

SUBDIVISION REGULATIONS
Lewis County Municipal Planning Commission
Lewis County, Kentucky

ADOPTED DRAFT – July 27, 2010 Meeting

EFFECTIVE DATE– October 1, 2010

UPDATED JANUARY 2011

**Incorporated and Unincorporated Areas
of Lewis County, Kentucky
and the
Incorporated Areas of Vanceburg and Concord**

SUBDIVISION REGULATIONS
Lewis County, Kentucky

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SUBDIVISION REGULATIONS

Lewis County, Kentucky

ARTICLE I

GENERAL PROVISIONS

1.0 DEFINITIONS

For the purpose of these Regulations, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present and vice versa;

Words used in the singular include the plural and vice versa:

The word “shall” is mandatory;

The word “may” is permissive.

ADMINISTRATIVE OFFICIAL: Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

AGRICULTURAL USE: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to 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.

ALLEY: A strip of land dedicated for public use, located at the side or rear of lots providing secondary access to abutting property.

ARCHITECT, LANDSCAPE : Shall be a person licensed as a landscape architect by the Commonwealth of Kentucky.

BLOCK: A surface land area which is separated, and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers. For this definition an alley is not considered a street but part of the block.

BOARD: The board of adjustment unless the context indicates otherwise.

BUILDING: Any man-made physical structure or part thereof, affixed to the land and intended for work, residence, or other occupancy.

BUILDING PERMIT: A permit issued by an authorized County employee allowing a proprietor or his agent to construct, alter, or remove a building, or engage in similar activity which would alter the character of the lot in question.

BUILDING SETBACK LINE: A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line, or lines. No building shall then be placed in the space between the building setback line and the right-of-way line.

CITIZEN MEMBER: Any member of the Planning Commission or board of adjustment who is not an elected or appointed official or employee of the County or city.

COMMISSION (OR PLANNING COMMISSION): The Lewis County Planning Commission, Commonwealth of Kentucky.

COMPREHENSIVE PLAN: The adopted plan for Lewis County which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in works, graphics, or other forms.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:

- (a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
- (b) A statement of the specific conditions which must be met in order for the use to be permitted.

DEVELOPER: An individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term “developer” includes “sub-divider”, “builder”, etc. even though the persons and their precise interests may vary at different project stages.

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, and all other conditions agreed to by the applicant.

EASEMENT: The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

ENGINEER: A qualified person registered and currently licensed to practice civil engineering in the State of Kentucky. Whenever qualifications are questioned, the Commission will consult with the nearest Chapter of the Kentucky Society of Professional Engineers or the Consulting Engineers Council of Kentucky.

ENVIRONMENTALLY SENSITIVE AREA: Any area which due to its natural or physical setting may have environmental problems with regard to development. Areas included are (but not limited to) areas of steep slope (over 15%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, any significant tree or significant tree stands, aquifer recharge areas, and similar areas.

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 for human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

FISCAL COURT: The chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise.

FRONTAGE: All property abutting on one side of the right of way of a street, measured along the right-of-way line of the street between the lot lines as extended to intersect said right-of-way line of said street. In no case shall the line along an alley be considered as acceptable for frontage.

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

GRADE: The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

HOUSING OR BUILDING REGULATION: The Kentucky Building Code, the Kentucky Plumbing Code and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

IMPROVEMENTS: Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for man's activities. Typical improvements in these regulations would be grading, street pavement, curbs,

gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, etc.

LAND SURVEYOR: A person licensed as a “Land Surveyor” by the State of Kentucky.

LEGISLATIVE BODY: The chief body of the County with legislative power, whether it is the board of aldermen, the general council, the common council, the County council, the board of commissioners, or otherwise; at times it also implies the county’s fiscal court.

LOT: A portion of a subdivision or other parcel of land intended for transfer of ownership, or for building development. Generally “lots” are the basic unit of a subdivision plan, i.e., the smallest division of a plan designed to be owned by one person.

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

LOT, CORNER: A lot abutting upon two or more streets at a street intersection, or abutting upon two adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average horizontal distance between the front and rear property lines of a lot.

LOT, FLAG: A lot having a narrow frontage on a street, a long thin strip of land which provides access to a wider area

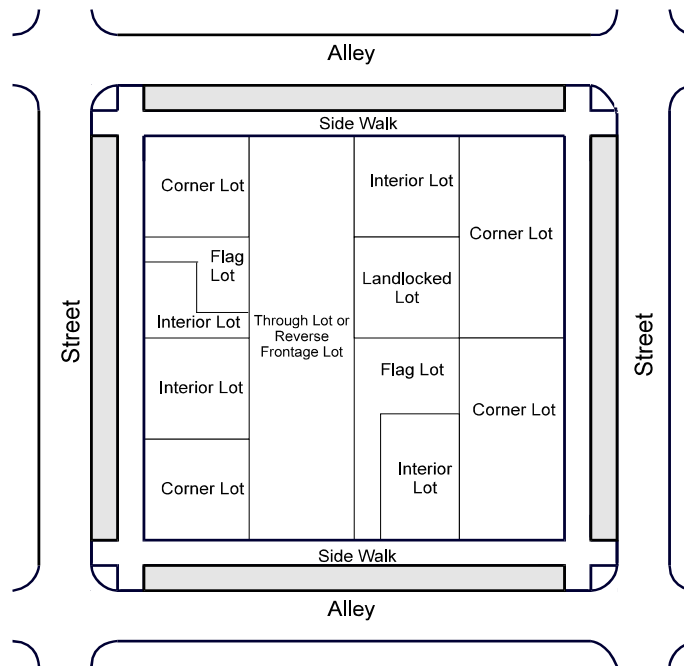
LOT, INTERIOR: Any lot other than a corner lot.

LOT LANDLOCKED: A lot having no street frontage and no access to the street.

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

LOT, DOUBLE FRONTAGE: A lot having two or more of its non-adjoining property lines abutting upon a street or streets.

LOT, REVERSE FRONTAGE: A double frontage lot which has its vehicular access point limited to the back of the lot, rather than having access on its front as do most lots.



MAYOR: The chief elected official of the County whether the official designation of his office is mayor or otherwise.

MINIMUM BUILDING SETBACK LINE: A line parallel to the front, side and/or rear lot line and setback from the lot lines a sufficient distance, as specified in any existing zoning, to provide the minimum yard space.

MINOR SUBDIVISION: A minor division of land of no more than five (5) build-able lots excluding the remnant parcel from the parent tract and where there is no need to construct public street and utility improvements. A minor plat is required for this type of subdivision.

MOBILE HOME: (Also known as single wide, double wide and triple wide) A transportable structure larger than three hundred twenty (320) square feet, designed to be used as a year-round residential dwelling. Mobile Homes normally have a permanently fixed axle(s).

MOBILE HOME PARK: A parcel of land, under control of any person, available to the public in which two or more mobile home lots are occupied or intended for occupancy by mobile homes and included any service building, structure, enclosure or other facility used as a part of the park.

MODULAR HOMES: (Also known as precut, sectional component, or panelized homes) A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This type of manufactured home is considered the same as a single-family residence.

NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

PERSONS WITH A DISABILITY: A person with a physical, emotional, or mental disability, including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 218A.

PLANNING OPERATIONS: The formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans.

PLANNING UNIT: Any County or city, or any combination of cities, counties, or parts of counties engaged in planning operations.

PLAT: A map of the Subdivision.

- a. Final Plat - Is a professionally prepared drawing of a proposed subdivision development, containing all the data required by these regulations and the Planning Commission for their consideration of the proposal.
- b. Preliminary Plat - Is a drawing of a proposed subdivision development which is not a Final Plat, but which contains sufficient information concerning the proposed development to enable the Planning Commission to approve the proposal subject to the late resubmission of a Final Plat and to the actual construction of the development conformance with the approved plat(s).
- c. Minor Plat - A professionally prepared drawing to an appropriate scale of a proposed lot or parcel of land as required in these regulations.

POLITICAL SUBDIVISION: Any County or City.

PUBLIC FACILITY: Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

RESIDENTIAL CARE FACILITY: A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

RIGHT-OF-WAY: Land used generally for streets, sidewalks, alleys, or other public uses. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, and underground and aboveground utilities.

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

SERVICES: Supervision, shelter, protection, rehabilitation, personal development and attendant care.

SEVERAL: Two (2) or more.

STREET: Any vehicular way--a general term used to describe a right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground or aboveground utilities. Streets are classified by function as follows:

EXPRESSWAYS: Hold the first rank in the classification of streets, and are used only for movement of vehicles, providing for no vehicular or pedestrian access to adjoining properties; interchange of traffic between an expressway and other streets is accomplished by grade separated interchanges with merging deceleration and acceleration lanes, and no at-grade intersections are permitted. Expressways generally carry higher volumes, require greater right-of-way width, and permit higher speed limits than any other class of street, and should be depressed in urban or urbanizing areas. Arterials are the only class of street which generally should be connected with expressways at interchange points.

ARTERIALS: Hold the second rank in the classification, and should be used only for the movement of vehicles, and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections which should contain medians, deceleration lanes, and left turn storage lanes. Arterials are the link between freeways and collectors, and rank next to freeways in traffic volumes, speed limit, and right-of-way width.

Arterials may be further divided into two (2) classes, "principal" and "minor". Principal arterials carry the major portion of trips entering and leaving the urban area, as well as the majority of through movements desiring to bypass the central County. In addition, significant intra-area travel, such as between the downtown and outlying residential areas, between major inner County communities or between major suburban centers is to be served by this class of facilities. Minor arterials interconnect with and augment the principal arterial and provide service for trips of moderate length at a somewhat lower level of travel mobility.

COLLECTORS: Hold the third rank in the classification of streets, and are used both for vehicles and for providing access to adjacent properties. Access to adjoining properties should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors are the link between arterials and local streets, and generally rank next to arterials in traffic volumes, speed limits, and right-of-way width.

LOCALS: Hold the fourth rank in the classification of streets, and are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets. Local streets are the primary link between trip generation points (homes, offices, stores, work) and collector streets. Locals have the least right-of-way, the lowest speed limit, and the least amount of vehicular traffic. Local streets can be subdivided further into six sub-classes, all but one (dead-end streets) of which are permitted in these regulations:

CONTINUING STREETS: Are local streets having two open ends; each end generally connects with different streets; one or more other streets may intersect it between its two open ends; and property fronts on both sides of the streets.

SERVICE ROAD OR FRONTAGE ROAD: Are local streets generally having two or more open ends which are sometimes referred to as access points, but herein are considered to be full part of the service road; the ends generally connect with the same street, other streets may intersect between the ends, and property fronts on only one side of the street (the other street side is parallel, and adjacent, to a higher classification street such as a collector or arterial). “Marginal Access Streets” is a term often used to describe most types of Service roads.

LOOP STREETS: Are local streets having two open ends; each end generally connects with the same street; no other streets generally intersect between its two ends, and property fronts on both sides of the street.

CUL-DE-SAC STREETS: Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles, no other street generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS: Are similar to cul-de-sacs except that they provide no turnaround circle at their closed end, and are not permitted as streets in any proposed subdivision. Stub streets, planned for future continuation, are not considered to be dead-end streets.

ALLEYS: Alleys generally have two open ends, each end connects with different streets, and property generally backs onto both sides of the alley.

Special permission from the Commission is required whenever alleys are used.

STREET, APPROVED: Any vehicular way approved by the Planning Commission as providing access to a lot. Included in this definition are:

PUBLIC STREETS: which are streets dedicated to the public use and which are maintained by a public governmental body.

PRIVATE STREETS: which are streets constructed used and maintained under the provisions of Section 4.3 of these Subdivision Regulations.

ACCESS EASEMENTS: which, when permitted by the Commission as the sole means of vehicular access to a lot, are a type of restricted street which may be used by the public, or privately, as designated by the Commission.

SUB-DIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust, governmental agency or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.

SUBDIVISION: See Section 1.8 of these regulations.

UNIT: Planning unit.

VARIANCE: A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247. **(THIS IS THE EXACT WORDING OF THE DEFINITION AS STATED IN KRS 100.111)**

1.1 TITLE

These regulations shall be known, cited and referred to as the “Subdivision Regulations of the County of Lewis”.

1.2 POLICY

It is hereby declared to be the policy that:

- A. The subdivision of land and the subsequent development of the subdivided plat shall be subject to the control of Planning Commission under authority granted by the Kentucky Revised Statutes, Chapter 100 and pursuant to any Land Use Plans adopted by the Lewis County Fiscal Court.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, fire suppression, sewerage, natural resource protection and needed capital improvements.
- C. Existing and proposed public improvements shall conform to and be properly related to any Land Use Plans in effect, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Site Development Ordinance and other applicable regulations.

1.3 PURPOSES

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, convenience, comfort, prosperity and general welfare.
- B. To guide the future growth and development of the County of Lewis.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger.
- D. To provide for the existing rural residential character of the County while permitting the orderly and beneficial development of the County.
- E. To protect and conserve the value of land throughout the County and adjoining area and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

- F. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout, having particular regard to the avoidance of any increase of through-traffic on roadways, and to provide for the proper location and width of streets and building lines.
- G. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land: and to insure proper legal descriptions and monumenting of subdivided land.
- H. To prevent the pollution of air, streams, and ponds: to assure the adequacy of drainage facilities: to safeguard the water table: and to encourage the wise use and management of natural resources throughout in order to preserve the aesthetic integrity, stability, and character of the area and the value of the land.
- I. To preserve the natural beauty and topography of the area and to insure appropriate development with regard to these natural features.

1.4 LEGISLATIVE AUTHORITY

These regulations were prepared and adopted by the Lewis County Planning Commission under authority granted by the Kentucky Revised Statutes, Chapter 100.

1.5 AREA OF JURISDICTION

The provisions of these regulations shall apply to all lands within the corporate limits of Lewis County, Kentucky.

1.6 APPLICATION

- A. All subdivision of land shall receive Commission approval. (KRS 100.277(1))
- B. No person or his agent shall subdivide any land, before securing the approval of the Planning Commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the Commission.(KRS 100.277(2))
- C. No person owning land composing a subdivision as defined in section 1.8, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any

rights or remedies he/she may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision plat subsequently receives final approval of the Planning Commission. (KRS 100.277 (3))

- D. Any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specific standards set forth in these Subdivision Regulations shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval. (KRS 100.277 (4))

1.7 ADMINISTRATION

These regulations shall be administered by the Lewis County Planning Commission. All applications, fees, maps, and documents relative to subdivision approval shall be submitted to the Commission. All fees shall be directed to or made payable to the Lewis County Municipal Planning Commission. Submissions must be received by the 5th of each calendar month in order to be reviewed at the monthly meeting of the Planning Commission. All fees shall be directed to or made payable to the Lewis County Municipal Planning Commission.

The Planning Commission shall appoint an Enforcement/Review Officer to handle the daily administration of these regulations and may seek advice from planning consultants or other local, regional, and state agencies, regarding subdivision proposals.

1.8 DEFINITION OF SUBDIVISION

“Subdivision” means 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, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use 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 acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act.

1.9 INCONSISTENCY WITH OTHER PROVISIONS

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive or highest standard shall apply. This includes and not limited to local, state, or federal rules, regulations, ordinances, and resolutions. Example: If the City of Vanceburg

Zoning ordinance has a higher standard than this document, then the developer must follow the City of Vanceburg Zoning Ordinance within the City limits of Vanceburg.

Nothing in these regulations shall prohibit the sub-divider from placing self-imposed restrictions, or imposing higher standards than required by these regulations, but not in violation of these regulations, on the development. Such deed restrictions or covenants shall be indicated or attached to the plat for processing by the Commission and filing with the County Clerk.

1.10 SEPARABILITY

If any article, section, subsection, sentence, clause or phrase of these Regulations is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations.

1.11 AMENDMENTS

Any requirements or provisions of these Regulations may be changed and amended from time to time upon recommendation of the Planning Commission in accordance with applicable State Statutes.

1.12 EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this regulation would result in real difficulties or substantial hardship or injustice, the Planning Commission may vary or modify such requirements so that the sub-divider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of these regulations are preserved.

ARTICLE II

PROCEDURES FOR SUBMITTING AND APPROVING PLATS

2.1 PURPOSE

These subdivision regulations are intended to ensure sound subdivision development that is consistent with community goals and plans and to safeguard the interest of the homeowner, the sub-divider, the investor and the units of local government. Subdivision regulations are enforced by the Planning Commission through the process of reviewing preliminary and final plats of proposed subdivisions. The purpose of this Article is to establish the procedures which shall be followed by the developer and Planning Commission in preparing, reviewing and approving all subdivision plats.

2.2 MINOR AND MAJOR SUBDIVISION

- A. Minor Subdivision: A type of residential subdivision that involves the division of land into a **three (3) to five (5)** build-able lots from the parent tract (record tract at the time of adoption of these regulations). A minor subdivision **does not** require the extension of a public street or public utility improvements (for example water or sanitary sewer). A minor plat is used for minor subdivisions. If an applicant or property owner follows the minor subdivision procedure, but later subdivides further to create more than five lots from the parent tract, then the applicant will be required to follow the major subdivision procedure and requirements. Planning Commission approval is required prior to recording such plat in the County Clerk's office. The minor plat requirements are outlined in Section 3.4 of these regulations.
- B. Major Subdivision: A type of subdivision that involves the division of land into a **five (5) or more build-able lots** (as defined above) from the parent tract (recorded tract at the time of adoption of these regulations) or which includes public improvements such as streets and utilities (for example, water and sanitary sewer). The review procedures for major subdivisions are the submittal of a preliminary plat, an improvement plan and a record plat.

2.3 DIFFERENCES BETWEEN "PRELIMINARY" PLAT AND "FINAL" PLAT

The preliminary plat is the community's (through the Planning Commission) first opportunity to review the proposed development and coordinate it with other existing and proposed developments. Prior to the approval of the preliminary plat, there should be no physical improvements or installation of utilities. The approved preliminary plat drawings are those from which specific construction work on the subdivision can proceed.

The final plat includes more precise and more inclusive engineering data on lot dimensions and bearings as well as engineering construction drawings for major improvements such as street, water and sewer facilities. The final plat also includes the several certificates of approval from various agencies and authorities in the County. **Also, approval of the final plat means that all physical improvements to the property have been made or a bond or escrow account has been filed with the Planning Commission to ensure** that these required physical improvements are made. The final plat, once approved and recorded, in the County Clerk's Office, is a legal document from which land transfers are made.

2.4 SUBDIVISION APPROVAL PROCESS

This process has been designed by the Planning Commission to show the official steps to be taken in reviewing subdivision applications. This process is further explained in Section 2.5.

SUBDIVISION APPROVAL PROCESS

STEP	ACTION	RESPONSIBILITY
1.	Prepare Sketch Plat and Submit to Planning Commission prior to pre-application conference.	Sub-divider
2.	Pre-application Conference with Chairman or designee of Chairman. (Section 2.5 (C))	Planning Commission and Sub-divider
3.	Prepare Preliminary Plat (Section 3.1)	Sub-divider & Surveyor or engineer
4.	Prepare Construction Plans for Streets, Utilities and storm water drainage.	Surveyor/Engineer
5.	Submit Preliminary Plat and Improvement Plans <u>by the 5th of the month</u> Prior to Planning Commission Meeting; three (3) copies.	Sub-divider
6.	Planning Commission will notify adjacent property owners as listed on preliminary plat.	Planning Commission
7.	Planning Commission will Review Plats and Plans	Planning Commission & Staff, Other Appropriate Agencies
8.	Upon review by Planning Commission on Preliminary Plat, approval, conditional approval or disapproval notification will be given within 60 days of Planning Commission Meeting The Planning Commission will hold a Public Meeting prior to Preliminary Plat approval.	Planning Commission & Staff, Other Appropriate Agencies
9.	Installation of Public Facilities and Markings of Lots. (Public Facilities Should Be Inspected by Planning Commission Designee During Construction).	Sub-divider
10.	Provide final construction drawings and specifications for review and approval before submission of final plat. Construction cannot begin until after approval of construction specifications.	Sub-divider & Surveyor
11.	Submit Final Plat <u>by the 5th of the month</u> Prior to Meeting; three (3) copies.	Sub-divider
12.	Approval, Conditional Approval or Disapproval of Final Plat	Planning Commission
13.	File Final Plat with County Clerk	Sub-divider
14.	Advise of approval of final plat.	Planning Commission

2.5 SUBDIVISION DEVELOPMENT PROCESS

There are several chronological steps that are required in the subdivision process. This section outlines when specific tasks can be made from the point of initial subdivision design to actual sale of lots.

- a. When a potential developer has a piece of land he or she might wish to subdivide, he or she should review a copy of the Lewis County Subdivision Regulations at the Lewis County Courthouse. A personal copy may be purchased for ten dollars (\$10) from the Judge Executive's office payable to the Lewis County Fiscal Court. A copy may be downloaded at no cost from the Buffalo Trace ADD website at www.btadd.com which web hosts the Lewis County Planning Commission Documents for public viewing.
- b. The Developer should now read and become familiar with the subdivision regulations. Any questions can be referred to Planning Commission Chairman.
- c. A sketch plat of the proposed subdivision shall now be made indicating basic design and layout. The sketch plat should be taken to the offices of Buffalo Trace Area Development, 201 Government Street, Maysville, Kentucky 41056, to the attention of Kristie Dodge at least 14 days prior to the next Planning Commission meeting. Plans will be forwarded on to the Planning Commission Chairman and designated Reviewing Officer prior to the next Planning Commission meeting and the commission notified of the intent to present subdivision plans. (Regularly scheduled meetings are on the fourth Tuesday of every month of the year at 5p.m. at the Vanceburg City Hall unless otherwise advertised.). At this time, the designated reviewing officer will review the subdivision design for any deficiencies and answer any questions of the commission. All identified deficiencies will be given to the developer in writing.
- d. The developer may now appear at the next scheduled meeting and participate in an informal discussion with the Planning Commission and ascertain any other potential problems with the subdivision.
- e. After these preparatory steps have been taken, the developer may now proceed with preparing a preliminary plat with a licensed engineer or surveyor in accordance with plat requirements, subdivision design standards, and recommendations made by the enforcing officer and Planning Commission.
- f. The developer shall now bring three (3) copies of the finished preliminary plat to County and all other supplementary material specified in Section 3.2 along with a written application in the form of a letter, and appropriate fees (Section 2.5) by the 5th of the month prior to the Planning Commission Meeting at which it is to be considered.
- g. Planning Commission, their staff and other appropriate agencies will review the preliminary plat for deficiencies and will record all in writing. Planning Commission will return a definite answer to developer within 60 days. The

Commission will approve, conditionally approve subject to modifications, or disapprove.

- i. Approval means the Developer may proceed with physical improvements in the proposed subdivision and to proceed with preparation of the final plat. Approval of the preliminary plat does not constitute acceptance of the final plat.

The final plat must be submitted within twelve (12) months from the date of approval of the preliminary plat or the approval will lapse. The Planning Commission may approve an extension if just cause is shown by the Developer.

In the event where a subdivision is to be developed in stages, final plats covering portions of the preliminary plat may be submitted extending beyond the 12 month limit, providing the first final plat is submitted within twelve (12) months and succeeding final plats are submitted within twelve (12) months of each other.

- ii. Conditional Approval With Modifications - If the plat is recommended for approval pending some changes in the format or design, the Developer must make the corrections before approval can be obtained. All modifications will be in writing and prior to any construction must be approved by Planning Commission.

- iii. Disapproval - If the plat requires more than basic modifications, the Planning Commission may disapprove it. The reasons for disapproval will be given in writing. In order to proceed with this development, the developer must start the process over with a new plat meeting the requirements set forth by the Planning Commission. Fees will have to be repaid.

- iv. In the event where resubmitted plats obviously do not meet the specifications set forth by the Planning Commission, the plat may be returned to the developer without review.

- v. The developer may appeal any decision made by the Planning Commission or the reviewing officer to the Lewis County Circuit Court within thirty (30) days after the date of the final action.

- h. Once preliminary plat has been approved, the developer may proceed to work with engineer in preparing final construction plans.

- i. Once the construction plans have been approved, the developer may proceed with the surveyor/engineer in preparing the final plat. The developer may also proceed with making physical improvements but **may not sell lots.**

- i. Improvements to be made include:

1. Monuments; page 49, Section 4.6
2. Construction of streets; pages 34-43, Section 4.3
3. Construction of curbs and gutters; page 47, Section 4.5-D-7
4. Construction of sidewalks; page 48, Section 4.5-F
5. Placement of utilities including water, sewer, drainage, gas, electric, and telephone; pages 45-48, Section 4.5-B, C, D, E
6. Placement of street name signs; page 41, Section 4.3- 6C
7. Placement of fire suppression devices according to County policies; page 46, Section 4.5-B

ii. All improvements will be done to the specifications detailed in Article IV of these regulations.

j. Guarantee Amount

The amount of the performance guarantee (i.e., bond, escrow account) shall cover all construction costs. The guarantees shall be in the following minimum amounts unless the owner can show that certain amounts of the costs have already been paid.

i. Construction Costs:

One hundred ten percent (110%) of a binding contract with a contractor qualified for the proposed work.

k. When these tangible improvements have been made or a bond has been posted, the developer shall submit three (3) copies of the final plat showing all the improvements plus all other requirements listed in Section 3.3 of these regulations. The plats must be submitted with an application, in the form of a letter, and any fees by the 5th of the month prior to the Planning Commission Meeting at which it is to be considered.

l. Also to be shown on the face of the final plat will be the following certifications.

i. Owner's Certification

ii. Surveyor's (Engineer's) Certification

iii. County Health Officer's Certification (For areas with no Public Sewers).

iv. Certification of approval for recording by Planning Commission

v. Clerk and Recorder's Certification

The obtaining of the signatures for the certifications 1-3 will be the responsibility of the developer before submission to the Planning Commission and signatures for certificates 4 & 5 after final approval by the Commission. An example of each of these certificates can be found in the appendix pages 61 and 62.

- m. The commission will then review the final plat and render a decision within ninety (90) days of submission. The Planning Commission shall take one of the following actions:
 - i. Approval - Approval means the final plat has been signed by the chairman of the Planning Commission and may be recorded with the Lewis County Clerk within twenty (20) days. After recording, the developer may sell or agree to sell lots by reference to the approved and recorded final plat.
 - ii. Disapproval - means complete denial of the final plat. Reasons for disapproval will be stated in the minutes of the Planning Commission. To request another review and action, the developer must revise his plat to conform to requirements and resubmit a new final plat along with appropriate fees.
 - iii. Conditional Approval - means the developer may proceed as outlined in the approval section, but only after the attached conditions have been met.
 - iv. Appeal - A developer may appeal any final action of the Planning Commission to the Lewis County Circuit Court within thirty (30) days of the date of the final action.

2.6 FEES

The Planning Commission has adopted these fees to cover expenses required in having subdivision plats reviewed by staff, engineers, and public agencies. The fees are also designed to compel potential sub-dividers to make serious efforts in subdivision design and plat preparation as opposed to repeatedly submitting proposals that do not meet the adopted regulations.

Fees:

Minor Plat	\$100 + \$10 per Lot
Major Plat	\$250 + \$10 per Lot
Preliminary Plat	\$150
Final Plat	\$150 + \$5 per Lot
Interim & Final Construction Inspection (2 Inspections)	\$400

The Preliminary Plat Fee is to be paid to the Lewis County Municipal Planning Commission prior to official review of the plat by the Lewis County Municipal Planning Commission. The Interim & Final Construction Inspection Fees shall be paid to the Lewis County Municipal Planning Commission when the preliminary plat has been approved by the Planning Commission. The Final Plat Fee shall be paid upon review and acceptance of the Planning Commission and prior to recording of the plat with the County Clerk.

The fee for submission of a minor subdivision plat for approval by the Lewis County Planning Commission is \$100 plus \$10.00 per lot. Said fee shall be paid to the

Lewis County Municipal Planning Commission at the time the plat is submitted for approval

The Lewis County Planning Commission reserves the right to waive any or all fees for subdivisions undertaken by recognized public entities, including but not limited to special districts, water and sewer utility districts, fire departments, public libraries, etc, and private community based nonprofit organizations. These fees are waived as these developments are deemed to benefit the general public by their purpose and mission to the community.

ARTICLE III

PLAT FORMAT AND CONTENT REQUIREMENTS

3.1 PRELIMINARY PLAT

- a. Purpose: The purpose of the preliminary plat is to provide the Planning Commission with sufficiently detailed information to evaluate the subdivision.
- b. Application: Applications for preliminary plat approval shall contain such information as may be required from time to time by the Planning Commission but in all instances shall contain the following:
 - i. Basic facts and proposals pertaining to the property including but not limited to:
 1. Size of Parcel in acres.
 2. Number of lots proposed in the subdivision.
 3. Area of the lots proposed: minimum, average and maximum sizes.
 4. Written statement from the County sewer department head indicating whether or not sanitary sewers are available to serve the proposed subdivision.
 - ii. Written statement from the County water department head indicating whether or not County water is available to serve the proposed subdivision.
 - iii. Certificate of Approval from preparing Surveyor, which shall include the surveyors certification and signature, that the plat and information contained therein, conforms with the subdivision regulations that have been adopted, as well as any county roadway requirements for existing roadways. If any variances exist between the preliminary plat and the adopted subdivision regulations, they shall be listed on the plat for review by the planning commission.
 - iv. The preliminary plat shall be submitted with the following features and information:

Format and Identification

1. Sheet Size: The Preliminary Plat shall be submitted by the subdivider on durable paper and shall be clear and legible. The scale shall be one inch equals 100 feet or less and the size of the sheets shall be 28 x 21 inches, or 14 x 21 inches, depending upon the size of the subdivision. A 1½ inch margin for binding shall be provided along the left edge.

2. Label: The Preliminary Plat shall be labeled “Preliminary Plat” in large letters.
3. Vicinity Map: A vicinity map showing the general location of the subdivision shall be placed in the upper right or left corner of the sheet. The vicinity map shall be drawn to scale large enough (Approx. 1” = 1,000’) to show the proposed subdivisions relationship to existing and proposed features such as major traffic arteries, schools, recreation areas, shopping area and industrial areas.
4. Subdivision Name: The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County or City.
5. Sub-divider/Engineer:
 - A) The name and address of the owner of the land to be subdivided, and the name and address of the sub-divider, if other than owner.
 - B) The name and address of the person responsible for the preparation of the plat.
1. Zoning: Zoning Classification on the tract and adjoining properties and any other changes from existing zoning, if applicable.
2. Legend: The title block should appear at the bottom of the sheet and contain the following:
 - a) North arrow
 - b) Graphic and written scale
 - c) Date
 - d) Acreage of land to be subdivided.

c. SITE DATA

The data required below provides the essential information upon which the Planning Commission (and the sub-divider) can make decisions on the appropriateness of the subdivision and its preliminary design. Section C lists the data required to illustrate the proposed design.

- i. Boundaries: Subdivision boundaries with bearings, to the nearest 30 seconds, and distances, to the nearest hundredth of a foot, (include entire area proposed to be subdivided and remainder of the tract in the same ownership); all existing easements, railroad and utility rights-of-way and the purpose for which such easements and rights-of-way have been established; parks and other public open spaces.
- ii. Abutting Property: The names of all property owners abutting the boundaries of the subdivision as their names appear on the tax records;

subdivision names of adjacent platted land; lot pattern surrounding proposed subdivision and typical lot size in adjacent subdivisions.

- iii. Utilities: Fire hydrants, existing water, sewer and storm drain facilities on and adjacent to the tract showing size, elevation, and direction of flow. Additionally, the location of existing gas, electric and telephone utilities will be shown and the recommended future location of same.
- iv. Contours: Contours referenced to USGS datum at an interval of not greater than five (5) feet, or lesser interval if deemed necessary by the Planning Commission. Additionally, contours shall be shown at an interval of ten (10) feet or less for an area within 250 feet outside of the plat boundaries if possible. In any event, approximate direction and gradient of ground slope shall be shown.
- v. Drainage: Existing drainage channels, water courses, ponds, and wet (poorly drained) areas will be shown.
- vi. Existing Structures: All houses and other permanent structures shall be shown.
- vii. Streets: Location, right-of-way and pavement widths, and names of all existing and proposed streets or alleys on or within 500 feet of the subdivision. Recorded but unimproved existing streets should be shown with dashed lines.
- viii. Soil Subsurface Conditions: If individual wells and/or septic tanks are proposed, show sub-surface conditions on the proposed subdivision, including location and results of tests made to ascertain surface soil, rock, and ground water conditions. Show location and results of 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 cuts and fill which may make such data obsolete. Anticipated areas of cut and fill shall be noted upon the Preliminary Plat for this purpose.

d. Proposed Subdivision Design and Improvements

- i. Lots:
 - a. The location of all proposed and existing lots with approximate dimensions and area in square feet (on odd shaped lots only).
 - b. lot numbers for each lot shall be shown.
- ii. Setbacks and Buildings: The location of proposed building setback lines with dimensions showing the setback from the street rights-of-way.
- iii. Use: Sites, and their acreage, if any, to be reserved or dedicated for parks, playgrounds, or other public uses. Sites, if any, for semi-public, commercial or multi-family uses.

- iv. Streets: The locations, width, approximate grades and names of proposed streets and alleys. Approximate elevations at the center line of the street shall be shown at the beginning and the end of each street, and at street intersections.
 - v. Typical Street Section: The cross-section of each new street from one right-of-way to the other at a scale of ten feet or less to the inch, showing the width and type of pavement, the size and type of gutters, the location and width of sidewalks.
 - vi. Monument: Location of existing monuments and proposed new monuments.
 - vii. Easements: The approximate location, dimensions and area of all property proposed to be dedicated or temporarily reserved for public use, or to be reserved by a blanket covenant for use of all property owners in the subdivision and conditions for such conveyance or reservation. Also, the location, dimensions, area, and purposes of any proposed easements.
 - viii. Drainage: Proposed drainage system with typical cross sections of all proposed drainage facilities including underground drains, culvert headwalls, ditch lines, and necessary easements. Also, the location, size, and invert elevation of storm sewers and appurtenances thereto.
 - ix. Sewers: proposed layout and connections with existing sanitary sewer system (with size of line) or alternative means of sewage treatment and disposal and location.
 - x. Water: Proposed layout and connections with existing water system showing size and location of lines.
 - xi. Fire Suppression: Location of developer provided fire hydrants or other fire suppression system.
- e. Additional Data Required: When applicable, the following additional data shall appear on or be attached to the preliminary plat.
- i. One copy of an application, in the form of a letter, for preliminary plat approval and appropriate fees.
 - ii. When the developer proposes to regulate land (deed restrictions) use or dimensional criteria in a subdivision and otherwise protect a development, one draft copy of such covenants shall be submitted as a part of the preliminary plat materials.

- iii. When the tract shown on the subdivision plan represents only a portion of the developers holding, an additional sketch may be required to illustrate the proposed layout for the remainder of the tract.
- iv. Certificate of approved water and sewer system from the County Health Officer.
- v. If connections are proposed to public sewerage and water systems, a letter or certificate of availability of water and sewerage service shall be attached.
- vi. Where deemed necessary to properly evaluate the proposed development, the Planning Commission may require street profiles and other improvement drawings
- vii. Certificate of approval from surveyor that plat conforms to the subdivision regulations. If any variances exist between the preliminary plat and the adopted subdivision regulations, the surveyor shall list the variances on, or with, the plat for review and approval by the planning commission.

3.2 CONSTRUCTION PLANS

- A. Purpose. The purpose of the construction plans are to provide the Planning Commission or its representative with final construction drawings and specifications for review and approval before the submission of the plat.
- B. Application. Applications for construction plans approval shall contain such information as may be required from time to time by the Planning Commission or its representative, but in all instances shall contain the following:
 - 1. Title or Cover Sheet.
 - 2. A typical cross section of the right-of-way at a scale not smaller than ¼ inch = 1 foot shall show the location and widths of roadways and ditches, actual cross sections at minimum 100' intervals shall be shown along the alignment of the roadway. Where considerable cut and fill are involved or wherever grading will affect adjacent properties, addition cross sections showing proposed grades will be required and their location shall be indicated on the plan.
 - 3. Plan and profile sheets showing proposed street grades with location and sizes of storm and sanitary sewers, water mains, fire hydrants and guardrail. Scale: at an appropriate scale as determined by the Planning Commission or its representative.
 - 4. Storm drainage facilities, as required by physical conditions of the site and drainage calculations shall be shown on the plans.

5. Erosion control plan including temporary stabilization of denuded areas, soil stock piles, and all other sedimentation measures and maintenance requirements during construction.
6. Summary of construction quantities.
7. Standard construction details. Any construction and material specification not covered shall be governed by the latest edition of the State of Kentucky Department of Transportation Construction & Material Specification.

3.3 FINAL PLAT

- a. Application. Applications for final plat approval shall contain such information as may be required from time to time by the Planning Commission but in all instances shall contain at a minimum the following:
 - i. Format and Identification: The Final Plat shall show the following information.
 - a. Basic Information: The Final Plat shall have the same basic information required on the preliminary plat including sheet size, vicinity map, subdivision name, sub-divider/engineer, legend and abutting property.
 - b. Label: The Final Plat shall be labeled “FINAL RECORD PLAT” in large letters.
 - ii. Subdivision Design, Data and Dimensions: The following are intended to depict the accurate design of the subdivision and shall appear on the plat.
 - a. Basic Information: The Final Plat shall have the same basic data found on the Preliminary Plat including boundary lines, monuments, easements, setback lines.
 - b. Streets: For street rights-of-way show the names, bearing, angles, of intersection, right-of-way and pavement widths; for all curves show the length, radii, points of curvature and tangent bearings.
 - c. Lot Lines: For lot lines show dimensions in feet to hundredths of a foot and bearings to the nearest 30 seconds. Lot numbers shall be shown and numbered in numerical order.
 - d. Dedicated/Reserved Land: Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of

the property owners in the subdivision, with the purpose plainly printed thereon. Additionally the purpose for which sites other than residential are dedicated or reserved shall be shown.

- e. Control Points: All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points as approved by the County or City Engineer or other registered, professional engineer to be selected by the Planning Commission. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or not feasible by the Planning Commission, these control points shall be located at section corners of the Coordinate System of the Commonwealth of Kentucky.

- iii. Additional Data Required: The following shall accompany the final plat when submitted for approval.
 - a. Application: One copy of an application for final plat approval, in the form of a letter, and appropriate fees.

 - b. Improvement Drawings and Plans: Drawings showing cross sections, profiles, construction details, and specifications for all required improvements shall be prepared by a registered engineer in conformance with the provisions in Article IV and in accord with County or city standards.
 1. Sanitary sewerage systems plans.
 2. Water systems plans.
 3. Street plans and profiles and pavement design computations.
 4. Storm drainage plan where appropriate, including computations.
 5. Plans for the control of erosion and sedimentation where appropriate.
 6. Fire hydrant locations or other fire suppression devices.

3.4 MINOR PLAT

The minor plat shall meet the minimum state surveying requirements and the design standards as set forth in these regulations and shall contain the following information:

- A. Scale: Date, north arrow and a standard engineering scale of not less than 1" = 100'.

- B. Seal: Name, address and seal of the state registered surveyor responsible for the survey plat and the land surveyor's certificate.

- C. Boundary limits: Boundary of the parcel and subdivision of that parcel including bearings and distances of each tangent course and all the necessary data for curve courses.
- D. Plat size: Area in acres of the parcel and the plat shall be drawn no larger than on an 8 1/2" x 14" sheet unless permitted by the Planning Commission. If more than one sheet is used, an index shall be included, and each sheet shall be numbered.
- E. Lots: Location, bearings, dimensions and acreage of each lot. Each lot shall be numbered.
- F. Streets: Location and names of public or private rights-of-way that adjoin the subdivision.
- G. Encroachments: Encroachments discovered in the survey.
- H. Name of subdivision and location: Name of subdivision and names of adjacent property owners and recorded subdivisions and a vicinity map showing the parcel at an appropriate scale.
- I. Ownership information: Names and addresses of the sub-divider. Source of land title shall be indicated on the plat or previous deed reference shall be shown. Deed Book references as established by the County Clerk's office shall be shown as they relate to the parent tract and all previously recorded divisions of land.
- J. Building Information: If the lot(s) does not meet the minimum requirements for building purposes or does not have street frontage, the following statement shall appear on the minor plat:

“Lot(s) _____ shall be conveyed only to an adjacent property owner, and shall not be used as a building site unless combined with the property of that adjacent property owner.”
- K. Easements: All public and private (both public and private) easements and their purpose shall be shown on the plat. Size of water and sewer lines shall be noted.
- L. Monumentation: Description of all monumentation including a notation on whether they were found or set and the type of monument used.
- M. Certificates: The following certificates, where applicable: Owner's Certificate, Land Surveyor's Certificate, Certificate of Water Supply and Sewage disposal (for build-able lots), Planning Commission Certificate.
- N. Dedication: Dedication of additional street right-of-way if required as measured from the centerline of the road.
- O. Sewage Disposal, Water Service: State whether the parcel will be served by private or public sewer, and approval of the system. In addition, a statement on

whether the parcel will be served by a private or public water system and approval of the system. For parcels which involve on-site individual sewage disposal systems, this statement shall appear on the minor plat.

“Plat approval for building development and/or alteration of existing systems on each lot is contingent upon the issuance of an on-site sewage disposal construction permit and inspection by the local Health Department.”

- P. Vicinity Map: A vicinity map showing the location of the subdivision in relation to adjacent roads and water courses, at a scale large enough (Approx. 1” = 1,000’) to show the proposed subdivisions relationship to existing and proposed features such as major traffic arteries, schools, recreation areas, shopping area and industrial areas. If the subdivision comprises only a portion of the parent tract, a sketch of the parent tract and the relationship of the subdivision shall be included.

- Q. Minor Plat: The reviewing officer of the Lewis County Planning Commission, after consultation with the attorney representing the Lewis County Planning Commission as needed, shall have the authority to approve minor subdivision plats consisting of no more than five (5) lots used for residential purposes, as long as no variances are requested by the developer.

ARTICLE IV

SUBDIVISION DESIGN AND CONSTRUCTION STANDARDS

4.1 PURPOSE

The purpose of this article is to establish minimum principles and standards of design to govern the layout and physical improvements of subdivisions.

4.2 SUITABILITY OF THE LAND FOR SUBDIVISION DEVELOPMENT

- A. Physical Limitations: If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger to health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission shall not approve the land for subdivision unless adequate methods are formulated by the sub-divider for meeting the problems that will be created by the subdivision and development of the land.

4.3 STREETS

- A. General Requirements: The arrangements, character, extent, width and location of all streets shall conform to the transportation element of the Lewis County Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to their appropriate relation to the proposed use of the land to be served by such streets.

In designing a street system, the sub-divider shall be guided by the following principles:

1. Adequate vehicular and pedestrian access shall be provided to all parcels.
2. Local street systems shall be designed to minimize through traffic movement.
3. Residential blocks shall be between 400' and 1200' in length.
4. The arrangement of local streets shall permit economical and practical patterns, shapes and sizes of development parcels.

B. Street Extensions

1. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
2. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by the dedication to the boundaries of such properties. Where the Planning Commission deems necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least forty (40) feet.
3. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

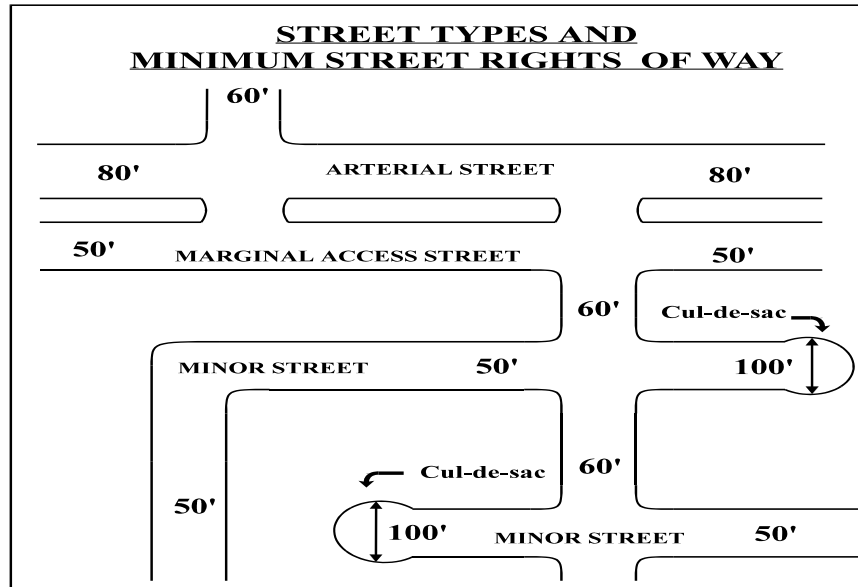
C. Street Classification: All streets in a proposed subdivision shall be classified as one of the following by the developer. The Developer should review the definition of streets, Section 1.0 for classification criteria.

Street Classification	Minimum Dedicated Right-of-Way Width	Pavement Widths with Off-Street Parking	One Side Parking
Arterial Streets	60 feet	48 feet	No Parking
Collector Streets	60 feet	24 feet	36 feet
Local Streets	48 feet	24 feet	36 feet
Frontage Road or Service Road	60 feet	24 feet	No Parking
Alleys	22 feet	10 feet for 1 way street 18 feet for 2 way street	No Parking

*All Major Street Plans may indicate greater right-of-way widths for certain arterial streets, but in no case shall the sub-divider be required to dedicate a right-of-way width of more than eighty (80) feet for any one street. All pavements shall be placed in the exact center of the dedicated right-of way.

D. Dedication of Right-of-Way

1. New Streets: The classification of streets which determine the required right-of-way shall be shown on the Major Street Plan, or if not shown thereon, shall be defined in Section 5.5.



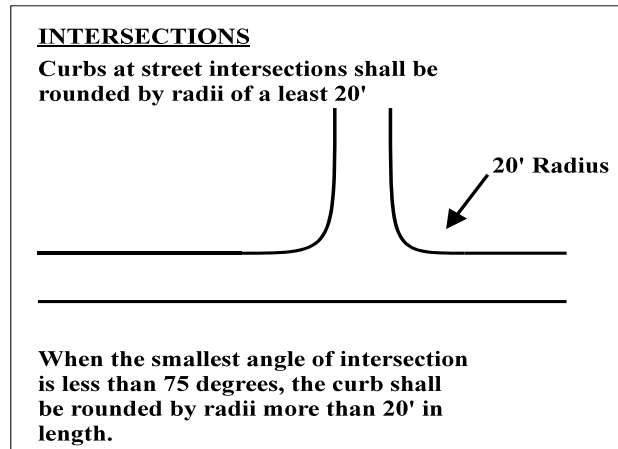
2. Existing Streets: Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in Section 4.3C.

Partial streets shall not be permitted. The entire minimum rights-of-way shall be dedicated when a proposed subdivision is located on one or both sides of a street.

Subdivisions platted along existing streets shall dedicate additional rights-of-way necessary to meet the minimum width requirements specified in these regulations. Should the possibility of obtaining additional rights-of-way on the other and remaining side of the rights-of-way exist, the Commission may on its motion reduce the increased dedication up to one-half ($\frac{1}{2}$) the total necessary to meet the minimum width requirements specified.

E. Street Design Standards

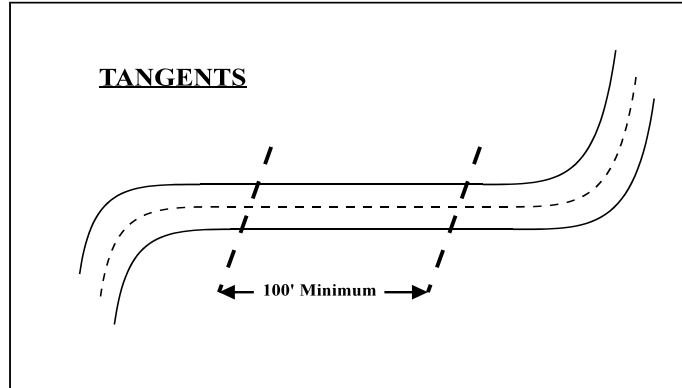
1. Street Intersections:



- a. Streets shall intersect as nearly as possible at right angles and no street shall intersect with any other at less than 75 degrees.
- b. Multiple intersections involving junctions of more than two streets shall be prohibited.
- c. On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants, street lighting poles, and associated appurtenances thereto shall be permitted within this area.
- d. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- e. Minimum curb radii at street intersections shall be 20 feet.
- f. Where a proposed subdivision abuts or contains an existing or proposed arterial street, the number of intersections with the arterial street shall be kept to a minimum. To the fullest extent possible, intersections with arterial streets shall be located not less than 650 feet apart, measured from center line to center line.

- g. No lot or other parcel of land which abuts on and has access to either a collector or a local street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

2. Curves in Streets - Horizontal and Vertical



- a. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on local streets and 200 feet on collector streets.
- b. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves shall be:

<u>Street Type</u>	<u>Minimum Horizontal Curve Radius</u>
Arterial	400 feet
Collector	300 feet
Minor	175 feet

- c. All changes in grade for arterial, collector and minor streets shall be connected by a vertical curve as indicated below.

Minimum Length of Vertical Curves:

Arterial - 300 feet, but not less than 50 feet for each algebraic difference in grade.

Collector and Minor Roads - 100 feet, but not less than 20 feet for each algebraic difference in grade.

3. Street Grades and Elevations

- a. Grades of streets shall conform as closely as possible to the original topography and shall be designed to produce usable lots and reasonable grades.
- b. Grade 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.
- c. Street 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	5%
Collector	5-8%
Minor	8-10%
Marginal Access	10%

The Planning Commission may permit steeper grades in special circumstances.

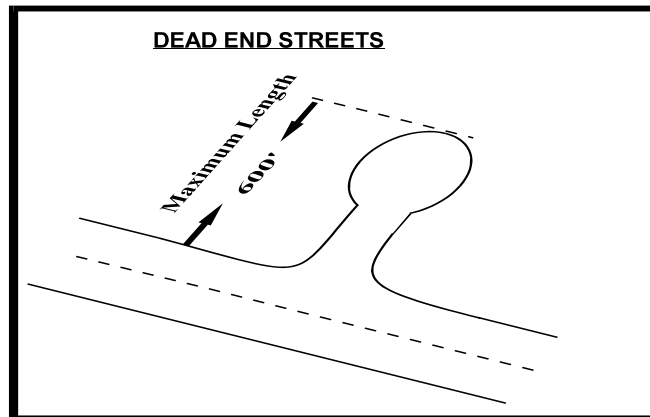
- d. Grades at street intersections shall be held to a maximum of two percent for a distance of 75 feet in any direction from the point of intersection of the street center lines.
- e. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half (1/2) of one (1) percent. Storm water collection shall be so designed as to eliminate water draining across streets.
- f. The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order to determine the advisability of permitting the proposed subdivision activity.

Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

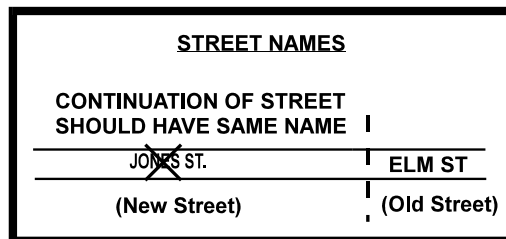
4. Marginal Access Streets: Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require the separation of local and through traffic. This shall be achieved by a marginal access street, separated from the arterial street by a planting strip; or reverse frontage lots, with the lots fronting on an interior local street and having a non-access reservation along the rear property line.

Where any of the aforementioned arrangements are used, the statement “vehicular ingress and egress, restricted” shall be shown with limits on the Final Subdivision plat and no driveways shall have direct access to the arterial street.

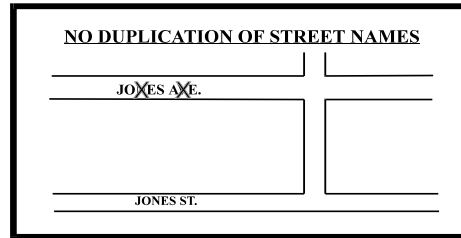
5. Dead-End Streets (Cul-de-sacs): Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least forty (40) feet and a radius at the outside of the right-of-way of at least fifty (50) feet.



6. Street Names:
 - a. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.



- b. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix.



- c. The placement of street signs shall be placed at the beginning of each street, and throughout the subdivision at each street intersection. Street signs will be placed by the County Road Department once the streets have been constructed, approved and ready for road travel.

7. House Numbering:

The Buffalo Trace Area Development District will complete the address numbering of the subdivision and certify the availability of road names in the county as the 911 System Administrator. Buffalo Trace will provide the developer with house numbering and road naming for the subdivision. The developer may provide names to be considered to Buffalo Trace for verification that they do not duplicate existing road names in the county 911 system. You may reach Buffalo Trace Staff at 1-800-998-4347.

8. Private Streets and Reserve Strips:

- a. There shall be no private streets platted within a subdivision.
- b. There shall be no reserve strips in a subdivision except where their control is definitely vested in the County under conditions approved by the Planning Commission as authorized in these regulations.

9. Alleys

- a. Alleys may be required for service access if necessary.
- b. The minimum pavement width of an alley shall be 10 feet for a one (1) way street, and 18 feet for a two (2) way street. (See section 4.3.c)
- c. Alley intersections and sharp changes in alignment shall be avoided but where necessary; corners shall be cut off sufficiently to permit safe vehicular movement as determined by the Planning Commission.

- d. Dead end alleys shall be avoided but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Commission.

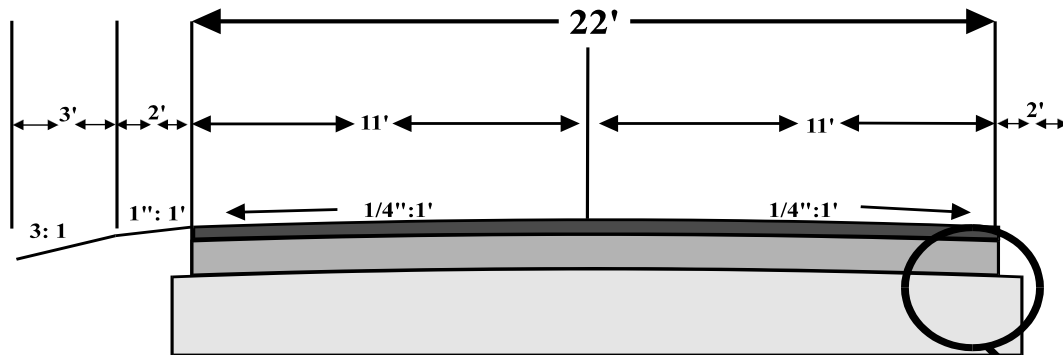
F. Street Construction

1. Preparation of the Subgrade: Before grading is started, the entire right-of-way shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform to the accepted cross-section and grades.
2. Cuts: In cuts, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two (2) feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least twelve (12) inches below the graded surface.
3. Fills: In Fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable material shall be removed to a depth of at least two (2) feet below the natural ground surface. This objectionable matter as well as similar cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. The fill shall be spread in layers not to exceed eight (8) inches loose and shall be compacted by a roller. The filling of utility trenches and other places not accessible to a roller, shall be mechanically tamped, but where water is used to assist compacting the water content shall not exceed the optimum of moisture.
4. Pavement Specifications for Streets: The sub-divider shall provide street pavements which shall be designed to carry the expected traffic loads and which shall conform with the Kentucky Department of Highway's current standard specifications. Bituminous concrete pavement (Asphalt) shall be six (6) inches dense graded aggregate, laid down in two (2) courses and rolled and 2" of asphalt base Class I and 1" surface Class I Type A, bituminous concrete(Asphalt).

The sub-divider shall not be required to grade or provide a pavement base or surface in excess of that required for collector streets, since such additional construction is required for the benefit of the general public. The Planning Commission will recommend that the County (or county)

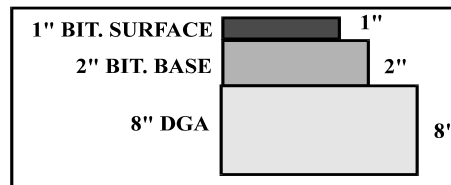
bear the extra expense of constructing the street to meet arterial street standards.

PAVEMENT DESIGN TYPICAL SECTION



DETAIL "A"

1" Class I Type A, Bituminous concrete
2" Asphalt base Class I
8" Dense Grade Aggregate, laid in
Two (2) Courses



DETAIL "A"

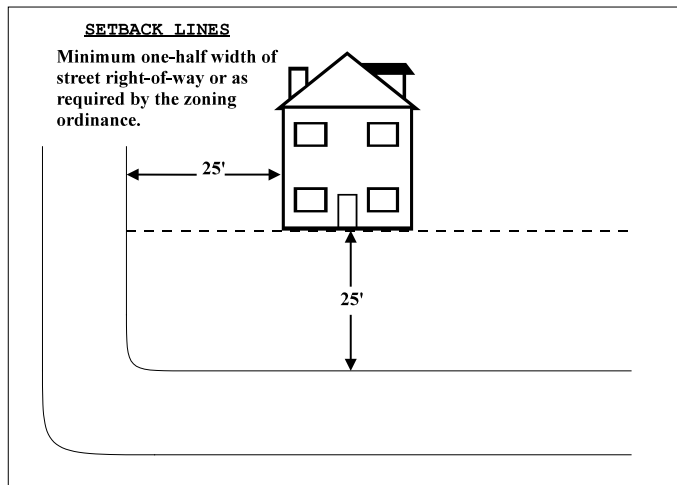
4.4 LOTS

A. Dimensions: The size, shape and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated.

1. Subdivisions with sewers will have lots that meet only the minimum lot width, setback, side yard and rear yard requirements. They are:

a. Minimum Lot Width - all lots will be a minimum of 75 feet at the street and at the building setback line. Lots located on a cul-de-sac may have a minimum of forty (40) feet fronting the street and sixty (60) feet at the building setback line.

b. Setbacks - In areas with no zoning, the building setback line shall not be located closer to the street right-of-way line than a distance equal to one-half ($\frac{1}{2}$) of the total width of the street right-of-way on which the building will front, but in no case shall the building setback line be located closer than twenty-five (25) feet from the right-of-way line of the street. A greater distance between the building setback line and the street right-of-way line is permissible. In areas with zoning, the requirements of the zoning ordinance shall apply.



c. Corner Lots - Corner lots shall have sufficient extra width to meet the building setback lines established on both the front and side streets.

d. Yard Requirements

1. Side - Minimum side yard area will be measured from property line to overhang of building and shall total at least 24 feet with a minimum of 12 feet on each side.
 2. Rear - Minimum rear yard total shall be 20 feet measured from building overhang.
2. Subdivisions without sewers - Subdivisions without sewers will have lots that meet the minimum requirements outlined in subsection 1, as above, plus have as much additional area as required by the County Health Officer to facilitate the alternative sewage system.

4.5 Utility and Drainage Placement and Easements

- A. General Requirements: Utilities shall be provided in rear lot easements whenever possible. Whenever it is necessary to install utilities in the street right-of-way they shall be placed in accordance with the specifications in this article.

After grading is completed and approved and before any pavement base is applied, all of the in-street underground work - water mains, gas mains, and other improvements, and all service connections -shall be completely installed and approved throughout the length of the street and across the flat section. Where the utility mains are outside the pavement area, the sub-divider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked or bored across the street without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking or boring of service connections, the Planning Commission shall require the complete installation of service connections before any base is applied. In cases where underground utilities must be provided within the right-of-way of street, they should not be installed under the paved portion of such streets.

- B. Water Supply System: Where, in the opinion of the Planning Commission, the public water supply is reasonably accessible or available to the proposed subdivision, the sub-divider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire (1,000 feet maximum) hydrants, and this system shall be properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise available, the sub-divider shall normally be required to construct a similar water distribution system and connect it with an alternative supply approved by the County or City Health Officer. If the Planning

Commission approves the use of individual wells, lot sizes will have to meet the approval of the County health Officer.

- C. Sanitary Sewers: Where, in the opinion of the Planning Commission, the public sanitary system is reasonably accessible or available to the proposed subdivision, the sub-divider shall submit plans for the proposed sanitary sewage collection system with the filing of the preliminary plat for Commission approval. Such plans for sanitary sewers shall be prepared by a Registered Engineer and shall show pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, the location, type and size of all lift or pumping stations and treatment facilities, if on site. The proposed sewage system must be designed to adequately serve all lots and connect the subdivision system to the public system after the Sanitary Sewer System operator approves the size of the lines. Where lots cannot be served by the extension of an existing public sanitary sewer, the sub-divider shall either obtain approval of lot sizes for individual septic tanks and disposal fields from the County or City Health Officer, or obtain approval from the County or City Health Officer for a neighborhood disposal system. Said approval from County or City Health Officer for septic systems must appear on the preliminary and final plat. Sanitary sewers will not be designed for the disposal of storm drainage.
- D. Storm Drainage: An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges and other improvements shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and they shall be of sufficient length to permit full width roadways and the required slopes.
1. Design Storm Drainage Criteria - All storm runoff shall be calculated by accepted methods of calculation. Drainage structures shall be designed to accommodate the one hundred (100) year storm of one hour duration.
 2. Ditches - Ditches shall be designed and constructed as needed on both sides of the roadway outside of the shoulder line. Ditches, where required, shall have maximum slopes of four to one (4:1) on the roadway side and three to one (3:1) on the property side. Maximum ditch gradient without erosion protection shall be two percent (2%). If a ditch gradient exceeds two percent (2%), the ditch shall be protected from erosion by means of sodding, ditch checks, storm sewers or combination thereof as deemed necessary by the Planning Commission or its representative. Other creative means of erosion control to be considered on an individual basis. Minimum ditch gradient shall be three-tenths of one percent (0.3%). If this gradient cannot be maintained, storm sewers shall be installed.
 3. Culverts - Minimum culvert sizes shall be twelve inches (12") for driveways and fifteen inches (15") for roadway crossings. At locations

where culverts cross roadways, a minimum depth of six inches (6") will be maintained between the top of the pipe and the finished roadway subgrade.

All roadway culverts shall be fitted with end sections or headwalls and shall extend a sufficient distance beyond the shoulder line to fit the roadway side back slope.

Special consideration shall be given to the end treatment for all culverts thirty six inches (36") in diameter and larger to assure compatibility with the surrounding environment.

Prior to acceptance of the street improvement or the issuance of any building permits, the sub-divider shall furnish the Planning Commission an overall map of the subdivision showing the proper size culvert for each lot as determined from hydraulic calculations.

4. Detention Basins – When a detention basin is required for proper drainage, all nodular detention basins will be maintained within a development and their area specifically preserved for that use. Any required artificial basins shall be developed to provide a natural-appearing site to include planting of trees and bushes.
5. Positive Drainage - All areas of the subdivision shall be designed so as to provide positive drainage by means of existing or newly constructed swales. Streets may be used for drainage only where there is no other means of conveying storm water.
6. Utility Drainage Easements - Where topography or other conditions are such as to make practical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 16 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

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 by the Planning Commission to permit the construction of improvements designed to restrict the flooding of said watercourse on adjoining properties. Parallel streets or parkways may be required.

7. Curbs and gutters - shall be required in all subdivisions on both sides of the street when the subdivision is adjacent and adjoins an existing storm sewer

system only and approval from the Sewer system is obtained to connect to the existing storm sewers. Curbs shall be not less than six, nor more than eight inches in height above the gutter line, with the fill behind the curbs sloping toward the curb to ensure proper drainage into the gutters. Curbs shall be constructed of concrete. The gutters shall be of adequate size to carry the run-off water and to prevent flooding. To avoid erosion, such ditches may be required to be concrete lined. The shoulder, ditch and balance of unpaved right-of-way and sidewalks shall be seeded.

- E. Gas, Electric and Telephone Utilities: The Planning Commission may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in the form of a letter addressed to the Planning Commission stating that such public utility company will make the necessary installations for furnishing its services within a specified time.

The Planning Commission shall require placement of electric and telephone lines to be underground in new subdivisions developed along new roadways, where no existing utilities are already present. This requirement, however, would not prohibit the development of lots along an existing roadway where existing utilities are already present, allowing for above ground utilities to be installed.

- F. Sidewalks: Sidewalks shall be required when subdivisions adjoin and/or are adjacent to an existing sidewalk network, such as within city limits, or next to the city limits, where sidewalks are already in place. If sidewalks are to be installed, they must meet the following minimum requirements: Sidewalks are required on both sides of the street to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least 10 feet in width. The Commission requires a paved walk for pedestrian safety, within such an easement.

Residential Sidewalks shall be four feet wide except along commercial developments where they shall be 10 feet wide. Sidewalks shall be constructed at least two feet from the ditch line or from the curb. Sidewalks shall be concrete four inches thick with 4" dense grade gravel base. Handicapped access ramps will be provided at ends and intersections to meet ADA Requirements.

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.

- G. Street Lights: It shall be the responsibility of the developer to develop and implement a street lighting plan in subdivisions, and alternatively may provide each home with a lamp post in the front yard, in lieu of street lighting, where the

electric service will be underground. Lamp Post lighting at each home will be the responsibility of the homeowner for maintenance.

4.6 MONUMENTS

- A. Concrete Monuments - At least thirty-six (10) inches deep and four (4) inches in diameter or four (4) inches square, shall be set at major corners of the subdivision. The top of the monument shall be flat and shall have an indented cross or other such mark to properly identify the exact points of reference.
- B. Rebar Monuments – Rebar pins shall be set at all lot corners not marked by concrete monuments, all block corners, at all points where street lines intersect the exterior boundaries of the subdivision, and at all intersections of curves and tangents along street property lines.
- C. All monuments – Shall be flush with the top of the ground and shall be shown on final plat.

4.7 LAND REQUIREMENTS FOR COMMUNITY FACILITIES

- A. In reviewing subdivision plats, the Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- B. Where a proposed park, open space, school and other public uses, shown in the Comprehensive Plan, is located in whole or part within a proposed subdivision, such proposed public use or park, if not dedicated to public use, or conveyed to the County, County or the Board of Education, may be reserved for a period of not to exceed two years from the date of final approval of the Final Subdivision Plat by the Commission for acquisition by the appropriate public agency by purchase or other means.

4.8 NATURAL ENVIRONMENTAL CONSIDERATIONS

- A. Preservation of Existing Features: Existing features which would add value to residential development, or natural or man-made assets such as trees, groves, woodlands, watercourses, vistas, historic or architecturally significant buildings,

and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious and careful design of the subdivision.

- B. Preservation of Natural Cover: Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil.
- C. Sediment Control: The sub-divider shall provide effective sediment control measures in the planning and construction of subdivisions. Practical combinations of the following technical principles shall be applied:
1. The smallest practical area of land shall be exposed at any one time during development.
 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
 3. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
 4. The permanent final vegetation and structures shall be installed as soon as practical in the development.
 5. The development plan shall be fitted to the topography and soils as to create the least erosion potential.
 6. Wherever feasible, natural vegetation shall be retained and protected.
 7. All seeding and fertilizing shall be done in conformance with the guidelines of the Soil Conservation Service, as a minimum.

4.9 SELF-IMPOSED RESTRICTIONS

The sub-divider may place restrictions on the development more restrictive than those required by these subdivision regulations and requirements included in the County's Site Development Standards. Such restrictions, if any, shall be indicated on the Subdivision Plat and recorded in the deed books with cross referencing between plat and deed book.

Questions regarding the placement of other permanent structures such as detached buildings and garages, swimming pools, driveways, fences and walls are to be decided

upon by the developer. The Planning Commission recommends that such restrictions be detailed in the subdivision covenants.

NON-RESIDENTIAL SUBDIVISIONS

4.10 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

A. GENERAL REQUIREMENTS

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

B. DESIGN STANDARDS

1. Site Design

- a. Proposed non-residential street layout, blocks and parcels shall be suitable in area and dimensions to the types of development anticipated.
- b. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities as required by the County of Lewis.
- c. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned,

developed, owned and managed as a unit. Narrow, ribbon developments along arterial streets will be discouraged.

- d. With respect to physical improvements, special requirements may be imposed by the Commission within the non-residential subdivision.
- e. Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provisions of extra depth in parcels backing up on existing or potential residential areas; all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjacent to the residential district.

2. Street System

- a. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor create hazards for adjacent residential areas.
- b. The design of streets, service drives, and pedestrian ways should provide for safe and hazard-free internal circulation.
- c. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterial or collector streets in such a way that the number of intersections with such arterial or collectors shall be minimized.
- d. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at intersections shall be at least twenty (20) feet.

3. Building Setback Lines: A building line to establish a front yard for all buildings and structures shall be established at a distance from the center line of the street equivalent to the width of the right-of-way of the street on which the building fronts. In no case shall this distance be less than twenty-five (25) feet from the right-of-way, or shall meet the requirements of any existing zoning ordinance.

4. Utilities: Non-residential subdivisions shall be provided with water and sewerage systems and fire suppression_which are adequate to maintain

adequate health standards, and to dispose of commercial and industrial wastes. These facilities shall be approved by the County and County Health Department and the Kentucky Division of Water.

5. Drainage: The Planning Commission with assistance from the County or City qualified representative shall require adequate provisions for the discharge of surface water which will result from commercial and industrial developments with large roof areas and large paved parking areas.
6. Off-street Loading and Parking Facilities: In commercial and industrial subdivisions, and in the portions of residential subdivisions reserved for commercial or industrial uses, the lots or parcels platted for commercial or industrial sites shall be large enough to provide for the off-street parking facilities required by the County of Lewis.
7. Lighting: Shall not be constructed as to not interfere with neighboring lots or residential areas. Preference of down lighting (aimed other than outward). (Not to aim off property).

4.11 MOBILE HOME SUBDIVISIONS - (These are in addition to the basic subdivision regulations **and only apply to a Mobile Home Subdivision. The state of Kentucky recognizes that that a Mobile Home Subdivision consists of 4 Mobile Homes or more.**

A. PURPOSE

This Section is included as part of the Subdivision Regulations in order to allow the proper integration of mobile homes into the residential pattern of the community in such a manner as to preserve existing and future property values; to prevent possible incompatible intermixing of mobile homes and conventional type homes; and to regulate mobile homes in a manner which will benefit both mobile home owners and conventional type home owners. It is intended by the Planning Commission to require developers to adhere to the Kentucky Mobile Home Park Regulations, 902 KAR 15:010 as well as these regulations. When two sets of regulations conflict, the more stringent regulations shall apply.

B. PLANNED UNIT DEVELOPMENT

It is the intent of the Planning Commission to encourage well designed mobile home subdivisions. Where the literal application of these standards prohibit unique subdivision layouts, the Planning Commission may approve a planned unit development that may depart from the standards contained herein but will not depart from the intent of these regulations and ultimate livability of the subdivision.

C. AREA AND DENSITY

No mobile park shall be permitted on an area of less than five (5) acres in size, although the developers shall be permitted to develop the park in stages, as long as the developer complies with an overall plan approved by the Planning Commission for the entire tract. The number of mobile homes permitted in the mobile homes park shall not exceed a density of ten (10) mobile homes per acre.

D. STREETS

No vehicular entrance to or exit from any mobile home park shall be within two hundred (200) feet along streets from any property line of any lot containing a school, public playground, church, hospital, library, or institution for dependents or for children, except where such building or property is in another block or fronts on a street on which such park will have no entrance or exit.

Type of Street	Minimum R/W Width	Minimum Pavement Width
All entrance streets and other collector streets with parking on both sides	60 Feet	48 Feet
Collector streets-no parking	60 Feet	24 Feet
Minor street with parking on both sides	48 Feet	24 Feet
Minor or Cul-de-sac no parking	36 Feet	24 Feet

E. CURBS, GUTTERS AND SIDEWALKS

There shall be provided curbs, gutters and sidewalks if the development is located within the city limits or is adjacent to an existing storm sewer system and sidewalk network. (See also guidelines other than mobile home subdivisions under Subdivision Standards).

F. PARKING

At least two (2) asphalt or concrete surface parking spaces shall be provided for each mobile home lot. At least one of these spaces shall be off-street and shall be at least nine (9) feet wide and twenty (20) feet in length. Other required parking spaces may be located within the minor street if the street is increased from 22 feet to 34 feet.

G. LOT REQUIREMENTS

1. Utilities: All lots within the mobile homes park shall be provided with sewer, water, fire hydrants and electrical facilities meeting the standards

specified by County and state regulations, and each mobile home shall be properly connected with said utilities.

2. Accessory Structures: No accessory structures or buildings, including patios, shall be located within five (5) feet from any individual lot line.
3. Lot Standards: All mobile home subdivision lots shall comply with the following minimum standards:

Lot Width	60 Feet
Lot Depth	70 Feet
Side Yards	10 Feet
Rear Yards	10 Feet
Front Building Setback Line	25 Feet
Minimum Lot Area	4,200 Feet

All lots shall front on a public street and have a minimum width at the building line of 40 feet. The hitch area of the mobile home is considered to be the front of the trailer. The mobile home should be located on a lot with its front door facing the public street.

ARTICLE V

GENERAL PROVISIONS

5.1 VARIANCES

These land subdivision regulations are adopted as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the requirements of these regulations and the Planning Commission may require standards above the minimum contained herein, whenever it feels that public health, safety or welfare purposes justify such increases.

The Planning Commission may also reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Commission may attach and require whatever condition it feels are necessary to secure the basic objectives of the regulations.

- A. Exceptional Conditions: The Planning Commission may grant a variance to these regulations where by reason of:
1. The unusual shape of a specific piece of property.
 2. Exceptional topographic conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property to develop.
 3. The application of the improvement or standard is not reasonably necessary for the safety or convenience of the public provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting such variances or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations.
- B. Planned Residential Developments: A comprehensive planned residential development, including the large scale construction of housing units together with necessary circulation and access, open spaces, and services may be approved by the Planning Commission although the design of the project does not include standard street, lot and subdivision arrangements as specified in these regulations.

5.2 VIOLATIONS AND PENALTIES

The following violations and penalties are hereby cited from Chapter 100, Sections 100.277, 100.283, 100.291 and 100.991 of the Kentucky Revised Statutes.

- A. No Subdivision of Land Before Approval: No person, or his agent, shall subdivide any land before securing the approval of the Planning Commission of a plat designating the areas to be subdivided.
- B. No Selling of Land Before Approval: No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and been recorded by the County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded.
- C. Metes and Bounds Descriptions: The description of lots or parcels by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any right or remedies he may otherwise have.
- D. No Recording before Approval: No plat of a subdivision of land shall be recorded by the County Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairman of the Commission. Admission to the County Clerk's records shall not be construed as approval.
- E. Injunctions: The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by a sub-divider or a landowner where the subdivision regulations have been violated.
- F. Penalties:
 - 1. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
 - 2. Any person, owner or agent who violates this chapter shall, upon conviction be fined not less than ten dollars (\$10) but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
 - 3. The Commission may appoint enforcement officers who shall have authority to issue citations for violations which the officer has observed, but shall not have powers of peace officers to make arrests. The defendant shall appear within a designated time pursuant to the citation.

5.3 APPEALS

A decision of the Planning Commission upon a subdivision plat may be appealed to the Lewis Circuit Court. Such an appeal must be filed within thirty (30) days after the final action of the Commission.

5.4 SEPARABILITY

Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations.

5.5 AMENDMENTS

The Commission may revise, modify, or amend these regulations by appropriate action taken at a regularly scheduled meeting after the required notice and public hearing.

5.6 PREVIOUS REGULATIONS

Any previous regulations adopted by the County of Lewis, or a Planning Commission appointed by it are hereby repealed.

5.7 AMENDMENT FOR NEWLY INCORPORATED CITY

If an area of the county that is presently unincorporated, shall incorporate as a city in the future after the establishment of these Subdivision Regulations, that incorporated city shall have the right to invalidate the applicability of the Planning Commission and Subdivision Regulations provided that said incorporated city shall setup its own Planning Commission and Board of Adjustment. Until such time as a Planning Commission and Board of Adjustment would be established by the new city, these regulations would remain in full force and effect. However, if said city should to desire setup it's won Planning Commission and Board of Adjustment, it would no longer be obligated to use this commission, Board of Adjustment, and Subdivision Regulations, thus permitting said city to establish, enforce, and operate it's won commission and board, thus permitting said city to charge and collect it's own fees for developments located within their boundaries or zones and with oversight held by members residing within the boundaries and zones of said city as members of the Planning Commission and /or Board of Adjustment (rather than by a Planning Commission or Board of Adjustments made up of members of the entire county, thus permitting decisions relative to subdivision approvals to be made on a more immediate local level by the individuals residing within said incorporated city).

5.8 ADOPTION AND EFFECTIVE DATE

- A. The Subdivision Regulations, adopted this 27th day of July, 2010, shall take effect and be in force immediately upon the 1st day of October, 2010.

Adopted by the Lewis County Planning
Commission, Commonwealth of Kentucky

Date

Chairman

- a. All the improvements have been installed in accord with the requirements of these regulations, or
- b. A security bond or certified check has been posted with the County or City legislative body in sufficient amount to assure such completion of all required improvements.

**CERTIFICATION OF THE APPROVAL
OF STREETS AND UTILITIES**

I hereby certify: (1) that streets, utilities and other improvements have been installed in an acceptable manner and according to the County and County specifications in the subdivision entitled: _____ or, (2) that a security bond in the amount of \$_____ has been posted with the County or City legislative body to assure completion of all required improvements in case of default.

Date

County or City Engineer or Other Approving Agent

- 5. Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk.

CERTIFICATION OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Lewis County, Kentucky, with the exception of the variances hereinafter set out and noted in the minutes of the Planning Commission, and that this plat has been approved for recording in the Clerk's Office of the Lewis County Fiscal Court.

Variances:

Date

Chairman or Secretary Planning Commission

- 6. A certificate that can be signed when the plat is recorded.

CLERK AND RECORDER'S CERTIFICATION

Accepted For filing in the Office of the County Clerk and Recorder of Lewis County at the County of Lewis, Commonwealth of Kentucky, this ___ day of _____
_____ AD 19_____._____

Reception No. _____
Time _____

County Clerk & Recorder