



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.