

LAND SUBDIVISION REGULATIONS
for
LEXINGTON-FAYETTE URBAN COUNTY, KENTUCKY

AS ADOPTED BY THE URBAN COUNTY COUNCIL ON
DECEMBER 15, 1983 AND AMENDED THROUGH:
FEBRUARY 2011

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ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

1-1 PURPOSE - These Land Subdivision Regulations are designed to encourage the development of sound, healthful and economically stable residential, commercial, industrial and public areas; to provide for safe, convenient and efficient traffic circulation; to coordinate land developments in order to ensure that the future physical growth of the Lexington-Fayette Urban County will be orderly, efficient, and conducive to the minimum outlay of public and private expenditures in providing necessary services to new growth areas; to provide for the protection of environmentally sensitive and geologic hazard areas; to minimize fire hazards; to provide for light and air in habitable structures; to further fair housing opportunities, the purposes behind the Federal Fair Housing Act(s), and the Americans with Disabilities Act (ADA); to encourage the efficient use of energy resources and to not impede the use of possible alternative energy resources; to mitigate flooding hazards; to provide for the proper disposal of sewage; to enhance the unique aesthetics of the community; to encourage the protection and enhancement of trees and woodland areas; and to provide for the overall harmonious development of the community in accordance with the adopted Comprehensive Plan for Lexington-Fayette Urban County, Kentucky.

1-2 TITLE - The full title of these ordinances shall be "The Minimum Land Subdivision Regulations of the Lexington-Fayette Urban County Government." As a short title, these ordinances shall be known, and may be cited, as the "Land Subdivision Regulations" or "Subdivision Regulations."

1-3 AUTHORITY AND ADMINISTRATIVE AGENCY - These Land Subdivision Regulations are adopted by the Lexington-Fayette Urban County Government, Kentucky, under the authority of Chapter 100 of the Kentucky Revised Statutes, and shall be administered by the Urban County Planning Commission.

1-4 AREA OF JURISDICTION - The Urban County Planning Commission, through these Subdivision Regulations, shall have jurisdiction and control over the subdivision of all land within the boundaries of Lexington-Fayette Urban County, Kentucky, which area shall also be considered as the planning area.

1-5 VARIANCES - These Land Subdivision Regulations are adopted only as minimum requirements, and all developers should consider developing their subdivisions at higher standards. The Commission may require standards above the minimum contained herein whenever it finds that public health, safety, or welfare purposes justify such increases. The Commission also may 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 conditions it feels are necessary to secure the basic objectives of the varied regulations. Such variances may be granted only without detriment to the public good, without impairing the purposes, basic objectives, and intent of these regulations, and without impairing the desirable general development of the neighborhood and the community as proposed by the Comprehensive Plan. Any variances granted by the Commission shall be noted in its official minutes along with the reasons that justified the granting of the variance.

1-5(a) EXCEPTIONAL HARDSHIP - Where the Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional unique topographic or other natural or man-made physical conditions encountered on the particular land, the Commission may modify these regulations to the extent necessary to relieve the undue hardship.

1-5(b) DESIGN INNOVATION AND LARGE SCALE DEVELOPMENT - These regulations may be modified by the Commission in the case of plans for complete neighborhoods or other design innovations which, in the Commission's opinion, still achieve the basic objectives of these regulations.

1-5(c) INFILL AND REDEVELOPMENT ADAPTATION - Because of the inherent area limitations that many infill or redevelopment projects have to work in; and because of the added coordination that most infill or redevelopment projects entail; and because sometimes it is desirable to match or mimic older infrastructure designs, the Commission may modify these regulations to the extent necessary to facilitate infill or redevelopment projects, so long as the basic objectives of these regulations are still being achieved.

1-5(d) ALTERNATE DESIGNS FOR ENVIRONMENTAL WATER QUALITY CONSIDERATIONS - The Commission may approve alternative development designs and/or development infrastructure and low impact development techniques where such designs are consistent with the basic intent of these Regulations. For any such approval request, the applicant shall provide a written report to the Commission outlining the environmental benefits to be obtained through the alternate design being proposed and the consistency of the alternate designs with low impact development guidance endorsed by the United States Environmental Protection Agency, including an analysis and justification of the merits of the proposal. The report shall be prepared by an engineer licensed to practice in the Commonwealth of Kentucky. For any such request, the Planning Commission shall seek input from the Department of Environmental Quality in its review of the proposal prior to taking action.

1-6 AMENDMENTS - The Lexington-Fayette Urban County Council may, from time to time, revise, modify or amend these regulations by appropriate action after a public hearing has been held and a recommendation made by the Planning Commission.

1-7 ADMINISTRATION AND ENFORCEMENT - The Urban County Planning Commission, and the Commission's authorized agent, shall administer and enforce these Subdivision Regulations except as otherwise provided herein. The Commission shall direct its staff or other divisions of the Urban County Government, as appropriate, to promptly investigate all written complaints of violations and record all findings and actions in the official records of the Commission. If any of the provisions of these Subdivision Regulations have been violated, the Urban County Government may assess civil penalties through an administrative process; may seek a restraining order or injunctive relief; may order the stoppage of work which is determined to have created or contributed to conditions that pose a threat to the public health, safety or welfare; or may order the action necessary to correct the violation and to enforce the provisions of these Subdivision Regulations. Nothing contained herein shall prohibit the Urban County Government from enforcement of the Subdivision Regulations by any means authorized by law.

1-7(a) CIVIL CITATIONS - Where these Subdivision Regulations provide for the issuance of a civil citation for violation, such civil citations shall be referred to the Infrastructure Hearing Board, with the citations and the civil process to conform to

Sections 16-76 through 16-83 of the Code of Ordinances. Such citations shall be issued by the citation officers cited in Section 14-10 of the Code of Ordinances.

1-7(a)(1) ISSUANCE OF A NOTICE OF VIOLATION AND A CIVIL CITATION - Prior to the issuance of the first civil citation for a violation of a section of the Subdivision Regulations, the Urban County Government shall issue a notice of violation, which shall specify a time period of at least twenty-four (24) hours for the correction of the violation. The time period specified shall not impose unrealistic requirements under prevailing weather and site conditions. If the violation is not corrected, as specified in the written notice, the Urban County Government may issue a civil citation. A notice of violation shall precede the issuance of the first civil citation for such offense unless the violation is deemed to be a serious threat to the public health, safety and welfare; or, in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible. No notice of violation shall be required prior to the issuance of a citation for any offense which occurs after the first citation is issued to a person or entity.

1-7(a)(2) FINES - The fines associated with the issuance of civil citations shall be as follows:

- (a) Upon issuance of the first citation within any 12-month period shall be a maximum of two hundred dollars (\$200.00), but shall be seventy-five dollars (\$75.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
- (b) Upon the issuance of the second citation for violation of the same section of these Subdivision Regulations within any 12-month period shall be a maximum of three hundred dollars (\$300.00), but shall be one hundred fifty dollars (\$150.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.
- (c) Upon issuance of the third citation for violation of the same section of these Subdivision Regulations within any 12-month period shall be a maximum of

four hundred fifty dollars (\$450.00), but shall be two hundred twenty-five dollars (\$225.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.

- (d) Upon issuance of the fourth or more citation for violation of the same section of these Subdivision Regulations within any 12-month period shall be a maximum of five hundred dollars (\$500.00), but shall be three hundred dollars (\$300.00) if the person committing the offense does not appeal the citation in accordance with Section 16-79 of the Code of Ordinances.

1-8 APPEAL OF A CIVIL CITATION - Appeal of a civil citation may be made to the Infrastructure Hearing Board, as provided in Section 16-79 of the Code of Ordinances.

1-9 ABATEMENT OF A VIOLATION - When there is reason to believe that the violation presents a serious threat to the public health, safety and welfare; or if in the absence of immediate action, the effects of the continuation of the violation would be irreparable or irreversible, the Urban County Government may proceed to abate the conditions. In such cases, the government may, in addition to any fine imposed herein, charge the responsible person with the cost of such abatement, including an administrative fee of seventy-five dollars (\$75.00), the equipment expense, disposal fee, if any; and with the cost for any expense, loss or damage occasioned by the Urban County Government by reason of such violation, including the cost of repairing or restoring any sanitary sewer, storm sewer, natural outlet damaged, or other infrastructure damaged, obstructed or impaired by such violation to its pre-existing condition; and may file a lien for such costs in accordance with Section 16-81 of the Code of Ordinances and KRS 65.8838. Citations, if issued, shall not preclude the government from abating the conditions and billing the responsible person, persons or entities for the cost of abatement.

1-10 OTHER VIOLATIONS AND PENALTIES - All violations of these Subdivision Regulations, which are not specifically cited as being subject to a civil citation, shall be subject to penalties as cited in Chapter 100 of the Kentucky Revised Statutes.

1-11 SEPARABILITY AND PREVIOUS REGULATIONS - 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, it being the intention of the Lexington-Fayette Urban County Government to adopt each and every provision of these regulations separately. Any previous subdivision regulations adopted by the City of Lexington and County of Fayette, Kentucky, or the Lexington-Fayette Urban County Government are hereby repealed.

1-12 CONFLICT OF REGULATIONS: EFFECT OF PRIVATE DEED RESTRICTIONS - Whenever these regulations, or subdivision plans approved in conformance with these regulations are in conflict with other local ordinances, regulations, or laws, the more restrictive ordinance, regulation, or law shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans that have been approved by the Planning Commission contain setback or other features in excess of the minimum Zoning Ordinance requirements, such features as shown in the approved plan shall govern and shall be enforced by the Division of Building Inspection. Private deed restrictions or private covenants for a subdivision, which have not been included as a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Division of Building Inspection.

1-13 RELATIONSHIP TO ZONING ORDINANCE AND OTHER ORDINANCES - Plans filed pursuant to these subdivision regulations shall be required to comply with applicable zoning ordinances or other Urban County ordinances.

1-14 DEFINITION OF WORDS - Throughout these Subdivision Regulations, all words in the present tense include future tense, and all words in the plural number include the singular number or vice-versa, unless the natural construction of the wording indicates otherwise. The word "may" is permissive, while the words "shall" and "will" are mandatory. The following words and phrases, when used in these regulations, shall be defined and interpreted as follows:

ARCHITECT, LANDSCAPE - Shall be a person licensed as a landscape architect by the State 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.

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

BUILDING SETBACK LINE - A line in the interior of a lot that is generally parallel to, and a specified distance from, the street right-of-way line or lines. The building setback line shall establish the front yard as defined in the Zoning Ordinance. No building shall then be placed in the space between the building setback line and the right-of-way line. The final record plan may also establish building setback lines from other features, such as from floodplains and tree stands, where no buildings are permitted.

COMPOSITE DRAINAGE PLAN - A component of the improvement plan prepared by the project engineer showing surface drainage on each lot, flow arrows that indicate the direction of surface drainage through each surface drainage easement, sanitary sewers and manholes, storm sewers and manholes, surface inlets, curb inlets, constructed channels, detention ponds and other best management practices, the regulatory flood protection elevation for each lot containing or adjoining a floodplain, the location of sinkholes and sinkhole non-building areas.

COMPREHENSIVE PLAN - The adopted plan for Lexington-Fayette 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 words, graphics, or other forms.

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 "subdivider", "owner", "builder", etc., even though the persons and their precise interests may vary at different project stages.

DEVELOPMENT 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 human activities. Typical development improvements referenced in these regulations are grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewer facilities, utility lines of all types, street name signs,

property number signs, trees, etc. As used herein, development improvements may also be referred to as development or improvements.

DIAMOND MESH WIRE - A fencing material typically used in rural areas which, by its strength and construction, is effective in prevention of climbing and in control of animal movement. The term shall also be construed to include fencing commonly referred to as "V" mesh fencing. The term does not include chain link fencing. Standard gauge shall be 12.5 by 14 gauge wire.

DIVISION OF ENGINEERING MANUALS - The Division of Engineering Manuals (also known as the Engineering Manuals, or the Manuals) is a set of seven documents to provide standards for the design, review, construction, and inspection of infrastructure. The Engineering Technical Manuals are Construction Inspection (also known as the Inspection Manual), Geotechnical, Roadway, Sanitary Sewer and Pumping Station, Stormwater, and Structures. In addition to the six Technical Manuals, a Procedures Manual for Infrastructure Development (also known as the Procedures Manual) establishes the responsibilities and procedures to be used by the Lexington-Fayette Urban County Government, the land developer and the project engineer. These Manuals are hereby adopted by the Urban County Government and incorporated into these Subdivision Regulations by reference. From time to time, the Urban County Government may revise, modify, or amend the Manuals in conformance with the procedure established in the Procedures Manual. When any of the Engineering Manuals are cited by these Subdivision Regulations, the current edition, latest revision, shall be referenced.

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 the owner has given up only certain, and not all, ownership rights.

ENGINEER, PROJECT - A person currently licensed to practice engineering in the State of Kentucky and in good standing with the Kentucky Board of Licensure for Professional Engineers and Land Surveyors; or a firm in good standing as an Engineering company in Kentucky, if the work is to be accomplished other than as a sole practitioner. Work performed under the supervision or at the direction of the project engineer, including but not limited to, preparation of plans, inspections,

reports, testing, and directives or orders regarding work pursuant to these Subdivision Regulations, shall be considered to be the work of the project engineer. Whenever qualifications are questioned, the Commission will consult with the Bluegrass Chapter of the Kentucky Society of Professional Engineers or the Consulting Engineers Council of Kentucky.

ENGINEER, URBAN COUNTY - The Director of the Lexington-Fayette Urban County Government Division of Engineering.

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

EXPANSION AREA - The land area of Lexington-Fayette County added to the Urban Service Area under the provisions of the adopted Expansion Area Master Plan and more specifically designated as EA-1, EA-2A, EA-2B, EA-2C and EA-3; as applied to density transfers and exactions as set forth herein, each of the five designated Expansion Areas shall be considered distinct and separate.

EXPANSION AREA MASTER PLAN (EAMP) - An element of the Lexington-Fayette Urban County Government's Comprehensive Plan, adopted on July 18, 1996, including any duly approved subsequent amendment. As used in this Article, the term shall also be construed to extend to any other Comprehensive Plan element expressly and directly applicable to the Expansion Area.

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.

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, or may be expressed as a ratio of the vertical rise or fall to the horizontal distance.

GREEN INFRASTRUCTURE - Infrastructure and storm water control design approaches and technologies that mimic the natural hydrologic cycle processes of rainfall infiltration, evapotranspiration and reuse.

INFRASTRUCTURE DEVELOPMENT AGREEMENT - An agreement for a project in which infrastructure improvements are proposed to be constructed, among the LFUCG, the developer, and the project engineer, which specifies the obligations and requirements of the parties. The Infrastructure Development Agreement shall be in a form and contain the requirements set forth in the Procedures Manual.

LAND SURVEYOR - A person licensed as a "Land Surveyor" by the State of Kentucky.

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, DOUBLE FRONTAGE - A lot having two or more of its non-adjointing property lines abutting upon a street. For the purpose of this definition, a lot served by an alley in the rear is not considered to be a double frontage lot.

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.

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.

LOW IMPACT DEVELOPMENT - A storm water management design approach for commercial and residential developments that has a goal of achieving a hydrologically functioning development that approaches pre-development natural site conditions, using green infrastructure and other design features in lieu of large scale storm water collection and conveyance structures.

PLANNER, COMMUNITY - Shall be a person who is a planning graduate of an approved University program, and a member, in good standing, of the American Institute of Certified Planners.

PLANNING COMMISSION OR "COMMISSION" - The Lexington-Fayette Urban County Planning Commission.

REGULATORY FLOOD - A flood of a magnitude having a one percent (1%) chance of occurring in any given year and which, over a long period of time, can be expected to be equaled or exceeded, on the average, once every 100 years. Base flood shall be synonymous with regulatory flood.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE) - An elevation that is two (2) feet above the water surface elevation of the regulatory flood.

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.

SINKHOLE - Any closed depression formed by removal (typically underground) of water, surficial soil, rock or other material. The existence of a sinkhole shall be as indicated by the closed depression contour lines on the Unified Mapping Program topographic maps or other documents as approved by the Urban County Engineer.

SINKHOLE, IMMEDIATE DRAINAGE AREA - Any area that contributes surface water directly to the sinkhole(s); this does not include areas which contribute surface water indirectly to a sinkhole (via streams).

SINKHOLE CLUSTER AREA - Any area that contributes surface water other than by way of a stream to a sinkhole which is located in a group of two or more sinkholes clustering together.

STANDARD DRAWINGS - The current edition, latest revision, of the Division of Engineering Standard Drawings which are promulgated by the Division of Engineering to provide design standards for public (or where appropriate, private) infrastructure.

STORMWATER BEST MANAGEMENT PRACTICES - Those practices used to manage stormwater runoff, both quality and quantity, and may include, but is not limited to, bioretention systems, infiltration systems, sand and organic filters, prefabricated treatment devices, detention ponds, extended detention ponds, wet ponds and constructed wetlands.

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. Unless otherwise specified, "street" includes the adjoining curbs, gutters and sidewalks. Streets are classified by function as follows:

EXPRESSWAYS - 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. Express-

ways 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 that generally should be connected with expressways at interchange points.

ARTERIALS - 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 city. In addition, significant intra-area travel, such as between the downtown and outlying residential areas, between major inner city 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/CONNECTORS - Collectors/Connectors 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/connector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors/Connectors are streets that are designed to interconnect the community as a whole, as well as provide the link between arterials and local streets. Collectors/Connectors 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 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 ROADS - Are local streets that are parallel to a street with a higher classification on one side and are parallel to properties requiring access on the other side. A service road generally has two or more open ends, connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. In this way, a service road provides an access route to properties adjacent to higher classification streets, while at the same time reducing the number of access points from these properties onto the higher classification street. Generally, in a given block, one or no access points are provided directly to the higher classification streets, but multiple access points are provided onto the adjacent properties.

LOOP STREETS - 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.

CLOSE STREETS - Close streets are one-way local streets forming a "U" shape and having two open ends; each end generally connects with the same street. Property fronts on the outside of the "U", but the interior of the "U" should be natural or landscaped open space. This interior area should generally be between fifty (50) and one hundred (100) feet wide. The close street is a neo-traditional street design used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

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

DEAD-END STREETS - 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. Alleys may only be used in conjunction with a neo-traditional design using the neo-traditional design standards or when special permission from the Commission has been granted.

RURAL ROADS - Rural roads are local streets providing access to properties in the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STREET, APPROVED - An approved street is any vehicular way approved by the Planning Commission as providing access to a lot. Included in this definition are:

PUBLIC STREETS - Public streets are streets that are dedicated to the public use and that are maintained by a public governmental body.

PRIVATE STREETS - Private streets are streets that are constructed, used and maintained under the provisions of Section 6-8(l) of these Subdivision Regulations.

ACCESS EASEMENTS - Access easements, 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, and subject to the provisions of Section 6-8(l) of these Land Subdivision Regulations.

STUB STREETS - Stub streets are local or collector, closed-end streets that are only acceptable as a temporary street condition. Stubs are similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets shall only be used when a future continuation is planned.

SUBDIVISION - A subdivision is the division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural purposes into lots or parcels of 5 acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivide.

SUBSTANTIAL COMPLETION - Substantial completion means the work on the public improvements has progressed to the point where the public improvements can be utilized for the purpose for which they were intended, although individual components may be provided for through a surety, provided they do not materially affect the performance of the system. Substantial completion can be further defined as follows:

Roads: The curb, gutter and the granular base, tack coat of asphalt and all bituminous pavement, except the final one inch of surface course have been installed; or for concrete streets, that all pavement is in place.

Sanitary Sewers: All pipes and manholes are installed and have passed all tests required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual. Where pumping stations are included in the development, all required pumping equipment is installed as required by the Sanitary Sewer and Pumping Station Technical Manual and by the Construction Inspection Technical Manual, and the facility lacks only electrical service to be made operational.

Stormwater Facilities: All pipes, manholes, curb inlets and surface inlets, headwalls and stilling basins, constructed channel and channel lining, detention ponds and other best management practices, including the principal spillway and emergency spillway, and erosion

and sediment control facilities are installed and functioning.

WRITTEN NOTICE - For the purposes of these Subdivision Regulations, written notice shall include first-class U. S. Mail, E-mail, and facsimile (Fax) communications.

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ARTICLE 2

MAJOR AND MINOR CLASSES OF SUBDIVISIONS

2-1 PURPOSE - The purpose of this Article is to establish two classes of subdivisions on the basis of their relative importance to the community's overall development. This will permit quicker processing and fewer requirements for subdivisions of minor planning significance.

2-2 MAJOR SUBDIVISION CLASS - The class of major subdivisions shall be those subdivisions of land that are of major significance to the development of the community. All subdivisions that do not conform to the definitions established for minor subdivisions shall be considered as major subdivisions. Further, any subdivision proposing the creation of a new street shall automatically be considered as, and follow the requirements for, a major subdivision.

2-3 MINOR SUBDIVISION CLASS - The class of minor subdivisions shall be those subdivisions of land which are generally of minor planning significance to the community's development. Minor subdivisions include only those subdivisions defined as follows:

2-3(a) CONSOLIDATION MINOR SUBDIVISION - Shall be subdivisions for the purpose of transferring one or more parcels between adjoining properties that share at least one common boundary involved in the transfer. The final effect of a consolidation is to change the lot boundaries of two or more properties, or to combine at least two (2) properties into a lesser number of lots than originally existed. No consolidation may result in there being more separate transferable parcels after consolidation than prior to consolidation.

2-3(b) NON-BUILDING MINOR SUBDIVISION - Shall be primarily for the purpose of assisting developers in acquiring land for future urban subdividing without having, at this time, to meet the requirements for a major subdivision. Except for alteration to existing buildings, or except for construction allowed by a recorded Display House Minor Subdivision Plan, no new building development shall be permitted for residential, commercial, or industrial activity. Whenever such new development is desired, the developer must submit a major subdivision plan or a Display House Minor Subdivision Plan. Each division resulting from a non-building minor subdivision plan shall be at least ten (10) acres in size.

2-3(c) MINOR AMENDMENTS TO EXISTING PLANS - The following defined types of amendments to existing recorded plans shall be deemed as minor subdivision plans.

2-3(c)(1) CORRECTED AMENDED MINOR SUBDIVISION - Shall be amendments to existing plans for the purpose of correcting obvious errors of an engineering or drafting nature or other similar small discrepancies. Included in this type of amendment are changes to the regulatory flood protection elevation upon approval of the Urban County Engineer. Not included in this type of amendment are changes that materially affect building lines, street requirements, easements or any other changes of a significant planning nature. Such changes shall be considered as major subdivisions unless they meet the requirements for another type of minor amendment.

2-3(c)(2) EASEMENT MINOR AMENDMENT - Shall be amendments to existing plans for the purpose of release or modification of existing easements and the addition of new easements. The written approval of any beneficiary of the easement is required as set forth in Article 3-5(c)(1). Included in this type of amendment are modifications of the utility strip adjoining the street, provided the width may not be reduced to less than five (5) feet. Excluded from this class are any easements for the purpose of pedestrian or vehicular access among three or more properties, or for the purposes of roadway improvements except as may be required under Section 3-4(e). Any changes in easements of this nature shall be deemed a major amendment requiring full Commission action.

2-3(c)(3) ADMINISTRATIVE ACTION AMENDMENT - Shall be amendments necessitated by official acts of the Urban County Council or the Board of Adjustment, where the Planning Commission does not share authority in the substance of the change in question and the amendment is for the purpose of clarifying and making consistent the information appearing on the recorded plat of the property.

2-3(d) PUBLIC ACQUISITION MINOR SUBDIVISION - Shall be for the purpose of platting parcels of land or easements to be acquired by the

Urban County Government for public purposes, such as road construction, park acquisition or other similar uses. Prior to filing of such plans, the Urban County Council shall have approved the acquisition of land or easement. The platting of streets or other public facilities constructed by developers and dedicated to public use are not included in this minor subdivision class.

2-3(e) DISPLAY HOUSE MINOR SUBDIVISION PLAN - Shall be for the purpose of providing a procedure to permit the construction of a limited number of display houses prior to the recording of the final subdivision plan. Such plans shall be subject to the provisions of Article 3-5(d) and the following:

- (1) Display house plans may be submitted only after approval and certification of the preliminary subdivision plan and approval of the improvement plan for the subdivision.
- (2) No lot may be conveyed, nor any occupancy permit issued, for any structure until a final subdivision plan has been recorded.
- (3) There may be one (1) display house for every ten (10) lots shown on the preliminary plan, not to exceed five (5) display house lots. Fractions of one-half (½) or more, based upon this formula, may be rounded to the next highest whole number (e.g., 25 lots on the preliminary plan would permit a maximum of three (3) display lots). Lots shall be located as close as feasible to the entry of the subdivision and shall be contiguous either along side lot lines or immediately opposite from each other across a street.
- (4) The plan shall provide for easements, rights-of-way, soil erosion control measures or other features deemed necessary by the Divisions of Planning and Engineering to ensure that no display house will conflict with subdivision infrastructure.
- (5) The display house plan shall be considered null and void upon the recording of a final subdivision plan which establishes that each display house is on an approved lot.

2-3(f) RETRACEMENT MINOR SUBDIVISION - Shall be for the purpose of platting or replatting a single, existing parcel of land that has historically been transferred by deed, and in a consistent fashion, that is either:

- (1) contrary to the lotting authorized by subdivision plats recorded prior to 1965, or
- (2) utilizing legal descriptions in the deed that have not altered since 1965.

The applicant for such a plan shall supply the Division of Planning with any copies of past deeds recorded in the office of the Fayette County Clerk that may be necessary to document compliance with these requirements.

If such a plan involves a non-conforming lot, as defined in Article 4-5 of the Zoning Ordinance, then the provisions of that Article shall be applicable. The plan shall identify any existing easements, adjacent rights-of-way, floodplain(s), environmentally sensitive areas or other features deemed necessary by the Division of Planning.

2-3(g) UTILITY AND PUBLIC FACILITY MINOR SUBDIVISION - Shall be for the purpose of platting parcels of land or easements currently owned or proposed to be acquired by public utilities under the jurisdiction of the Public Service Commission, common rail carriers, or other governmental agencies with authority separate from the Urban County Government for service facilities as established under KRS 100.361 and/or KRS 100.324; or in the case of other governmental agencies, land for the public facility under the jurisdiction of that governmental entity. For such plans, either the current owner of record, or the authorized agent of the eligible utility, common rail carrier, or governmental entity purchasing or disposing of the property or easement shall be authorized to sign the required "Owners' Certification."

2-4 APPLICABILITY - Each division created by any act of subdividing, whether actually shown in entirety on the plat or not, shall be required to meet the requirements of all Urban County Government ordinances and regulations.

ARTICLE 3

MINOR SUBDIVISION PLAN PROCEDURES AND REQUIREMENTS

3-1 PURPOSE - The purpose of this Article is to establish procedures and content requirements that must be met by minor subdivision plans.

3-2 PROCEDURE FOR MINOR SUBDIVISION PLANS - The procedure for filing a minor subdivision plan shall be as follows:

3-2(a) FILING - The developer shall file the following materials with the Division of Planning: a reproducible plan prepared on mylar or other material capable of clear reproduction using ozalid print process; three (3) blue or black line prints of the tracing; and a filing fee in the amount determined by the Commission's adopted fee schedule.

3-2(b) REVIEW - The Division of Planning shall review the plan for compliance with all applicable requirements and ordinances. Upon determination that all requirements have been met, the Commission's Secretary shall certify the plan as approved. If any question arises as to compliance, however, the plan shall be referred to the full Commission for action.

3-2(c) RECORDING - Upon certification of approval by the Commission's Secretary, the plan shall be recorded by the Division of Planning in the plat records of the Fayette County Clerk at the developer's expense. This shall be done within one (1) year of the Secretary's certification of approval; otherwise, the approval is null and void. After recording, the Division of Planning shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer, and shall return the original plan drawing to the developer.

3-3 AUTHORIZATION FOR PLAN PREPARATION - Any qualified individual registered and currently licensed to practice land surveying in the Commonwealth of Kentucky shall be authorized to prepare minor subdivision plans.

3-4 REQUIRED CONTENT AND FORMAT FOR ALL MINOR SUBDIVISION PLANS - The following shall be required information on all minor subdivision plans.

3-4(a) TITLE BLOCK - The title block shall contain the type of minor subdivision, the name of the subdivision, the street address of the property being subdivided, the owner, the land surveyor, the graphic and written scale, date of preparation, and any other appropriate information.

3-4(b) VICINITY SKETCH - A vicinity sketch shall be shown, oriented as for the lotting scheme. The sketch shall not be required to be drawn to scale; however, it shall include a sufficient number of streets and other landmarks to enable one to quickly recognize the property's Fayette County location.

3-4(c) LOTTING SCHEME - The lotting scheme shall be drawn at a scale of 1" = 100' with north oriented to the top of the sheet, if possible, or at another scale and/or orientation which permits clear and legible presentation of the required information. The boundary of any parcel that is being created by the plan or is proposed for amendment shall be shown as a solid line. Any parcel being created by the plan shall be surveyed in the field with accurate bearings and dimensions placed upon its boundaries and its acreage shown. Other boundaries shown on the plan, and boundaries of properties which are the subject of a minor amendment, shall be labeled with bearings and distances, but the surveyor shall not be required to attest to their accuracy. All adjoining properties shall have their intersections with the parcel being platted shown in dashed lines and their record names shown.

3-4(d) EASEMENTS - Any existing or proposed easement on or abutting the property being platted shall be shown and labeled as to its purpose.

3-4(e) STREETS - Any street that adjoins the property being platted shall be shown and its right-of-way width indicated, with the width of such right-of-way to be in conformance with State Statute. A cross section or plan view section shall be provided, indicating the extent of existing or proposed paving, sidewalks or other construction within the street right-of-way. Where the existing right-of-way is not of sufficient width to be in compliance with community plans or regulations, the staff shall request, and Planning Commission may require, additional right-of-way of sufficient

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

3-4(f) CERTIFICATIONS - The following certifications shall be placed on the plan and shall be properly signed:

3-4(f)(1) OWNER'S CERTIFICATION - The Owner's Certification shall be as follows:

"I or We) do hereby certify that (I am or We are) the only (owner or owners) of record of the property platted hereon, said property being recorded in (Deed Book or Plat Cabinet) _____, (Page or Slide ____), in the Fayette County Clerk's Office; and do hereby adopt this as (my or our) record plat for this property." (Witness signature, address, & date) (Owner signature, address, & date)

3-4(f)(2) LAND SURVEYOR'S CERTIFICATION - The Land Surveyor's Certification shall be as follows:

"I do hereby certify that this record plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being transferred are true and accurate." (Date, Land Surveyor signature address, and seal)

3-4(f)(3) PLANNING COMMISSION'S CERTIFICATION - The Planning Commission's Certification shall be as follows:

"I do hereby certify that this record plat has met the requirements established by the Subdivision Regulations for a minor plan, and is now eligible for recording." (Date and Planning Commission Secretary signature)

3-4(f)(4) RECORDER'S CERTIFICATION - A blank space, not less than 3" by 3", or as required by the County Clerk shall be left for the recording stamp of the County Clerk's office.

3-5 ADDITIONAL INFORMATION AND REQUIREMENTS FOR MINOR PLANS - The following additional information and requirements shall be applicable to the type of minor subdivision so indicated:

3-5(a) CONSOLIDATION PLANS - The parcel to be transferred shall be labeled as Parcel 1; the recipient parcel as Parcel 2; and the remaining portion of the original parcel after consolidation

shall be labeled as Parcel 3. The acreage of each parcel shall be shown. A notation shall be added stating:

"Parcel 1 shall be sold or transferred only to Parcel 2 for consolidation purposes."

For multiple consolidations, the developer shall consult with the Division of Planning to determine appropriate parcel labeling and the wording of such consolidation note.

3-5(b) NON-BUILDING PLANS - The following note shall be required to be placed upon the plan:

"The divisions created by this subdivision shall be used for non-building purposes. Except for alteration to existing buildings, no new construction shall be permitted for any residential or non-residential activity (except for that allowed for a portion of this property by the recording of a Display House Minor Subdivision Plan) unless and until a major subdivision plan is approved by the Planning Commission and recorded."

3-5(c) MINOR AMENDMENTS TO EXISTING PLANS - All minor amended subdivision plans shall contain a note stating the purpose of the amendment. Only such changes as are contained in this note shall be considered as approved. Lotting scheme information shall be as required for the original final plan. Additional requirements specific to each plan type shall be as follows:

3-5(c)(1) EASEMENT MINOR AMENDMENT - The developer shall be required to submit a written statement from a properly designated representative of any beneficiary of the easement proposed to be modified stating that the beneficiary approves of the addition, release or modification being made.

3-5(c)(2) ADMINISTRATIVE ACTION AMENDMENT - A note shall be added indicating the date and nature of the action taken which necessitated the minor amendment.

3-5(d) PUBLIC ACQUISITION PLANS - A certification for the Mayor's signature shall be added as follows:

"I do hereby certify that the acquisition of the property shown hereon was approved by the Urban County Council on (date)." (Mayor's and Council Clerk's signature and date)

3-5(e) DISPLAY HOUSE PLANS - The following note shall appear on the plan:

"Approval of this plan is for the purpose of permitting display houses only on the lots shown hereon. No occupancy of any building constructed pursuant to this plan shall be permitted, and no sale or transfer of any lot shown hereon shall occur unless and until a final subdivision plan for these lots has been recorded. Upon recordation of the final plan, this display house plan shall be deemed null and void."

3-5(f) UTILITY AND PUBLIC FACILITY MINOR SUBDIVISION - The following note shall appear on the plan:

"Existing easements, proposed easements (if any), the location of streets and any vehicular pass ways are believed to be truly and accurately shown hereon."

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ARTICLE 4

MAJOR SUBDIVISION PLAN PROCEDURE

4-1 PURPOSE - The purpose of this Article is to establish the procedure that shall be followed by the developer, the project engineer, the Division of Engineering, other divisions of the Urban County Government, the Planning Commission, and other entities in preparing, reviewing and approving any subdivision defined as a major subdivision under the provisions of Article 2 of these regulations.

4-2 TYPES OF MAJOR SUBDIVISION PLANS - The following plan types are hereby created and defined as the basic components needed for a major subdivision:

4-2(a) PRELIMINARY SUBDIVISION PLAN - All proposed major subdivisions, except as exempted under Section 4-3 below, shall be first considered by the Commission as a preliminary subdivision plan. Upon approval of this plan by the Planning Commission, the developer and project engineer may prepare and file the improvement plan with the Division of Engineering. No lot may be sold or transferred, or building permit obtained based upon an approved preliminary subdivision plan.

4-2(b) IMPROVEMENT PLAN - The improvement plan is a detailed plan for public improvements to be constructed in conjunction with a subdivision, such as streets (both public and private); storm drainage; sanitary sewers; pump stations and other public facilities. Upon submission of the required information, the developer may construct such public improvements in accordance with the improvement plan.

4-2(c) FINAL SUBDIVISION PLAN - Major subdivisions shall receive their last official consideration by the Planning Commission as a final subdivision plan. Upon approval of the final subdivision plan by the Planning Commission and subsequent recordation, lots may be sold or transferred and building permits obtained in accordance with the approved final subdivision plan. This plan may also be referred to as the final record plan, final plan, or the subdivision plat.

4-3 BYPASSING PRELIMINARY AND IMPROVEMENT PLANS - In any subdivision not involving new public or private streets or other public improvements, and where improvement plans are not

necessary, the developer may be permitted to omit the preliminary plan and improvement plan stages, and may proceed directly to the final plan submission stage. Whenever a final subdivision plan is submitted under this section and the Division of Planning questions the need for preliminary and improvement plans, the question shall be referred to the Planning Commission for judgment.

4-4 PRELIMINARY PLAN PROCEDURE - All preliminary subdivision plans shall be processed as follows:

4-4(a) PRE-FILING CONFERENCE - At least five (5) working days prior to filing of a preliminary subdivision plan, the developer is encouraged to prepare a rough sketch of the proposal and is encouraged to meet with the Division of Planning to discuss the proposed subdivision. The purpose of this conference is to discuss, at the earliest stages, subdivision requirements and procedures, and possible issues related to the development of the property in question. It is intended that this procedure will help alleviate possible conflicts over subdivision requirements by early recognition of existing conditions, necessary facilities and other requirements, which the developer can then consider in preparing the formal subdivision proposal. The developer is also encouraged to discuss the proposal with other public agencies and utilities at this stage.

4-4(b) APPLICATION AND DISTRIBUTION - To formally ask for action on the preliminary plan, the developer shall file a completed application, filing fee and copies of the plan as required by the Commission's adopted meeting and filing and fee schedules. The Division of Planning shall make copies of the plan available to all other concerned agencies, and divisions of the Urban County Government.

4-4(c) REVIEW - The Division of Planning, and representatives of other divisions and concerned agencies, shall review the preliminary plans, and then meet together as a Technical Committee to try to resolve all differences and to make recommendations to the Commission's Subdivision Committee. The Subdivision Committee will review all recommendations, and then forward their recommendations to the Commission. These committee

meetings shall be open to the developer and to any interested citizen; however, each Committee may impose rules, which control participation by non-members in attendance. The developer may secure recommendations from the staff at any of the review checkpoints, and proceed to make plan changes, so that revised plans may be submitted to the remaining review groups.

4-4(d) COMMISSION ACTION - No preliminary plans shall be considered for action by the Commission until they have been reviewed, and recommendations made, by the Subdivision Committee. All preliminary plans shall be approved, conditionally approved, or disapproved within ninety (90) days of the date they are officially filed for Commission action. The Commission will review the Subdivision Committee's recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval. Reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be fully incorporated in the Commission's minutes and shall be available to the developer and the public. The following actions by the Commission shall have the meanings so stated:

(1) APPROVAL - Means the developer is authorized to proceed with the preparation of the required improvement plan. Preliminary plan approval automatically grants a developer three (3) years within which he shall submit final plans for all property shown on the preliminary plan for Planning Commission consideration. Before expiration, the Commission may extend the approval period in increments not to exceed one year at a time, provided the Commission finds that progress has been made in the physical construction of improvements. In conjunction with such approval extensions, the Commission shall have the right to require changes in the preliminary plan when it finds that time has necessitated such changes for the health, safety and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plan shall be deemed as disapproved by the Commission.

(2) CONDITIONAL APPROVAL - Means the developer may proceed to the preparation of the improvement plan, but only after the requirements of the Planning Commission have been fulfilled and/or the preliminary plan has been corrected to

reflect all requirements placed on the plan by the action of the Commission.

(3) POSTPONEMENT - Means Commission action is delayed for definite reasons, which shall be noted by the Commission. Certain specified changes may have to be made in the plans, but no completely new re-submittal of the plan is required of the developer. However, all preliminary plans shall be approved or disapproved within ninety (90) days of the date they are officially filed for Commission action unless the developer agrees to a longer postponement.

(4) DISAPPROVAL - Means disapproval of the plan for reasons that shall be noted in the minutes and records of the Commission. For further action, the developer must file a new application, along with a filing fee, and preliminary plan copies as required under Article 4-4(b) above.

4-4(e) CERTIFICATION OF APPROVAL - The project engineer shall make any required additions or corrections to the preliminary plan, and shall submit copies in a number required by the Commission within fourteen (14) days of the Planning Commission's approval for any preliminary plan that has been substituted for a development plan, in conjunction with a map amendment (as provided in Article 21-8 of the Zoning Ordinance), and within one (1) year of the date of Planning Commission approval for all other preliminary plans. The action of the Commission shall be null and void if these requirements are not met. The Division of Planning shall review the plan; and if found in conformance with the Planning Commission's action, the Commission's Secretary shall certify the plan. The Division of Engineering shall not enter into an infrastructure development agreement for a development unless and until it has received a certified copy of the preliminary plan from the Division of Planning.

4-5 IMPROVEMENT PLAN PROCEDURE - All improvement plans shall be prepared and filed in accordance with the following procedure:

4-5(a) INFRASTRUCTURE DEVELOPMENT AGREEMENT - Prior to commencing the engineering design for the public infrastructure of any major subdivision, the project engineer, developer and the Lexington-Fayette Urban County Government, acting by and through its Urban County Engineer, shall enter into an infrastructure development agreement in a form and containing the provisions contained in the Procedures Manual. A new

infrastructure development agreement shall be required in the event the developer of the property is changed to another development entity, or in the event the private agreement for infrastructure development services between the developer and the project engineer are terminated.

4-5(b) IMPROVEMENT PLAN PROGRESS REPORT - When the project engineer has completed approximately thirty percent (30%) of the infrastructure design for the development, the project engineer shall submit a preliminary report to the Planning Commission informing the Commission of how stormwater, sanitary sewer and environmental conditions imposed by the Commission at the time of the approval of the preliminary subdivision plan will be addressed in the improvement plan. The report shall be distributed to the Commission at the next convenient meeting. The report is for information only, and no action by the Commission shall be taken.

4-5(c) FILING - Upon completion of the improvement plan, the project engineer shall file with the Division of Engineering the required copies of the improvement plan, which shall fully conform to these Subdivision Regulations, the Zoning Ordinance, the Division of Engineering Technical and Procedures Manuals, Division of Engineering Standard Drawings and the certified preliminary subdivision plan. The Division of Engineering shall conduct an administrative review of the proposed improvement plan. The purpose of the review shall be to verify that the required information has been submitted. It shall be the responsibility of the project engineer to ensure the accuracy, completeness, and construction feasibility of the improvement plan. The improvement plan may be filed in two stages, with the first stage containing the information required for initial grading, erosion and sediment control, and initial incidental construction related to the erosion and sediment control features. The second stage shall contain all other information required for the construction of the improvements related to the development. Within ten (10) working days of the filing, the Division of Engineering shall notify the developer and project engineer in writing of the results of the administrative review.

4-5(d) NOTICE TO PROCEED - Upon verification by the Division of Engineering that the required information has been submitted, the Division of Engineering shall notify the developer, the project engineer, and the Division of Building Inspection of the notice to proceed with the grading, erosion and sediment control features and/or with the improve-

ments. The construction must commence within two years of the notice to proceed, or the improvement plan is void.

4-5(e) STATE AND FEDERAL PERMITS - It is the obligation of the Project Engineer and developer to obtain all state and federal permits required for construction, as listed in the Technical and Procedures Manuals. When the Lexington-Fayette Urban County Government is the responsible permitting authority, as specified in the Technical and Procedures Manuals, copies of such approved permits shall be submitted to the Division of Engineering prior to beginning construction of the feature related to the permit. Copies of all required permits shall be submitted prior to certification of the final record plan.

4-5(f) PROVISION OF PLANS TO THE PRIVATE UTILITY COMPANIES - The project engineer shall provide a copy of the improvement plans, as filed with the Division of Engineering, to the private utility companies.

4-6 CONSTRUCTION OF THE PUBLIC IMPROVEMENTS - The project engineer shall notify the Division of Engineering, the Division of Sanitary Sewers, and the Division of Traffic Engineering when construction of the infrastructure begins. Within two weeks after the commencing of construction, the developer and project engineer shall give at least 72 hours notice to the representatives of the above divisions and conduct a meeting to discuss the construction schedule. The project engineer shall prepare notes of the meeting and submit them to the various divisions. All construction shall be in conformance with the submitted improvement plan.

4-6(a) LAND DISTURBANCE PERMIT - The Division of Engineering shall issue permits in conformance with the Division's established procedure.

4-6(b) PROTECTION AREAS - Areas that the Planning Commission identified for protection through the preliminary subdivision plan process shall be delineated on the site and shall receive the level of protection specified by the Commission.

4-6(c) DEVELOPMENT SIGN - The developer shall erect a project sign, which shall not be smaller than four feet by four feet and shall not exceed four feet by eight feet, which shall identify the name and telephone number of the developer, project engineer, and the contractor. The format

for the sign shall be as specified in the Division of Engineering Standard Drawings.

4-6(d) REPORTS - The project engineer shall provide a resident project representative to observe the construction of the infrastructure and shall prepare daily reports in accordance with the requirements of the Construction Inspection Technical Manual. When work commences, inspection reports shall be prepared for each day (even if no construction occurs) and shall be submitted to the Division of Engineering every two weeks until the project engineer certifies substantial completion.

4-6(e) NOTIFICATION OF TESTING AND CONNECTIONS - All tests required by the Division of Engineering Technical Manuals shall be conducted under the direction of the project engineer. The Divisions of Engineering and Sanitary Sewers shall be notified 72 hours in advance of the sanitary sewer tests, connection to the Urban County Government's sanitary sewer system and start-up demonstrations of pump stations. The Divisions of Engineering and Traffic Engineering shall be notified 72 hours in advance of construction that will impact existing public streets, including road widening, turn lane construction and other similar activities.

4-6(f) NEW INFORMATION - When new information related to the natural characteristics of the land is discovered during construction, the project engineer shall promptly advise the Division of Engineering of details of the found conditions, the impacts, and the modifications to the infrastructure which are to be made. Such found conditions may include, but are not limited to, the presence of sinkholes or other environmentally sensitive or geologic hazard areas.

4-7 FINAL PLAN PROCEDURE - All major final subdivision plans shall be processed as follows:

4-7(a) PRE-FILING CONFERENCE - The project engineer is urged to prepare a rough sketch of the proposal and to discuss it informally with the Division of Planning and other divisions of government, utility companies and other agencies in order to share information and open a dialogue at the earliest stages of the process. This conference is not a mandatory prerequisite to the formal filing of the final subdivision plan by the developer.

4-7(b) FILING, DISTRIBUTION AND REVIEW - The filing, distribution, and review procedures for

final subdivision plans shall be the same as for preliminary plans as outlined under Articles 4-4(b) and 4-4(c) above.

4-7(c) COMMISSION ACTION - No final plan shall be considered for action by the Commission until it has been reviewed, and recommendations made by the Subdivision Committee. All final plans shall be approved or disapproved within ninety (90) days of the date they are officially filed for Commission action. The Commission will review the Subdivision Committee's recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be fully incorporated in the Commission's minutes and shall be available to the developer and the public. The following actions by the Commission shall have the meanings so stated:

(1) APPROVAL - Approval means the final plan is ready to be certified by the Commission's Secretary, with no further corrections or revisions of the plan required by the developer or project engineer.

(2) CONDITIONAL APPROVAL - Conditional approval means the final plan cannot be certified by the Commission's Secretary until the developer or project engineer has complied with the conditions of approval set forth in the Planning Commission's action on the plan.

(3) POSTPONEMENT - Postponement means that the Commission has deferred action until some future Commission meeting in order that certain clarifications can be made in regard to the plan. No completely new re-submittal is required of the developer, as is the case for disapproval. However, all final plans shall be approved, conditionally approved, or disapproved within ninety (90) days of the date they are officially filed for Commission action unless the developer agrees to a longer postponement.

(4) DISAPPROVAL - Disapproval means disapproval of the plan for specific reasons. To request new review and action, the developer must file a new application along with a filing fee, plan copies, and other material as required under Article 4-7(b) above.

4-7(d) CERTIFICATION BY THE URBAN COUNTY ENGINEER - Upon approval or conditional approval of the final record plan by the

Planning Commission and determination of substantial completion of the public improvements by the project engineer, the final record plan may be submitted to the Urban County Engineer for certification. Within five working days, the Urban County Engineer shall certify the plan, provided the information listed below is submitted and found complete. If not complete, the Urban County Engineer shall notify the developer and the project engineer of the specific deficiencies within the five working days.

4-7(d)(1) CERTIFICATION OF SUBSTANTIAL COMPLETION - As provided in the Procedures Manual, the project engineer shall certify that the work on the public improvements, as shown in the Improvement Plans, has progressed to a level of completion so that the public improvements can be utilized for the purposes for which they were intended.

4-7(d)(2) RECORD DRAWINGS - Record drawings, prepared by the project engineer as specified in the Engineering Manuals, shall be submitted detailing the public improvements as they were constructed. In addition, the project engineer shall submit a copy of the certification prepared for submission to the Kentucky Division of Water, indicating that the record drawings for the sanitary sewers are true and correct.

4-7(d)(3) COMPOSITE DRAINAGE PLAN - The project engineer shall submit the composite drainage plan for the site.

4-7(d)(4) SEWER VIDEO - The project engineer shall submit a video tape of the sanitary sewer system survey, and a table of lateral stub connections suitable for use by the Division of Engineering when issuing sewer tap permits.

4-7(d)(5) TEST RESULTS - The results of all infrastructure tests, required by the Division of Engineering Manuals, and conducted by the project engineer, shall be submitted.

4-7(d)(6) PUNCH LIST - The project engineer shall submit a list of the work needed to complete the public improvements, including a detailed estimate of the cost of such completion. The project engineer shall certify that the punch list and the cost estimate are true and complete.

4-7(d)(7) REQUIRED PERMITS - The project engineer shall submit copies of all approved state

and federal permits that were required for the construction of the project and that have not been previously filed.

4-7(d)(8) SCHEDULE FOR COMPLETION - The project engineer shall submit a schedule providing for the completion of all punch list items. All items on the punch list shall be completed within one year, with the exceptions of the installation of the final course of asphalt, the installation of the sidewalk, and the conversion of the silt/sediment basins to detention/retention basins.

4-7(d)(9) PERFORMANCE / WARRANTY SURETY - The developer shall post a combination performance and warranty surety, which shall be both to ensure the completion of public improvements, as indicated by the punch list, and for the repair of infrastructure that is found to be defective due to improper workmanship or defective materials.

4-7(d)(9)(a) ACCEPTABLE SURETIES - Acceptable sureties shall generally be an irrevocable letter of credit in favor of the Urban County Government from a bank with offices in Lexington-Fayette County.

4-7(d)(9)(b) DETERMINATION OF THE AMOUNT OF THE SURETY - The total amount of the combination surety shall be ten percent (10%) of the total cost of the installed infrastructure, including roads, sanitary sewer system and storm water facilities, plus one hundred percent (100%) of the cost of the items included on the punch list of incomplete work. Where the sanitary sewer pumping station has been constructed, and all pumping equipment installed, but electrical service has not been provided to the facility, the entire cost of the pumping station shall be included in the surety. The cost of roads, sanitary sewers, storm water facilities and the punch list items shall be based upon the unit cost of each construction item which is a part of the plan. The unit costs for public improvement construction items shall be determined annually in conformance with the procedure established in the Procedures Manual and shall be available from the Division of Engineering. The surety shall also include an additional twenty percent (20%) of the amounts listed above to provide for inflation and administrative costs, should the surety be called; and the Urban County Government

must cause the work to be constructed or repaired, as appropriate.

4-7(d)(9)(c) SURETY FOR PRIVATE STREETS - All private street improvements (excepting only the final course of asphalt and possibly the sidewalks) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, and shall note such requirement on the final plat of the property. For any sidewalks not yet constructed, the developer shall be permitted, at the time of recordation of the final plat, to post a surety in favor of the final maintenance association responsible for the private street, as long as it is also in favor of the Urban County Government. This shall not be construed to hold the Urban County Government responsible for the construction of such sidewalks other than to the extent of the funds provided by the surety; and neither this, nor any action by the Urban County Government relative to the enforcement of the required construction of such sidewalks and/or the surety, therefore, shall be construed as acceptance of responsibility by the Urban County Government for the construction, maintenance or dedication of such sidewalks as public infrastructure.

The amount of the surety for the private street shall be 10% of the cost of the installed private street plus 100% of the cost of the final course of asphalt. The surety shall also include an additional 20% of the amounts above to provide for inflation and administrative cost, should the surety be called; and the final maintenance association must cause the work to be constructed or repaired, as appropriate. When private streets are permitted, the surety that is submitted in favor of the Urban County Government for the infrastructure shall not include an amount equal to the surety for private streets. The amount of the surety for the sidewalks shall be 100% of the cost of the construction of the sidewalks. The surety shall also include an additional 20% of the amounts above to provide for inflation and administrative cost, should the surety be called; and the final maintenance association must cause the work to be constructed or repaired, as appropriate.

4-7(e) CERTIFICATION OF PLANNING COMMISSION APPROVAL AND RECORDING -

Within one (1) year of the Commission's approval, or conditional approval, unless a time extension has been granted prior to the expiration date, the following steps shall be completed, or else the Commission's approval, or conditional approval, becomes null and void:

- (1) The developer shall fully comply with any conditions of approval placed on the plan by the Commission and shall submit the completed original plan drawing to the Division of Planning;
- (2) The plan shall be certified by the Commission's Secretary if it is in conformance with all requirements;
- (3) The plan shall be recorded in the plat records of the Fayette County Clerk by the Division of Planning at the developer's expense; and
- (4) Required copies shall be made of the recorded plan by the Division of Planning at the developer's expense.

4-7(f) RECORDING OF A PORTION OF A FINAL PLAN -

The Division of Planning shall be authorized to permit a developer to record a final plan that has been approved or conditionally approved by the Commission in smaller land increments than depicted on the final plan. For any such developer's request, the Division of Planning shall review the proposal with the Division of Engineering to ensure that no problems in provision of streets, storm drainage, or sanitary sewers would result. In any disputed cases, the request will be forwarded to the Planning Commission for final judgment.

4-7(g) NO OCCUPANCY PERMIT -

No person shall allow occupancy of any building until the Division of Building Inspection has verified that the private utilities (water, electricity, telephone, and, where applicable, sanitary sewers and natural gas), or public sanitary sewer pumping station, are completed in such a fashion that such utilities are available for use on the property in question.

4-8 COMPLETION OF PUBLIC IMPROVEMENTS

- Public improvements that were not completed prior to certification of the final plan by the Urban County Engineer shall be completed in conformance with the approved improvement plan and with the submitted schedule for completion. In the event the public

improvements are not completed as provided in the schedule for completion, or repaired as required, the Urban County Engineer shall, in writing, advise the Planning Commission, which shall have the authority to call the surety posted in favor of the Urban County Government and cause the work to be constructed or repaired, as appropriate.

4-8(a) PRE-FINAL INSPECTION AND FIRST REDUCTION IN THE SURETY - Within thirty (30) days of the certification of the final plan by the Urban County Engineer, the Division of Engineering shall inspect the public improvements. If the Division of Engineering finds that portions of the work on the public improvements that were included in the punch list have now been completed, a first reduction in the surety shall be permitted, when so requested by the developer. The reduction in the surety shall equal the cost of those punch list items that are found to be complete.

4-8(b) ADDITIONAL REDUCTIONS OF SURETY - Additional reductions in the amount of the surety will be permitted. The surety may be reduced only at times provided below. In all cases, the Division of Engineering shall retain the amount of the surety for inflation and administration until the release of the surety. No reduction will be permitted after the completion date has passed, and no reduction will alter the original completion or termination date of the surety.

(1) SECOND REDUCTION - When requested by the developer, a second reduction shall be allowed one year from the Urban County Engineer's certification of the final plan. Within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to ten percent (10%) of the total amount of the cost of the stormwater facilities, plus the value of all punch list items that are found to have been completed during the first year.

(2) THIRD REDUCTION - At the end of the second year from the date of the certification of the plan by the Urban County Engineer, and within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to the value of the items that are found to have been completed in the second year. If the final course of asphalt has been applied for at least one year, the amount of the surety may be reduced by an amount equal to

ten percent (10%) of the total cost of the final course of asphalt.

(3) FOURTH REDUCTION - At the end of the third year from the date of the certification of the plan by the Urban County Engineer, and within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. The surety may be reduced by an amount equal to ten percent (10%) of the total cost of the sanitary sewer and pump station facilities plus the value of any items that are found to have been completed in the third year. If the final course of asphalt has been applied for at least one year, and if a previous reduction for the final course of asphalt has not been taken, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the final course of asphalt.

4-8(c) COMPLETION OF UTILITIES AND FINAL COURSE OF ASPHALT - Only when all utilities have been installed, the base courses of the roadway have been completed for at least one year and the project engineer has certified the same to the Division of Engineering, shall the developer install the final course of asphalt. Any defective areas of the base courses of pavement must be identified by the project engineer and corrected or reconstructed, including removal of portions of the pavement in order to obtain a uniformly compacted base prior to the installation of the final surface. Upon installation of the final surface, the amount of the surety may be reduced by an amount equal to 10% of the cost of the base courses; but in no case shall the reduction be more than 10% of the cost of the final surface.

4-8(d) RENEWAL OF THE SURETY - When requested by the developer, the Urban County Engineer shall renew the surety for uncompleted items for one additional year, beyond the three years otherwise provided. Any further renewals or extensions of the surety may only be granted by the Planning Commission upon a finding that there are conditions that prevent the timely completion of the public improvements. As a condition to the extension or renewal, the Planning Commission may require recalculation of the amount of the surety when there has been a significant increase in the cost of the items that are not completed.

4-8(e) FINAL REDUCTION / RELEASE OF SURETY - When the developer has completed all required improvements, and the final course of asphalt has been applied for at least one year, the developer may request a final release of the surety.

When so requested, the Division of Engineering will conduct a final inspection within thirty (30) days. Upon determination by the Division of Engineering that all improvements have been properly constructed in conformance with the requirements of these Subdivision Regulations, the Zoning Ordinance, the Division of Engineering Technical Manuals and the Division of Engineering Standard Drawings, the Urban County Engineer shall, in writing, notify the Planning Commission, which shall release the surety.

4-9 AMENDMENTS TO PLANS - With the exception of minor amendments set forth in Article 2, any amended preliminary plan, improvement plan, or final plan shall follow the same procedures as required for the original subdivision plan.

SIMPLIFIED DESCRIPTION OF PROCEDURE FOR PROCESSING MAJOR SUBDIVISION PLANS

- Step # 1PRE-APPLICATION CONFERENCE..Developer reviews sketch plan ideas with the Division of Planning, and reviews the community development plans.
- Step # 2.....DEVELOPMENT PLAN.....If needed, developer prepares development plan for surrounding vacant land, and the Commission holds public hearing.
- Step # 3.....PRELIMINARY PLANDeveloper is ready to proceed with the preparation of the preliminary subdivision plan.
- Step #4.....Developer properly files preliminary plan with the Division of Planning, which distributes copies to other agencies.
- Step # 5.....The Land Subdivision Technical Committee meets and prepares recommendations to the Subdivision Committee.
- Step # 6.....The Commission’s Land Subdivision Committee meets and prepares recommendations to the full Planning Commission.
- Step # 7.....At official meeting, the Commission acts on plan.
- Step # 8.....IMPROVEMENT PLAN.....As soon as preliminary plan is fully approved (certified), the developer proceeds to the improvement plan.
- Step # 9.....Following certification of preliminary plan, and completion of 30% of the design for the improvement plan, the developer must file a progress report on the improvement plans with the Division of Planning, for review by the Commission.
- Step # 10.....Once completed, the developer must file improvement plans with the Division of Engineering.
- Step # 11FINAL PLANAs soon as improvement plans are fully approved, developer may proceed to construct improvements and, after improvements have been completed (unless a bond is to be used), proceeds to prepare final plans.
- Step # 12.....Within 3 years of approval of the preliminary plan, developer must properly file final plan(s) with the Division of Planning, which distributes copies to other agencies.
- Step # 13.....The Land Subdivision Technical Committee meets and prepares recommendations to the full Commission.
- Step # 14.....The Commission’s Subdivision Committee meets and prepares recommendations to the full Planning Commission.
- Step # 15.....At official meeting, the Commission acts on plan.
- Step # 16.....Within one year of Commission approval, final plan must meet all requirements, be certified, and recorded. Lots may then be sold.
- Step # 17.....If a construction bond has been permitted, it shall be released if work is properly completed within specified time. Otherwise, the Commission shall call the bond and have work properly performed.

NOTE: This illustration is presented for general information purposes only. In many cases all steps are not required.

All developers should consult with the Division of Planning, prior to filing, to determine the required procedural steps for the proposed subdivision.

ARTICLE 5

CONTENT AND FORMAT REQUIREMENTS FOR MAJOR SUBDIVISION PLANS

5-1 PURPOSE - The purpose of this Article is to describe the minimum content and format of required plan materials before they can be considered as officially filed for Commission review.

5-2 PRELIMINARY SUBDIVISION PLAN REQUIREMENTS - The following information and requirements shall be applicable to any submission for Commission consideration of a preliminary subdivision plan:

5-2(a) AUTHORIZATION TO PREPARE PLANS - Preliminary subdivision plans may be prepared only by a licensed professional engineer, registered landscape architect, or community planner. However, certain information associated with the plan may be required to be provided only by a licensed professional engineer, such as drainage calculations (including sizing of retention/detention basins, pipes and culverts); preliminary estimates of street grades; and preliminary sanitary sewer design information (especially where capacity or grade problems are an issue).

5-2(b) TITLE BLOCK - The title block shall be placed on the bottom of the sheet and shall contain the subdivision name, which shall not duplicate nor closely approximate (phonetically or in spelling) the name of any other subdivision in Fayette County, preceded by the words "Preliminary Plan of (Subdivision Name)"; the record name and street address of the property being subdivided; the name and mailing address of the property owner, the developer, the engineer, and any other persons directly involved in the transaction; and legend information such as the graphic scale, written scale, north point, date of preparation, and any other pertinent legend data.

5-2(c) VICINITY SKETCH - A sketch showing the general location of the subdivision in relation to the surrounding area and to existing and proposed community features, such as major traffic arteries; public transportation; schools; recreation areas; shopping areas; industrial areas; and residential neighborhoods -- with the sketch oriented in the same direction as the lotting scheme.

5-2(d) LOTTING SCHEME - The lotting scheme shall be drawn at a scale of one hundred (100) feet or less to the inch, north oriented to the top of sheet, and shall show the following existing and proposed features on the adjacent, as well as the subject, property:

5-2(d)(1) BOUNDARY LINES - The location, distance, and bearings for boundary lines; and the location, width, and purpose of all easement lines.

5-2(d)(2) STREETS - The street name (which shall not be the same nor closely approximate, phonetically or in spelling, to the name of any other street in Fayette County), right-of-way width, location, and typical cross section, and any access points designated for use by construction vehicles.

5-2(d)(3) LOTTING AND SETBACK - The location and distances for lot lines; lot numbers and block numbers; and the proposed building setback lines, with dimensions showing the distance set back from the street right-of-way.

5-2(d)(4) EXISTING UTILITIES - The location, size, and invert elevation of sanitary and storm sewers; location of water mains; location of gas lines, fire hydrants, electric and telephone poles or underground wires, and street lights.

5-2(d)(5) CONTOURS - Contours shall be at two-foot vertical intervals, referenced to North American Vertical Datum 1983 for horizontal, and 1988 for vertical control, or to a permanent benchmark. Source of contours shall be noted.

5-2(d)(6) SUBSURFACE CONDITIONS - When required, location and results of tests made to ascertain subsurface soil, rock, and groundwater conditions, especially for septic tanks, street construction, or flood hazards.

5-2(d)(7) PUBLIC AND NON-PUBLIC SITES - The name, acreage, and use of any parcels to be conveyed or held for public use, or for joint use of property owners; and an explanation of the provisions of reservation and arrangement for maintenance; and the name, location, acreage and use of any non-public

uses (other than single-family dwellings) such as multi-family dwellings, shopping centers, churches, existing burial grounds (including private family cemeteries), etc.

5-2(d)(8) EXISTING TREE STANDS - Areas of substantial existing trees, including those located along fence rows and drainage areas, shall be shown along with a general description of the type and size of such trees.

5-2(d)(9) DRAINAGE FEATURES - The location of watercourses shall be shown, as well as the location of any floodplain area as provided in Article 21 of the Zoning Ordinance. The elevation of the regulatory flood shall be labeled where such information is available. The general location of any proposed storm water retention basin and/or stream relocation shall also be shown.

5-2(d)(10) AREAS OF GEOLOGIC HAZARD OR ENVIRONMENTAL SENSITIVITY - Any such area as defined under Article 6 of these regulations shall be shown on the lotting scheme and labeled as to its nature. Additional information as required in Article 6 shall also be filed.

5-2(d)(11) OTHER CONDITIONS - Such as ponds, marshes, or other significant natural or man-made features; owners or subdivision name of adjacent land, including record plat reference; and other information related to the adjoining land as necessary to ensure proper continuity of storm drainage, sanitary sewers, street grades and other facilities.

5-2(e) PROPOSED PRIVATE UTILITIES - A listing of the private utilities (those improvements generally not later dedicated to and maintained by local government, such as water; gas; electricity; telephone; and, at times, sewage disposal), whether or not the developer intends to have them provided, agency or means by which they are to be provided, and agency which will supervise or approve any installation.

5-2(f) SITE STATISTICS - The total acreage; acreage in street right-of-way, single-family lots, and other land uses; average lot sizes; lineal feet of streets; zoning, etc.

5-2(g) DEVELOPMENT PLAN - Where the land area shown on the preliminary plan represents only a portion of an undeveloped tract of land, a development plan may be required as a means of showing the proposed street layout, land

uses, public facilities, etc., for the entire property. Such plan shall be prepared at the developer's expense.

5-3 IMPROVEMENT PLAN REQUIREMENTS -

This material shall be sufficient to show the proposed locations, sizes, types, grades, and general design features of each facility as required by the Division of Engineering Technical Manuals; shall be based upon reliable field data; use the number of sheets and sheet size as may be required by the Division of Engineering Technical Manuals; contain title block information as for the preliminary plan; and meet the following requirements, at a minimum:

5-3(a) AUTHORIZATION TO PREPARE PLANS - All improvement plan materials shall be prepared only by a licensed professional engineer.

5-3(b) STREET PROFILES - The plan and profile of each proposed street (with elevations and distances for the existing and proposed ground and street grade surface on, and three hundred feet beyond, the tract) at a horizontal scale the same as for the approved preliminary plan and a vertical scale of 1/10 of the horizontal scale.

5-3(c) STREET CROSS-SECTIONS - A typical cross-section of each proposed street or other construction item, at a scale of ten (10) feet or less to the inch, showing the width of pavement, the location and width of sidewalks, and rights-of-way.

5-3(d) SEWERS AND STORM WATER DRAINAGE - The plans and profiles of proposed sanitary sewers and storm water drainage sewers or other drainage ways, at a horizontal scale the same as the approved preliminary plan and at a vertical scale of 1/10 of the horizontal scale, with grades and sizes indicated. If a piped system of storm sewers is not proposed, then an alternate system shall be properly illustrated as required by the Division of Engineering.

5-3(e) SOIL EROSION CONTROL PLAN - Soil erosion control plans required in conjunction with major subdivision plans under Chapter 16 of the Code of Ordinances shall be considered as a part of the required improvement plan information for the purposes of these Subdivision Regulations.

5-3(f) RECORD DRAWINGS - This plan, submitted in both paper and digital format, shall include the same information as required for improvement plans, except that the record

drawings shall accurately reflect the actual installation of the improvements.

5-3(g) COMPOSITE DRAINAGE PLAN - A composite drainage plan for each lot shall be prepared by the project engineer and submitted to the Division of Engineering prior to recording of the final subdivision plan.

5-4 FINAL SUBDIVISION PLAN REQUIREMENTS - The following information and requirements shall be applicable to any submission for Commission consideration of a final subdivision plan.

5-4(a) AUTHORIZATION FOR PLAN PREPARATION - Final subdivision plans must be prepared jointly by a registered civil engineer and land surveyor, except that final record plans exempted from preliminary and improvement plans under Section 4-3 above shall require preparation only by a land surveyor.

5-4(b) MATERIALS - The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 17"x 22", and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.

5-4(c) TITLE BLOCK AND VICINITY SKETCH - The same information shall be required as for a preliminary plan, except that the title shall be "Final Record Plan of (Subdivision Name)."

5-4(d) LOTTING SCHEME - The lotting scheme shall be drawn at a scale of one hundred (100) feet or less to the inch, north oriented to top of the sheet, and shall show the following:

5-4(d)(1) FOR ADJACENT LAND - Show the exact location of adjoining streets with dashed lines; show the bearings and distances to nearest established street bounds, established survey lines, other official monuments or burial grounds (including private family cemeteries); and for adjacent property, show the boundaries with dashed lines and the record name of the subdivision or owner's name.

5-4(d)(2) BOUNDARY LINES OF TRACT - Show the subdivision tract boundary lines with lengths of courses to hundredths of a foot, and

bearings to nearest five (5) seconds of an arc, determined by an accurate survey in the field.

5-4(d)(3) STREET AND LOT LINES - For street and alley rights-of-way, show the names, bearings, angles of intersections, and width including the widths along the line of any obliquely intersecting street; for all arcs, show the length, radii, points of curvature, and tangent bearings; for all lot lines, show dimensions in feet and hundredths, and bearings and angles to minutes if other than right angles to the street or alley lines. Any plan containing permitted private streets shall have such streets so labeled.

5-4(d)(4) EASEMENTS - All easements will be shown and clearly labeled as to their width and purpose.

5-4(d)(5) FLOODPLAIN INFORMATION - As required by Article 19 of the Zoning Ordinance, all floodplain areas shall be shown and clearly labeled; and where available, the actual computed elevation of the regulatory flood shall be noted.

5-4(d)(6) OTHER INFORMATION ON LOTTING SCHEME - Show lots numbered in numerical order, blocks lettered in alphabetical order, and street address numbers for each lot; show the accurate location, description and material of all permanent control monuments, set as required in Article 6; show the accurate location of burial grounds and private family cemeteries, their easements, their accessibility and maintenance; show all property intended for public use or dedication and for common use of property owners; show front yard setback as required by the Zoning Ordinance or, if more restrictive, as desired by developer.

5-4(e) PROPOSED PRIVATE UTILITIES - A listing of the private utilities (those improvements generally not later dedicated to, and maintained by local government such as water; gas; electricity; telephone; and, at times, sewage disposal), whether or not the developer intends to have them provided, agency or means by which they are to be provided, and agency which will supervise or approve any installation.

5-4(f) NOTES - Any informational or restrictive notes to be included on the plan shall be numbered in sequential order and grouped together as one list whenever possible.

5-4(g) MAINTENANCE NOTE - A note shall be included on the plat, which notifies potential

lot purchasers of their responsibilities for maintaining drainage and other easement areas. If a private family cemetery is located within the area to be subdivided, a note shall be included on the plat that denotes responsibility for maintaining the cemetery, landscaping and access easement.

5-4(h) CERTIFICATION BLOCK - Shall contain the following certifications, along with required signatures:

5-4(h)(1) OWNER'S CERTIFICATIONS - Shall be as follows:

"I (we) do hereby certify that I am (we are) the owner(s) of record of the property platted hereon, which is recorded in Deed Book Volume (or Plat Cabinet) _____, Page (or Slide) _____, in the Fayette County Clerk's Office; do hereby adopt this as my (our) plan of lots for this property; do hereby dedicate the streets and any other spaces so indicated to public use; and do establish that the easements shown hereon are reserved for the use so indicated; and no structure, tree, or other obstruction of any kind shall be erected or permitted to remain upon or over any portion of said easements."

If public sanitary sewers are provided, the following phrase is to be inserted in the certification at this point:

"And do hereby dedicate the sanitary sewer system to public use."

If private sanitary sewers serve the subdivision, the following is to be added in lieu of the preceding phrase:

"Do hereby dedicate the sanitary sewer lines and other parts of the system, except the sewage treatment plant, to public use, with such dedication to take effect only at such time as the Urban County Government purchases the sewage treatment plant to which said lines are connected."

The certification shall continue as follows:

"Also I (we) do hereby agree that before any lot herein is sold or transferred, the purchaser shall be notified in the contract or deed of any private utilities (water, gas, electricity, telephone, and where applicable, sanitary sewers) not installed, and the deed or contract shall contain a statement that no building occupancy certificate may be secured until

any such utility is installed." (Witness, address, and date) (Owner and lien holder, address, and date)

Any plan containing a permitted private street or an access easement shall contain the following signed certification by the owner:

"Private Street (or Access Easement) Responsibilities of Owners - The owners of this property and any successors in title hereby agree to assume full liability and responsibility for any construction, maintenance, reconstruction, snow removal, cleaning or other needs related to the private streets (or access easements) so designated on this plan, and do hereby fully relieve the Urban County Government from any such responsibility. The owners of this property hereby agree to grant full rights of access to this property over the private street (or access easement), and over utility and other easements for governmental and utility agencies to perform their normal responsibilities. The owners understand that the private streets (or access easements) will not result in any reduction in taxes required by and payable to the Urban County Government. Furthermore, if the owners in the future should request that the private streets (or access easements) be changed to public streets, the owners do fully agree that, before acceptance of such streets (or access easements) by the Urban County Government, the owners will bear full expense of reconstruction or any other action necessary to make the streets (or access easements) fully conform to the requirements applicable at that time for public streets prior to dedication and acceptance. Finally, if at some future date the Urban County Government so requests, the owners also agree that these streets (or access easements) shall be dedicated to public use without compensation to the owners and without the owners' expense in making such streets (or access easements) conform to the requirements applicable at that time for public streets." (Signed and dated by owners)

If the plan is solely for the purpose of dedicating a private street or other private improvement, the following certification shall be used:

"I (we) do hereby certify that I am (we are) the owners of record of the property platted hereon, which is recorded in Plat Cabinet

_____, Slide _____, in the Fayette County Clerk's Office; do hereby adopt this as my (our) plan of lots for this property; do hereby dedicate the (streets and/or any other spaces) so indicated to public use, and do establish that the easements shown hereon are reserved for the use so indicated; and no structure, tree, or other obstruction of any kind shall be erected or permitted to remain upon or over any portion of said easements." (Signed and dated by owners)

5-4(h)(2) ENGINEER'S AND SURVEYOR'S CERTIFICATION - Shall be as follows:

"I hereby do certify that this record plan was prepared by me or under my direction; that all work performed by me or under my direction, including engineering design and construction observation of the infrastructure, was done in accordance with the provisions of the Land Subdivision Regulations, the Zoning Ordinance, the Division of Engineering Technical Manuals and the requirements of the Planning Commission; that all monuments indicated hereon do exist and their locations, size and materials are correctly shown; that, to the best of my knowledge and belief, the information shown hereon is accurate." (Engineer's and surveyor's signature, address, date and seal)

If the plan is solely for the purpose of dedicating a private street or other private improvement, the following certification shall be used:

"I hereby certify that this record plan was prepared by me or under my direction; that all monuments relative to the improvements to be dedicated, as indicated, do exist and their locations, size and materials are correctly shown; that, to the best of my knowledge and belief, the information shown hereon is accurate." (Engineer's and surveyor's signature, address, date and seal)

If there is no public or private infrastructure (as defined or regulated by the Division of Engineering Technical Manuals) to be constructed, modified or dedicated, and no performance and/or warranty surety is required, the following certification shall be used:

"I hereby do certify that this record plan was prepared by me or under my direction; was done in accordance with the provisions of the Land Subdivision Regulations, the Zoning

Ordinance and the requirements of the Planning Commission; that all monuments indicated hereon do exist and their locations, size and materials are correctly shown; and that, to the best of my knowledge and belief, the information shown hereon is accurate." (Engineer's and/or surveyor's signature, address, date, and seal)

5-4(h)(3) URBAN COUNTY ENGINEER'S CERTIFICATION - Shall be as follows:

"I hereby certify that record drawings for the infrastructure shown hereon have been received."

(or if a surety is involved, substitute the following):

"I hereby certify that record drawings for the infrastructure shown hereon have been received and that a combination performance and warranty surety, in the amount required by the Subdivision Regulations, has been posted in my office by the developer."

(or if no public improvements are contained in the subdivision, substitute the following):

"I hereby certify that the requirements of the Subdivision Regulations and the Planning Commission do not require public improvements for this subdivision, and therefore no improvement plans or surety were required by my office." (Urban County Engineer's signature and date)

If the plan is solely for the purpose of dedicating a private street or other private improvement, the following certification shall be used:

"I hereby certify that the improvements required by the Urban County Council through Ordinance #_____ have been completed." Or "I hereby certify that \$_____ for improvements has been paid into a fund to be used to provide for such improvements in accordance with Urban County Council Ordinance #_____." (Urban County Engineer's signature and date)

5-4(h)(4) COMMISSION'S CERTIFICATION - Shall be as follows:

"I do hereby certify that this record plat was approved by the Urban County Planning Commission at its meeting on (date) and is

now eligible for recording." (Planning Commission Secretary's signature and date)

5-5 AMENDMENTS - The required content and format for any amendment to a major subdivision plan shall be the same as for the original submission. In addition, the plan title shall be labeled to indicate the plan is an "Amended (type of plan) of (Subdivision Name, including lot numbers affected by the amendment)"; and a note shall be included on the plan setting forth the specific purpose of the requested amendment. No plan change shall be considered in effect unless it is referenced in this note.

ARTICLE 6

DESIGN AND IMPROVEMENT STANDARDS FOR MAJOR SUBDIVISIONS

6-1 PURPOSE - The purpose of this Article is to establish the basic and minimum design and improvement standards which will be required as a pre-condition to development or in conjunction with development for lots, streets, utilities, and other physical elements in the subdivision. Standards exceeding these minimum requirements may be provided by the developer, or required by the Commission. A major direction of this Article is to promote development that is most harmonious with the existing environment, while providing guidelines and standards to protect the public health, safety and welfare. To achieve this end, development should follow as closely as possible the contour of the land and should be designed to minimize cuts and fills. The project engineer shall design the work. Accuracy, completeness, and construction feasibility of designs and construction plans, and inspection of all improvements during construction are the responsibility of the project engineer. The Division of Engineering will administer the development process and rely on the project engineer to adequately design the infrastructure and comply with the Division of Engineering Technical and Procedures Manuals.

6-2 ADEQUATE PUBLIC FACILITY STANDARDS - In addition to the specific design standards and requirements contained herein, the following minimum site conditions shall exist prior to Planning Commission approval of any subdivision, whether such facilities are provided by the developer, a private utility, or the Urban County Government.

6-2(a) PUBLIC SANITARY SEWERS - Shall be provided as follows:

(1) TREATMENT PLANT CAPACITY - The projected amount of sewage effluent generated by the proposed development shall not cause the allocated capacity of the treatment plant that will serve the projected development to be exceeded, nor will it cause any violation of Federal, State or local water quality laws or standards in effect at the time of development.

(2) SEWAGE COLLECTION SYSTEM - The proposed development shall be served by a sewer collection line of sufficient size and capacity to accommodate the effluent projected to be generated by the proposed development in addition to the demands placed on the system by existing development, without exceeding the design capacity of the sewer line and/or sewage pump stations.

For purposes of making this determination, "served" means that there is a sewage collection line in the public way on which the proposed development will have frontage or otherwise serving the proposed development; or the developer will finance and will, at the appropriate time, execute a bond or other surety to guarantee the extension, in accordance with the 201 Master Sewer Plan and any sanitary sewer guidelines established by the Urban County Council, of a sewer line to serve the proposed development; or that construction of the sewer line is scheduled for completion within one year.

6-2(b) PRIVATE SANITARY SEWERS - Where a private sanitary sewer system exists and is to serve the proposed development, the developer shall be required to file documentation that the private plant operator has agreed to serve the development and has the existing capacity in the treatment plant to do so. This statement shall be filed in conjunction with the application for preliminary subdivision plan approval (or final subdivision plan, if no preliminary plan is required). The capacity statement shall be subject to the approval of the Lexington-Fayette County Health Department and the Kentucky Division of Water. No subdivision shall be permitted that would require construction of a new private treatment plant or expansion of an existing private treatment plant.

6-2(c) PUBLIC ROADS - The Planning Commission will review each proposed subdivision to determine whether it is served by proper community access roads. The Commission may postpone approval of any such subdivision until it has determined that such needs are properly met.

6-3 PUBLIC NEED STANDARDS AND REQUIREMENTS

6-3(a) RESERVATION OF LAND FOR PARKS, OPEN SPACE, SCHOOLS AND OTHER PUBLIC FACILITIES - The developer, in the design of the subdivision plan, and the Urban County Planning Commission, in its review of the plan, shall consider the adequate provision of sites for parks; open space; schools and other public facilities, as indicated on the Comprehensive Plan. Where such facilities are shown and located on the Comprehensive Plan, or where the Urban County Planning Commission otherwise determines that a portion of the land is required for such public facilities, the developer may be required to

reserve such sites for a period not to exceed two (2) years after preliminary subdivision plan approval, during which time the Urban County, or other appropriate public entity, shall either acquire the property, authorize the Planning Commission to release the reservation, or make other arrangements agreeable to the developer.

6-3(b) FENCING ALONG AGRICULTURAL LAND

- A standard gauge diamond mesh wire fence, of durable construction, at least 52" in height, set on 7½-foot posts with a required 6" top board, shall be constructed by the developer along the boundary line between any residential subdivision and land that is being actively used for agricultural purposes, unless the owner of the agricultural property agrees to an exemption. Such exemptions may be made in consideration of an agreement over the type of fence to be utilized, the extent of the fence, elimination of the fence, or similar matters of agreement between the developer and the adjoining agricultural landowner. The Commission, however, despite any agreement by the developer and the agricultural landowner to eliminate the fence, shall have the right to require the minimum fence, as specified above, where it finds such is necessary to protect the public health, safety and welfare. The Commission shall also have the right to determine that the existing fencing conditions satisfy the intent of this section to provide protection between the adjoining properties. These provisions also apply to the subdivision of land in the A-R, A-B and A-N zones. The Commission may also determine whether areas of existing vegetation may remain in required buffer yards required under the special provisions of the A-B zone.

6-4 LOT AND BLOCK STANDARDS - The following shall be the minimum standards for lots and blocks:

6-4(a) BLOCK STANDARDS - In general, intersecting streets that determine block length shall be provided at such intervals as necessary to meet existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Residential blocks generally shall not exceed 1,600 feet in length, nor be less than 500 feet in length, with the block width generally being sufficient to allow two tiers of lots of appropriate depth. Non-residential blocks shall be of such length, width, and other design as the Commission finds necessary for the prospective use, including adequate provision for off-street parking, truck loading and unloading, buffer areas, pedestrian movement, and proper vehicular access to adjacent streets.

6-4(b) LOT SHAPE - Excessive depth in relation to width should be avoided, with a proportion of 2½ to 1 normally being considered as a desirable maximum for lot widths of sixty (60) feet or greater. Pointed or very irregular shaped lots shall be avoided where possible. The Planning Commission may require a lot depth of up

to 150 feet on residential lots that back up to railroads, major streets, commercial or industrial areas, or other areas of conflicting land uses, where the Commission finds the additional depth is needed to mitigate the effects of the adjoining land use.

6-4(c) LOT FRONTAGE AND ACCESS - All lots shall abut an approved street for at least the minimum frontage requirement for the zone in which the lot is located. Frontage shall be measured at the street right-of-way line, except that in non-agricultural zones, in cases where curved streets or cul-de-sac radii are involved, the measurement shall be taken at the building line as set forth for the zone in which the lot is located; or if more restrictive, as set forth on the subdivision plan. All lots shall be designed so as to provide safe and convenient vehicular and pedestrian access to the street.

6-4(d) LOT LINES - Side lot lines should generally be at right angles to straight street centerlines and radial to curved street centerlines. However, this design standard is not intended to prohibit the creation of lots at a reasonable angle to the street where the intent of the developer is to create a north-south lot orientation for the purposes of maximizing the potential for use of solar related energy technology and techniques. Rear lot lines should consist of straight lines with a minimum number of deflections.

6-4(e) LOT AREA AND MINIMUM BUILDING SETBACK LINE - Lots for residential or non-residential use shall meet the minimum standards required by the Zoning Ordinance.

6-4(f) CORNER LOTS - Corner lots should be of sufficient width and depth to equal non-corner lots in the subdivision, plus sufficient area to comply with the required minimum building setback line on each street frontage.

6-4(g) DOUBLE FRONTAGE LOTS - Double frontage lots shall be prohibited except where employed to prevent excessive vehicular driveway access to streets or to separate residential areas from other areas of conflicting land or traffic use.

6-4(h) LAND REMNANTS - If remnants of land exist after subdividing, and have no apparent future use which can be properly controlled, they shall be incorporated into the proposed lotting scheme.

6-4(i) STREET ADDRESSES - Street address numbers shall be assigned to each lot in order to provide a separate and distinct address for each lot.

6-4(j) SUBDIVISIONS IN THE A-R, A-B, and A-N ZONES - In addition to other requirements contained

herein, subdivision of lots in the A-R, A-B, and A-N zone are subject to the following:

(1) SITE ACCESS - In order to improve public safety by reducing conflict points, subdivision designs utilizing individual access points to existing rural roadways for lots less than forty acres in size are discouraged. The Commission may require subdivision designs utilizing new streets or other means to ensure that the number of potential conflict points is minimized.

(2) INTERNAL STREETS - Shall meet the following standards:

(a) CROSS-SECTIONS AND GEOMETRICS

- New public and private streets and access easements serving more than two tracts in the A-R, A-B and A-N zones shall meet the paving specifications required in all subdivisions. Right-of-way widths shall typically be 60'; paving widths shall be 20'; ditch sections shall be provided as necessary for drainage control; and curb, gutter, and sidewalks shall not be required. Streets shall meet the street alignment requirements contained in Exhibit 6-1.

(b) STREET ALIGNMENT - Every attempt shall be made to locate streets so as to minimize disturbance of the natural land contours and trees. Existing and potential future agricultural/rural use patterns (including features such as farm roads, fence and tree lines, crop and pastureland areas, location of environmentally sensitive areas, natural protection areas, and similar features) shall be considered in the siting of streets so as to minimize potential disruption of agricultural activities and rural resources.

(c) STREET LIGHTING - The lighting of streets in the A-R, A-B and A-N zones shall be prohibited unless a variance is granted by the Commission. In considering any variance, the Commission shall examine the need for the lighting based upon safety concerns. Any permitted lighting shall be the minimum needed to alleviate the safety concern and shall be of minimum intensity and directed away from adjoining properties to the greatest extent feasible. The Commission shall have the authority to specify fixtures and/or lighting intensity restrictions needed to carry out the intent of this section. Nothing in this section shall be deemed to abrogate the authority of the Lexington-Fayette Urban County Government to install any street lighting it deems necessary for public health, safety or welfare.

(d) STREET TREES - Street trees shall be required in conjunction with all public and private streets and access easements which serve more than two (2) tracts of land. The requirements of 6-10(d) shall be applicable.

(e) ALTERNATIVE DESIGNS - The Planning Commission is encouraged to consider granting variances as permitted under Article 1-5(b) for alternative street designs and roadway geometrics for streets that preserve agricultural patterns and features described in Section 6-4(j)(2)(b) above, subject to proper demonstration that such alternatives can be implemented without impairment of the public health, safety, and welfare.

(3) LOT STANDARDS - Shall be as follows:

(a) LOTTING PATTERN - Lotting patterns shall attempt to create tracts of an orientation, location and shape conducive to agricultural use patterns prevalent in the region.

(b) LOT SIZE - Lots shall contain the minimum acreage required for the zone in which they are located; however, calculations of the minimum lot size may include acreage to the centerline of adjoining new or existing roadways, but any lands or rights-of-way sold to a public entity in conjunction with public roadway improvement projects shall be excluded from the calculation.

(4) STRUCTURES - Shall conform to the following standards:

(a) AGRICULTURAL STRUCTURES - Agricultural structures shall meet the required setback from street rights-of-way as specified in the Zoning Ordinance. No agricultural structures shall be located within any flood hazard area, and shall be restricted from areas where such structures could increase flood heights or obstruct the flow of flood waters. Use of fill or other methods to elevate such structures above the base flood elevation shall only be permitted as provided in Article 19 of the Zoning Ordinance.

(b) NON-AGRICULTURAL STRUCTURES AND DESIGNATION OF BUILDABLE AND NON-BUILDABLE AREAS - The location of non-agricultural structures shall meet the requirements for the zone in which they are located. Further, all subdivision plats for property located within the A-R, A-B, and A-N zones shall have "buildable" and "non-

buildable” areas designated on them. These regulations recognize that, under the provisions of KRS Chapter 100, such designations cannot apply to agricultural structures. The designation of buildable areas shall include considerations such as proper location of on-site sewage disposal systems, proper siting of access and driveway locations, provision of site utilities, protection of vistas from designated scenic rural roadways, and similar matters. Non-buildable areas shall include environmentally sensitive areas, such as flood hazard areas; areas of significant tree stands; sinkholes and karst areas; slope exceeding 15%; “special natural protection” areas as designated in the Comprehensive Plan; and stone fences. The Planning Commission shall only permit the designation of buildable areas within such areas as a variance to these Regulations under the terms and conditions outlined in Article 1-5.

(5) LANDSCAPING AND BUFFERING - The Planning Commission shall have the power to impose landscaping and buffering requirements along the perimeter of the subdivided lot and adjoining agricultural land in the A-R, A-B, and A-N zones. The Commission shall determine the nature and extent of such screening and buffering as necessary to achieve the intended purpose of mitigating the potential effects of such subdivisions on adjoining agricultural lands; however, the maximum extent of such landscaping and buffering shall not exceed the requirements of Article 18-3(a)(1)(9) of the Zoning Ordinance.

(6) NOTICE - Notice of the Planning Commission public meeting on the subdivision request shall be posted upon the property in a conspicuous location for fourteen consecutive days prior to the meeting. This shall be the responsibility of the applicant. The sign shall be constructed of durable materials and shall state “SUBDIVISION PLAN” in letters not less than 3” in height; shall state the time, date, and location of the meeting; and the phone number of the Division of Planning in letters at least 1” in height. The applicant shall provide an affidavit to the Planning Commission at the meeting stating that the sign was posted and maintained as required on the property during the notice period to the best of the applicant’s knowledge and ability. Also, newspaper notice shall be placed not more than twenty-one days nor less than seven days in advance of the hearing.

6-5 UTILITY STANDARDS - The following shall be the minimum standards for utilities such as telephone supply, electric supply, gas supply, water supply or other utilities:

6-5(a) TELEPHONE, NATURAL GAS, AND ELECTRIC SUPPLY - Every subdivision shall be

provided with a proper telephone and electric system. Natural gas supply systems shall be provided at the option of the developer, dependent upon the ability of the local gas supplier to meet the demands of new development. All distribution lines or cables for utilities shall be installed below ground within the subdivision. Major facilities, such as high-voltage electric transmission lines; distribution feeder circuits of 200 amps or greater; or major cable/facilities to provide utilities, such as telephone and cable television to the area, as a whole, may be located above ground. The installation of these utilities shall conform to the commonly accepted construction standards and the requirements of the Kentucky Public Service Commission, and utility companies shall work cooperatively with the Division of Engineering during construction. Underground utilities shall be separated from sanitary sewer and/or storm sewer facilities by a minimum of six (6) feet and shall not conflict with designated tree preservation areas, areas where future multi-purpose trails are planned, areas designated for future right-of-way, or construction easements.

6-5(b) WATER SUPPLY - Every subdivision shall be provided with a complete water distribution system adequate to serve the area being developed with pipe lines, valves, fire hydrants, and other water facilities. In the layout or design of the water system, the following factors will be considered: piping characteristics; ground elevations; type of building construction; hydraulic capability of adjacent interconnected piping; fire flow requirements and any unusual requirements peculiar to the specific development. In general, the distribution system will be able to supply peak demands and fire flows without reducing pressures below desirable limits. No pipe smaller than 6-inch nominal diameter will be used where water flow is to a fire hydrant. The standards of the American Insurance Association or applicable state or local fire insurance rating association will be used as a guide in the matter of fire flow requirements and the spacing of fire hydrants. Each residence or business will be provided with a separate service line and meter. Fire hydrants will be of such construction as will conform to applicable specifications of the American Water Works Association and/or the American Standards Association. The water system shall be designed and constructed of materials that will meet the approval of the Health Department, the Urban County Division of Fire and the Planning Commission.

6-5(c) UTILITY EASEMENTS - Easements for new, or the continuation of existing, utilities shall be provided for all subdivisions with the width or other characteristics as required by the Planning Commission, based upon recommendations from the various utility companies. Generally, easements may run completely through one lot, or split along side or rear

lot lines. Where the placement of any utility easement would conflict with locations of existing or proposed trees, every effort shall be made to locate easement lines in such a fashion that the utility facilities within the easement do not result in the destruction of the trees. Any easement labeled as a "utility easement" obtained through the subdivision process shall be for the provision of utility services by a franchised local electric supply company, water supply company, natural gas supply company, telephone service provider, and cable television franchise. The Urban County Government shall also have the right to utilize such easements for the provision of street light and sanitary sewer services. Release or other modification of utility easements shall require the expressed approval of all such parties holding the right to use the easement. Encroachments as to the rights of the Urban County Government to use the easements shall be subject to the approval of the Commissioner of Public Works or the Commissioner's authorized agent. Further, the Urban County Government, through the office of Commissioner of Public Works, may fully dictate standards for and restrictions of use and installation of utility services within any general or specifically labeled utility easement for the purposes of settling disputes between utilities, coordination for major capital improvement projects, and other cases involving the health, safety, and general welfare of Lexington-Fayette County.

6-6 SEWAGE DISPOSAL STANDARDS - Every subdivision shall be provided with a sewage disposal system approved by the Lexington-Fayette County Health Department, the Kentucky Division of Water, the Division of Engineering and the Planning Commission. Construction shall conform to the Standard Drawings prepared and approved by the Division of Engineering and the Commissioner of Public Works and the Division of Engineering Technical Manuals.

6-6(a) SEPTIC TANKS - Septic tanks may be permitted for lots of ten (10) acres or more in size if public sanitary sewers are not immediately available to the property. For any proposed subdivision utilizing septic tanks, the Lexington-Fayette County Health Department and the Division of Planning shall review the general suitability of the site for septic tank use prior to Planning Commission action. In areas of questionable suitability, the Planning Commission may postpone action on the subdivision plan until the developer has obtained the approval of the Health Department. In all cases, no building permits shall be issued until the Health Department has issued a septic tank permit, and notes shall be required on final subdivision plans to this effect.

6-6(b) SANITARY SEWAGE SYSTEM - Except where septic tanks are permitted, every subdivision shall be provided with a public sanitary sewage disposal system. However, the Commission may approve

subdivisions utilizing a privately owned system if the treatment plant is in existence at the time of adoption of these Subdivision Regulations, and the Health Department and the Kentucky Division of Water have determined that the plant has the capacity to serve the development without necessitating the expansion of any plant. Design and construction of the sanitary sewer system, whether public or private, shall conform to the requirements of the Division of Engineering Technical Manuals and the Standard Drawings.

6-6(c) SANITARY SEWER EASEMENTS - Easements for sanitary sewers shall be shown on the final subdivision plan at widths and locations specified in the Sanitary Sewer and Pumping Station Manual. Sanitary sewer easements may be combined with utility and other easements if sufficient widths are provided; however, except for necessary crossing points, no sanitary sewer easement may be combined with a utility easement containing underground electric or natural gas lines, unless sufficient clearance between the facilities is provided and documented. Release or modification of sanitary sewer easements shall require the expressed approval of the Urban County Council. Encroachments and other uses within sanitary sewer easements shall be at the approval of the Commissioner of Public Works or the Commissioner's authorized agent.

6-6(d) RELATIONSHIP OF LOTS AND STRUCTURES TO SANITARY SEWER MANHOLES - Every lot shall be served by a gravity sewer lateral, and the design and layout of the subdivision shall reflect this requirement. A note shall be required on all final record plans, stating: "All structures shall have a floor, that is not partially or completely underground, that is at least one (1) foot above the elevation of the nearest downstream manhole lid. Sewage from plumbing connections below that floor shall be pumped and discharged into the structure's sewer line."

6-7 STORMWATER DISPOSAL STANDARDS - Every subdivision shall provide satisfactory drainage of stormwater by means of underground sewer pipes and/or constructed channels, provided that such stormwater drainage system conforms to the requirements of this Article, the Division of Engineering Stormwater Technical Manual and Standard Drawings, and the Lexington-Fayette County Health Department. Failure to comply with the requirements of Stormwater Disposal Standards during construction, or to properly maintain the easements and/or facilities required by these standards during or after construction, shall be a violation subject to a civil citation, as provided in Article 1 of these Subdivision Regulations.

6-7(a) FLOODPLAINS AND FLOODWAYS - Any construction within a designated floodplain or floodway shall conform with the provisions of Article 19 of the Zoning Ordinance. Notes and restrictions on the preliminary or final plan may be required by the Planning Commission to implement Article 19.

6-7(b) RELATIONSHIP OF STORM SEWERS TO SANITARY SEWER SYSTEMS - No stormwater drainage system may be designed, constructed or connected so as to flow into any public or private sanitary sewer system.

6-7(c) STORMWATER BEST MANAGEMENT PRACTICES - Where required by the Stormwater Manual, stormwater best management practices shall be provided by the developer.

6-7(c)(1) SINGLE FAMILY, TWO-FAMILY, AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS - In single-family and two-family residential areas, when detention ponds, extended detention ponds, wet ponds, constructed wetlands and infiltration basins are used for stormwater management, they shall be dedicated to the Lexington-Fayette Urban County Government and shall be located on separate lots with adequate access for maintenance. In multi-family developments, such facilities shall be dedicated to the Lexington-Fayette Urban County Government when each multi-family structure is proposed to be located on a separate lot with access to a public street.

6-7(c)(2) OTHER RESIDENTIAL, OFFICE, BUSINESS AND INDUSTRIAL AREAS - In all other multi-family residential, business, office and industrial areas, all stormwater best management practices shall be owned and maintained by the property owner. No stormwater best management practices shall be subdivided so as to be a part of more than one lot, and all shall be connected to an adjoining buildable lot.

6-7(d) STORM DRAINAGE EASEMENTS - Easements for stormwater drainage systems and access to stormwater best management practices shall be shown on the final record plan. Special notes relating to the maintenance of such easements may be required by the Planning Commission on the final subdivision plan. Drainage easements may be combined with utility and other easements if sufficient widths are provided. However, no drainage easement containing underground storm sewers may be combined with a utility easement containing underground electric or natural gas lines, except for necessary crossing points, unless sufficient clearance between the facilities is provided and documented. Release or modification of storm drainage easements shall require the expressed approval of the Urban County Council. Encroachments, construction of drainage improvements and facilities shall be at the

approval of the Commissioner of Public Works or the Commissioner's authorized agent.

6-7(e) CONSTRUCTED CHANNELS - When surface drainage of one acre or greater is proposed, a constructed channel shall be used. Such channels shall be designed in conformance with the Division of Engineering Stormwater Manual to contain the 100-year storm within the channel. Lots which include or adjoin the channel shall indicate a minimum elevation for the lowest floor of the lowest enclosed area (including basement) and all openings, which shall be two (2) feet above the elevation of the water in the channel during the 100-year storm.

6-7(f) SOIL EROSION CONTROLS - Control of erosion and sedimentation for subdivisions shall be as required under Chapter 16 of the Code of Ordinances and the provisions of the Division of Engineering Stormwater Manual.

6-7(g) ALTERNATE SOLUTIONS - In situations where off-site stormwater improvements are necessary and appropriate for the public health, safety and welfare of the community, and the developer is prevented from making such off-site improvements because 1) right-of-way and easements cannot be acquired; 2) State/Federal approval is required and/or 3) other unusual conditions exist beyond the control of the developer, then the Urban County Government may assist in resolving the problem or developing alternate solutions.

6-8 STREET STANDARDS - All streets (which are classified herein as either expressways, arterials, collectors/connectors or locals) shall conform to the Division of Engineering Roadway Manual, the Standard Drawings and following standards:

6-8(a) STREET GEOMETRICS - All streets shall conform to the applicable geometric, cross-section and sight triangle standards of Exhibits 6-1 through 6-7.

6-8(b) STREET CONTINUITY - Streets shall be related to topography and shall generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts, and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be land-locked. Freeways and arterials shall not penetrate or bisect existing or proposed neighborhoods, but rather shall be located as appropriate boundaries for such. Collectors/Connectors shall carry traffic from arterials into neighborhoods. Locals shall carry traffic from collectors into the neighborhood for the primary purpose of access to individual properties.

6-8(c) STREET NAMES - Streets that are obviously in alignment with existing streets shall bear the name of the existing street. Street names, including cul-de-sacs, shall not duplicate or closely approximate the names of other streets in Lexington-Fayette County; and all street names, subdivision names, property and building numbers, etc., shall be as determined by the Planning Commission.

6-8(d) PLANNING FOR CONFLICTING TRAFFIC OR LAND USE - Whenever the proposed subdivision contains, or is adjacent to, a railroad right-of-way; arterial or expressway right-of-way; or conflicting changes in land uses, the Planning Commission shall require service roads; reverse frontage lots; lots with rear service alleys; lots with additional depth; or other such treatment as the Commission finds necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

6-8(e) HALF STREETS AND RESERVE STRIPS - New half or partial streets shall not be permitted. Existing half streets generally shall be completed to full right-of-way requirements. All streets to extend into an adjoining property shall have full right-of-way dedicated and street improvements constructed. When streets are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line. Reserve strips shall be prohibited.

6-8(f) CUL-DE-SACS - Cul-de-sacs shall not generally be longer than one thousand (1,000) feet, including the turnaround, which shall be provided at the closed end with a right-of-way radius of fifty (50) feet; curb radius of forty (40) feet; and a transition curve radius of seventy-five (75) feet. Alternate turnaround designs depicted in these regulations (See Exhibit 6-7) shall also be permitted. Longer cul-de-sacs may be permitted because of unusual topographic or other conditions; and, in such cases, the Planning Commission may require additional paving width if necessary to prevent overloading of street capacity. Temporary turnarounds may be required at the end of stub streets as long as they are retained within the street right-of-way.

6-8(g) RURAL ROADS - Where right-of-way has not been previously dedicated or otherwise acquired along a rural road, the owner shall be requested to dedicate right-of-way from the centerline of the road to meet the rural local right-of-way standard. In all cases, the plan shall show the right-of-way which at least meets the statutory right-of-way minimum. The Planning Commission may require the construction of additional pavement, such as turn lanes when necessary, to provide as safe a situation as possible under the circumstances.

6-8(h) MEDIANS - Medians may be permitted in street cross-sections when approved by the Commission. Medians shall only be allowed when the street cross-section is designed to provide for all necessary traffic movements inherent in the standard cross-sections contained in Exhibits 6-1, 6-2, and 6-3. Provision for the maintenance of any median areas and associated plantings shall be noted on the final subdivision plat of the property. Plantings shall be of a nature that will not conflict with sight distance or other traffic-related requirements. Location and design of medians and the installation of obstructions in the median shall be subject to the approval of the Planning Commission.

6-8(i) BICYCLE ROUTE STANDARDS - Where indicated in the Comprehensive Plan, the Planning Commission shall require the construction of a bicycle lane on the vehicular roadway in accordance with the Roadway Manual.

6-8(j) STREET AND SIDEWALK LIGHTING AND EASEMENTS - All streets, sidewalks, and walkways shall be properly lighted as required by the Commission. Such lighting shall be installed at the direction and expense of the Urban County Government. Easements necessary for provision of such lighting shall be provided and shall be labeled as "street light easement." Release or modifications of street light easements shall require the expressed approval of the Urban County Council. Encroachments and provision of street light facilities shall be at the approval of the Commissioner of Public Works or the Commissioner's authorized agent.

6-8(k) STREET NAME SIGNS - Temporary street name signs shall be provided, installed and maintained by the developer at all intersections, as required by the Department of Public Safety. Permanent signs shall be installed by the Urban County Government, as determined by the Urban County Traffic Engineer.

6-8(l) PRIVATE STREETS - Private streets may be permitted by the Planning Commission. Subdivision plans containing private streets shall conform to the same design standards as subdivision plans utilizing public streets and shall conform to all other subdivision regulations, unless different requirements are listed in the following:

(1) NO DISRUPTION TO THROUGH MOVEMENT - Private streets may be permitted only if they meet the definition of "local" streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and if adjoining properties in the general area already have, or are capable of

providing, a proper, efficient and safe street system that will in no way depend upon the private streets.

(2) RIGHT-OF-WAY AND SETBACK - Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.

(3) STREET IMPROVEMENT STANDARDS - Any permitted private street also shall conform to the design and improvement standards for public streets. All private street improvements (excepting only the final course of asphalt, as noted below) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, as provided in Article 4 of these Subdivision Regulations, and shall note such requirement on the final plat of the property. The developer shall be required to submit an affidavit to the Division of Planning, attesting that the surety for the private street has been properly posted prior to recording the final record plan.

(4) MAINTENANCE RESPONSIBILITY - A homeowners' association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

6-8(m) ACCESS EASEMENT STANDARDS - Access easements (as opposed to public or private streets) shall be permitted to provide sole access to a lot only in rare and extreme circumstances where the Commission finds that the application of the requirements and standards for public or private streets would clearly be excessive or impossible due to existing development or other just cause. Prior to permitting an access easement as sole access to a lot, the Commission shall first thoroughly examine the possibility of utilizing a public or private street as access, and shall give specific reasons for permitting the access easement in its action

on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use and any other relevant factor. Nothing within this section shall be construed so as to abrogate the power of the Planning Commission to deny that the easement will not be adequate to satisfy the traffic needs of the proposed subdivision. Access easements which are not for the sole purpose of access to property and are primarily provided for convenience and/or improved flow of traffic between adjoining properties may also be fully regulated by the Commission; however, no special findings shall be required in these cases.

6-8(n) SIDEWALK AND SHARED-USE PATH STANDARDS - All sidewalks and shared-use paths primarily provided for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA).

6-8(n)(1) SIDEWALK STANDARDS - Conventional pedestrian sidewalks shall be required on both sides of all roads unless the street is specifically exempted by these Subdivision Regulations, or a specific waiver is granted by the Planning Commission. A meandering sidewalk alignment may be approved by the Planning Commission to save trees or other major plantings, avoid rock outcroppings, or to avoid other physical conditions. Sidewalks shall be constructed of concrete and shall be four and one-half (4½) inches in thickness and a minimum width of four (4) feet. Sidewalks shall be placed adjacent to the street right-of-way line, except as noted in Exhibit 6-6 for cul-de-sacs. Slope toward curb shall be one-quarter (¼) of an inch to the foot. Sidewalks shall include a curb ramp wherever an accessible route crosses a curb. Where sidewalks are required on bridges, they shall have a minimum, barrier-free, width of six (6) feet. The Standard Sidewalk Alignment shall be as described in Table A.

6-8(n)(2) OTHER PEDESTRIAN WALKWAYS - In addition to the sidewalks paralleling streets, the Commission also may require pedestrian walkways, with at least a 10-foot easement, at mid-block or other locations, to provide better pedestrian access to parks, schools, cemeteries, greenways or other land uses.

TABLE A: STANDARD SIDEWALK ALIGNMENT

STREET CLASSIFICATION	WIDTH (FEET)	
	DISTANCE FROM ROADWAY	WIDTH OF SIDEWALK
Non-Residential and Industrial Collectors/Connectors (40' Street Width)	10.5	4.0
Non-Residential and Industrial Collectors/Connectors (51' Street Width)	5.0	4.0
Residential Collectors/Connectors and Industrial Locals	5.5	4.0
Local Residential Neo-Traditional	5.5	5.0
Local Residential	5.5	4.0
Local Residential Cul-de Sac	7.0	4.0

6-8(n)(3) SHARED-USE PATH STANDARDS - Where these paths are indicated in the Comprehensive Plan, the Commission shall require the dedication of right-of-way, or an easement of sufficient width for the construction and use of the path. If a shared-use path is required by the Commission in lieu of a sidewalk, the maximum obligation of the developer shall be the cost of a conventional pedestrian sidewalk. The shared-use path shall be designed and constructed in conformance with the Roadway Manual.

6-8(o) STREET CONSTRUCTION - Specifications for streets, including grading and embankments, excavation, subgrade preparation, fill materials, curbs and gutters, and street paving, shall be designed and constructed in conformance with the Division of Engineering Standard Drawings, the Technical Manuals, and these Subdivision Regulations.

6-8(p) STREET IMPROVEMENT REQUIREMENTS FOR DEVELOPMENT ADJOINING EXISTING ROADWAYS - Any substantial development of subdivided property may reasonably be anticipated to create a burden on existing public roads, thereby posing a traffic and safety hazard. In order to ameliorate that hazard and to advance the public's interest in having safe and adequate roadways, the following requirements shall apply whenever a subdivision is proposed for property abutting an existing public roadway which does not meet the right-of-way and pavement width standards for the functional classification of that street:

(1) PROPOSED SUBDIVISIONS WHICH ABUT LOCAL OR COLLECTOR / CONNECTOR STREETS - Whenever a subdivision is proposed for property which abuts a local or collector/connector street, as defined in these Land Subdivision Regulations, the developer shall be required to dedicate right-of-way along the entire street frontage to a width which will provide one-half of the total right-of-way necessary to comply with the standards as set out in Exhibit 6-2 of these Land Subdivision

Regulations. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width. Construction of roadway widening improvements (including paving, curb, gutter and sidewalk, where appropriate) shall also be required as necessary to bring the roadway up to full cross-section requirements as set forth in Exhibits 6-1, 6-2, and 6-3 of these Land Subdivision Regulations. Upon the recommendation of the Commissioner of Public Works, the Commission may permit a long-term surety to be posted in lieu of construction of such improvements where such are intended to augment programmed improvements to be made by the government.

(2) PROPOSED SUBDIVISION OF PROPERTY ABUTTING AN ARTERIAL STREET - Whenever a subdivision is proposed for property that abuts an arterial street which is, or is proposed to be, four lanes or more in width, the developer may be required to dedicate sufficient right-of-way to permit any necessary widening. In consideration of the fact that such dedication requirement may exceed that which would ordinarily be required for subdivisions abutting local or collector/connector streets, the developer shall not be required to construct roadway widening improvements for the full road frontage; but rather, improvements such as turn lanes for new intersecting streets or other access points may be required when necessary to provide as safe a situation as possible under the circumstances.

6-8(q) INTERSECTION AND ACCESS SPACING GUIDELINES - The following guidelines shall be the basis for the determination of proper spacing for street intersections and driveway access for subdivisions. It is recognized that these guidelines will not be able to be adhered to in all cases, especially in areas where existing development is present. The Planning Commission shall attempt in all cases, however, to apply these guidelines to

the greatest extent feasible in order to create safe and efficient traffic movement systems:

(1) SPACING MEASUREMENT DEFINITION -

Distance shall be defined as the distance between the centerlines of intersecting streets and roads. However, in the case of an interchange, distances shall be measured from the centerline of any intersecting roadway to the closest near edge (projected) of the ramp roadway or, in the case of a free flow ramp terminal, to the gore of the nearest ramp.

(2) ACCESS STANDARDS BY FUNCTIONAL CLASSIFICATION

(a) EXPRESSWAYS - Expressways shall have intersections with arterials and/or other expressways. There shall be no intersections with lower type facilities. All intersections shall be of the grade-separation interchange type. The spacing of interchanges on expressways within the Urban County shall be determined jointly by the Lexington-Fayette Urban County Government and the Kentucky Department of Transportation.

(b) PRINCIPAL ARTERIALS - Principal arterials shall have intersections with expressways, other principal arterials, minor arterials and collector streets. Intersections shall be signalized as warranted. Any access to a principal arterial must be located at a minimum of 1,600 feet from any other access along that principal arterial (i.e., principal arterials, minor arterials, collectors/connectors, major commercial or industrial driveway accesses). No new residential driveway access shall be allowed on a principal arterial. Protected left and right turn lanes with ample storage space must be provided at all intersections. The Kentucky Department of Transportation will be consulted when state maintained roads are involved.

(c) MINOR ARTERIAL - Minor arterials shall have intersections with expressways, principal arterials, other minor arterials and collector/connector streets. Intersections shall be signalized as warranted. No new residential driveway access shall be allowed on a minor arterial. Commercial or industrial driveways shall be treated according to the non-residential spacing formula. Adequate provisions for left and right turn lanes shall be determined by the Division of Traffic Engineering and the Kentucky Department of Transportation for state maintained facilities. The spacing of intersections along a minor arterial shall be as follows:

1. Between an intersection with an expressway and an intersection with a principal or

minor arterial, the distance shall be a minimum of 1,600'.

2. Between an expressway and a collector/connector -- minimum 1,400'.
3. Between one principal or minor arterial and another -- minimum 1,400'.
4. Between a principal or minor arterial and a collector/connector -- minimum 1,200'.
5. Between a collector/connector and another collector/connector -- minimum 1,000'.

(d) COLLECTOR/CONNECTOR STREETS -

Collector/connector streets shall have intersections with arterials, collectors/connectors and locals. Collector/connector streets shall be designed for system continuity and traffic flow. The spacing of intersections along collectors/connectors shall be as follows:

1. Between a principal or minor arterial and another, the distance shall be a minimum of 1,400'.
2. Between a principal or minor arterial and a collector/connector -- minimum 1,000'.
3. Between one collector/connector and another -- minimum 800'.
4. Between one principal or minor arterial and a local -- 500'.
5. Between a collector/connector and a local - - minimum 400'.
6. Between a local and another local -- minimum 250'.

(e) LOCAL STREETS - Local streets shall have intersections with collectors/connectors and other local streets. Some designs may warrant exceptions. The spacing of intersections on local streets shall be as follows:

1. Between one collector/connector and another collector/connector -- minimum 800'.
2. Between a collector/connector and a local - - minimum 250'.
3. Between a local and another local -- minimum 250'.

6-8(q)(3) LAND USE ACCESS

(a) RESIDENTIAL - All single-family residential structures shall be allowed one access per lot. An additional point of access may be permitted for corner lots, loop driveways, or other instances where public safety will not be impaired by utilizing a second point of access. Duplexes and four-plexes shall be permitted two accesses. Subdivisions shall be designed such that these uses have no direct driveway to either principal or minor arterials.

Apartment complexes, condominium developments, as well as all other developments that are accessed through a common private drive or street system, shall be treated as high density residential developments regardless of the actual overall density of the development. These developments shall not have access to principal arterials. However, they may be allowed access to minor arterials, provided that the private driveways are allowed, consistent with the access spacing standards governing the access of collector/connector streets to minor arterial streets. The access of these private driveways to collector/connector streets shall be spaced according to the minimum distances produced by the following formula: $A = 50 (\sqrt{x})$

Where:

A = the required access spacing in feet from the nearest intersecting street or another high density private driveway. (This figure should be rounded to the nearest 10 feet).

x = the number of units in the development.

50 = the minimum access spacing (in feet).

The minimum spacing requirement shall not exceed the spacing standards established for the spacing of local streets along a collector/connector street. Distances for high density private driveway access shall be measured from the centerline of the driveway to the right-of-way line of the nearest intersecting street or to the centerline of another high density private driveway access. High density private driveways should not intersect local streets. All other residential accesses shall not be less than 25 feet from any local street intersection (whether public or private streets), nor less than 50' from any public collector street intersection.

(b) NON-RESIDENTIAL - All non-residential land uses may have access to principal arterial streets via service roads. Non-residential land uses may also have access to minor arterials and to collector/connector streets. Non-residential land uses shall generally not have access to residential local streets. The spacing of these accesses shall be measured from the right-of-way line of the nearest intersecting street or the centerline of the nearest intersecting non-residential access point (i.e., driveway). The minimum spacing on non-residential access points shall be based upon the maximum potential trip generation of the contiguous area which has been zoned and/or planned for non-residential land use that abuts the subject road facility and encompasses the area which has been proposed for

development by the developer. Access to a minor arterial via a service road shall be allowed only in accordance with the spacing standards based upon the trip generation of the total area immediately served by the service road. The determination of potential trip generation shall be made using sources and methods approved by the Lexington-Fayette Urban County Government, Division of Planning. The spacing of access points shall be determined as follows: $D = 1400 - (1000 (1 - TE/3000))$

Where:

D = the required distance between access points (in feet).

TE = the maximum potential trip ends of the area in which the development will take place.

If D exceeds 1,400 feet, then the minimum standard of 1,400 feet shall apply to all access points of that development. D shall be rounded to the nearest 50 feet. For properties fronting along street facilities where the required spacing would not allow an individual access to properties adjacent to the property currently being developed, an arrangement shall be made for the joint use of entrances or the construction of service roads by developers.

6-9 NEO-TRADITIONAL RESIDENTIAL DEVELOPMENTS - The Planning Commission may approve the use of Street Geometrics for Neo-Traditional Residential Developments, Exhibit 6-2, only when the Commission finds that the overall development meets the criteria below. Plans are not required to incorporate all of these concepts to be considered neo-traditional, but plans that use only a few of these concepts should not be eligible to use the neo-traditional street geometrics. Only when these concepts have been shown in the preliminary subdivision plan, approved by the Commission, may the neo-traditional street geometrics be used in the final record plan.

6-9(a) STREET WIDTH - The streets shall be designed for multiple modes of transportation (i.e., bicycles and pedestrians, as well as cars).

6-9(b) INTERCONNECTED STREET PATTERN - The streets shall be interconnected, using a grid pattern, allowing locations to be reached via multiple, redundant paths that diffuse traffic through the entire neighborhood. Cul-de-sacs are not part of a neo-traditional design, except in locations where extreme topographic or wetland conditions preclude a connection. Wherever possible in these situations, a close street should be used over a cul-de-sac, and non-

vehicular connections for pedestrians and bicycles should be used.

6-9(c) TRAFFIC CALMING AND VISTA TERMINATION - The design should incorporate devices that encourage traffic calming, such as central squares that break up straight road segments, shorter blocks, center-island traffic circles that require the driver to deviate from the road's straight path, and curb narrowing at intersections.

6-9(d) STREET TREES AND LANDSCAPING - Trees and other landscaping and open space should be incorporated into the design.

6-9(e) SIDEWALKS AND SHARED-USE PATHS - The design should incorporate wider sidewalks and/or shared-use paths to encourage walking and ensure connectivity between different areas of the development.

6-9(f) OPEN SPACES - The design should be organized around squares, village greens, and other types of formal and informal spaces.

6-10 LANDSCAPING AND TREE PLANTING STANDARDS - The requirements for landscaping, land use buffers and tree planting shall be as follows:

6-10(a) LANDSCAPE AND LAND USE BUFFERS - All land subdivision plans shall conform to the requirements of Article 18 of the Zoning Ordinance.

6-10(b) STREET TREE PLANTINGS FOR RESIDENTIAL LOCAL AND COLLECTOR/CONNECTOR STREETS - Street plantings shall be required on all collector/connector and local streets in all residential subdivisions in accordance with the following provisions:

6-10(b)(1) TYPE AND NUMBER - Trees to be planted shall be of the deciduous type, and shall be of a type of root growth pattern that minimizes potential damage to street and utility facilities. A listing of approved trees shall be included in the Planting Manual. Trees shall be required at the standard of one (1) tree per 45 feet of street frontage for large trees, 35 feet for medium trees, and 25 feet for small trees.

6-10(b)(2) LOCATION CRITERIA - Two options shall be permitted at the developer's discretion. The first option shall be to place the trees within a planting easement with a minimum width of 5', to be located immediately adjacent and parallel to the street right-of-way. The second option shall be to plant the trees within the street right-of-way between the street curb and the sidewalk in the area, commonly called the "utility strip." The developer's choice shall be shown on the appropriate subdivision and development plans,

and shall be consistent on any given street. Large and small trees may be planted in a utility strip with a width of seven (7) feet or greater. Medium trees may be planted in a utility strip with a width of five (5) feet or greater. No street tree shall be located in the right-of-way within fifty (50) feet of the street intersection.

6-10(b)(3) PLATTING REQUIREMENT - The cross-section to be utilized shall be determined at the time of Commission action on the preliminary subdivision plan, and shall also be reflected on the final subdivision plan. The final subdivision plan shall contain a note stating that the maximum number of any one species of trees to be used is 25, or 25 percent of the total number of trees, whichever is greater. At least four (4), and no more than six (6), alternative species shall be listed on the final plat. The final plan will also indicate (by symbol) the number of trees required on each lot, based on Section 6-10(b)(1) above, and their general location. The final subdivision plan shall also contain a note stating that the street trees required herein, within either the right-of-way or designated easement, shall be maintained by the property owner in accordance with Section 6-10(b)(5) herein below. A note stating that no tree may be removed without the approval of the Urban Forester shall also appear on the final plan. A fee in the amount of ten dollars (\$10.00) per tree shown on the plat, payable to the Lexington-Fayette Urban County Government, shall be paid by the developer and collected at the time of the recording of the final record plan.

6-10(b)(4) PLANTING - It shall be the responsibility of the developer to plant the required street trees in accordance with the Engineering Manuals.

6-10(b)(5) MAINTENANCE - The developer shall maintain all trees for a period of one year from the date of their planting and shall replace any required tree that dies within one year of its planting. Upon the expiration of one year from the date of planting, the owner of the subject property shall be responsible for the continued proper maintenance of all street trees and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be permitted for the maintenance of trees required by this section.

6-10(c) STREET PLANTINGS ON ARTERIAL STREETS - Street plantings shall be required for any double frontage lot in any zone, except A-R, A-B, A-N and A-U, that adjoins an arterial street not maintained by the state and which does not provide direct access to the adjoining property.

6-10(c)(1) TYPE, NUMBER, AND LOCATION - A continuous 6' high hedge shall be required with the same species to be used for the entire frontage of the development. Where possible, the hedge should be planted in the right-of-way, and 3' from the right-of-way fence. Trees should be planted in the right-of-way with the exact location to be approved by the Traffic Engineer and the Building Inspector. All trees are to be planted a minimum of 10' from the right-of-way fence. Where there is less than 10' between the right-of-way fence and the sidewalk, or where there is no sidewalk, less than 10' feet between the right-of-way fence and the curb line of the arterial street, no trees are required. No street tree shall be located in the right-of-way within fifty (50) feet of the intersection. Trees shall be required as described in Table B. (The Planting Manual and Plant Materials List shall be used to meet the minimum requirements set forth herein).

Where, due to site restrictions, the planting cannot be placed in the right-of-way, the Commission may allow the landscaping to be placed on the adjacent property.

6-10(c)(2) PLATTING REQUIREMENT - The cross-section to be utilized and tree species shall be determined at the time of Commission action on the preliminary subdivision plan, and shall also be reflected on the final subdivision plan. Tree species shall be consistent for any given development, and at least one alternative species of the same genus shall be specified. The final subdivision plan shall also contain a note stating that the arterial street plantings required herein shall be maintained by the developer for one

year from the date of planting. Such maintenance shall include replacing required plantings that die within the first year. After the first year, the Urban County Government shall maintain the plantings.

6-10(c)(3) COMPLETION OF THE ARTERIAL STREET PLANTINGS - The required arterial street plantings shall be considered a public improvement and, as such, shall be fully installed prior to Commission consideration of the final record plan. The Commission may, however, permit the plan to be approved and recorded prior to the completion of the plantings with the posting of a surety as provided in Article 4 herein.

6-10(d) STREET TREE PLANTING IN THE AGRICULTURAL RURAL (A-R), AGRICULTURAL BUFFER AREA (A-B) AND AGRICULTURAL NATURAL AREAS (A-N) ZONES - Rural street tree plantings shall be required for any subdivision of land in an A-R, A-B or A-N zone involving the construction of a public street or private street or utilizing an access easement. Such plantings shall conform to the following standards:

6-10(d)(1) TYPE AND NUMBER OF TREES - Rural street trees shall be required at the standard of one (1) tree for every twenty-five (25) feet of lineal street length. Trees to be planted shall be of the deciduous type, and shall be large tree species as specified in the Planting Manual; however, up to 25% of the total number of trees may be of the small or medium flowering variety.

TABLE B: TYPE, NUMBER AND LOCATION OF TREES

LOCATION DESCRIPTION	REQUIRED TREES
(a) The elevation of the arterial is more than 10' above the elevation of the adjacent property	1 Evergreen tree/20' OFT planted 20' O.C.
(b) The elevation of the arterial is not more than 10' above or is below the elevation of the adjacent property	1 Tree/50' OFT from Group A of the plant list, alternated with 1 flowering tree for every 50' OFT
(c) The intersection of a collector/connector street with the arterial	Three evergreen trees planted in a triangular pattern 20' O.C., three deciduous trees from Group A of the plant list planted 40' O.C., and three flowering trees 25' O.C.
(d) Culverts and other wet locations	1 riparian tree/40' OFT

6-10(d)(2) LOCATION CRITERIA - Developers are encouraged to group rural street trees rather than arrange them in a straight line. The Commission may require the planting of any or all of the trees to adjoin the existing rural road

6-10(d)(3) PLANTING REQUIREMENT - The tree species to be utilized shall be determined at the time of Commission action on the preliminary subdivision

plan and shall also be reflected on the final record plan. Tree species are not required to be consistent for the entire length of the street; however, species that are biologically compatible are to be used. The final plan shall indicate by symbol the number of trees and the general location where they shall be planted. The final subdivision plan shall contain a note stating that the rural street trees required herein shall be maintained by the property owner in accordance with 6-10(b)(5)

above. A note stating that no tree may be removed without the approval of the Urban Forester shall also appear on the final plan. A fee in the amount of ten dollars (\$10.00) per tree shown on the plat, payable to the Lexington-Fayette Urban County Government, shall be paid by the developer and collected by the Division of Planning at the time of the recording of the final record plan.

6-10(d)(4) PLANTING AND MAINTENANCE - Planting and maintenance of rural street trees shall be as provided in 6-10(b)(4) and (5) herein above.

6-11 STANDARDS FOR ENVIRONMENTALLY SENSITIVE AREAS AND GEOLOGIC HAZARD AREAS -

It is recognized that in certain areas environmental or geologic conditions may pose problems to providing safe development. Where such conditions are encountered on the land to be developed, all work shall conform to the Division of Engineering Technical Manuals. The locations of most environmentally sensitive and geologic hazard areas are shown in the Comprehensive Plan. Additional maps and other information regarding such areas are on file with the Division of Planning. Whenever a subdivision is proposed on land containing such areas, the requirements of this section shall apply. Failure to comply with these standards or with requirements established by this section, during or after construction, shall be a violation subject to a civil citation, as provided in Article 1 of these Subdivision Regulations.

6-11(a) ENVIRONMENTALLY SENSITIVE AREAS

- This term applies to any area, which, due to its natural or physical setting, may have environmental problems with regard to development. This is not to say that the land cannot be developed; but if it is determined that development can occur, then some safeguards, such as detailed site planning, will be necessary to overcome the physical limitations of the land. Lands in question shall include (but shall not be limited to) areas of steep slope (over 15%), floodplains, sinkholes, areas of poor soils, improper fill, wetlands, significant areas of tree stands, aquifer recharge areas, etc.

6-11(a)(1) REVIEW BY THE COMMISSION

- All environmentally sensitive areas shall be identified and located on the preliminary subdivision plan as provided in Article 5. In addition, the developer shall be required to file with the application a general statement describing the nature of the environmentally sensitive areas, and the manner in which such area is to be handled during development of the property, as well as any special design measures taken by the developer to attempt to minimize the development's impact on the environmentally sensitive areas. If, after a review of this general statement and any other available information, the Planning Commission finds that questions remain concerning the development's impact on the environmentally sensitive area, or the health and

safety of future users of the area, the Commission shall refuse to fully approve the preliminary subdivision plan until it is satisfied that the hazards have been eliminated or adequate safeguards provided to ensure the least negative impact on the environmentally sensitive area.

To assist it in making this determination, the Commission may require the developer to have comprehensive and detailed environmental assessment studies prepared by qualified professionals for Commission consideration. The Division of Planning shall review all such studies and make specific comments and recommendations to the Commission. Such studies shall be submitted to the Division of Planning no later than five (5) working days prior to the established date of the public hearing at which the Division's comments will be presented.

6-11(a)(2) AREAS OF ALLUVIAL SOILS

- Where areas of alluvial soils, as shown in the Soil Survey, Fayette County, Kentucky, U.S. Department of Agriculture, Soil Conservation Service, 1968, are found in the area to be developed, the boundaries of the soils shall be delineated on the final record plan. Structures to be built within the areas of alluvial soils shall be required to have the foundation and footer detail prepared by a licensed professional engineer prior to the issuance of a building permit and to comply with the provisions of Article 19 of the Zoning Ordinance. Areas of alluvial soils are as follows: Armour Silt Loam (ArA), when adjacent to a stream or other alluvial soil; Armour Silt Loam (ArB and ArC), when along the Kentucky River; Captina Silt Loam (CaA), Captina Silt Loam (CaB), Egam Silt Loam (Ea), Egam Silt Loam (Ec), Huntington Silt Loam (Hu), Lanton Silt Loam (La), Lawrence Silt Loam (Lc), Linside Silt Loam (Ld), Melvin Silt Loam (Mt), and Newark Silt Loam (Ne).

6-11(a)(3) FLOODPLAIN AREAS EXCEPTED

- Floodplain areas along streams that have Special Flood Hazard Areas or where detailed hydrologic and hydraulic calculations have been done to calculate post-development floodplain shall not be required to be contained in reports required above for environmentally sensitive areas, except to the extent they impact or are impacted by another environmentally sensitive area. Restrictions for floodplain areas shall be as required by Article 19 of the Zoning Ordinance and the Stormwater Technical Manual.

6-11(a)(4) SINKHOLES

- In locations where a sinkhole, a sinkhole cluster, or an immediate sinkhole drainage area is found, the following requirements shall apply:

(a) PLAN REQUIREMENTS - A sinkhole, the immediate sinkhole drainage area, a sinkhole cluster

area or portions of such areas shall be shown on any development plan or preliminary subdivision plan. Sinkhole-related non-buildable areas and restricted fill areas shall be shown on final subdivision plans and final development plans.

(b) STUDIES REQUIRED - In locations where a sinkhole, a sinkhole cluster, or an immediate sinkhole drainage area is found, the developer shall provide recommendations from the project engineer based upon substantial and state-of-the-art field studies and evaluation of the specific sinkhole system. Such studies and recommendations shall be prepared in conformance with the Geotechnical Manual and submitted to the Planning Commission as a part of the Improvement Plan Progress Report.

(c) SINKHOLE-RELATED NON-BUILDABLE AREAS - Based upon the topography, geology, soils, and known history of the sinkhole (such as past filling) and the project engineer's stormwater analysis and plan, the Planning Commission shall, when appropriate, establish sinkhole-related non-buildable areas. No buildings, parking areas or other structures shall be permitted within the sinkhole-related non-buildable area. The non-buildable area shall follow the limits of the sinkhole in most cases. However, the non-buildable area may be expanded or contracted by action of the Planning Commission, where warranted, due to the nature of the specific sinkhole; the underlying geology; soils; drainage and any related information, such as depth to bedrock.

(d) DEVELOPMENT IN SINKHOLE DRAINAGE AREAS - Development may occur in the immediate sinkhole drainage area if the developer provides alternative surface drainage away from the sinkhole, while keeping the water in the same surface drainage basin; and provided further that the water shall not go into another sinkhole drainage area off the petitioner's property, nor into another stream of known flooding problems. The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system can be deleted from the development area and be used to meet the normal open space requirements. The developer may request that the Planning Commission increase the density on the remainder of the developable area with the total resulting density no greater than if the entire area were developed to the permitted density. For portions of the immediate sinkhole drainage area where alternative surface drainage methods cannot be provided, as determined by the project engineer, the developer may choose one of the alternatives described in Section 5 below based upon the information derived from the studies, evaluation, and recommendations required above.

(e) SINKHOLE SURFACE DRAINAGE ANALYSES - The sinkhole can be used for surface runoff drainage of a proposed development if the conditions of either of the following alternatives are met:

(1) ALTERNATIVE 1 - A sinkhole can be used for surface runoff of a proposed development with or without retention or detention facilities, as recommended by the project engineer, provided that any increase in the quantity of surface runoff due to development of the entire sinkhole drainage area in question will not aggravate flooding on the proposed development, adjacent existing development, or connected/adjacent sinkhole subsurface systems. The Planning Commission shall not approve a development using this alternative unless the study, evaluation and recommendations required above meet the requirements of this subsection.

(2) ALTERNATIVE 2 - A sinkhole can be used for surface drainage of a proposed development if all of the following conditions and provisions are met:

- a. That the runoff from the development area is either completely retained in a retention basin or detained in a detention basin. The flow rate out of the above basins shall be regulated so that it is no greater than the flow rate into the sinkhole for the development area prior to development for the 100-year/24-hour storm. The outflow rate shall not aggravate flooding on downstream properties for this storm.
- b. The developer may elect to divert enough of the sinkhole drainage area so that the development of the remaining area does not increase the total quantity of runoff into the sinkhole. Where additional runoff is anticipated, the project engineer shall evaluate and show the effect of any additional quantity of runoff to the sinkhole and sinkhole system. For approval, the study must show the development will not aggravate flooding on the proposed development, adjacent lands, or connected/adjacent sinkhole systems.
- c. Where the sinkhole outlet is off site, either the runoff leaving the subject property must be shown to be no

greater in flow, or in quantity, than existed before development; or written approvals must be submitted from owners of the property where any increase in flow or quantity of water must go to reach the sinkhole outlet. Easement areas shall be based upon the project engineer's calculations of proposed ponding elevation.

(f) FILLING IN SINKHOLES AND SINKHOLE DRAINAGE AREAS - Development may involve some filling of the sinkhole drainage area or sinkhole based on the study, evaluation and recommendation of the project engineer, and when such filling is done in conformance with the Geotechnical Manual. However, no principal or accessory buildings with soil bearing foundations shall be permitted to be constructed on fill within the limits of any sinkhole.

(g) REQUIRED PLAN NOTES - For any land that includes a sinkhole-related, non-buildable area, or restricted fill area, the developer shall place the following note on the final subdivision plan or development plan:

(1) "Based upon the evidence presented to them, the Planning Commission has identified sinkhole related non-buildable areas on this plan. However, approval of this plan is not to be interpreted as any guarantee that future sinkhole problems will not occur due to either natural or human activities."

Based upon the facts of each case, the following notes may be required, in whole or part, by the Planning Commission, depending upon the nature of the sinkhole and the method of treatment (if any) proposed by the project engineer. Additional notes may be required, or the language of the following notes may be modified, as required by the Planning Commission:

(2) "Any sinkhole-related, non-buildable area identified here has been determined to be unsuitable for any construction activity; and no buildings, parking areas or other structures shall be permitted within this area."

(3) "Any sinkhole or restricted fill area identified here has been determined to be unsuitable for soil-bearing foundations, and the entire structure of any building (including the floor system) constructed therein must be founded on solid rock."

(4) "No basement or first floor elevations shall be lower than an elevation, USGS datum, to be determined on a case-by-case basis, said elevation being at least two (2) feet above the 100-year/24-hour storm, assuming no outflow from the sinkhole."

(5) "Geological remediation took place on portions of lots _____ as a part of the infrastructure installation. A geotechnical report concerning the investigation and remediation, prepared by (name of the individual or firm), is on file with the Lexington-Fayette Urban County Government Division of Engineering. Construction on these lots should exercise reasonable caution in relation to particular project needs and the previous remediation. Since the exact nature of building or development in the remediation area is unknown at this time, (project engineer) and the Lexington-Fayette Urban County Government Division of Engineering can make no representation as to the extent, adequacy, or appropriateness of the remediation for future uses."

6-11(b) GEOLOGIC HAZARD AREAS - A geologic hazard area differs from an environmentally sensitive area in that the environmental problems are so numerous that development, even with severe limitations, would pose a serious problem to the immediate area or the surrounding areas. Examples of these areas are areas of excessive floodplain, areas that have potential collapse problems due to caves underneath the rock strata but close to the surface, cliff areas, etc. All geologic hazard areas shall be identified and located on the preliminary subdivision plan as provided in Article 5. As a general rule, development shall be designed such that any geologic hazard area shall be left in its natural state as permanent open space. However, if the developer intends to develop within, or otherwise impact the geologic hazard area, a comprehensive environmental assessment study of the geologic hazard area prepared by a qualified professional shall be required to be filed at the time of application for plan consideration by the Commission. The Division of Planning shall not accept applications if this report is not provided. The Division of Planning shall review the contents of the study and make specific comments and recommendations to the Commission. The Commission shall refuse to fully approve the subdivision plan unless and until it is satisfied that the safeguards will be provided such that future residents will experience no loss of health, safety or welfare due to development within the geologic hazard area.

6-12 SURVEYING AND MONUMENTATION STANDARDS - All vertical and horizontal control shall be tied to the Lexington-Fayette Urban County Government Control Network, shall be at least Third Order, and installed in

accordance with the standards of the Division of Engineering. All surveying and monumentation shall comply with the *Standard of Practice for Professional Land Surveyors (201 KAR 18.150)*.

6-13 SUBDIVISION STANDARDS WITHIN THE URBAN SERVICE EXPANSION AREAS - Subdivision of land within the designated Urban Service Expansion Areas shall comply with all provisions of these Land Subdivision Regulations, the Zoning Ordinance and the Division of Engineering Technical Manuals as normally applicable to property within Fayette County, except as expressly modified as follows:

6-13(a) STORMWATER STANDARDS - All subdivisions shall comply with Article 6-7 above, except when located within a System-Wide Stormwater Management District, in which case the requirement for such District shall take precedence.

6-13(b) CONTINUITY BETWEEN SUBDIVISION DEVELOPMENTS - Subdivisions within the Expansion Area shall be connected to other developments with collector streets. In addition, it is intended that local street connections shall be provided between developments to act as a network to supplement the collector/connector and arterial street systems.

6-13(c) STREET CROSS-SECTIONS AND GEOMETRICS - Developers within the Expansion Areas are encouraged to pursue alternative street cross-sections, street geometrics and development designs which achieve the basic purposes of these Regulations; subject to proper demonstration that such alternatives can be implemented without impairment of the public health, safety and welfare. The reviewing agencies, Committees and Planning Commission are directed to earnestly consider such alternatives under the provisions of 1-5(b) herein. Where specific street cross-sections, including bikeways, are shown in the Expansion Area Master Plan for major roadways, the cross-sections depicted shall be utilized for construction of the applicable roadway as determined by the Planning Commission.

6-13(d) RURAL SCENIC ROADS - The provisions of Article 6-8(p), Street Improvement Standards, of the Land Subdivision Regulations, shall not generally apply to Rural Scenic Roads as established in the Expansion Area Master Plan. Should roadway improvements be needed as a project improvement, as defined in Zoning Ordinance Article 23, the Commission shall require only the minimum improvement to the existing roadway needed to mitigate concerns regarding safety.

EXHIBIT 6-1: STREET GEOMETRICS

	COLLECTOR/ CONNECTOR STREETS		LOCAL STREETS				
	RESIDENTIAL	NON- RESIDENTIAL	CONTINUING	LOOP/ CUL-DE-SAC	SERVICE ROAD	NON- RESIDENTIAL	RURAL LOCAL
<u>STREET DIMENSIONS</u>							
Right-of-Way Width	60'	70'	50'	50' (*3)	40' – 50'	60'	60'
Roadway Width (face to face)	36' - 40' (*5)	40'	27'	27' – 30' (*3)	30'	40'	20'
Curbs and Gutters	Yes	Yes	Yes	Yes	Yes	Yes	No
Sidewalk (width and sides)	4' (both)	4' (both)	4' (both)	4' (both)	4' (*1)	4' (both)	No
Driveway Access	(*1) Yes	(*1) Yes	Yes	Yes	Yes	Yes	Yes
Double-Frontage Lots	(*1) No	(*1) No	No	No	No	No	No
Street Grade (Maximum)	8%	8%	10%	10%	10%	6%	8% (*4)
Street Grade (Minimum)	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%	0.8%
Pavement Cross Slope	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.	¼" / ft.
Cut Slopes (Minimum)	2:1	2:1	2:1	2:1	2:1	2:1	2:1
Fill Slopes (Minimum)	2:1	2:1	2:1	2:1	2:1	2:1	2:1
<u>STREET ALIGNMENT</u>							
Horizontal Curve Radius	500'	500'	250'	100'	150'	300'	250'
Stopping Sight Distance	250'	250'	200'	200'	200'	200'	250'
Crest Vertical Curve Formula	(*6)	(*6)	(*6)	(*6)	(*6)	(*6)	(*6)
Crest Vertical Curve (Minimum)	100'	100'	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	(*7)	(*7)	(*7)	(*7)	(*7)	(*7)	(*7)
Sag Vertical Curve (Minimum)	100'	100'	100'	100'	100'	100'	100'
<u>STREET INTERSECTION</u>							
Maximum Street Legs	4	4	4	4	4	4	4
Intersection Angle (Preferred and Minimum)	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°	90° - 80°
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	(*1)	20'	20'	20'	20' – 40'	N/A
Max. Grade within 50' of Intersecting Gutter	3%	3%	3%	3%	3%	3%	N/A
Max. Tangent Offset within 100' of Intersecting Gutter	8.3'	8.3'	11.3'	11.3'	11.3'	11.3'	N/A

(*1) As approved by the Planning Commission.

(*2) Intersection spacing shall apply as described in Section 6-8(q).

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

(*4) The Planning Commission may grant a variance in conformance with Section 1-5 to permit grades of up to 12% in the Rural Service Area and greater than 12% in areas near the Kentucky River.

(*5) The 36' cross-section shall be used for transition to older sections of collector/connector streets. See Exhibit 6-2: Typical Cross-Sections for further information.

(*6) Refer to the Division of Engineering Roadway Manual for design controls for crest vertical curves.

(*7) Refer to the Division of Engineering Roadway Manual for design controls for sag vertical curves.

Note: Typical cross-section applications are described in Exhibit 6-3.

6-2: STREET GEOMETRICS FOR NEO-TRADITIONAL RESIDENTIAL STREETS

	COLLECTOR/ CONNECTOR STREETS	LOCAL STREETS			
		TWO-SIDED STREET PARKING	ONE-SIDED STREET PARKING	CLOSE	ALLEYS
STREET DIMENSIONS					
Right-of-Way Width	55' - 65'	45'	40'	40'	20'
Roadway Width (face to face)	36'	24'	20'	20'	10'
Curbs and Gutters	Yes	Yes	Yes	Yes	N/A
Sidewalk (width and sides)	5' (both)	5' (both)	5' (both)	5' (*1)	N/A
Driveway Access	(*1)	No	No	No	Yes
Double Frontage Lots	(*1)	No	No	No	Yes
Street Grade (Maximum)	8%	10%	10%	10%	10%
Street Grade (Minimum)	0.8%	0.8%	0.8%	0.8%	0.8%
STREET ALIGNMENT					
Horizontal Curve Radius	425'	205'	205'	100'	25'
Stopping Sight Distance	250'	200'	200'	200'	100'
Crest Vertical Curve Formula	(*3)	(*3)	(*3)	(*3)	(*3)
Crest Vertical Curve Minimum	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	(*4)	(*4)	(*4)	(*4)	(*4)
Sag Vertical Curve Minimum	100'	100'	100'	100'	100'
STREET INTERSECTIONS					
Maximum Street Legs	4	4	4	4	4
Intersection Angle (Preferred and Minimum)	90° – 80°	90° – 80°	90° – 80°	90° – 80°	90° – 80°
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	15'	15'	10' – 15'	N/A
Max. Grade within 50' of Intersecting Gutter	3%	3%	3%	3%	3%
Max. Tangent Offset within 100' of Intersecting Gutter	8.3'	11.3'	11.3'	11.3'	11.3'

(*1) As approved by the Planning Commission.

(*2) Intersection spacing shall apply as described in Section 6-8(q).

(*3) Refer to the Division of Engineering Roadway Manual for design controls for crest vertical curves.

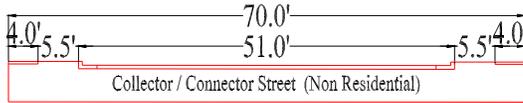
(*4) Refer to the Division of Engineering Roadway Manual for design controls for sag vertical curves.

EXHIBIT 6-3: TYPICAL STREET CROSS-SECTIONS

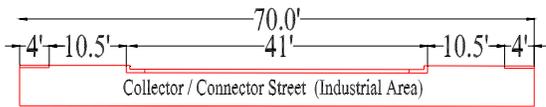
Note: The following cross-sections shall be considered typical for the situations listed. Other cross-sections may be required by the Planning Commission upon advice from the Division of Traffic Engineering and the Division of Planning, based upon the design of the actual situation encountered. Some existing stub streets were constructed using cross-sections that are now obsolete. These streets should be completed using the obsolete cross-section to an appropriate stopping point, which is customarily the next street intersection. Cross-sections for arterial streets or other roadways, larger than those shown in this exhibit, shall be designed by the LFUCG or the Kentucky Department of Transportation, as appropriate.

CROSS-SECTION

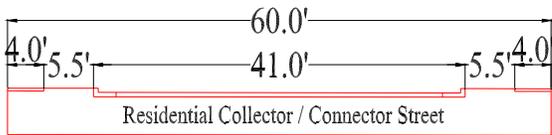
APPLICATION



Collector/Connector street in non-residential areas; intersection with an arterial street for at least 250'. A transition section is required to the normal collector/connector street cross-section.



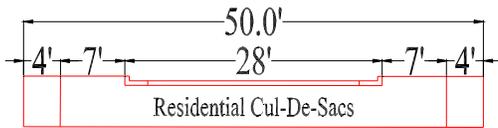
Collector/connector street in non-residential areas; industrial area collectors/ connectors and locals. (Note: Sidewalk may be eliminated on one side when street is completely contained within an industrial area)



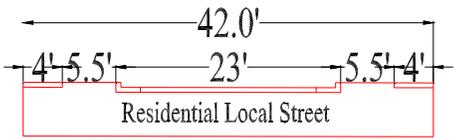
Residential collector/connector street depicted in the Comprehensive Plan; industrial area locals and cul-de-sacs. (Note: Sidewalk may be eliminated on one side when street is completely contained within an industrial area).



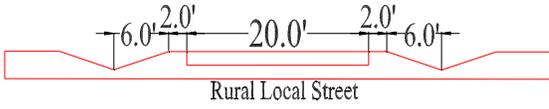
Commercial service roads.



Residential cul-de-sacs and continuing residential local streets. (Note: 4-foot dimension is sidewalk)



Residential local, where 15 units or less have access or the average lot width is greater than or equal to 100' (single family only); and where two parking spaces are provided behind the building line, each having independent access to the street. Easement area for sidewalks and utilities required.



Rural Local Streets are intended to carry a low volume of traffic.

EXHIBIT 6-4: TYPICAL CROSS-SECTIONS FOR NEO-TRADITIONAL RESIDENTIAL STREETS

The following street cross-sections shall be used for Neo-Traditional developments.
(Note: The 5-foot dimension on each of the first four diagrams indicates sidewalks)

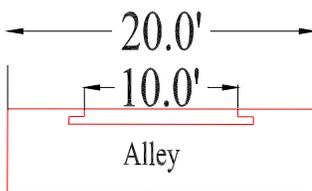
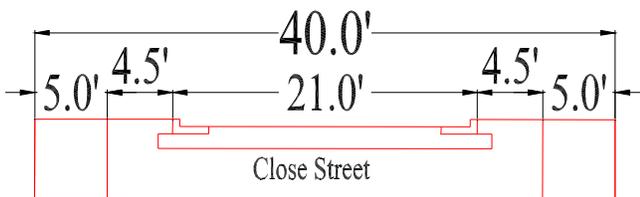
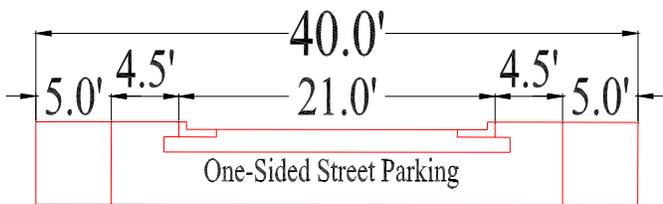
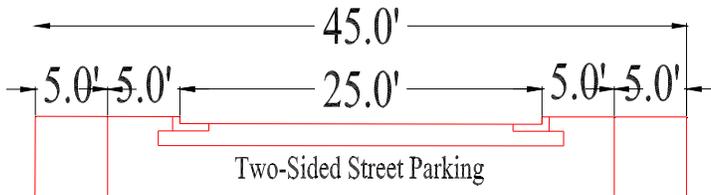
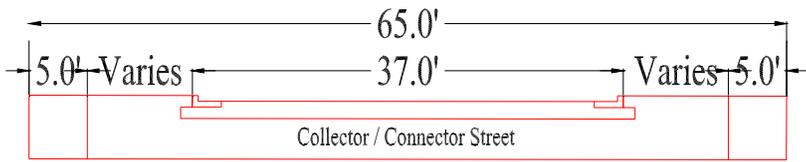


EXHIBIT 6-5: CORNER SIGHT DISTANCES AT INTERSECTIONS

<u>TYPE OF ROADWAY(*1)</u>	<u>PUBLIC OR PRIVATE STREET(*2)</u>	<u>DRIVEWAY(*2)</u>
MAJOR ARTERIAL	325L/150R/15M(*3)	325L/150R/15M
MINOR ARTERIAL	275L/150R/15M	275L/150R/15M
COLLECTOR	200L/150R/15M	200L/150R/15M (non-res.) 150L/120R/15M (res.)
LOCAL	175L/130R/15M	75L/55R/10M

(*1) This column considered as "major" street or intersection.

(*2) This column considered as "minor" street or intersection.

(*3) 325L/150R/15M - Sight triangle to the left/Sight triangle to the right/Distance from edge of curb on minor street or drive approach.

Note: This table assumes right angle intersections and straight major street movement within the sight distance. Situations involving skewed intersections, curvilinear streets and other mitigating factors shall have sight distances determined by the Division of Traffic Engineering.

EXHIBIT 6-6: MINIMUM PAVING SPECIFICATIONS

FUNCTIONAL CLASSIFICATION	ASPHALT SURFACE COURSE/ASPHALT BASE COURSE/GRANULAR BASE	PORTLAND CEMENT SINGLE COURSE/ GRANULAR BASE
RESIDENTIAL LOCAL STREETS (URBAN AND RURAL)	1”/3”/9”	6”/4”
RESIDENTIAL COLLECTOR/CONNECTOR STREETS (URBAN AND RURAL)	1”/6”/8”	7”/4”
ARTERIALS AND NON-RESIDENTIAL STREETS (ALL CLASSIFICATIONS)	1”/9”/6”	8”/4”

NOTE: These paving specifications are the minimum. The project engineer shall design the granular base and asphalt/concrete thickness in conformance with the standards of the Division of Engineering Roadway Manual. In no case shall the thickness of the granular base and asphalt/cement course be less than shown above.

EXHIBIT 6-7: ALTERNATE CUL-DE-SAC DESIGNS

Note: For all cul-de-sacs, the width of utility strip shall remain constant around the ball of the cul-de-sac, or around the hammerhead, to match the utility strip width in the tangent section.

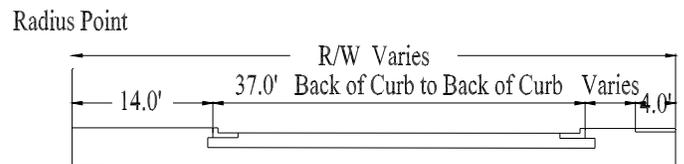
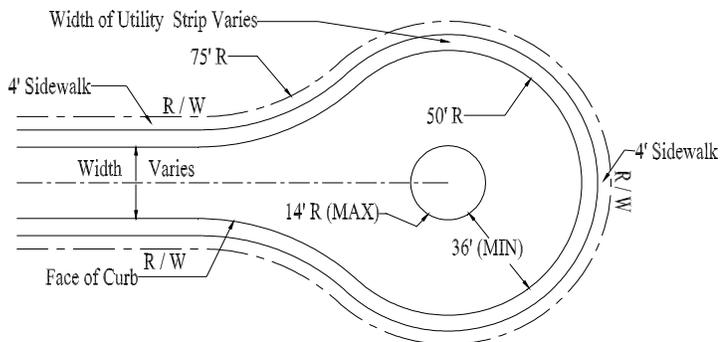
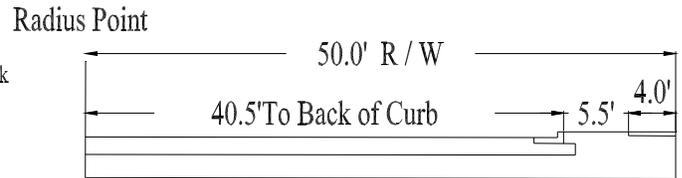
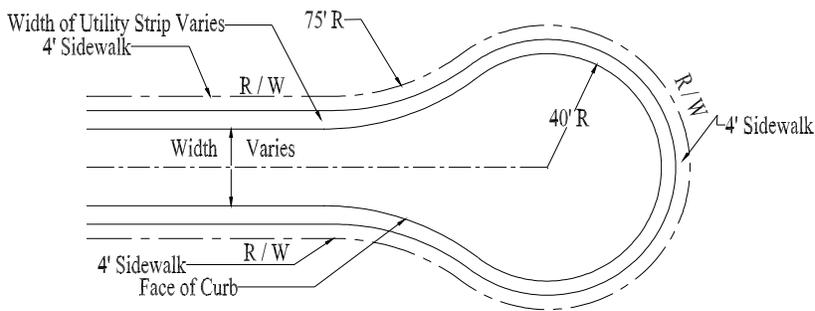
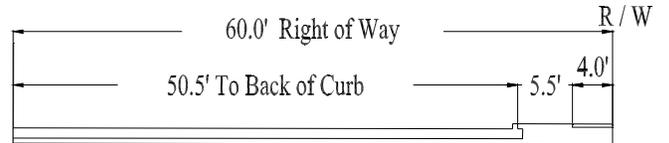
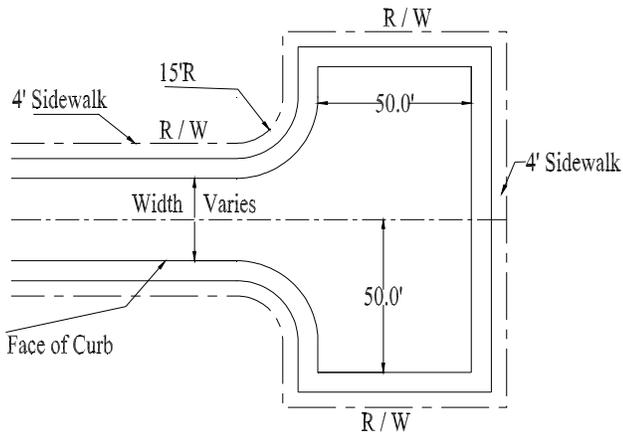
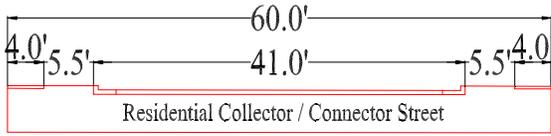


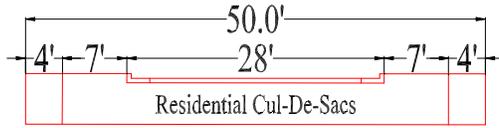
EXHIBIT 6-3: TYPICAL STREET CROSS-SECTIONS

CROSS-SECTION

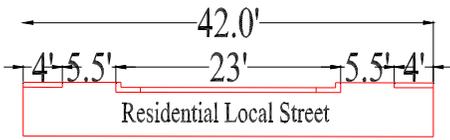
APPLICATION



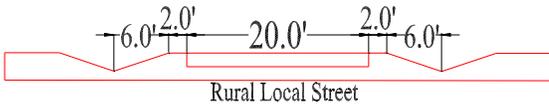
Residential collector/connector street depicted in the Comprehensive Plan; industrial area locals and cul-de-sacs. (Note: Sidewalk may be eliminated on one side when street is completely contained within an industrial area).



Residential cul-de-sacs and continuing residential local streets. (Note: 4-foot dimension is sidewalk)



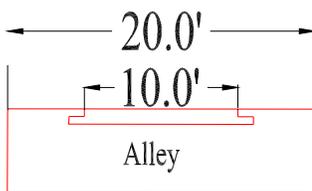
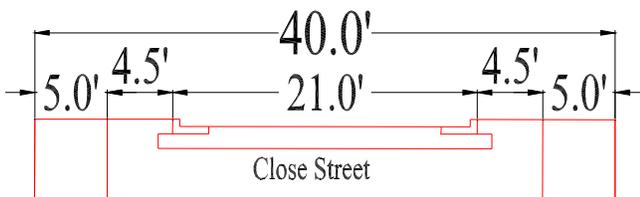
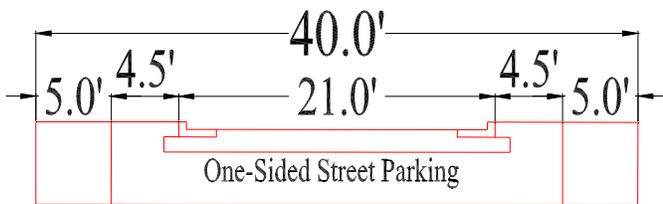
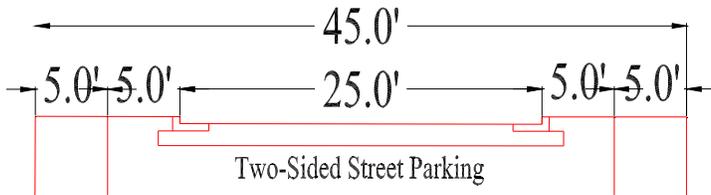
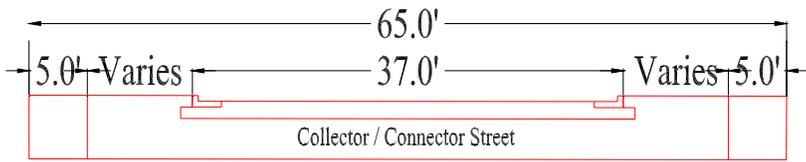
Residential local, where 15 units or less have access or the average lot width is greater than or equal to 100' (single family only); and where two parking spaces are provided behind the building line, each having independent access to the street. Easement area for sidewalks and utilities required.



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EXHIBIT 6-4: TYPICAL CROSS-SECTIONS FOR NEO-TRADITIONAL RESIDENTIAL STREETS

The following street cross-sections shall be used for Neo-Traditional developments.
(Note: The 5-foot dimension on each of the first four diagrams indicates sidewalks)



At the time of the posting of this ordinance (January 2011) the memberships of the Urban County Council, the Planning Commission and the Planning Division staff were as follows:

MAYOR

Jim Gray

**LEXINGTON-FAYETTE
URBAN COUNTY COUNCIL**

Linda Gorton, Vice Mayor
Julian Beard
Tom Blues
K.C. Crosbie
Chuck Ellinger, II
Bill Farmer, Jr.
Chris Ford
Peggy Henson
Steve Kay
Diane Lawless
Ed Lane
Doug Martin
Jay McChord
George Myers
Kevin Stinnett

**LEXINGTON-FAYETTE
URBAN COUNTY PLANNING COMMISSION**

Carolyn Richardson, Chair
Mike Cravens, Vice Chair
Mike Owens, Secretary
Ed Holmes, AICP, Parliamentarian
Eunice Beatty
Carla Blanton
Patrick Brewer
Marie Copeland
Derek Paulsen
Lynn Roche-Phillips
Bill Wilson

DIVISION OF PLANNING

Chris King, AICP, Director*
Della Horton, Administrative Specialist, Principal**

Planning Services Section

William L. Sallee, Jr., Planning Manager
Barbara Rackers, Administrative Officer**
Jimmy Emmons, Senior Planner
Thomas A. Martin, AICP, Senior Planner
James Marx, Senior Planner
Traci L. Wade, AICP, Senior Planner
Cheryl Gallt, Planner
Chris Taylor, Planner
Denice Bullock, Administrative Specialist

Stephanie Cunningham, Administrative Specialist
Wanda Howard, Administrative Specialist

Long Range Planning Section

James H. Duncan, III, Planning Manager
Cindy Deitz, Senior Planner
Janice Westlund, Senior Planner
Sharon Buford, Planner
Robert Johnson, Planning Technician
Pam Whitaker, Administrative Specialist

Transportation Planning Section

Max Conyers, Planning Manager
Roger Daman, Senior Planner
Joseph David, Senior Planner
Robin Hammons, AICP, Senior Planner
Sam Hu, Senior Planner
Charles Schaub, Senior Planner
Harika Suklun, Senior Planner
Kenzie Gleason, Bike/Pedestrian Planner
Brenda Whittington, Administrative Specialist

GIS Support Staff

Peter G. Bourne, GIS Specialist

Other Acknowledgements

Alan Morris, P.E., Division of Engineering***
Wayne Waddell, Department of Law***
Richard W. Walker, P.E., Commonwealth Technology, Inc.
Chris Westover, Department of Law***
David Uckotter, P.E., Division of Engineering***

* Primary staff responsibility for coordination and preparation of 1983 Revision.

** Primary staff responsibility for coordination and preparation of July 2008 reprinting.

*** Former LFUCG Employee