development which shall not duplicate or closely approximate the name of any other subdivision
  - b) Legal description of the property
  - c) Acreage of the property
  - d) Scale (Not more than 1" = 100')
  - e) North Arrow
  - f) Existing zoning on the property, including any overlay districts
  - g) Number of lots proposed

**1.4.10  
Preliminary  
Plan  
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- h) Date of preparation and space for revision dates
- i) A Vicinity Map showing the location of the proposed subdivision.

3. Name, Address, Phone Number and Email Address of

- a) Property Owner(s)
- b) Developer(s) or Subdivider(s)
- c) Engineer(s)
- d) Surveyor(s)
- e) Architect(s) and Landscape Architect(s)
- f) Agent(s) of property owner or others involved in the proposal

4. Information about abutting lands, including

- a) Names of abutting subdivisions
- b) Names of Recorded Owners of all abutting lots and parcels
- c) Existing zoning, including any overlay districts.

B. Existing Conditions

1. Existing streets, both on and within five hundred (500) feet of the proposed subdivision/site plan, including:

- a) Street Names
- b) Location of each street
- c) Right-of-way and paving width (inclusive of curbs/gutters of all streets)
- d) Driveway Approach locations and proximity to proposed subdivision entrance(s)
- e) Sidewalk locations
- f) Median locations
- g) Any other improvements in the right-of-way

2. Existing lot lines and easements on the property, indicating the purpose of each easement.

3. Existing utility and drainage infrastructure, including location, materials and size of

- a) Sanitary Sewers
- b) Storm Sewer
- c) Culverts
- d) Water Mains
- e) Fire Hydrants (within four hundred (400) feet of the site)

4. Existing buildings, structures, railroads, cemeteries, urban service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.
5. A topographic map showing existing contours at two (2) foot intervals, where data is available from the Woodford County GIS, or at five (5) foot intervals for all other areas, based on field data referred to U.S.G.S. sea level datum in sufficient detail to show the general character of the land. Where a subdivision or site development is proposed in a Conservation District, contour intervals of two feet are required. Contour lines shall be shown one hundred (100) feet beyond the subdivision or site boundary at ten-foot intervals.
6. A soils report showing subsurface soil, rock and groundwater conditions, and including
  - a) Soil classifications as identified by the U.S.D.A. Soil Conservation Service
  - b) Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s).
  - c) If individual wells and/or septic tanks are proposed, show location and results of soil percolation tests 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 plan.
  - d) The location, extent, status of all sinkholes.
7. The 100-year flood elevation, minimum habitable floor elevation, limits of the 100-year floodplain, and reference map number.
8. A surface drainage report showing direction and flow and methods of storm water retention and detention.
9. Existing surface water bodies, wetlands, streams, riparian areas both on and within fifty (50) feet of the proposed subdivision/site, including:
  - a) Normal high water elevation or boundary

- b. Attendant drainage areas for each
- c. Area, extent and type of wetlands

- 10. A tree and woodlands survey showing the general extent of tree canopies as determined from aerial photographs of the site, as well as any tree with a caliper of more than thirty (30) inches.
- 11. The precise location of any Woodford County geodetic system monument(s) whose coordinate values have been determined, which are within the proposed **SUBDIVISION** or and/or within a one-mile area surrounding it.

C. Proposed Development

- 1. Lot or site layout, including:
  - a) Lot lines
  - b) Scaled dimensions
  - c) **LOT** numbers, and block numbers where applicable
  - d) **BUILDING PLACEMENT LINES**, scaled for each lot
  - e) Type of intended use for each lot or site
  - f) Tracts to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use
- 2. Proposed Street System or Access Requirements, including:
  - a) Street names
  - b) Location and type of each street and/or site access location (include all streets shown on the adopted Transportation Plan - Major Thoroughfare System)
  - c) Right-of-way width for each street
  - d) Sidewalk locations
  - e) Median locations
  - f) Approximate elevations at the centerline of the street shall be shown at the beginning and end of each street, and at street intersections.
  - g) Any other proposed improvements in the rights-of-way
- 3. Location and scaled dimensions of all parcels of land proposed for public uses other than streets, including

- a) Easements for drainage, utilities, storm water management, pedestrian pathways, sidewalks, bike paths, parks/open space, etc.
  - b) Land dedications for public parks, schools, public facilities, storm water management, etc.
  - c) **CIVIC GREENS** and **CIVIC SQUARES** required by the provisions of this Chapter.
4. Proposed utility and drainage infrastructure, including the location and size of:
    - a) Sanitary sewers
    - b) Storm water management facilities
    - c) Culverts
    - d) Water mains
    - e) Fire hydrants
    - f) Electric, gas, telephone and other utilities
  5. The nature, location and scaled dimension of any buffer or transition areas
  6. Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.
  7. A preliminary tree protection plan indicating all trees with a caliper of twenty four (24) inches or greater that will remain and all tree canopy areas to be preserved. The Plan shall also indicate how trees and tree canopy areas to be preserved will be protected and maintained during the construction process
  8. Information concerning any private street(s) proposed to be included in the development, including
    - a) Copy of **DEED** or Legal Instrument that grants or provides the legal right to use the private street to property owners within the subdivision or site.
    - b) Copy of Written Notification to be provided at time of sale to all property owners having beneficial use of the private street, concerning their responsibilities in maintaining the street in safe operating condition.
  9. A paving, grading, drainage and erosion control plan.

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10. The location and extent of areas within and abutting the site with slopes of twelve (12%) percent or greater and eighteen (18%) percent and greater.
11. Gross and net acreage, density expressed as units per acre, or non-residential intensity expressed as a floor area ratio.

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## Minor Plat Review

### 1.5.01 Purpose

The review process set forth in this Part is intended to provide for adequate public review for **SUBDIVISIONS** having few **LOTS** and that do not require dedication of **STREETS** or improvements. In so doing, these regulations ensure that development takes place in an orderly and efficient manner.

### 1.5.02 When Minor Plat Review Applies

Minor Plat Review shall apply to any **SUBDIVISION**, **RESUBDIVISION**, consolidation or minor amendment of an existing plat, where the following standards, as applicable, are met.

- A. No additional public improvements are required, except utility laterals, sidewalks, fire hydrants or other types of minor improvements necessary to serve the lots being created.
- B. The public **STREET** layout will not be affected except for dedication of additional right-of-way, where required.
- C. The **SUBDIVISION** consists of not over five (5) lots including any remainder that will be retained by the owner(s), or five (5) lots of record if a consolidation plat is proposed to create a lesser number of parcels than the five (5) original lots of record.
- D. The existing tract was lawful under these regulations at the time the property description was recorded.
- E. The existing tract(s) have not been subject of a previously approved preliminary plan for a residential subdivision.
- F. The **SUBDIVISION** is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations and no substandard tracts, parcels, or **LOTS** will be created.
- G. All **LOTS** must be serviceable by existing water and sewer lines, or on-site disposal systems as may be approved by the Woodford County Department of Health.
- H. Adequate provision will be made for access to a public roadway. If a private **STREET** is to be used for access, provisions for maintenance

acceptable to the **PLANNING COMMISSION** will be placed on applicable recorded documents.

- I. Minor revisions to an existing plat needed to make technical revisions to a Record Plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements
- J. Revisions to a Record Plat for the purpose of release or modification of existing utilities and drainage easements and the addition of new utility and drainage easements.

The **SUBDIVIDER** shall file a formal application for Plat Review on a form supplied by the **PLANNING DIRECTOR** and shall submit therewith a Minor Plat prepared in conformance with the requirements of this Part. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The **PLANNING DIRECTOR** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with these regulations.

**1.5.03  
Submittal of  
the Application**

Upon receipt and acceptance of the application, the **PLANNING DIRECTOR** shall submit copies to interested public agencies and utility companies and request that a written report or approval on the plan be provided by each such agency or company. Notice of the proposed subdivision and date of the **TECHNICAL REVIEW COMMITTEE** (TRC) meeting shall be provided to adjoining property owners of the proposed **SUBDIVISION**.

**1.5.04  
The Review  
Process**

Staff Review - The staff of the Planning Commission shall review the plan and shall consult with the affected cities, public agencies and utility company to resolve any problems raised by the proposed subdivision. The staff should then report its recommendations, as well as the reports of other agencies and companies, to the **SUBDIVIDER** and adjoining property owners at the TRC meeting.

Administrative Approval - The **PLANNING DIRECTOR** or a staff member authorized by the **PLANNING COMMISSION** may take Planning Commission action if the plan or revision complies with the applicable provisions of these regulations. Such action shall not be taken until the expiration of the seven (7) day petition period provided for in this Part. No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations or conditions. Items that are not appropriate for

administrative approval shall be submitted to the **TECHNICAL REVIEW COMMITTEE** in accordance with the provisions of this Part.

- A. Applicants or other affected parties seeking **PLANNING COMMISSION** review of an action of the **PLANNING DIRECTOR** or **TECHNICAL REVIEW COMMITTEE** may request such on forms supplied by the **PLANNING DIRECTOR**. Requests for review must be submitted within seven (7) calendar days of the **PLANNING DIRECTOR'S** proposed action or the TRC meeting at which the application is considered for approval. The request shall set out the item(s) for which the applicant or other affected party is seeking Planning Commission review. The request will be considered for review at the first Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. Planning Commission action, along with the reasons therefore, shall be communicated in writing to the applicant. Final action on the Minor Plat application shall be taken in accordance with these regulations.
- B. Any preliminary subdivision plan or minor plat submitted to the Planning Commission in satisfaction of the requirement for a Development Plan submittal for a zoning map amendment shall be subject to the requirement for a public hearing as well as all other Planning Commission requirements for consideration of a Development Plan and zoning map amendment.
- C. Planning Commission review of TRC recommendations should address specific items of the Minor Plat proposal that:
1. do not receive a consensus recommendation through the TRC process;
  2. are set out in a request for review by the applicant;
  3. are set out in a request for review by other affected parties; or
  4. are requested as waivers from current regulations.

The proposed minor subdivision plan shall be reviewed and action taken within ninety (90) days of receipt of a complete application, and the Minor Plat, unless this time limit is waived, in writing, by the applicant.

**1.5.05  
Conditions of  
Approval**

When an application for Minor Plat Review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Chapter. Violation of such conditions and safeguards, when made a part of the terms under which the **MINOR**

**PLAT** is approved, shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

Approval of the **MINOR PLAT** shall give the applicant authority to submit **CONSTRUCTION PLANS** to the applicable **ENGINEERING OFFICIAL** and other appropriate agencies. All Construction Plans submitted on the basis of an approved **MINOR PLAT** must conform to such **MINOR PLAT** and any conditions that may have been approved with it. However, the applicable **ENGINEERING OFFICIAL** may authorize minor modifications and adjustments during **CONSTRUCTION PLAN** review without requiring additional review. Approval shall authorize recording of the Plat and constitute the acceptance of any land or improvements proposed to be dedicated.

**1.5.06  
Effect of Plat  
Approval**

If the **MINOR PLAT** is not recorded within one (1) year of the approval date, the applicant may request a one (1) year extension of the expiration date. Only one (1) extension may be granted for the plat. The applicant shall submit a written request for extension to the **PLANNING DIRECTOR**, who may grant such requests if it is determined that circumstances or hardship justify such request.

**1.5.07  
Expiration of  
Minor Plat  
Approval,  
Extensions**

A decision by the Planning Director may be reviewed by the **PLANNING COMMISSION**. If the Planning Commission upholds the decision made by the Planning Director, it may be reviewed by the Circuit Court of Woodford County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Commission's action. Such petition must be filed in the Circuit Court of Woodford County within thirty (30) days after the date of such decision.

**1.5.08  
Appeal of  
Planning Director  
and Planning  
Commission  
Decision**

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** shall be authorized to waive these informational requirements where deemed appropriate.

**1.5.09  
Minor Plat  
Submittal  
Requirements**

- A. All information requirements contained in 1.04.10 as applicable.
- B. Boundaries of property being subdivided and of all resulting lots showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting lots shall bear a tract or lot enumeration.
- C. The location and description of all permanent monuments set at all points of change in direction of all boundary lines of all lots.

Monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots in the minor subdivision correctly by referring to the plat alone without any additional information.

- D. The plat shall include a certificate of ownership and dedication, a land surveyor's certificate, County Engineer certificate, a zoning conformance certificate, certificates reserving easements for utilities if applicable, signature lines for approval for the Owner, Surveyor, Planning Commission and Health Department, and a recorder's certificate reserved for the County Clerk. The **PLANNING DIRECTOR** and the Commission's legal counsel shall determine the form and content of all certificates. The land surveyor's signature and seal on the plat shall apply to all certificates and/or statements on the face of the plat.
- E. For Minor Plats of Consolidation 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 and/or square footage of each parcel shall be shown. A notation shall be added, "Parcel 1 shall be sold or transferred only to Parcel 2 for consolidation purposes". For multiple consolidations, the developer shall consult with the **PLANNING DIRECTOR** to determine appropriate parcel labeling and the wording of consolidation note(s).
- F. For Minor Amendments to Existing Plats/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 follow: 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.

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## Site Plan/Building Permit Review

### **1.6.01 When Site Plan Review Applies**

Site Plan/Building Permit Review (hereafter referred to as Site Plan Review) shall be required for all development proposals for **BUILDING SITES** or **DEVELOPMENT SITES**. The purpose of this review is to determine compliance with the conditions and requirements established for the building or development site during the process of **DEVELOPMENT PLAN** approval associated with a Zoning Map Amendment, Preliminary Plan or **RECORD PLAT** Approval, or conformance with the design requirements associated with a Historic Overlay District, Architectural Design Standards, Building Code, and other regulations then in effect. These regulations are necessary and related to **SUBDIVISION** regulations to ensure that the development of existing and future platted **LOTS** and tracts conforms to the conditions and requirements established for their development.

### **1.6.02 Optional Pre- Application**

Prior to formal application for a Site Plan Review, the applicant may present for discussion a sketch showing generally the boundaries of the proposed building or development site, the proposed development, architectural plans or building prototypes, site dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the applicant. The applicant or property owner or their agent, the **PLANNING DIRECTOR**, or the **BUILDING AND ZONING OFFICIAL**, may request a conference to discuss the requirements for Site Plan approval.

For this review, the applicant shall contact the **PLANNING DIRECTOR** or the **TOWN PLANNER** as designated by the **PLANNING COMMISSION**, to set a meeting date to discuss intentions as they relate to a site plan review. The pre-application meeting does not require formal application or fee.

Site Plan Review is intended to provide for a complete review of technical data and preliminary engineering, landscaping and architectural drawings for proposed **BUILDING SITES** and **DEVELOPMENT SITES**. The review should evaluate potential impacts on both the site and surrounding areas, and resolve planning, engineering and other technical issues so that development may proceed.

**1.6.03  
Site Plan  
Review**

The applicant should file a formal application for Site Plan/Building Permit Review on a form supplied by the **PLANNING DIRECTOR** (see Appendix for forms) and shall submit therewith a Site Plan prepared in conformance with the requirements of this Chapter. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The **PLANNING DIRECTOR** and or **BUILDING AND ZONING OFFICIAL** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with the regulations in effect at the time of application.

**1.6..04  
Submittal of  
Application**

Upon receipt and acceptance of the Site Plan/Building Permit Review Application, the **PLANNING DIRECTOR** may submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company. Notice of the proposed subdivision and date of any required meetings will be provided to adjoining property owners if required. Should the application require the review and approval of the Architectural Review Board, the date and time of this meeting will be included in the notice.

**1.6.05  
The Review  
Process**

Staff Review - The staff of the Planning Commission shall review the plan and shall consult with the affected cities, public agencies and utility company to resolve any problems raised by the proposed site plan. The staff shall then present its recommendations and the reports of the agencies and companies to the applicant, and any adjoining property owners who have requested notification.

Administrative Approval - The **PLANNING DIRECTOR** or a staff member authorized by the **PLANNING COMMISSION** may take Planning Commission action if the plan or revision complies with the applicable provisions of these regulations. Such action shall not be taken until the expiration of the seven (7) day petition period provided for in this Part. No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items that are not appropriate for administrative approval shall be submitted to the **TECHNICAL REVIEW COMMITTEE** in accordance with the provisions of this Chapter.

- A. Applicants or other affected parties seeking **PLANNING COMMISSION** review of an action of the **TECHNICAL REVIEW COMMITTEE** may request such on forms supplied by the **PLANNING DIRECTOR**. Requests for review must be submitted within seven (7) calendar days of the TRC meeting at which the application is considered for approval. The request shall set out the item(s) for which the applicant or other affected party is seeking Planning Commission review. The request will be considered for review at the first Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. Planning Commission action, along with the reasons therefore, shall be communicated in writing to the applicant. Final action on the proposed Site Plan shall be taken in accordance with these regulations.
- B. Planning Commission review of TRC recommendations shall address only specific items of the Site Plan proposal that:
1. do not receive a consensus recommendation through the TRC process;
  2. are set out in a request for review by the applicant;
  3. are set out in a request for review by other affected parties; or
  4. are requested as waivers from current regulations.

The proposed site plan shall be reviewed and action taken within sixty (60) days of receipt of a complete application and the Site Plan, unless this time limit is waived, in writing, by the applicant.

**1.6.06  
Conditions of  
Approval**

When an application for Site Plan Review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Part. Violation of such conditions and safeguards, when made a part of the terms under which the Site Plan is approved, shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

**1.6.07  
Effect of Final  
Site Plan  
Approval**

Approval of the Site Plan shall give the **PLANNING DIRECTOR** and/or **BUILDING AND ZONING OFFICIAL** the authority to issue building permits for the proposed development. All **CONSTRUCTION DRAWINGS** submitted with or subsequent to Final Site Plan approval shall conform to such approval and any conditions that may have been approved with it. However, the **PLANNING DIRECTOR** may authorize minor modifications and adjustments during the course of construction without requiring additional formal Site Plan Review.

**CONSTRUCTION DRAWINGS** must be submitted within one (1) year of Site Plan approval or the approval shall expire. One (1) or more extensions for an additional one (1) year each may be granted by the Commission if it finds that applicant has diligently pursued implementation of the approved Site Plan. The applicant shall submit in writing a letter requesting and justifying an extension.

**1.6.08  
Expiration of  
Final Site Plan  
Approval,  
Extensions**

In the case of building or development sites being developed by phases, for the period within five (5) years of original approval of the Site Plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any phase. Beyond this five (5) year period, an extension in accordance with the provisions above shall be required.

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** shall be authorized to waive these informational requirements where deemed appropriate.

**1.6.09  
Site Plan  
Review  
Submittal  
Requirements**

A. General Information

1. Number of Copies: As determined by the **PLANNING DIRECTOR**. The applicant shall also submit the Site Plan (inclusive of all application materials) in digital form and format determined by the **PLANNING DIRECTOR**. The Planner, Architect, Engineer or Surveyor shall also certify that the coordinate geometry of the survey has been checked and found to close.
2. Legend, including
  - a) Name of proposed development
  - b) Legal description of the property
  - c) Acreage of the property
  - d) Scale (Not more than 1" = 100')
  - e) North Arrow
  - f) Existing zoning on the property, including any overlay districts
  - g) Number of development sites proposed
  - h) Date of preparation and space for revision dates
  - i) Vicinity Map
3. Name, Address, Phone Number and Email Address of
  - a) Property Owner(s)
  - b) Developer(s)
  - c) Engineer(s)
  - d) Surveyor(s)

- e) Architect(s)
- f) Agent(s) of property owner or others involved in the proposal

4. Information about abutting lands, including

- a) Names of abutting subdivisions
- b) Names of Recorded Owners of all abutting lots and parcels
- c) Existing zoning, including any overlay districts.

B. Existing Conditions

1. Existing streets, both on and within five hundred (500) feet of the proposed building or development site, including:

- a) Street Names
- b) Location of each street
- c) Right-of-way and paving width (inclusive of curbs/gutters of all streets)
- d) Driveway Approach locations and proximity to proposed subdivision entrance(s)
- e) Sidewalk locations
- f) Median locations
- g) Any other improvements in the right-of-way

2. Existing lot lines and easements on the property, indicating the purpose of each easement.

3. Existing utility and drainage infrastructure, including location and size of

- a) Sanitary Sewers
- b) Storm Sewers
- c) Culverts
- d) Water Mains
- e) Fire Hydrants (within four hundred (400) feet of the site)

4. Existing buildings, structures, railroads, cemeteries, urban service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.

5. A topographic map showing existing contours at two (2) foot intervals, where data is available from the Woodford County GIS, or

- at five (5) foot intervals for all other areas, based on field data referred to U.S.G.S. sea level datum in sufficient detail to show the general character of the land. Where a subdivision or site development is proposed in a Conservation District, contour intervals of two feet are required. Contour lines shall be shown one hundred (100) feet beyond the subdivision or site boundary at ten (10) foot intervals.
6. A soils report showing subsurface soil, rock and groundwater conditions, and including
    - a) Soil classifications as identified by the U.S.D.A. Soil Conservation Service
    - b) Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s).
    - c) If individual wells and/or septic tanks are proposed, show location and results of soil percolation tests 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 plan.
  7. The 100-year flood elevation, minimum habitable floor elevation and limits of the 100-year floodplain.
  8. A surface drainage report showing direction and flow and methods of storm water retention and detention.
  9. Existing surface water bodies, wetlands, streams and canals, both on and within fifty (50) feet of the proposed subdivision/site, including:
    - a) Normal high water elevation or boundary
    - b) Attendant drainage areas for each
    - c) Area, extent and type of wetlands
  10. A tree and woodlands survey showing the general extent of tree canopies as determined from aerial photographs of the site, as well as any tree with a caliper of more than twenty four (24) inches.
  11. The precise location of any Woodford County geodetic information system monument(s) and/or certified sectional corners, whose coordinate values have been determined, which are within the proposed **SUBDIVISION** or **DEVELOPMENT SITE** and/or within the three hundred (300) foot area surrounding it.

C. Proposed Development

1. Building or Development site layout, including:
  - a) Lot lines
  - b) Scaled dimensions
  - c) Lot numbers, and block numbers where applicable
  - d) **BUILDING PLACEMENT LINES**, scaled for each lot
  - e) Type of intended use for each site
  - f) Tracts to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use
  
2. Delineation and description of the number, type and density and/or gross floor area and **FLOOR AREA RATIO** of Residential, Workplace, **SHOPFRONT** or other Proposed Uses including:
  - a) Architectural Plans
  - b) Mix of Proposed Uses
  - c) Phasing of Proposed Uses
  - d) Other information to determine compliance with any architectural or historic preservation standards and guidelines.
  
3. Proposed **STREET** System or Access Requirements, including:
  - a) **STREET** names
  - b) Location and type of each street and/or site access location (include all streets shown on the adopted Transportation Plan - Major Thoroughfare System)
  - c) Right-of-way width for each street
  - d) Sidewalk locations
  - e) Median locations
  - f) Approximate elevations at the centerline of the street shall be shown at the beginning and end of each street, and at street intersections.
  - g) Any other proposed improvements in the rights-of-way
  
4. Location and scaled dimensions of all parcels of land proposed for public uses other than streets, including:
  - a) Easements for drainage, utilities, storm water management, pedestrian pathways, sidewalks, bike paths, parks/open space, etc.

- b) Land dedications for parks/open space, schools, public facilities, storm water management, etc.
  - c) **CIVIC GREENS** and **CIVIC SQUARES** required by the provisions of this Chapter
5. Proposed utility and drainage infrastructure, including the location and size of:
  - a) Sanitary sewers
  - b) Storm water management facilities
  - c) Culverts
  - d) Water mains
  - e) Fire hydrants
  - f) Electric, gas, telephone and other utilities
6. The nature, location and scaled dimension of any buffer or transition areas.
7. Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.
8. A preliminary tree protection plan indicating all trees with a caliper of twenty four (24) inches or greater that will remain and all tree canopy areas to be preserved. The Plan shall also indicate how trees and tree canopy areas to be preserved will be protected and maintained during the construction process.
9. Information concerning any private street(s) proposed to be included in the development, including:
  - a) Copy of **DEED** or Legal Instrument that grants or provides the legal right to use the private street to property owners within the subdivision or site.
  - b) Copy of Written Notification to be provided at time of sale to all property owners having beneficial use of the private street, concerning their responsibilities in maintaining the street in safe operating condition.
10. A paving, grading, drainage and erosion control plan.
11. The location and extent of areas within and abutting the site with slopes of twelve (12%) percent or greater and eighteen (18%) percent and greater.

12. Gross and net acreage, density expressed as units per acre or non-residential intensity expressed as a floor area ratio.

**1.6.10  
Exemptions  
from  
Requirements**

Residential **BUILDING SITES**, or lots, created through the **SUBDIVISION** review process, are exempt from the formal Site Plan Review process. Site plan review for these sites/lots will occur through the normal building permit review process.

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## Record Plat and Construction Plan Review

### **1.7.01 Purpose**

**RECORD PLAT** review is intended to provide for the acceptance or performance guarantee of improvements and reservations to be included in **MAJOR SUBDIVISIONS**, and for the recording of the **SUBDIVISION** plat.

### **1.7.02 Submittal of the Application**

Simultaneously with or following the acceptance for processing and review of all Subdivision Construction Plans, the applicant shall submit to the **PLANNING DIRECTOR** a **RECORD PLAT** application which conforms to the submittal requirements of this Part. No application will be deemed accepted unless it is complete.

### **1.7.03 The Review Process**

Upon acceptance of the application, the **PLANNING DIRECTOR** shall review the **RECORD PLAT** for conformance with the review standards below. No application should be approved unless:

- A. It is in conformance with the approved Preliminary Plan and other regulations and policies;
- B. **CONSTRUCTION DRAWINGS** and adequate performance guarantees have been provided and approved;
- C. All required subdivision agreements, escrows, dedications and reservations have been executed;
- D. The applicant has paid all required fees or charges, and has established any required escrow arrangements.

Recording of the Plat - Upon approval of the application, Planning Commission staff shall then be responsible to cause the recording of the signed Plat in accordance with state law.

Upon recording the **RECORD PLAT** the applicant may begin site development and installation of improvements. Approval of the **RECORD PLAT** shall constitute acceptance of all dedications and reservations of land shown on the Plat, except those that are specifically reserved or are refused in writing by the Planning Commission in connection with Plat approval.

**1.7.04  
Effect of  
Recording Plat**

Revisions After **RECORD PLAT** Approval - No changes, erasures or revisions shall be made after **RECORD PLAT** approval unless the Plat is resubmitted for new application under this Chapter. This shall not affect the right to file an affidavit confirming error on a recorded plat as provided by law.

The applicant shall submit the following:

**1.7.05  
Record Plat  
Submittal  
Requirements**

- A. The original mylar plat with (5) paper copies (or four (4) paper copies and one CD-ROM of record plat information) prepared and certified by a Land Surveyor. If more than one sheet is required, a key plat shall be shown on all sheets. No sheet of the record plat may exceed seventeen (17) inches by twenty two (22) inches unless the County Clerk has agreed in writing to record it, if approved by the **PLANNING DIRECTOR**. A two (2) inch by three (3) inch space shall be reserved in the lower left hand corner for the County Clerk's stamp. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by fifty (50%) percent.
- B. The **RECORD PLAT** shall be in conformance with the approved Preliminary Plan, depicting the following information and utilizing the same graphic lines and symbols as utilized for the Preliminary Plan.
  1. The boundaries of the property including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and block(s) and lot number(s) for all parcels contained within the boundaries of the proposed **SUBDIVISION** as identified from Property Valuation Administrator's current maps and records.
  2. The names and widths of all adjoining **STREETS** and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. An owner's name and a deed book and page number or an owner's name and plat book and page number shall identify ownership.
  3. **LOT** numbers, lot lines, appropriate **BUILDING PLACEMENT/SETBACK LINES**, all fully dimensioned,

bearings and distances of non-parallel lot lines, and square footage of each lot.

4. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of each section. All permanent monuments set as a result of a boundary survey base should be geometrically related survey monuments geometrically tied to Woodford County GIS Monuments. The **PLANNING DIRECTOR** may approve an exception to this requirement if a controlled monument is not located within one mile or if other topographical conditions exist. All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information.
  5. The limits of the 100-year floodplain and floodway, if any, and the applicable map numbers.
  6. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
  7. Landscape buffer areas, conservation easements, tree protection areas and any other area to be set aside or dedicated pursuant to these regulations or by conditions of approval of the Preliminary Plan or Development Plan in connection with a Zoning Map Amendment.
  8. Deed book and page number of the deed of restrictions applicable to the subdivision, if any.
  9. A title block, in the lower right hand corner of the plat depicting the title of the subdivision, the name and address of the owner, the name and address of the **SUBDIVIDER** or developer, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale.
- C. The **RECORD PLAT** shall also contain the following certificates or notices in a form or format as specified by the **PLANNING DIRECTOR**.
1. A certificate of ownership and dedication, and an accompanying certificate of acknowledgment;
  2. A land surveyor's certificate;
  3. Certificates of reservation;

4. A certificate of approval;
5. Notice of the obligation with the following language:

*“Property Owner’s Obligation*

*Certain improvements in this subdivision are required by the Subdivision Regulations as specified by an approved construction plan on file in the office of the Planning Director. It is the obligation of every property owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation that may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine.”*

6. Notice of Bond Requirement with the following language.

*“Notice of Performance Guarantee Requirement*

*After construction approval and release of the subdivider’s bond, the owner of any lot may be required to post a performance guarantee as a condition of obtaining a building permit.”*

7. Notice of the builder's obligation with the following language.

*“Builders Obligation*

*The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in easement or right-of-way.”*

Before the **PLANNING COMMISSION** approval may be shown on the **RECORD PLAT** for recording, the **SUBDIVIDER** shall deliver to the **PLANNING DIRECTOR** and the applicable **ENGINEERING OFFICIAL** the following items (See Part 8 for additional information and requirements).

- A. Subdivider’s Commitment - The **SUBDIVIDER** shall be responsible for the installation, good repair and proper functioning of all improvements required by the approved **CONSTRUCTION PLAN** and the installation of all reference monuments required by the **RECORD PLAT**.

**1.7.06  
Installation of  
Improvements**

Installation shall begin within one (1) year after approval of the **RECORD PLAT**, or within a maximum one (1) year extension granted by the applicable City or County Engineer and Planning Commission, and shall proceed in a manner which, in the judgment of the applicable City or County Engineer, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. If the installation of improvements has not begun within the maximum two (2) year period (which assumes that a one (1) year extension has been approved), the approval of the **RECORD PLAT** and **CONSTRUCTION PLANS** shall be deemed to be null and void.

The judgment of the applicable City or County Engineer with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the **SUBDIVIDER**, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the **SUBDIVIDER** shall continue until the Planning Commission has granted a release.

The required installations shall be completed and properly functioning within a reasonable time. At any time after the date of approval of the record plat, the **SUBDIVIDER** shall abide by any time limits that the applicable City or County Engineer may specify in writing. This obligation shall be evidenced in writing signed by the **SUBDIVIDER** on forms provided by the applicable City or County Engineer.

- B. Security Required - There shall be filed with the **PLANNING COMMISSION** and applicable City or County Engineer a performance guarantee of a type and amount determined by the regulations of Part 8 of this Chapter. The purpose of this security is to ensure that:
1. The installation of improvements is completed in a timely manner, and the public health, safety and welfare is not adversely affected if the installation of improvements is begun and then halted for a period of at least six (6) months from the date of a stop work order or other notice issued by the **PLANNING COMMISSION** or as determined by the **PLANNING COMMISSION** and applicable **ENGINEER**. The performance guarantee may be utilized to perform or have performed interim measures to protect the integrity of any improvements that have been installed or to address erosion, drainage or other aspects associated with the interrupted installation of improvements and disturbance of the construction site.

2. The required improvements are completed to the extent required by the approved **RECORD PLAT** and **CONSTRUCTION PLANS**.

A **SUBDIVIDER** may request a release from responsibility for the good repair and proper functioning of improvements required by the **PLANNING COMMISSION** in accordance with the following procedures:

- A. Construction Approval - A written request for release shall be submitted to the applicable City or County Engineer, the Board of Health, the agency or official having jurisdiction with respect to fire protection, and the Mayor or designee if the **SUBDIVISION** is located in an incorporated city. This release may be requested after principal buildings have been completed on eighty (80%) percent of all lots shown on the record plat and the public improvements (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and are functioning in accordance with the approved construction plans.
- B. Upon receipt of a request from a **SUBDIVIDER** the appropriate agency must inspect the **SUBDIVISION** and inform the subdivider in writing of approval or disapproval. If the subdivider disagrees with the written comments received an appeal may be filed with the Planning Commission. The Planning Commission shall review this request through the **TECHNICAL REVIEW COMMITTEE**.
- C. Upon obtaining a written release from all appropriate agencies, the applicable City or County Engineer may release the performance guarantee completely or reduce the bond to an amount necessary to insure the installation of sidewalks, related drainage and any other right-of-way and easement improvements. This bond shall be considered as if it were a separate bond designed solely for that purpose to be released by the approval of the applicable City or County Engineer with the approval of the appropriate agencies. If a bond for only a sidewalk is required it shall be of a limited time period to insure that all walks are constructed and fully functioning within two (2) years of date of said bond.
- D. The eighty (80%) percent figure referred to above may be increased or reduced by the Planning Commission at any time for good cause shown after recommendation from the applicable City or County Engineer.

**1.7.07  
Release from  
Requirement  
to Guarantee  
Proper  
Functioning**

**1.7.08  
Builder's  
Commitment  
and  
Performance  
Guarantees**

A builder on any lot in a **SUBDIVISION** shall be responsible for the good repair and proper functioning of all installed improvements required by the approved construction plan and installed reference monuments required by the record plat and shall proceed with construction in a manner which is satisfactory to the Director of Works and the **SUBDIVIDER**, and which does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the applicable City or County Engineer or that of the **SUBDIVIDER** with respect to the manner of construction may not be questioned in any judicial proceeding by any one except the builder, but said judgment when exercised in favor of the builder, shall not constitute a defense to the builder in a judicial action against the builder by a complaining property owner. An applicant for a building permit shall execute and deliver written evidence of his awareness and commitment to fulfill this obligation on forms approved by the applicable City or County Engineer.

- A. Property Owner's Obligation - It is the obligation of a property owner in the subdivision not to damage, alter or destroy the required improvements or reference monuments and not to allow any condition or activity on his property that will impair the proper functioning of the required improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violations that may be enforced in the same manner that mortgages are enforced, in addition to other remedies available.
- B. Enforcement and Remedy of Obligations - If, at any time following the period allowed to the subdivider to complete his obligations, the applicable City or County Engineer finds that the required improvements and reference monuments have not been installed or they are not in good repair or are not functioning properly, and also finds that it does not appear to his satisfaction that the improvements will be completed within a reasonable time considering the potential for harm, inconvenience or annoyance to others, he shall recommend that the Planning Commission declare the obligation of the subdivider, as well as the obligation of any others who may appear to him to be responsible, to be in default.
- c. Upon declaration of default, the applicable City or County Engineer shall collect such amounts from performance guarantees or otherwise as is required to remedy the default. In the event that amounts available from bonds are sufficient to cover the costs of remedying the default, such bonds shall be collected and used in full or in such proportion as the applicable City or County Engineer determines to be just and equitable based upon apparent responsibility therefore. Anyone

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claiming to be aggrieved by such determination shall have as his exclusive remedy a cause of action for contribution or indemnity against the parties responsible for the default. The determination of the applicable City or County Engineer shall not be used as evidence in support of or against responsibility in such cause of action, and he shall not be made a party thereto.

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## Installation and Maintenance of Improvements

### **1.8.01 Overview**

The installation and maintenance requirements ensure that public services and facilities will be provided in such a manner as to protect the public health and safety and to sustain the existing quality of life.

### **1.8.02 Purpose**

The requirements are intended to provide standards and procedures for the installation and maintenance of improvements where required by these regulations. These requirements are intended to ensure that all improvements will be installed in a timely and efficient manner that protects the public health, safety and welfare, and that, where improvements will be retained in private ownership, they will be maintained permanently in accordance with the requirements of these regulations.

### **1.8.03 When These Regulations Apply**

The improvement requirements shall apply to all development proposals requiring an approval under the provisions of this Chapter. No **RECORD PLAT**, **MINOR PLAT**, or **SITE PLAN** shall be approved unless assurance is provided that required improvements will be installed in accordance with this Part.

- A. General Requirements - All improvements shall be built to the standards and specifications of these regulations, and in accordance with any additional requirements and policies of the applicable City or County Engineer. Required improvements should be installed by and at the expense of the **SUBDIVIDER**, developer/builder, except as specifically provided herein.

- B. **COMPREHENSIVE PLAN** - All required improvements should be consistent with the adopted Comprehensive Plan for Versailles, Midway and Woodford County.
- C. **Professional Engineer Required** - A Kentucky registered professional engineer shall be employed to design and certify the installation of all required improvements to be dedicated to a public body. The engineer shall prepare all plans for such improvements. The applicable City or County Engineer shall approve all plans for such improvements prior to construction.

These requirements shall apply to all street and right-of-way improvements, and wherever improvements required by these regulations will be dedicated to the public.

**1.8.04  
Improvements  
Dedicated to  
the Public**

Except as otherwise provided, no **RECORD PLAT** shall be approved unless a performance guarantee shall be filed in accordance with this Part for the installation of required improvements. The developer shall be responsible to ensure that the improvements have been guaranteed; however, the developer or the contractor may post the guarantee. The performance guarantee shall comply with all statutory requirements and shall be approved by the **PLANNING COMMISSION'S** Legal Counsel as to form and manner of execution. In lieu of such performance guarantee, the applicable City or County Engineer may authorize the developer/builder to install, at their own expense, all required improvements.

**1.8.05  
Performance  
Guarantee is  
Required**

**Acceptable Types of Guarantees** - The performance guarantee shall consist of an equivalent cash deposit, certificate of deposit or irrevocable letter of credit by a Kentucky bank, or a cashier's check or a certified check upon a Kentucky bank.

**1.8.06  
Acceptable  
Guarantees**

- A. **Amount of Guarantee Required** - The amount of the performance guarantee shall be equal to the maximum estimated cost for the installation of the uncompleted portion of the required improvements adjusted for inflation during the maximum effective period of the guarantee based upon a bid or an estimate by the engineer of record and subject to approval by the applicable **ENGINEERING OFFICIAL**; but in no case shall the amount be less than one hundred ten (110%) percent of the current construction costs of such improvements.

**1.8.07  
Effective  
Period of  
Guarantee**

The effective period of the performance guarantee shall not exceed one (1) year from the date of approval of the **RECORD PLAT** or **SITE PLAN**. However, the performance guarantee shall provide that it is automatically renewed for an additional one (1) year period if it has not been released within the first one (1) year period.

**1.8.08  
Extensions and  
Substitutions**

The applicable City or County Engineer may grant one (1) extension for an additional one (1) year effective period of the performance guarantee for good cause shown. However, the applicable City or County Engineer shall review the performance guarantee, and may require renegotiation of the amount of guarantee for the extension period. The **PLANNING COMMISSION** may at any time during the effective period accept a substitution of principal, sureties or other parties, upon recommendation by the Planning Commission's Legal Counsel.

**1.8.09  
Default**

Default - Wherever the required improvements have not been installed according to the terms of the performance guarantee and no extension or substitution 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. 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.

**1.8.10  
Construction  
and Inspection  
of  
Improvements**

The applicable City or County Engineer shall carry out inspections and tests of all required improvements during construction and following the completion of each stage of construction, in accordance with established policies, to ensure compliance with the approved plat or plan and advise the **PLANNING COMMISSION** whether or not the improvements being constructed appear to qualify for acceptance. If deemed necessary, sidewalk and other paved surfaces shall be cut through or cored to determine compliance with specifications. All required improvements should be installed, inspected and approved prior to acceptance.

Construction Plan Review and Inspection Fees - The developer/builder shall reimburse the applicable City or County Engineering Official for all of the direct and indirect costs associated with the conduct of inspections and tests in connection with the installation and maintenance of public improvements. The amount of reimbursement shall be documented by the applicable Engineering Official and provided to the developer/builder. The total amount shall be due

and payable prior to the issuance of any Certificate of Completion, release of bond or recording of a plat.”

Completion and Acceptance of Improvements To Be Maintained By The Public - Before the applicable City or County Engineer can accept improvements by issuing a Certificate of Completion, the developer/builder must meet certain requirements, as detailed in this Part. At the applicable City or County Engineer’s option, improvements in a development may be accepted in self-supporting stages. The provisions of this Part are intended to place requirements on developer/builders and their Registered Professional Engineers. This Part shall not be construed to place any limitations on the actions of the **PLANNING COMMISSION**. Whenever used herein, “Engineer” shall be read to include the staff of the appropriate Public Works Department, or any other designee of the applicable City or County Engineer.

**1.8.11  
Completion  
and  
Acceptance of  
Improvements**

The applicable City or County Engineer accepts improvements by issuing a Certificate of Completion. This official shall be required to issue a Certificate of Completion only if:

**1.8.12  
Requirements  
for Acceptance  
of  
Improvements  
and Certificate  
of Completion**

A. The developer/builder has:

1. Complied with all requirements listed in the paragraph entitled “As-Built Drawings” in this Part herein below; and
2. Posted a defect security in accordance with the paragraph entitled “Posting of Defect Security” in this Part herein below;
3. Submitted the results of any tests that the applicable City or County Engineer may require; and
4. Submitted a Surveyor’s Letter of Certification to the applicable City or County Engineer; and
5. Submitted itemized cost sheets to the applicable City or County Engineer for all facilities dedicated to the public; and

B. The applicable City or County Engineer has conducted satisfactory final inspections of the improvements to be accepted.

In every instance in which a developer/builder is required to submit plans of development improvements for approval, the developer/builder is also required to arrange for a Kentucky Registered Professional Engineer to do all of the following:

**1.8.13  
As-Built  
Drawings**

- A. Monitor the construction of said improvements; and
- B. Create and maintain a set of on-going, continuously updated as-built drawings of said improvements. The Drawings shall show monuments and/or Certified Corners, described with name, number and State Plane Coordinate Values, and their bearing structure must be based on the State Plane Coordinate System from the information provided by these monuments. Furthermore, all as-built drawings must be created and maintained in accordance with the standards and requirements adopted by the Board of Direction, American Congress on Surveying and Mapping and as may be amended thereafter; and
- C. Ensure that said continuously updated as-built drawings accurately reflect the actual status of constructed improvements; and
- D. Make said continuously updated as-built drawings available for inspection by the applicable City or County Engineer and the **PLANNING DIRECTOR** at all times; and
- E. At the completion of the improvements, submit four (4) completed sets of white print (or better quality) as-built drawings to the applicable City or County Engineer and the **PLANNING DIRECTOR**. All adjustments must be made to the original drawings prior to printing. Each completed set of as-built drawings must include, on its face, a certified statement by the developer/builder's Professional Engineer that the set of as-built drawings accurately depicts the actual improvements as constructed. In addition, a digital copy of the as-built plans shall be submitted to the **PLANNING DIRECTOR**.

**1.8.14  
Sanctions**

If the developer/builder or the developer/builder's Professional Engineer fails to comply with any one or more of the requirements described in this Section, then the applicable City or County Engineer may, but is not required to, choose any one or more of the following as sanctions:

- A. Refuse to allow building permits to be issued for any or all of the development; or
- B. Refuse to issue Certificates of Occupancy for any or all of the development; or
- C. Refuse to issue a Certificate of Completion for the improvements, thereby refusing to accept the improvements.

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 maintenance bond, equivalent cash deposit with the applicable City or County Engineer, certificate of deposit, irrevocable letter of credit by a Kentucky bank, a cashier's check or a certified check drawn upon a Kentucky bank. The applicable City or County Engineer shall create, maintain, and provide approved forms for each type of Defect Security described immediately above. The developer/builder must use said approved Defect Security forms, and may not modify said approved forms in any way. Any change or modification to such forms shall be disregarded and shall be unlawful. 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.

**1.8.15  
Posting of  
Defect Security**

During the two (2) year "Maintenance Period" when the Defect Security is in effect, (after the acceptance of improvements), the developer/builder must provide all required maintenance or repair of the accepted improvements, including, but not limited to, the repair and replacement of any system component, failed section of paving or like item, and the control of erosion, replacement of sod, or removal of soil washed onto pavement or into the drainage system.

**1.8.16  
Maintenance  
Period**

Within sixty (60) to ninety (90) days before the expiration of the Defect Security and corresponding Maintenance Period, the developer/builder is required, in writing, to notify the applicable City or County Engineer of the impending expiration and to request that the official perform a final inspection of the accepted improvements. The official shall then conduct such final inspection within thirty (30) to sixty (60) days before the expiration. If the official determines during the final inspection that the improvements are in satisfactory condition and repair, then the Defect Security shall be permitted to expire, and the developer/builder shall be released from further obligations under this Section, but the developer/builder is not necessarily released from any other liability which may exist at law. If the official determines during the final inspection that the improvements are not in satisfactory condition or repair, then the official may require the developer/builder to correct the design deficiency, maintenance problem, etc. Failure of the developer/builder to correct said deficiency shall automatically result in a default in the Defect Security and in continued civil liability against the developer/builder for any deficiency in the accepted improvements which may have occurred or become apparent

**1.8.17  
Release of  
Defect Security**

during the two (2) year Maintenance Period or during a final inspection by the official, even if such deficiency is not discovered until after the expiration of the Defect Security and corresponding Maintenance Period. Similarly, the developer/builder's failure to notify the official of the Defect Security expiration date and to request a final inspection shall also result in automatic default of the Defect Security and continued civil liability for deficiencies discovered after expiration of the Defect Security and corresponding Maintenance Period.

**1.8.18  
Reduction or  
Release of  
Guarantee**

Upon issuance of the Certificate of Completion for an approved development or construction stage of a development, the Performance Guarantee for the improvements shall be reduced by the amount of the original cost estimate for the improvements covered by the Certificate. Where the Certificate covers all remaining required improvements, the Performance Guarantee shall be fully released.

**1.8.19  
Alternative  
Procedure –  
Installation  
Before  
Recording of  
Final  
Subdivision  
Plat**

In lieu of the filing of a Performance Guarantee in accordance with guidelines above, the applicable City or County Engineer may authorize the developer/builder to proceed with installation of required improvements prior to recording of the **FINAL SUBDIVISION PLAT** in accordance with the following procedure:

- A. Review of the Plat - The subdivision plat application shall be reviewed in accordance with the procedures set forth in this Chapter for Major or Minor Subdivisions, except as follows:
  1. Conditional Final Plat Approval - Wherever the developer/builder is authorized to install improvements prior to recording of **RECORD PLAT**, Planning Commission approval of the Plat shall be conditioned upon the full completion of the improvements within one (1) year and in full conformance with the approved Construction Drawings.
  2. Retention of Plat **BY THE APPLICABLE ENGINEERING OFFICIAL** - The approved **RECORD PLAT** shall not be recorded, but shall instead be retained by the **PLANNING DIRECTOR** until a Certificate of Completion is issued for the improvements in accordance with the requirements specified above.
  3. Compliance With Other Requirements - During installation of the required improvements, the developer/builder shall be subject to all requirements of this Part pertaining to the construction, inspection, completion and acceptance of such improvements.

No building permits shall be issued for any building site within the proposed development until the improvements have been accepted by the applicable City or County Engineer and the Plat has been recorded.

**1.8.20  
Building  
Permits  
Prohibited**

Upon issuance of a Certificate of Completion for all required improvements by the applicable City or County Engineer, the appropriate legislative body shall accept responsibility for the maintenance of the improvements, subject to the provisions of the posted Defect Security.

During construction the developer/builder may, by filing of a performance guarantee for all the remaining improvements not yet accepted by the applicable City or County Engineer in accordance with these regulations, have a prior conditional Record Plat recorded.

These requirements shall apply wherever improvements required by these regulations will be retained in private or common ownership, and will not be dedicated to a public body.

**1.8.21  
Improvements  
Retained in  
Private  
Ownership**

A. Construction and Inspection of Improvements

Prior to the approval of any Certificate of Occupancy for a development or approved construction stage, the developer/builder shall install at their sole expense all improvements required by this Chapter, in accordance with the **CONSTRUCTION DRAWINGS** approved under this Part.

Inspections - The applicable City or County Engineer shall carry out inspections of all improvements during construction in accordance with the Site Inspection requirements of these regulations, and shall carry out tests of all private street improvements.

B. Certificate of Completion

The engineer, architect, or landscape architect of record shall submit a certification that the required improvements have been installed and completed in accordance with the **CONSTRUCTION DRAWINGS** approved for the development.

### C. Performance Guarantee for Certain Improvements

When the applicable **ENGINEERING OFFICIAL** determines that the installation of the following improvements may be delayed without substantial detriment to the public health, safety, or welfare or where necessary to coordinate such improvements with public expenditures or development on adjacent property, the developer/builder may be permitted to provide a performance guarantee and an agreement to install such improvements at a later specified date. Such improvements shall be limited to:

1. Improvements within public rights-of-way
2. Installation of sidewalks and bikeways.
3. Improvements to major drainage ways.

Same Procedure As Dedicated Improvements - The performance guarantee and agreement shall be provided prior to the issuance of any Certificate of Occupancy, and except for the effective period shall be subject to all performance guarantee requirements. During installation, the developer/builder shall be subject to all of the requirements of these regulations pertaining to the construction, inspection and completion of such improvements.

**1.8.22  
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:

- A. Dedicated Lands and Improvements - Any lands or improvements to be dedicated or conveyed to the public, for designated or general public use.
- B. 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.

- C. 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.

Prior to approval of the **SITE PLAN** or **RECORD PLAT**, the developer/builder 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 Certificate of Completion be issued for a development involving common open space and/or improvements until the entity of common ownership and management has been incorporated.

**1.8.23  
Establishing a  
Means of  
Common  
Ownership and  
Management**

Prior to approval of any **SITE PLAN** or **RECORD PLAT**, the developer/builder 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.

**1.8.24  
Funding  
Mechanism  
Required**

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.

**1.8.25  
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 developers 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 of 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.

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## Waiver of the Requirements of this Chapter

### **1.9.01 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 a Board of Adjustment or by the **PLANNING COMMISSION** under the provisions of Section 1.1.05.

### **1.9.02 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 development standards. The request shall state the waiver being requested, and the reasons for the waiver in terms of the standards set forth in this Part.

### **1.9.03 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 Commission.

#### A. General Standards

No modification may be granted under these regulations unless:

1. The modification is consistent with the stated purpose and intent of this Chapter and with the adopted **COMPREHENSIVE PLAN**.
2. The modification would not have a significantly adverse impact on the public interest; and

3. The modification would not overburden or otherwise adversely impact public facilities.

#### B. Specific Standards

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

1. Superior Alternatives - Where the proposed modification or 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 modification or 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 requirement has 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 modification is consistent with an approved Development Plan for a **PLANNED DEVELOPMENT**.

**1.9.04  
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 or modification of any requirements under this Chapter.

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## Definitions

### **1.10.01 Interpretations**

For the purposes of these regulations, certain terms, words and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

- A. The word "person" includes an individual, a corporation, a partnership an incorporated association, or any other similar entity.
- B. Tense: Number - Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice-versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
- C. Shall, Should, May, Includes - The word "shall" is mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- D. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for".
- E. The word "lot" includes the words "plat" or "parcel".
- F. Measurement of Distances - Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- G. Interpretation of Undefined Terms - Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan or Zoning Regulations, 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.

In the event that any question arises concerning the application of regulations, design standards, construction and improvement standards, other criteria, definitions, procedures, or any other provisions of the Versailles, Midway and Woodford County New Urban Subdivision and Site Plan Regulations, the Planning Director or duly authorized designee shall be responsible for interpretation.

**1.10.02  
Responsibility  
for  
Interpretation**

The time within which an act must be done shall be computed by counting working days, excluding the first and including the last day. Saturdays, Sundays, and legal holidays shall be excluded from the computation. The Planning Commission shall determine and cause to be published a list of legal holidays applicable to the computation of time prior to the beginning of each calendar year.

**1.10.03  
Computation  
of Time**

**Agricultural Use** – The use of a tract 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.

**1.10.04  
Definitions**

**Block** – A surface land area that is separated, and distinguished from, other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other barriers.

**Block Face** - That portion of a Block that abuts an individual street.

**Blue Line Stream, Solid** - A stream defined and designated as such on seven and one-half (7 ½) minute quadrangle topographic maps published by the U.S. Geologic Survey.

**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.

**Buildable Area** - The area of a lot determined by building placement standards and/or setback requirements and not included within an open space that is required by regulation or action of the Planning Commission.

**Building** - Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

**Building Permit** – A permit issued by the Planning Director or designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof.

**Building Placement/Setback Line** - A line drawn parallel to a lot line at a distance equal to the depth of a required yard. The term also includes front yard setback, side yard setback, rear yard setback, privacy building line and street building line.

**Building Placement/Setback Standard** - Establishes the basic parameters governing building construction. This includes the envelope for building placement (in three (3) dimensions) and certain required/permitted building elements, such as porches, balconies, and fences.

**Building Site** – Any group of one (1) or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development site. Building site area does not include surface water bodies or floodways, but does include wetlands.

**Building and Zoning Official** – The designated representative of the Versailles, Midway and Woodford County Planning Commission who is responsible for the administration and enforcement of zoning and building regulations.

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

**Certificate of Completion** – A written approval issued by the Planning Director or Building and Zoning Official and the Engineering Official that indicates that: all public improvements required in connection with a subdivision or site development have been completed to the satisfaction of the applicable local government and the Planning Commission; a Defect Security has been provided; all review and inspection fees have been paid; and the Record Plat can be recorded or the Performance Guarantee released.

**Civic Building** - A building that houses a civic use.

**Civic Green** - A primarily unpaved, formally configured, small public lawn or park surrounded by canopy street trees. Its dimensions are typically in a 1:4 ratio, with a minimum tract dimension of twenty five (25) feet on one side.

**Civic Use** - Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

**Cluster System** - An on-site sewage disposal system that accepts effluent from the pre-treatment unit of more than one (1) structure or facility and transports the collected effluent through a sewage system to one (1) or more common subsurface soil absorption system(s) of conventional, modified or alternative design.

**Common Access Easement** - An unobstructed passageway for two (2) or more lots, typically crossing or occupying a portion of more than one (1) lot, that provides access to garages, utilities and services such as garbage collection.

**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.

**Common Improvements** - All streets, driveways, parking spaces, and other vehicular use areas, and all uses, facilities, structures, buildings, and other improvements, or portions thereof, which are designed and provided for the common use, benefit, and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or for the protection of adjacent properties.

**Common Lot Lines** - Lot lines shared by private lots, generally side lot lines, perpendicular to the street.

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

**Comprehensive Plan** - The plan 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, and the City Council of Midway and the City Council of Versailles.

**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.

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

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

**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 and Site Plan Regulations. This term also includes Construction Drawings.

**Cul-de-Sac** - See Street

#### **Commentary Pertaining to the Definition of Cul-de-Sac**

Although cul-de-sacs are generally not permitted by the Subdivision and Site Plan Regulations, they are recognized as a type of street. The use of cul-de-sacs is restricted through the waiver process and specifically approved by the Planning Commission on a case-by-case basis. The use of this type of street is intended to address atypical site characteristics of topography or geology, or to preserve environmental features and resources.

**Curb** - The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

**Day** - Unless otherwise specified, the term shall mean calendar day.

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

**Dedication** - The transfer of property from the owner to another party.

**Deed** - A legal document conveying ownership of real property.

**Deed Restriction** - See Restrictive Covenant

**Defect Security** - A bond or other instrument acceptable to the Planning Director and Engineering Official provided as a guarantee for the replacement or construction costs of any defect in the public improvements

required for a subdivision or site development identified within a two (2) year maintenance period following the issuance of a Certificate of Completion.

**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.

**Development** - Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two or more parcels; and any construction of improvements to facilitate a residential, commercial, business, industrial, or public use.

**Development Plan** - Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions.

#### **Commentary Pertaining to the Definition of Development Plan**

The definition is taken from the Kentucky Revised Statutes, Chapter 100.111 and modified. It generally refers to the Development Plan that is a required submittal for the review and action by Planning Commissions in regard to applications for Zoning Map Amendment.

**Development Site** - The property under consideration for a development, which may contain one or more Building Sites and shall be under single ownership at the time of application. Should the Development Site contain more than one (1) Building Site, any applicable Development plan setback requirements shall be established from the Development Site Perimeter.

**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.

**Easement, Garden** - An easement area between a privacy building line and the common lot line.

**End Lot** - A lot in which one (1) side lot line is adjacent to the street.

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

**Engineering Official** (also includes the terms City Engineer or County Engineer) – The City of Versailles, Kentucky, and the Engineer appointed thereof; the County of Woodford, and the Engineer appointed thereof.

**Erect** - To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend or affix and shall also include the painting of wall signs.

**F.E.M.A.** - The U.S. Federal Emergency Management Agency or any successor agency.

**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.

**Floodplain** - Low lying land that is susceptible to flooding from any source. The floodplain consists of two (2) sections--the floodway, which is the channel for a watercourse 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.

**Floor Area Ratio (FAR)** – The ratio of gross floor area of a building or buildings on a lot or building site divided by the net area of the lot or building site.

**Front Porch** - The ground floor platform attached to the front or street side of the main building.

**Front Property Line** - The shorter building lot line which coincides with the right-of-way of the street or other defining element such as a sidewalk or common open space. In the case of a building lot abutting only one (1) street the frontage line is the line parallel to and common with the edge of

the sidewalk. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

**Front Yard** - The area of the lot from the street frontage to the enclosed portion of the building wall. This area is contiguous with the street and includes the front porch and front wall of the building.

**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 sink holes, cliff areas, areas that have potential collapse problems due to underground caves near the surface, and similar areas.

**Grade** - It is the average elevation of the finished ground surface at the outside of a fence or wall, or at the outside walls of a building. In case walls or fences are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured from the elevation of the sidewalk. If there is no sidewalk and a wall or fence is parallel to and within five (5) feet of the roadway pavement, ground level shall be measured from the elevation of the roadway pavement.

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

**Greenway** - A linear open space, at least thirty feet (30') wide, established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route designed and managed for public use including wildlife habitat. A greenway is an open space connector linking parks, nature preserves, cultural features, or historic sites with each other and with populated areas.

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

**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.

**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, landscaping, permanent reference monuments (PRM's) permanent control points (PCP's), or any other improvement required by these regulations or by the Planning Commission.

**Infrastructure** - Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

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

**Landscaping** - Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and architectural landscape features and material.

**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.

**Land Use** - A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

**Lot** - The least fractional part of land having fixed boundaries, and (when part of a subdivision) having an assigned number, letter, or other name through which it is identified. This term includes tract and parcel.

**Lot Area** - The total land area within the fixed boundaries of a lot.

**Lot, Corner** - See End Lot

**Lot Depth, Mean** - The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the sidelines of the lot.

**Lot, Flag** - A lot or building site which has a minimum frontage on a public or private street, which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

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

**Lot Frontage, Primary** - That side of the lot abutting a street along the narrow dimension of the lot.

**Lot Frontage, Secondary** - That side of the lot abutting a street that is not the primary frontage.

**Lot, Interior** - A lot other than a corner or end lot.

**Lot Line (or Property Line)** - Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

**Lot of Record** - A lot which is included in a subdivision the plat of which has been recorded in the office of the Clerk of Woodford County, or a parcel of land, not exceeding forty thousand (40,000) square feet in area, the deed of which was recorded in the office of the Clerk of Woodford County.

**Lot, Through** - An interior lot having frontage on two (2) parallel or approximately parallel streets.

**Lot, Reverse Corner** - A corner or end lot the street side lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

**Lot, Reverse Frontage** - A through lot or corner lot intentionally designed so that the front lot line faces a local street rather than facing a parallel or perpendicular major thoroughfare.

**Lot (or parcel) Split** - The division of one (1) lot or parcel into two (2) lots or parcels that is accomplished through the preparation and recording of deeds establishing the new lots or parcels.

**Lot Width, Mean** - The mean distance from a side line of the lot to its opposite side line, measured in the mean general direction of the front and rear lines of the lot.

**Lowest Adjacent Grade** - The lowest natural elevation of the ground surface, prior to construction, next to the proposed wall of a building.

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

**Open Side** - The side of the house and lot opposite the Privacy Side and Privacy Building Line (PBL).

**Owner** - Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development of a lot or parcel.

**Pavement** - That portion of a street intended for vehicular movement.

**Pavement Width** - The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

**Pedestrian Pathway** - An interconnecting paved walkway that provides pedestrian passage through blocks running from street to street. These pathways should provide an unobstructed view through the block.

**Performance Guarantee** - Any security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat.

**Perimeter** - The boundaries or borders of a lot, tract, or parcel of land.

**Planning Director** - The designated representative of the Versailles, Midway and 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.

**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.

**Plat (or Subdivision Plat)** - A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the applicable regulations established by the Planning Commission. This term includes replats, amended plats and revised plats, as well as Major and Minor plats.

**Plat, Record** - The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with the applicable regulations, and which, if approved, shall be filed with the Clerk of Woodford County

**Plat, Major or Minor** - The difference between a Major and Minor Subdivision Plat is the number of lots to be created. A Major Plat will create four (4) or more lots, and a Minor Plat will create five (5) or fewer lots.

**Plan, Preliminary** - The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the

requirements established by the Planning Commission relating to preliminary plats.

**Planning Commission** - The Versailles, Midway and Woodford County Planning Commission established as the Planning Unit for Woodford County.

**Privacy Building Line (PBL)** - The PBL is a required building line for new lots in subdivisions with a minimum frontage width less than sixty (60) feet. The PBL is set consistently along a given street, allowing houses to open to the other side, toward their side yards.

**Privacy Fence** - Fences and hedges along alleys and common lot lines behind the front wall of the building.

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

**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 of 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.

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

**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.

**Regulating Plan** - Provides specific information for the disposition of each property or lot. The plan specifies building placement standards for each lot and shows how each building contributes to the larger neighborhood and town and shows the arrangement of the public space in relation to private space.

**Required Building Lines** - There are two (2) types, privacy building lines (PBL) and street building lines (SBL). These are lines to which a majority of the building footprints must be placed.

**Residual Tract** - A lot created by a subdivision the total extent of which is not shown on the plat and having a minimum area of ten (10) acres.

**Resubdivision (or Replat)** - Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Restrictive Covenant** - A restriction on the use of land usually set forth in the deed.

<b>Commentary Pertaining to Definition of Restrictive Covenant</b>
Restrictive covenants are typically created by property owner/homeowner associations or developers to govern aspects of development not usually addressed through zoning, subdivision or site plan regulations. Restrictive covenants are not enforced by the Planning Commission, rather they are enforced through action of the property or homeowner's association or through the judicial system.

**Right-of-Way** - A strip of land owned or controlled by a governmental agency over which the public has right of passage, including the streets, parkways, medians, sidewalks, and driveways constructed thereon.

**Scenic Byway** - As utilized in the Subdivision and Site Plan Regulations, this term means any classified street that has also been determined to have scenic, culturally significant and/or historic characteristics that should be preserved and protected. The determination can be made by any local, state or federal agency or unit of government, but must be officially shown on the Major Thoroughfare Plan Map contained in the Comprehensive Plan to have protected status via these regulations.

**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.

**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.

**Setback** - See Building Line

**Sidewalk** - An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street.

**Sidewing** - The portion of a building extending along a side lot line toward the alley or garage.

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

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

**Sight Distance 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.

**Small Community** - Unincorporated settlements of one (1) or more neighborhoods within Woodford County, including and limited to the three (3) designated communities of Mortonville, Millville and Nonesuch.

**Stoop** - A ground floor entry platform at the front and/or street side of a building. Where required by the building placement standards, stoops may be roofed but not enclosed.

**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. **Arterials:** 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. **Neighborhood and Small Community Streets:** Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on these street types should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be discouraged. These street types are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Neighborhood and small community 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 (2) open ends; each end generally connecting with different streets. One (1) or more other streets may intersect such a street between its two (2) 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 (2) open ends each and generally connecting with the same street. No other streets intersect between its two (2) ends and property abuts on both sides thereof.
- d. **Cul-de-Sacs:** Cul-de-Sacs are minor streets having only one(1) 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 (2) 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

**Street Tree Alignment Line** - A generally straight line that street trees are to be planted along. This alignment is parallel with the street.

**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.

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

**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.

**Subdivision (of Land)** - The division of a parcel of land into three (3) 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.

**Subdivision, 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 that create four (4) or more lots for sale or building development for housing residential, commercial, or industrial activities. Subdivisions that meet the minor subdivision definition may be treated as major subdivisions whenever the Commission staff feels such to be necessary. Major subdivision plans shall conform specifically to the requirements of these regulations.

**Subdivision, Minor** - Shall be those subdivisions of land that involve three (3) lots and are generally of minor planning significance to the community's future development. Such minor subdivisions shall conform specifically to the requirements established in these regulations.

**Street Tree** - A deciduous canopy tree that is typically a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**Street Tree Alignment Line** - A generally straight line that street trees are to be planted along. The alignment is parallel with the street and unless specified otherwise is set five (5) feet of the curb-face or edge of pavement.

**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.

**Town Planner** – The designated representative of the Planning Commission with responsibility for the review of subdivision and site plans.

**Variance** – Permission from the Board of Zoning Adjustment or the Planning Commission to modify or depart from the dimensional subdivision and site plan standards.

**Waiver** - Permission from the Planning Commission to modify or depart from the non-dimensional subdivision and site plan standards.

**Working Courtyard** - The open portion of the lot behind the building or garden wall where production, transfer, storage and such work activities may take place.

VERSAILLES, MIDWAY AND WOODFORD COUNTY  
NEW URBAN SUBDIVISION AND SITE PLAN  
REGULATIONS

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

VERSAILLES, MIDWAY AND WOODFORD COUNTY  
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REGULATIONS