
SUBDIVISION REGULATIONS

ARTICLE 1. GENERAL PROVISIONS

1.1 GENERAL APPLICABILITY

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of the City of Henderson, the City of Corydon, and Henderson County, Kentucky. All persons, firms or corporations laying out or subdividing or platting any lands within Henderson County shall comply with the following rules and regulations governing land subdivision. These regulations shall meet the specifications of the Planning Commission and local governing bodies and shall be developed and maintained by the local governing body.

1.2 POLICY

1. It is hereby the policy of the Henderson City-County Planning Commission to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the Planning Commission for the orderly, planned, efficient, and economical development of the City of Henderson, the City of Corydon, and Henderson County.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until facilities and improvements exist, or until surety is posted, including but not limited to provisions for streets, drainage, water, wastewater, and such other improvements as the Planning Commission may deem advisable. In addition, open spaces and recreational areas may be required as a part of any proposed development's master plan.
3. The existing and proposed public improvements shall conform to and be properly related to those shown in the Comprehensive Plan as adopted by the Legislative bodies of the City of Henderson, the City of Corydon, and Henderson County, and it is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the Kentucky Building and Residential Codes, Zoning Ordinances, Comprehensive Plan, Flood Damage Prevention Ordinances, Sewer Use Ordinances, Access Standards Manual, and any other ordinances or plans enacted by the various Legislative bodies of the City of Henderson, the City of Corydon, and Henderson County.

1.3 PURPOSES

The regulations are adopted for the following reasons:

1. To protect and provide for the public health, safety, and general welfare of the planning unit.
2. To guide the future growth and development of the planning unit in accordance with the Comprehensive Plan.
3. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger and to prevent overcrowding of land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the planning unit and to encourage the orderly and beneficial development of all parts of the planning unit.
5. To protect and conserve the value of land throughout the planning unit and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the planning unit, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
8. To establish reasonable standards of design and procedures for subdivisions, and resubdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the planning unit in order to preserve the integrity, stability, and beauty of the community and the value of the land.
11. To preserve the natural beauty and topography of the planning unit and to insure appropriate development with regard to these natural features.
12. To provide for open spaces through the most efficient design and layout of the land, including the use of average density of land as established in the zoning ordinance and/or regulation of the planning unit.

1.4 AUTHORITY

By authority of resolution of the Planning Commission of Henderson-Henderson County (hereinafter referred to as "Planning Commission") adopted pursuant to the powers and jurisdictions vested through K.R.S. 100.273, K.R.S. 100.277 and K.R.S. 100.285 and other applicable laws, statutes, ordinances, and regulations of the Commonwealth of Kentucky, the Planning Commission does hereby exercise the power and authority to review, conditionally approve, postpone, approve, disapprove and revoke plats for subdivision of land within the jurisdictional limits of the planning unit which shows lots, blocks, or sites with or without new streets or highways.

1.5 JURISDICTION

1. These subdivision regulations shall apply to all subdivision of land, as defined herein, located within the jurisdictional limits of the planning units.
2. No land shall be subdivided within the jurisdictional limits of the planning unit until:
 - a. The subdivider or his agent shall submit a preliminary plat and a final plat of the parcel to the Planning Commission through its designated Staff;
 - b. Obtain approval of the necessary plats required by the regulation contained herein from the Planning Commission, and;
 - c. The approved final plat is recorded in the office of the County Court Clerk of Henderson County.
1. No building permit or certificate of occupancy shall be issued for any parcel of land or lot which was created by subdivision after the effective date of these regulations, where said parcel or lot is not in conformity with the provisions of these regulations, and no construction of any public or private improvements shall take place or commence except in conformity with these regulations.

1.6 ENACTMENT

In order that land may be subdivided in accordance with these purposes and policy, these subdivisions regulations are hereby adopted.

1.7 INTERPRETATION, CONFLICT, AND SEVERABILITY

1. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. Conflict with Public and Private Provisions;
 - a. Public Provisions. These regulations are not intended to interfere with, abolish, or annul any other ordinance, rule, regulation or statute, or other provision or law. Where provisions of these regulations, or other ordinances, rules, or regulations are more restrictive, the higher standards shall apply.
 - b. Private Provisions. These regulations are not intended to abolish or impair any easement, covenant, deed restriction, or any other private agreement or restriction where the private agreement, restriction, or covenant imposes higher standards or is more restrictive, so long as the more restrictive standards are consistent with the Planning Commission or Legislative bodies' regulation. Where the provisions of an easement, covenant, or private agreement or restriction impose duties and obligations that are more restrictive or have higher standards than that required by the Planning Commission, or the Legislative bodies of the City of Henderson, the City of Corydon, or Henderson County, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.
 - c. Enforcement of Private Provisions. When the provisions of an easement, covenant, private agreement, or other restriction applies, nothing in these regulations shall provide for the enforcement of said easements, covenants, private agreements, or regulations by the City of Henderson, the City of Corydon, or Henderson County. Enforcement of such provisions shall be initiated by the parties thereto through appropriate civil action.
3. Severability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have enacted the remainder of these regulations, even without any such part, provision, or application.

1.8 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the various Legislative bodies of the City of Henderson, the City of Corydon, or Henderson County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful enactment of the various

Legislations bodies of the City of Henderson, the City of Corydon, or Henderson County except as shall be expressly provided for in these regulations.

1.9 RESERVATIONS AND REPEALS

Upon adoption of these regulations according to law, the Subdivision Regulations of Henderson, adopted on April 4, 1978, as amended, are hereby repealed except such sections expressly retained herein.

1.10 AMENDMENTS

For the purpose of providing for the health, safety and general welfare of the public, the Planning Commission may from time to time amend the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

1.11 CONDITIONS

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Kentucky to the Henderson City-County Planning Commission. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the Henderson City-County Planning Commission and to safety and general welfare of the future plot owners in the subdivision of the community at large.

1.12 RESUBDIVISION OF LAND

1. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such a map, or an area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivision, such parcel shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision.
2. Procedure for Subdivision Where Future Resubdivision Is Possible. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than the minimum lot size, which could allow said lots to eventually be resubdivided into smaller lots, the Planning Commission may require that any such major subdivision allow for the future opening of streets and the ultimate extension of such streets may be made a requirement of plat approval. Where future resubdivision or adjacent subdivision development is possible, the Planning Commission may require provision for drainage or utility easements to allow interconnection of services, and future drainage or utility improvements may be made a requirement of plat approval.

1.13 VARIANCES

General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these

regulations; and further provided the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
2. The request for the variance is based upon the individual character of the land and in the opinion of the Planning Commission; the proposal represents an approved innovative development, not applicable generally to other property.
3. Because of particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. Financial disadvantage to the property owner is not conclusive proof of inconvenience or hardship within the purpose of these regulations.
5. The characteristics must be unique to the property and not be shared by adjacent parcels.
6. The unique characteristic must pertain to the land itself, not to its inhabitants, or the property owners.
7. The variances will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan.
8. Conditions. In approving variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of standards or requirements of these regulations.
9. Procedures. A petition for any variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

1.14 DEFINITION OF SUBDIVISION

“Subdivision” means the division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease or building development or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act. K.R.S. 100.111 (22).

1.15 ENFORCEMENT, VIOLATIONS, AND PENALTIES

1. **General Enforcement:** This section follows K.R.S. 100.277,et. Seq.
 - a. It shall be the duty of the Staff to the Planning Commission to enforce these regulations and to bring to the attention of the Planning Commission any violations or lack of compliance herewith.
 - b. No person or his agent shall subdivide any land, before securing the approval of the Planning Commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within jurisdiction of the City of Henderson, the City of Corydon, and Henderson County shall be recorded by the County Court Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairman, Secretary, or other duly authorized officer of the Commission.

- c. No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision or land contemplated is lawful and the subdivision plat subsequently receives final approval of the Planning Commission.
- d. Any street or other public ground, which has been dedicated, shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specified standards set forth in these subdivision regulations shall be by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.

2. Violations and Penalties.

Any person, owner, or agent who violates these regulations may, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

3. **Revocation of Subdivision Plats.** A subdivision may be revoked by the Planning Commission, under rules established in K.R.S. 100.285.
 - a. All owners of land comprising the subdivision must request revocation in writing to the Planning Commission.
 - b. All owners must state under oath that no person has purchased a lot shown on the plat.
 - c. Application must include signed statements from each entity to which an offer of dedication of any public or private facility, easement or right of way was made on the plat, approving the revocation.
 - d. Upon approval of the revocation by the Planning Commission, a notation shall be made on the margin of the recorded plat, stating that the plat has been revoked. This notation shall be signed and dated by the Planning Commission Chairman or other duly authorized officer of the Commission.

SUBDIVISION REGULATIONS

ARTICLE II. PROCEDURES AND REQUIREMENTS FOR MINOR SUBDIVISIONS

2.1 DEFINITION OF MINOR SUBDIVISION

Minor Subdivision – Shall be those subdivisions of land, which generally are of a secondary planning significance to the community's future development. They shall contain no more than five (5) lots and no new streets.

2.2 PROCEDURE FOR SUBMISSION OF MINOR SUBDIVISION PLATS

The following procedures shall be adhered to in the processing of all minor subdivision plats:

1. Purpose – The purpose of this article is to establish special requirements to expedite the preparation and processing of minor subdivision plats.
2. Pre-Application Conference – The developer may arrange a conference with the staff of the Planning Commission before a minor subdivision plat is submitted. The developer, or his designated representative should have a rough sketch plan prepared before the pre-application conference to show the boundaries of the tract.
3. Plat Preparation – A plat suitable for recording shall be prepared by a licensed and registered surveyor, after the developer or his representative has communicated with the staff of the Planning Commission to determine if the proposed subdivision qualifies as a minor subdivision.
4. Staff Review – The Commission's staff shall review the plat for conformance to all applicable regulations, mark the copies where any necessary changes are required, and return one copy to the developer. During the review process, the staff will secure comments from other concerned agencies.
5. Planning Commission Review – When the plat conforms to these regulations, it shall be submitted to the Commission for the necessary approval accompanied by a completed minor subdivision checklist. The Commission may delegate this review procedure to the Commission staff.
6. Signing by the Chairman – When the plat fully conforms to these regulations, the Chairman of the Commission shall sign the Commission's Certification on the plat to signify the Commission's approval and make it eligible for recording. The Commission may delegate this certification procedure to the Commission staff.
7. Copies Required – After signing of the plat by the Chairman or a designated staff member of the Commission, and before the approved plat is returned to the developer, the developer shall have five (5) copies of the plat made and delivered to the staff of the Commission. The approved plat may then be returned to the developer.
8. Recording – After the staff's review and the Commission's approval of the plat, the signed plat shall be recorded in the exact form as previously approved by the Staff of the Planning Commission at the expense of the applicant, or else the approval becomes null and void.

2.3 CONTENT AND FORMAT OF MINOR SUBDIVISION PLAT MATERIAL

Minor subdivision plats shall be prepared according to the following specifications. In addition to the plat, improvement drawings may be required by the Planning Commission if necessary.

1. Material and Size – Plats submitted to the Planning Commission shall be 8 1/2" x 14", 11" x 17" or 18" x 24" unless otherwise authorized. Plats must also be submitted in digital format (**See Addendum "A"**).
2. Title Block – The title block shall be placed at the bottom of the sheet and shall include the name of the subdivision. The title block shall also contain the following information: Names and mailing addresses of the owner and the engineer or surveyor; graphic scale; written scale; date of preparation; and other pertinent legend information.
3. Vicinity Map– A vicinity map shall be placed in an appropriate location on the sheet, preferably in an upper corner of the sheet, and shall show the relationship of the property being subdivided (drafted in solid black) to a sufficient number of streets or highways in the area to enable one to quickly recognize the section of Henderson County in which the subdivision is located.
4. Potable Water Supply

If there is no potable supply of water available to the property, a note will be required on the plat that no potable supply of water is available.

The Planning Commission will stamp a notification on the plat to put the public on notice. It shall read as follows:

THE PROPERTY PLATTED HEREIN HAS BEEN APPROVED FOR SUBDIVISION PURPOSES BY THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITHOUT CERTIFICATION THAT A POTABLE WATER SUPPLY IS AVAILABLE. ANY REQUIREMENTS OF THE KENTUCKY DEPARTMENT OF HOUSING, DIVISION OF PLUMBING CONCERNING WATER SUPPLY MUST BE MET.

5. Subsurface Conditions
 - a. Lots containing less than one (1) acre shall be provided with sanitary sewers by the subdivider, including laterals to each lot, and a practical and satisfactory connection to existing sewers.
 - b. Lots containing one (1) acre or more area. A site evaluation test shall not be required by the Planning Commission for lots containing one (1) acre or more area, however, the Planning Commission may request that an on-site soils analysis be conducted by the Kentucky Green River Area Health Department.
 - c. All plats approved by the Planning Commission without site evaluation approved by the Kentucky Green River Area Health Department shall be recorded with the following stipulations:
 - i. Data. All data pertinent to site evaluation shall be filed in the Planning Commission office and made available for review by the public.
 - ii. Disclaimer of Liability. Approval of a subdivision plat does not imply that the lot(s) described thereon will meet state regulations pertaining to individual sewage disposal systems. The Planning Commission does not warrant that a developer or potential builder will be eligible for any permits required by the Kentucky Green River Area Health Department.

- iii. Notification on Plat. All subdivision plats approved by the Planning Commission without a soil percolation test report for each lot, approved by the Kentucky Green River Area Health Department, shall contain the following statement of notification:

NOTICE: INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

THE PROPERTY PLATTED HEREIN HAS BEEN APPROVED FOR SUBDIVISION PURPOSES BY THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITHOUT AN ON-SITE SEWAGE SITE EVALUATION(S) APPROVED BY THE KENTUCKY GREEN RIVER AREA HEALTH DEPARTMENT. ANY PROPOSED INDIVIDUAL SEWAGE DISPOSAL SYSTEM MUST COMPLY WITH ALL REQUIREMENTS OF THE DEPARTMENT. INTERESTED INDIVIDUALS MAY CONTACT THE HENDERSON CITY-COUNTY PLANNING COMMISSION FOR ADDITIONAL INFORMATION.

- 6. Land Subdivision Plan – The land subdivision plan shall be placed in the center of the plat and shall show the boundaries of the subdivision in a heavy solid line. The following information shall also be placed on the plat: acreage in the subdivision; names of right-of-ways; pavement width of all streets, which abut, adjoin or are included within the subdivision; width and location of all existing and proposed easements, including utility easements within the proposed development; and building setback lines.

All subdivision boundaries and lot lines shall be surveyed in the field and accurate bearings and dimensions shall be placed on all boundary lines. The scale of the drawing shall be 1" to 100' when possible. All adjoining properties shall have their intersections with the subdivision illustrated by dashed lines, and the name of the adjacent property owners shall be placed on the plat. The record plat or deed book page and number of all properties to be subdivided shall also be shown.

- a. Consolidation of Property – When a portion of a tract of land is transferred to an adjoining property, the dimensions of the remaining property from which the portion was transferred shall be placed on the plat unless the remaining property contains five (5) acres or more and is zoned Agricultural, in which case a notation of the acreage and road frontage of the remaining property will fulfill this requirement.
- 7. Agricultural Division. A division of agricultural property, which satisfies the requirements set forth in KRS 100.111 (2). Agricultural Divisions are not required to conform to the subdivision regulations contained herein. However, all agricultural divisions will be forwarded to the full Planning Commission for approval after review by Staff.
 - 8. Divisions in a Special Flood Hazard Area. All divisions in a special flood hazard area will be forwarded to the full Planning Commission for approval after review by Staff. When a portion of a proposed subdivision lies within a special flood hazard area only that portion outside the special flood hazard area will be considered when computing the minimum required lot size for the development. Special flood hazard areas shall be noted prominently on the face of all plats.
 - 9. Certification Block – The certification blocks should be placed on the bottom of the sheet at the end of the title block and shall contain the following certifications with signatures:

a. OWNER’S CERTIFICATION

I (We) do hereby certify that I am (We are) the owner(s) of record of the property platted herein which is recorded in Deed Book _____, page _____, in the Henderson County Clerk’s Office, do hereby adopt this plan for lots for this property, do hereby dedicate any other spaces so indicated to public use. In addition, I (We) do establish and reserve the indicated easements for public utilities and drainage purposes. .

Date

Owner(s)

b. PROFESSIONAL LAND SURVEYOR

I hereby certify that this plat was prepared by me or under my direction, that all monuments indicated hereon actually exist and their locations, size, and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief; and all requirements of the Subdivision Regulations have been fully complied with.

Date

Name

Appropriate Seal

c. COMMISSION'S CERTIFICATION

I hereby certify that this record plat was approved by the Henderson City-County Planning Commission on _____, 20____, and is now eligible for recording.

Date

Planning Commission Chairman or Planning Director

d. CONSOLIDATION CERTIFICATION

I (we) hereby understand that completion of this consolidation plat may require a transfer of title in conformance with consolidation hereon. No building permits will be issued in reliance on this plat until appropriate transfer of titles are made. _____.

Date

Owner's signature

10. Physical Improvements – When required by the Commission the physical improvements shall conform to the improvement requirements of other Articles herein.
11. Lot Size – Each lot shall have the size noted. The notation shall be in square feet if under an acre and in numbers and fractions if an acre or more.
12. MS-4 and Stormwater Drainage. Must be in conformance with Local, State and Federal Regulations.

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ARTICLE III. PROCEDURES AND REQUIREMENTS FOR MAJOR SUBDIVISIONS

3.1 DEFINITION OF MAJOR SUBDIVISION

Major Subdivision – Shall be those subdivisions of land, which are generally of major significance to the future development of the community, and shall include all subdivisions, which do not conform to the definitions established for minor subdivisions. Major subdivisions are those, which create more than five (5) lots. All commercial, or industrial subdivisions shall be classified as a major subdivision. If a new street is created or if an existing street is extended, the subdivision automatically is classified as a major subdivision regardless of the number of lots involved.

In addition, the following elements of a subdivision proposal may constitute major significance, depending on the particular circumstances:

- a. Public safety impacts (including fire protection, traffic capacity, traffic safety, and road access).
- b. Availability and capacities of utility infrastructure.
- c. Significant changes to existing drainage patterns, stormwater quantity, or stormwater quality.

3.2 GENERAL PROCEDURE

1. Purpose – The purpose of this section is to describe the content and format of required plat materials and the information, which the plats must contain. Conformance to these requirements will provide for the expedient processing of plats. All plats must adhere to these specifications unless the Planning Commission grants permission for modification due to unusual or special circumstances. Plats, which are flagrantly or repeatedly lacking the required data, shall be returned to the developer by the Planning Commission's staff immediately after the absence of data is apparent.
2. Chronology of Submittals
 - a. Pre-Application Conference (See Section 3.3)
 - b. Master Plan Submittal (See Section 3.4)
 - c. Preliminary Plat Submittal (See Section 3.5)
 - d. Final Plat Submittal (See Section 3.6)

Conferences and submittals shall be sequential from Step 1 through Step 4 as applicable, except in the case of industrial subdivisions, which may submit preliminary and final plats simultaneously.

3. Sectionalization of Subdivisions – In such cases where an applicant intends to subdivide only a portion of a tract of land, the applicant shall submit for approval a master plan for the entire tract of land prior to any fractional portion of a preliminary plat being accepted for review. The proposed sectionalization plan of the subdivision shall be shown on the master plan. The Planning Commission may impose any restrictions upon the filing of sections, as it may deem necessary in order to secure the orderly development of the subdivision. After approval of the master plan, the Planning Commission may permit the preliminary and final plats to be divided into 2 or more sections provided that at

least 10% of the total number of lots contained in the master plan are incorporated into the preliminary and final submittals. If an overall preliminary plat is submitted and approved, the Planning Commission may permit the final plats to be divided into 2 or more sections provided that at least 10% of the total number of lots contained in the overall preliminary are contained in the final submittals.

4. Divisions in a Special Flood Hazard Area. All divisions in a special flood hazard area will be forwarded to the full Planning Commission for approval after review by Staff. When a portion of a proposed subdivision lies within a special flood hazard area only that portion outside the special flood hazard area will be considered when computing the minimum required lot size for the development. Special flood hazard areas shall be noted prominently on the face of all plats.

3.3 PRE-APPLICATION CONFERENCE

Applicants shall contact the Planning Commission Staff to determine the need for a pre-application conference. This conference may include the Planning Commission Staff, the Local Government engineer, utility staff, and/or the Land Development Committee, and should be held before a master plan or preliminary plat is submitted. The purpose of the conference is to give the applicant the assistance of the Planning Commission Staff and other resources of local government before they prepare a master plan or preliminary plat and make formal application for its approval. Planning Commission Staff will assist the applicant in determining the level of detail for information submitted to the pre-application conference.

3.4 MASTER PLAN PROCEDURE

A master plan may be submitted by the developer for approval in lieu of an overall preliminary plat to allow the developer to obtain approval of the general layout and other pertinent features of his development before incurring costs for engineering design of public improvements. A master plan must be submitted for the entire tract if the developer intends to subdivide only a portion of a tract of land.

1. Application Procedure and Requirements – The applicant shall file an application for approval of a master plan. The application shall include:
 - a. Be accompanied by a completed master plan checklist.
 - b. Be accompanied by the minimum number of copies of the master plan as described in these regulations.
 - c. Be presented to the office of the Planning Commission at least seven (7) days prior to the regularly scheduled meeting of the Land Development Committee.
 - d. A copy of the master plan will be distributed to the technical advisors to the Planning Commission by the Planning Commission staff.
 - e. Staff of the Planning Commission shall refer the proposed master plan to the Land Development Committee for its review, recommendations and report. Such report of the Land Development Committee shall be submitted, in writing to the Planning Commission at the time of the next regularly scheduled public hearing. No major subdivision shall be considered for action by the Commission until it has been reviewed by the Commission staff and the Land Development Committee.
2. The master plan will proceed to the Planning Commission at the next regularly scheduled meeting.
3. Master Plan Approval – After the Planning Commission has reviewed the master plan, the report of the Land Development Committee, technical advisors and testimony and exhibits at the Planning Commission Hearing, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed master plan shall

be returned to the developer with a letter from the Planning Commission staff informing the developer of the Planning Commission decision.

4. Effective Period of Master Plan Approval – The approval of the master plan shall be effective for a period of three (3) years at the end of which time application for preliminary plat approval on the subdivision or the first section thereof, must have been made. If no application for preliminary approval of a subdivision or a section thereof has been submitted within the said three (3) year period, then the master plan is null and void, and a new application for master plan must be submitted. After initial application has been made for the first section of preliminary approval within the time period specified, then the master plan shall remain valid provided three (3) years does not elapse with no new sections of preliminary being submitted. Any new application for a master plan shall be subject to all provisions of the Zoning Ordinances and Subdivisions Regulations in effect at the time of the submission of the new application for master plan.
5. Zoning Regulations – Every plat shall conform to existing zoning regulations, subdivision regulations and access standards regulations applicable at the time of proposed preliminary approval
6. Requirements for Master Plan Plat:
 - a. The master plan shall be prepared by a Professional Registered Land Surveyor on 18" x 24" or 24" x 36" sheet size unless another size is requested and granted by the Planning Commission.
 - b. Title Block – The title block should be placed at the bottom of the sheet and contain the following information:
 - i. Subdivision Name – The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in Henderson or Henderson County.
 - ii. Property Identification – The record address of the property being submitted and the Property Identification Number as assigned by the PVA office.
 - iii. Identification – The name and mailing address of the property owner and the Professional Registered Land Surveyor who prepared the plat.
 - iv. Legend Information – Graphic scale, written scale, north arrow, date of preparation and any other pertinent information and legend information.
 - c. Vicinity Map– A sketch showing the general location of the subdivision shall be placed in an appropriate location, preferably in an upper corner of the sheet. The vicinity map shall clearly show the property location's relationship to existing and proposed features such as major traffic arteries, schools, recreational areas, shopping areas and industrial areas.
 - d. Lot Design – The design scheme shall be drawn at a scale determined by the Planning Commission staff and the developers.
 - i. Boundary Lines – The location, distance and bearing of all exterior boundary lines of the proposed development.
 - ii. Uses – The proposed uses on the development tract.
 - iii. Streets – Layout of proposed streets, access points and adjacent streets with street names.

- iv. Utilities – The location and size of all existing utilities and easements adjacent to and within the proposed development.
 - v. Lot lines – The approximate locations and distances of all lot lines.
 - vi. Other conditions of the site – Existing watercourse, marshes, wooded areas, isolated preservable trees and other significant features, which will be retained or removed, should be indicated.
 - vii. Adjoining property owners – The names and plat reference of adjacent subdivisions or the names and deed reference of adjacent owners.
 - viii. Other features – Any additional information deemed necessary by the Planning Commission.
- e. Sectionalization Plan- Clearly show planned sections, and streets and public improvements that will be constructed in each section.

3.5 PRELIMINARY PLAT PROCEDURE

1. Application Procedure and Requirements – The applicant should file an application for approval of a preliminary plat. The application should:
 - a. Be made on forms specified by the Planning Commission together with fees as specified in Addendum B. Land Use Restriction fees are refundable to the applicant if the plat is not approved.
 - b. Be accompanied by a completed preliminary plat checklist.
 - c. Be accompanied by the minimum number of copies of the preliminary plat as described in these regulations.
 - d. Be accompanied by the minimum number of copies of construction plans as described in these regulations.
 - e. Be presented to the Planning Commission office at least seven (7) days prior to the regularly scheduled meeting of the Land Development Committee.
 - f. A copy of the preliminary plat and construction plans, where applicable, will be distributed to all technical advisors by the Planning Commission staff.
 - g. The Planning Commission staff shall refer the proposed preliminary plat to the Land Development Committee for its review, recommendations, and report. Such report of the Land Development Committee shall be submitted, in writing, to the Planning Commission at the time of the next regularly scheduled meeting. No major subdivision plat shall be considered for action by the Commission until it has been reviewed by the Commission staff and the Land Development Committee.
2. The preliminary plat will proceed to the Planning Commission at the next regularly scheduled meeting.
3. Preliminary Approval – After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Land Development Committee, the technical advisors testimony, and exhibits at the meeting, the applicant shall be advised of any required changes and/or additions. One (1) copy of the proposed preliminary plat shall be returned to the developer with, a letter from the Planning Commission staff informing the developer of the Planning Commission's decision. The Planning Commission Staff will advise the applicant of the required bond amount on the preliminary approval date.

4. Effective Period of Preliminary Approval – The approval of a preliminary plat or any section thereof shall be effective for a period of one (1) year at the end of which time application for final plat approval on the subdivision must have been made to Planning Commission. After initial application has been made for the first final plat approval within the time period specified, then the preliminary plat shall remain valid provided that three (3) years do not elapse with no new final section being submitted. Any plat not submitted for final plat approval within the period of time set forth herein shall be null and void, and the developer shall be required to re-submit a new plat for preliminary approval subject to all current zoning restrictions and subdivision regulations.
5. Regulations – Every plat shall conform to existing zoning and subdivision regulations applicable at the time of proposed final approval. Plats, which have received preliminary approval, shall be exempt from any subsequent amendments to the Zoning Ordinance, provided that final plat approval is obtained within a one (1) year period, or the final plat is proceeding under an approved sectionalization process.
6. Requirements for Preliminary Subdivision Plat – The preliminary plat material shall be prepared by a licensed land surveyor with the construction drawings prepared by a licensed professional engineer. The preliminary plat submittal shall consist of material as explained below. Other material may be submitted by the developer or may be required by the Planning Commission.

Preliminary Plat – The required number of copies of the proposed subdivision shall be submitted on sheet sizes of 18" x 24" or 24" x 36" unless the Commission's staff grants permission for other sizes because of unusual or special circumstances. If necessary, more than one sheet may be used if a key map is prepared to relate each sheet to the entire subdivision.

- a. Sectionalization of Subdivisions – In such cases where an applicant intends to subdivide only a portion of a tract of land, the applicant shall submit a preliminary plat for the entire tract of land unless a master plan has been submitted in conformance with the Land Subdivision Plat Requirements. If the preliminary plat is subject to sectionalization process, a key map shall be submitted on sheet size 24" x 36" or 18" x 24" showing the proposed sectionalization plan along with a classification system suitable for the identification of the sections. If a master plan has been approved, the sectionalization plan shall be in accordance with the approved master plan. The Planning Commission may impose any restrictions upon the filing of sections, as it may deem necessary in order to insure the orderly development of the subdivision.
- b. Title Block – The title block should be placed at the bottom of the sheet, and shall contain the following information:
 - i. Subdivision Name – The name of the proposed subdivision, which shall not duplicate or approximate the name of any other subdivision in Henderson or Henderson County.
 - ii. Property Identification – The record name and mailing address of the property being subdivided.
 - iii. Identification – The name and mailing address of the property owner and the applicant, surveyor and/or engineer.
 - iv. Legend Information – Graphic scale, written scale, North Arrow, date of preparation, and any other pertinent legend data.
 - v. Vicinity Map- A sketch showing the general location of the subdivision shall be placed in an appropriate location, preferably in an upper corner of the sheet. The vicinity map shall be drawn at a scale large enough to show the proposed subdivision's relationship to existing and proposed features such as streets, streams, etc.

- c. Lot Design – The design scheme shall be drawn at a scale of one hundred (100) feet to the inch or other appropriate scale approved by the Planning Commission staff, and shall show the following existing conditions and proposed development features:
- i. Boundary Lines – The location, distance and bearing of all exterior boundary lines of the proposed development.
 - ii. Streets – Street names, right-of-way widths and approximate grades shall be shown on all streets adjacent to and within the proposed subdivision.
 - iii. Utilities- The location and size of all utilities and easements adjacent to and within the proposed subdivision. Show locations of existing and proposed fire hydrants when required.
 - iv. Topography- Contours at vertical intervals of not more than two (2) feet.
- d. Subsurface Conditions
1. Lots containing less than one (1) acre. When new lots are created in a minor subdivision, a site evaluation report, approved by the Henderson County Health Center as prescribed by 902 KAR 10:085 shall be submitted with the plat for each lot if individual sewage disposal systems are proposed for lots containing less than one acre. With lots containing less than one acre and proposing individual sewage disposal systems shall receive tentative approval from the Henderson County Health Center before preliminary plat submittal to the Planning Commission.
 2. Lots containing one (1) acre or more area. A site evaluation test shall not be required by the Planning Commission for lots containing one (1) acre or more area, however, the Planning Commission may request that an on-site soils analysis be conducted by the U.S. Soil Conservation Service to ascertain soil percolation quality.
 3. All plats approved by the Planning Commission without on site evaluation approved by the Kentucky Green River Area Health Department, are approved and eligible for recording with the following stipulations:
 - All data pertinent to on site evaluation shall be filed in the Planning Commission office and made available for review by the public.
 - Disclaimer of Liability. Approval of a subdivision plat does not imply that the lot(s) described thereon will meet state regulations pertaining to individual sewage disposal systems. The Planning Commission does not warrant that a developer or potential homebuilder will be eligible for any permits required by the Kentucky Green River Area Health Department.

Notification on Plat. All subdivision plats approved by the Planning Commission without a site evaluation report for each lot, approved by the Kentucky Green River Area Health Department shall contain the following statement of notification:

NOTICE: INDIVIDUAL SEWAGE DISPOSAL SYSTEM

THIS SUBDIVISION PLAT HAS RECEIVED TENTATIVE APPROVAL BY THE HENDERSON COUNTY HEALTH DEPT. FOR THE USE OF A SEPTIC SYSTEM. SUCH APPROVAL IS GRANTED ONLY INsofar AS THE GENERAL FEASIBILITY OF ONSITE SEWAGE DISPOSAL SYSTEMS FOR THE SUBDIVISION AS A WHOLE, AND SHALL NOT BE CONSTRUED AS APPROVAL OF ANY SPECIFIC LOT OR SITE EVALUATION FOR SEPTIC SYSTEM INSTALLATION. A SITE

EVALUATION MUST BE PERFORMED ON EACH INDIVIDUAL LOT BEFORE A SEPTIC SYSTEM MAY BE INSTALLED, AND INSTALLATION OF A SEPTIC SYSTEM MAY REQUIRE SITE MODIFICATION OR AN ALTERNATIVE/MODIFIED SEPTIC SYSTEM AS PRESCRIBED BY 902KAR10485.

- e. Other Conditions of the Tract- Existing drainage features, Special Flood Hazard Areas, wooded areas, isolated preservable trees, houses or accessory structures, and other significant features, which will be retained or removed, should be indicated. The engineer and applicant should make these decisions based on design techniques that preserve sensitive areas, manage and promote open space, and protect and enhance buffers.
- f. Adjoining Property Owners – The names and plat reference of adjacent subdivisions or the names and deed reference of adjacent owners, and the Property Identification Number as assigned by the PVA office.
- g. Other Features – The names, location and width of pavement and right-of-way of all existing or proposed streets or other public ways within or adjacent to the subdivision, and existing permanent buildings, railroad right-of-way, all utility easements and other important features such as political subdivision, corporation lines, and school district boundaries within or adjacent to the tract to be subdivided.

7. Proposed Development on Tract – The following information on proposed development shall be shown:

- a. Streets – The proposed names, rights-of-ways, and pavement widths, and approximate grades and direction thereof.
- b. Other Right-of-Way or Easements – The locations, widths and purposes.
- c. Lot Lines – The location and approximate distances of all lot lines. Lot numbers shall also be shown. If sectionalization is used, the lot numbers shall carry a prefix identifier showing the section-lot relationship.
- d. Setback Lines – The location of proposed building setback lines with dimensions showing the distance from the street right-of-way.
- e. Public Sites – The name, acreage, and use of any sites proposed for public use such as parks or playgrounds.
- f. Multi-family and Non-Residential Uses – The acreage and use of non-public uses such as multi-family dwellings, planned unit developments, shopping centers, churches, etc.
- g. Lot Size – Each lot shall have the size noted. The notation shall be in square feet for lots under an acre. If an acre or more the notation shall be to the hundreds of an acre.
- h. Street footage – Show the total number of lineal feet of proposed street construction measured along the street centerline.
- i. Special flood hazard areas shall be noted prominently on the face of all plats. When a portion of a proposed subdivision lies within a special flood hazard area only that portion outside the special flood hazard area will be considered when computing the minimum required lot size for the development.
- j. Green Design. Show the location of proposed green infrastructure features, sustainable stormwater management practices, and low-impact development techniques.

8. Construction Drawings – The required number of copies of these drawings shall be submitted to the Planning Commission on a sheet size of 24" x 36". The drawings shall be referenced to the name of the proposed subdivision and shall be stamped by a Licensed Professional Engineer. These drawings shall show the following information:
 - a. Street Profiles – The profile of each street indicating the existing ground at a horizontal scale equal to the scale of 1/10th of the horizontal scale with final grades indicated.
 - b. Street Cross-Section – A cross-section of each new street shall be shown at a scale of ten (10) feet or less to the inch, and shall include the width of pavement including curbs and gutters, the location and width of sidewalks, and the location of all utilities.
 - c. Additional plans and profiles including, but not limited to, drainage easements, rights-of-way, manholes and catch basins, the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants showing connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures. Where drainage swales, curb cuts, rain gardens or other green infrastructure techniques are used, they should be shown along with the other utility information.

The construction drawings shall bear the approval of the local government engineer or utility engineer having jurisdiction over public improvements to be constructed.
9. Other Information – The Planning Commission may require other information it deems necessary to properly evaluate the proposed development.

3.6 PROCEDURE FOR FINAL SUBDIVISION PLATS

1. Following the approval of the preliminary plat, the applicant, if they wish to proceed with the subdivision, shall file with the Planning Commission the required number of copies of the final plat. Plats must also be submitted in digital format (See Addendum A). The plat shall:
 - a. Include as much of the subdivision as possible with special emphasis given to the section, which is being submitted for final approval.
 - b. Be accompanied by an index drawing if the plat is a section of the entire subdivision and has received approval for sectionalization from the Land Development Committee review. The status of other approved sections of the subdivision shall be indicated on the index plat.
 - c. Comply in all respects with the preliminary plat and approved construction drawings.
 - d. Be accompanied by formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, open spaces, and easements, in a manner approved by the local government or utilities affected, and the subdivision plat shall be marked with a notation indicating the formal offers of dedication.
 - e. Be accompanied by the acceptable bond, if required, in a form satisfactory to the Planning Commission and in an amount established by the Planning Commission upon recommendation of the Local Government Engineer at preliminary approval stage and shall include a provision that the principle of the bond shall comply with all the terms of the final subdivision plat approval as determined by the Planning Commission and shall include, but not limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the local governments free and clear of all liens and encumbrances on the premises.
 - f. Be accompanied by all applicable inspection fees, per the inspection fee schedule in Addendum B.
 - g. Be accompanied by a fee, payable to the Planning Commission, and computed by the Local Government Engineer, for each street name sign and each traffic control sign deemed necessary by the Local Government Engineer. All signs shall be installed by the local government.
 - h. Be accompanied by an application fee as specified in Addendum B.

- i. Be accompanied by a plat recording fee as specified in Addendum B, which is refundable to the applicant in the event final approval is not granted.
 - j. Be accompanied by an application made on forms available at the office of the Planning Commission.
 - k. Be accompanied by a completed final plat checklist.
 - l. Shall bear all appropriate signatures and ready for Planning Commission approval and signatures.
2. Public Improvement – The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat. If the Planning Commission does not require that all public improvements be installed and accepted prior to the signing of the final subdivision plat by the Planning Commission, the amount of the bond shall be established by the Planning Commission based upon the recommendation of the local government or utility engineer. The Planning Commission shall require the applicant to indicate on the plat all streets and public improvements to be dedicated.
3. Endorsement by Health Authorities, and/or Officials Representing Local Utilities– The final subdivision plat shall be properly endorsed by the local utilities with respect to all water and sewer facilities and that same comply with all rules, regulations, and requirements of the Local governments, Regional, State, and Federal authorities. When such services are not available in whole or in part, said final plat must have endorsement by the appropriate state or local office. In the case of lots proposed to be served by individual sewage disposal systems, the requirements of Section 3.5 (F) (6) shall apply.
4. Signing and Recording Plats. Upon receipt of formal application and all accompanying materials, the Executive Director or the Chairman shall after review, sign and record the final plat at the office of the Henderson County Court Clerk. Final Plats will not be recorded until the plat is submitted in digital format, as specified in Addendum A.
5. Time Limits. In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed one (1) year from the date of the final approval unless said final plat is processed in accordance with sectionalization procedures set forth in these regulations, or is processed under the provisions for Bonding of Improvements under Section 4. One copy of the final subdivision plat shall be returned to the applicant with the date of approval noted thereon.
6. Vested Rights – No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the final plat by the Chairman or the Executive Director of the Planning Commission. All requirements, conditions, or regulations adopted by the Planning Commission applicable to the subdivision or on all subdivisions generally are deemed a condition for any subdivision prior to the time of the signing of the final plat. . Where the Planning Commission has required the installation of improvements prior to signing of the final plat, the Planning Commission shall not modify the conditions set forth in the preliminary approval.
7. Signing and Recording of Subdivision Plat
 - a. **Signing of Plat**
 - i. When a bond is required, the Chairman or the Executive Director of the Planning Commission shall endorse approval on the plat after the bond has been approved by the Planning Commission, and all conditions of preliminary approval have been met.
 - ii. When installation of improvements is required, the Chairman or the Executive Director of the Planning Commission shall endorse approval on the plat after all conditions of the final plat have been satisfied and all improvements satisfactorily completed. There shall be written evidence submitted by the Public Improvements Inspector that the required public facilities have been installed in a manner satisfactory to the Planning Commission and those local authorities having jurisdiction.

- b. **Recording of Plat**
- i. The Chairman or the Executive Director shall sign the final subdivision plat before the recording of same.
 - ii. It shall be the responsibility of the Planning Commission Staff to file the final plat for recording with the County Clerk's office.
8. **Sectionalizing Major Subdivision Plats** – Prior to granting final approval of a major subdivision plat, the Planning Commission, upon recommendation of the Land Development Committee, may permit the final plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed. In addition, it may defer the remaining required performance bond principle amount until the remaining sections of the plat are offered for approval and filing. The applicant may file irrevocable offers to dedicate streets and public improvements in the sections offered for approval and defer filing offers of dedication for the remaining sections until such sections are offered for final approval. Final plat sections of the total subdivision must contain at least ten (10) percent of the total number of lots contained in the entire subdivision. No additional sections can receive final plat approval until such time as a previous final section plat has been signed by the Chairman/or Executive Director approving the recording of said plat with the County Clerk's office.
9. **Requirements for Final Subdivision Plats** – The final plat materials shall consist of a final plat as herein specified and the applicable restrictive covenants, if any. Other material may be submitted by the applicant as required by the Planning Commission.
- a. **Restrictive Covenants** – When the applicant intends to regulate land use in a subdivision one (1) copy of the restrictive covenants shall be submitted as part of the final plat submission.
 - b. **Sectionalization of Subdivisions** – If a subdivision is subject to sectionalization, the final plat submittal must include a graphic description of sections, which have received preliminary and final approval as well as a status report on the construction of improvements and the dollar amount and time limit remaining on any outstanding bonds.
 - c. **Plat for Recording** – A legible plat suitable for recording with an overall sheet size of 18" x 24" shall be prepared. The required number of copies (per inspection fee schedule in Addendum B) of this plat shall be submitted by the applicant when they make application for final approval. The information required on this sheet shall be as required below:
 - i. **Title Block** – The title block should be placed at the bottom of the sheet, and shall contain the following information:
 - ii. **Subdivision Name** – The name of the subdivision and, where the proposed final is a portion of a larger section number or other positive identification shall be included. A subdivision name shall not duplicate or closely approximate any other subdivision name located in Henderson County.
 - iii. **Person Identification** – The names and mailing addresses of the property owner and the applicant's surveyor.
 - iv. **Legend Information** – The graphic scale, written scale, north point, date of preparation, and other pertinent legend information.
 - v. **Certification Block** – The certification block should be placed on the bottom of the sheet at the end of the title block, and shall contain the following certifications with signatures:

- x. Special flood hazard areas shall be noted prominently on the face of all plats. When a portion of a proposed subdivision lies within a special flood hazard area only that portion outside the special flood hazard area will be considered when computing the minimum required lot size for the development.
- xi. All subdivision plans in Special Flood Hazard Areas shall show the base flood elevation and a note referencing the source of this information.
- xii. MS-4 and Stormwater Drainage – Must be in conformance with Local, State and Federal Regulations.

SUBDIVISION REGULATIONS

ARTICLE IV. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

4.1 COMPLETION OF IMPROVEMENTS AND PERFORMANCE BOND

1. Completion of Improvements – The Chairman or Executive Director of the Planning Commission shall sign the final plat, within thirty (30) days of the Planning Commission approval or during the next regularly scheduled meeting, when the applicant completes, in accordance with the Planning Commission’s decision and to the satisfaction of the local governmental unit and/or authorities having jurisdiction, all street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the Planning Commission, and to dedicate same to the local government having jurisdiction, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

Bonding

- a. The Planning Commission after review by Planning Commission staff, local government engineers and utility engineers, and at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat, and that, as an alternative, the applicant post an acceptable bond at the time of the application for final subdivision approval in an amount estimated by the local government engineers and/or utility engineers as sufficient to secure the satisfactory construction, installation, dedication, and any warranty period of the uncompleted portion of required improvements.
 - b. Such bond shall be satisfactory to the Planning Commission as to form, sufficiency, and manner of execution as set forth in these regulations. Acceptable forms of bonding shall be Letters of Credit, Certificate of Deposit, or Cash Deposit as defined in Section VI, and shall include a guarantee of performance.
 - c. Planning Commission staff will summarize Improvement estimates for all phases of Improvement construction, and shall add a standard percentage of ten percent (10%) for contract administration and contingencies.
 - d. Bonding amounts shall be set in a certification or Bonding Estimate Memo by the local government engineers, utility representative, and other interested parties, in consultation with Planning Commission staff, certifying the estimated costs for the applicable entity or Legislative Body to install and complete the Improvements. The aforementioned certified Bonding Estimate Memo must be timely submitted to the Planning Commission staff on or before Friday before the Planning Commission meeting.
 - e. Bonding amounts may be categorized by type of Improvement (street, water, sewer, erosion control, sidewalk, screening, etc.). These amounts shall be aggregated, and one bond shall be provided by the applicant.
 - f. Covenants and Bonding to Run With Land: The Agreement to Timely and Satisfactorily Complete All Improvements shall run with the land and bind all successors, heirs, and assigns of the subject property. The Agreement to Timely and Satisfactorily Complete All Improvements may be recorded.
2. Improvements and Bond Release.
 - a. Bond release shall be subject to the applicant’s compliance with the inspection process contained in these subdivision regulations (see Section 5.11)
 - b. The period within which required Improvements must be completed shall be specified by the Planning Commission in the final approval unless the applicant can show just cause or difficulty in meeting the one year

bond requirement. In such cases, the Planning Commission may extend the completion date for a period of not more than a total of 36 months. All bonded Improvements, including sidewalks, shall be installed within 36 months of final plat approval. The sufficiency of bonding amounts in relation to the costs of completion of the Improvement shall be reviewed quarterly by the Planning Commission staff in consultation with the local government engineers and utility engineers, and after this review and recommendation, the Planning Commission may require adjustment of the bond or not less than 110% of the cost estimate to cover costs of completion of the improvements. Outstanding bonds for subdivisions approved under the previous subdivision Regulations, shall conform to the requirements of these regulations, should any future bond extensions be granted by the Planning Commission.

- c. **Costs for Improvements:** The applicant shall build and pay for all costs of permanent and temporary Improvements required by the Planning Commission and shall maintain temporary Improvements for the period specified by the Planning Commission.
- d. **Legislative Bodies:** Legislative Bodies to which these bonds or contract provisions apply may file in lieu of said bonds, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.
- e. **Failure to Complete Improvements:**
 - i. Subdivision Without Bonding: For a subdivision for which no bond has been posted, construction of the Improvements shall begin within one (1) year of approval or all approvals shall be voided. If the improvements are not completed within the one (1) year period, the Planning Commission may grant an extension of not more than two (2) years for completion of all Improvements. If the Improvements are not timely and satisfactorily complete and accepted within the extended time period, the approval shall be deemed to have expired, and the plat shall be voided and not recorded.
 - ii. Subdivision With Bonding: When Lots Have Been Sold and Improvements Have Been Installed: If the Improvements have not been timely and satisfactorily completed, and if a Bond has been posted, the Planning Commission may take one or more of the following actions:
 - Declare the Agreement to Timely and Satisfactorily Complete All Improvements, to be in default and cause the Improvements or any portion thereof to be installed and completed with all due diligence, regardless of the extent of the development at the time the bond is declared to be in default.
 - Complete the Improvements through the appropriate Legislative Bodies, or through a third party, to the extent of the Bond proceeds;
 - Assign, without recourse, the Planning Commission's right to receive funds under the bond to any third party, including a subsequent owner of the subdivision for which the Improvements were not constructed, in whole or in part, in exchange for the subsequent owner's Agreement to Timely and Satisfactorily Complete All Improvements along with any other agreement (s) appropriate under the circumstances;
 - Exercise any other rights or actions which are appropriate under the circumstances or which are available under applicable law.
 - iii. When No Lots Have Been Sold and No Improvements Have Been Installed: In cases where no Improvements have been installed and no lots have been sold, the Planning Commission shall void all

approvals, and shall send notice to the Developer to ask the Developer for written consent to revoke the recorded plat. Upon written consent from the Developer to revoke the plat, and providing the Developer fully and completely cooperates, the bond may be released; or bond proceeds or the balance thereof, after any cost and expense of the Planning Commission, including the cost of any action, recording fees, and attorney and other professional fees, may be returned to the Developer, after voiding, revocation, and Public Notice are complete. In such event the Developer shall pay all costs and expense, including any attorney and other professional fees the Planning Commission may incur, whether from bond proceeds or otherwise.

- iv. Calling a Bond: A bond may be called by the Planning Commission or staff for the following reasons:
 - For failure to Timely and Satisfactorily Complete, or;
 - At the maturity of the Letter of Credit or Certificate of Deposit, or;
 - After ten (10) days written notice to the Developer, affording the Developer an opportunity to request a hearing to show cause why the bond should not be called. The Planning Commission may call the bond if it deems the calling of the bond before maturity would be in the best interest of the Community (a hearing before the Planning Commission is only required if requested in writing by the Developer). The calling of the bond does not relieve the Developer of the liability of paying the full cost of completing the Improvements, including the cost and expense of contract administration, engineering, attorney and other professional fees. Therefore, the Developer shall be liable for any difference in the cost of completing Improvements, plus contract administration and expenses, exceeds the proceeds from the bond.
- v. Utilities and/or Legislative Bodies Have No Duty To Expend Public Funds to Complete Improvements: the applicable utility and/or Legislative Body has full and complete discretion over how bond proceeds are spent; and neither the Planning Commission, nor any Utility, nor any Legislative Body shall have any duty to complete Improvements with public funds because the project had bonding, or for any other reason.
- f. Acceptance of Dedication Offers (based on K.R.S. 100.277): Acceptance of formal offers of dedication of streets, or other public grounds shall be by official action of the local unit of government having jurisdiction. The approval of the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the local unit of government having jurisdiction of any street, or other public improvement on said plat. Any street or other Public Improvement, which has been dedicated, shall be accepted for maintenance by the legislative body after it has received final plat approval by the Planning Commission. Any street that has been built in accordance with specific standards set forth in the Subdivision Regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.
- g. Adverse Economic/Market Conditions or Natural Disaster: The foregoing notwithstanding, all time periods and deadlines in this section are subject to adjustment by the Planning Commission when, in their judgment and sole discretion, makes findings of the fact to the effect that general economic or market circumstances are so extreme as to cause undue hardship to the development community, or when a natural disaster or other unforeseeable circumstance interferes with timely completion of a development. In such cases the Planning Commission may extend time periods, deadlines, or completion dates for multiple periods of one (1) year. All requests by applicants for such time extension shall be made in writing.

1. Release or Reduction of Bond

- a. Certification of Satisfactory Completion – The governing legislative body will not accept dedication of required improvements until receipt of notification from the Planning Commission that all required improvements have been installed in conformance with these subdivision regulations, standards and specifications. The Planning Commission may release and reduce a bond when the Improvements have been satisfactorily completed. Prior to the action of the improvements appropriate inspector, the applicant's engineer and/or surveyor must have certified to the Inspector, through submission of a detailed "as built" survey plat of the subdivision indicating location, dimensions, materials, and other information required by the Planning Commission, that the layout of the line and grade of all improvements is in accordance with the construction plans for the subdivision.
- b. Reduction of Bond – The Planning Commission may reduce the bond upon actual dedication and acceptance of Improvements proposed as set forth on the plat. If the Planning Commission authorizes the reduction of the amount of the bond prior to dedication and acceptance of all improvements, the bond shall be reduced to no less than the value of uncompleted work, plus fifteen percent (15%), or thirty-five (35%) of the original principal amount, whichever is greater.
- c. In order to receive a reduction in the bond, the applicant shall submit a written request, which shall include the following:
 - i. Name of project/subdivision
 - ii. The name of the person responsible for plan preparation, and the contractor building the improvements
 - iii. A detailed list of Improvements, showing Improvements completed, Improvements remaining to be completed, and itemizing the value of those remaining to be completed
 - iv. A certification from a licensed professional engineer that the Improvements completed, for which reduction of the bond is requested, are in place and are in accordance with the approved subdivision plat, the approved Improvement plans for the subdivision, and the appropriate Improvement specifications

SUBDIVISION REGULATIONS

ARTICLE V. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN

5.1 GENERAL IMPROVEMENTS

1. Conformance to Applicable Rules and Regulations - In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:
 - a. All applicable statutory provisions.
 - b. The local governments zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
 - c. The Comprehensive Plan, and Capital Improvements Program of the local government, including all streets and drainage systems.
 - d. The rules of the Kentucky Green River Area Health Department and/or appropriate state agencies.
 - e. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting streets.
 - f. The standards and regulations adopted by all boards, commissions, agencies, and officials of the t City of Henderson, the City of Corydon, and Henderson County.
 - g. Plat approval may be withheld if a subdivision is not in conformity with the above provisions, or with the policy and purpose of these regulations as established in Section 1.3 above.

2. Self-Imposed Restrictions - If the owner places restrictions on any of the land contained in the subdivision , the Planning Commission shall require that those restrictive covenants be recorded with the County Court Clerk of Henderson County.
 - a. Every land survey shall be monumented or witness monumented at all boundary corner locations. Monumentation shall conform to the Kentucky Standards of Practice for Professional Land Surveyors.

3. Character of the Land - Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission upon recommendation of the Land Development Committee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

4. Subdivision Name - The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Henderson County.

5.2 LOT IMPROVEMENTS

1. Lot Arrangements - The lot arrangement shall be such that there will be no foreseeable difficulties, for any reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from an approved street.
2. **Lot Shape, Area and Dimensions** – Excessive lot depth in relation to width should be avoided, with a proportion of no more than 3 to 1 (depth to width) being considered desirable. In areas not provided with sanitary sewers, the minimum lot area shall be one (1) acre for single family dwelling units. Multi-family dwelling units shall require at least seventy five hundredths (0.75) acre per dwelling unit. Area within public right of way or within fifty (50) feet of a surface water body or permanent impoundment shall be excluded from areas calculated for minimum lot size.
 - a. Pointed or irregular shaped lots (flag lots, triangular shapes, curved interior lot lines) should be avoided where possible. Flag lots should be discouraged as a means for development or maximizing lot sales. The narrow portion of a flag lot extending from the right of way shall be physically capable of providing reasonable access to the flag lot, including provision for adequate sight distance at the point of access to the public roadway. No remnant of property shall be left which does not conform to minimum lot requirements.
 - b. Lot Dimensions and area shall comply with the requirements of the Zoning Ordinance. Where lots are more than double the minimum required area for the Zoning District, the Planning Commission may require that such lots be arranged to allow further subdivision and the opening of future streets where necessary to serve such potential lots, in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
 - c. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard and side yard setbacks as specified in the zoning ordinance. Depth and width of lots intended for business, commercial or industrial uses shall be adequate to provide for off-street parking and loading facilities required in the Zoning Ordinance.
3. Double Frontage Lots and Access to Lots
 - a. Double Frontage Lots – Double Frontage lots shall be avoided except where necessary to provide separation of residential development from arterials or to overcome specific disadvantages of topography and orientation.
 - b. Access from Principal and Minor Arterials – Lots should not, in general, derive access exclusively from arterial streets. When driveway access is required for a corner lot, the access shall generally be from the lower traffic street, in order to reduce traffic hazards on the higher traffic street.
4. **Construction Site Stormwater Management** - Subdivider's shall conform to the requirements of the Technical Standards for erosion control, best management practices, and shall submit a storm water pollution prevention plan (SWPPP) for each phase of development. When a lot has received final approval and no construction is anticipated for a minimum of six (6) months, adequate seeding and sodding will be the responsibility of the developer, as well as keeping all grass and weeds cut on undeveloped lots.

5. Fencing & Screening - Each subdivider and/or developer shall be required to furnish and install fences and screening where required by the Zoning Ordinance. Fence and screen height and material shall be noted on the preliminary plat. No Certificate of Occupancy shall be issued until said fencing and screening improvements have been installed.
6. Water Bodies - If a tract being subdivided contains a water body or permanent impoundment, or portion thereof, lot lines shall be drawn to clearly delineate ownership of the water body among adjacent lots. The ownership of and responsibility for safe maintenance of the water body shall be identified or noted in a manner clarifying that it will not become a local government responsibility. Where a watercourse separates the buildable areas of a lot from the street by which it has access, provisions shall be made for the installations of a culvert or other structure, of design approved by the Local Government Engineer.
7. Performance Bond to Include Lot Improvement - The performance bond shall include an amount to guarantee completion of all requirements contained in this Section. Whether or not a Certificate of Occupancy has been issued, at the expiration of the performance bond, the local government may enforce the provisions of the bond where the provisions of this section or any applicable law, ordinance, or regulations have not been complied with.

5.3 STREET IMPROVEMENTS

1. General Requirements

- a. Frontage on improved roads – No subdivision shall be approved unless the lot(s) to be subdivided shall have frontage on and access of at least one hundred (100) feet on an existing improved and maintained city or county street on the official map, unless otherwise specified by the City or County Zoning Ordinance.
- b. Development of Proposed Streets- Streets which are proposed for development shall be graded and improved and conform to the Planning Commission's construction standards and specifications and shall be approved by the Local Government Engineer
- c. Topography and Arrangement
 - i. Streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. A combination of steep grades and curves should be avoided. Specific standards are contained in the design standards of these regulations.
 - ii. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated right-of-way as established in the Subdivision Master Plan.
 - iii. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, church and shopping centers, to population densities and to the pattern of existing and proposed land uses.
 - iv. Local streets shall be laid out to conform as much as possible to the topography, to permit sufficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 - v. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sac, or U-shaped street shall be encouraged where such use will result in a more desirable layout.

- vi. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - vii. In business and industrial development, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrians.
- d. Blocks
- i. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exception to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
 - ii. The lengths, widths, and shapes of blocks shall be such as are appropriate for the location and the type of development contemplated. The block lengths in residential areas shall not exceed sixteen hundred (1600) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall not be less than one thousand (1000) feet in length.
 - iii. In long blocks, the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length as may be determined suitable by the Planning Commission for prospective users.
- e. Access to Arterials – Where a subdivision borders on or contains an existing or proposed principal arterial, the Planning Commission may require that access to such streets by limited be one of the following means:
- i. **The subdivision of lots so as to back onto the principal arterial and front onto a parallel local street; no access shall be provided from the principal arterial, and screening shall be provided in a strip of land along the rear property line of such lots.**
 - ii. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such parallel street, with the rear lines of their terminal lots backing onto major arterial.
 - iii. A marginal access or service road (separated from the principal arterial by the planting of a grass strip and having access thereto at suitable points).
- f. Street Names- The preliminary plat shall indicate names of proposed streets, however, the Planning Commission reserves the right to name streets upon recommendation of the Land Development Committee at the time of preliminary approval. Names shall be sufficiently different in sound and in spelling from street names in the City of Henderson, City of Corydon, and Henderson County so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name.

- g. Street Signs and Traffic Signs – The applicant shall pay to the local government at the time of final subdivision approval a sum computed by the Local Government Engineer for each street name and each regulatory and warning traffic sign deemed necessary. The Local Government shall install all signs. Street name signs are to be placed at all intersections within or abutting the subdivision. The type and location of regulatory and warning traffic signs are to be as required by the Local Government Engineer. Approximate values of street and traffic signs are shown in the Fee Table in Addendum B.
- h. Street lights. All new streets, sidewalks, and walkways shall be properly lighted within the limits of the City of Henderson as required by the Planning Commission. Lighting shall be the minimum needed to alleviate safety concerns, and shall be of minimum intensity and directed away from adjoining properties to the greatest extent feasible. The Planning Commission shall have the authority to specify fixtures and/or lightning intensity restrictions needed to carry out the intent of this section. Street lights on all new streets, sidewalks and walkways within the limits of Henderson County or the City of Corydon, may be installed as required by the Planning Commission. Easements necessary for provision of street lighting shall be provided and shall be labeled as “street light easement.”
- i. Construction of Streets and Dead-End Streets
 - i. Construction of Streets – The arrangement of streets shall provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Local Comprehensive Plan. If the adjacent property is undeveloped and the street must be a temporary dead-end the right-of-way shall be extended to the property line. A properly designed turn-around shall be constructed at the end of temporary dead-ends, to allow passenger vehicles, school buses and emergency vehicles to turn around without using driveways.
 - ii. Dead-End Street (Permanent) - Where a street does not extend the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac or turn-around shall be provided at the end of a permanent dead-end street in accordance with the Planning Commission construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general be limited in length in accordance with the design standards of these regulations.

2. Design Standard for Streets

- a. General – In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and road maintenance equipment, and to coordinate roads as to compose a convenient system and avoid undue hardships to adjoining properties, the standards contained in Tables 5.1 to 5.8 for streets are hereby required.

(See Definition of “Density” for Low, Medium, High, Commercial and Industrial)

Improvements

Table 5.1 Minimum Width of Right-of-Way (In feet)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Streets	26	28	30	50	See Note 1
Cul-de-sac & Dead-end	30	40	50	50	See Note 1
Local Street	40	50	50	50	See Note 1
Collector Street	50	60	70	60	See Note 1
Minor Arterial	60	80	80	80	80
Principal Arterial	80	80	100	100	100

Note #1 - Minimum right-of-way is that right-of-way required to contain the full roadway section including all side slopes.

Table 5.2 Minimum Pavement Width (In feet including curbs)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	18 w/c*	20 w/c	22 w/c	30 w/c	22 (Note 2)
Cul-de-sacs & Dead-end	20 w/c*	28 w/c	32 w/c	30 w/c	22 (Note 2)
Local Street	28 w/c*	30 w/c	32 w/c	36 w/c	22 (Note 2)
Collector Street	32 w/c*	36 w/c	40 w/c	40 w/c	22 (Note 2)
Minor Arterial	40 w/c	40 w/c	44 w/c	44 w/c	44 w/c
Principal Arterial	44 w/c	48 w/c	48 w/c	48 w/c	48 w/c

w/c means “

Note 2 – With a 6’ stabilized shoulder on each side. Curb and gutter and sidewalks are not required on industrial streets

*The Planning Commission may waive this requirement when it finds, on the basis of evidence presented, that the curbs and gutter would serve no essential purpose.

Table 5.3 Design Speed (Miles per hour)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	10	10	15	15	15
Cul-de-sacs & Dead-end	20	20	25	25	25
Local Street	25	30	30	30	30
Collector Street	30	35	35	35	35
Minor Arterial	40	40	40	40	40
Principal Arterial	40	40	40	50	50

Table 5.4 Maximum Grade (Percent)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	10	10	8	6	6
Cul-de-sacs & Dead-end	10	10	8	6	6
Local Street	10	10	8	6	6
Collector Street	8	8	8	6	6
Minor Arterial	6	6	6	5	5
Principal Arterial	6	6	6	5	5

Minimum Grade (Percent) on all Streets: 0.25 Percent

Table 5.5 Minimum Radius of Curve (In feet)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	100	100	100	100	100
Cul-de-sacs & Dead-end	100	100	100	100	100
Local Street	100	100	100	100	100
Collector Street	100	100	100	200	200
Minor Arterial	300	300	300	400	400
Principal Arterial	500	500	500	500	500

Table 5.6 Minimum Tangents Between Reverse Curves (In feet)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	100	100	150	200	200
Cul-de-sacs & Dead-end	100	100	150	200	200
Local Street	100	100	150	200	200
Collector Street	100	100	150	200	200
Minor Arterial	200	200	250	300	300
Principal Arterial	300	300	350	400	400

Table 5.7 Minimum Length of Vertical Curves (In feet)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Frontage Street	100 feet, but not less than 20 feet for each percent difference in grade				
Cul-de-sacs & Dead-end					
Local Street					
Collector Street					
Minor Arterial	200 feet, but not less than 50 feet for each percent difference in grade				
Principal Arterial					

Table 5.8 Minimum Cul-de-sac Dimensions (In Feet)					
	LOW	MEDIUM	HIGH	COMMERCIAL	INDUSTRIAL
Right-of-way Radius	35	35	40	40	40
Pavement	30	30	35	40	40
Center Island Diameter (if required)	40	40	50	60	60
Permanent	Six times minimum lot width serving no more than thirty (30) dwelling units and not exceeding 600 feet in length				

Recommended Maximum Cul-de-sac or Dead-end Street Length in feet:

LOW: 1000*

MED: 800*

HIGH: 600*

COMM: N/A

IND: N/A

* w/c: Serving no more than thirty

- b. Street Surfacing and Improvements – After sewer and utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface to the widths prescribed in these regulations. Said surfacing shall be such character as is prescribed in the Public Improvements Specifications and shall be suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvement and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission and shall be incorporated into the construction plan required to be submitted by the developer for plat approval.
- c. Excess Right-of-Way – Right-of-way widths in excess of standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slope; such slopes shall not be in excess of three to one.
- d. Railroads and Limited Access Highways – Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- i. In residential districts a buffer strip a minimum of twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening". The placement of structures thereon is prohibited.
 - ii. In districts zoned for business, commercial or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practical be at a sufficient distance from the railroad to ensure suitable lot depth.
 - iii. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- e. Intersections
- i. Streets shall be laid out as to intersect as nearly as possible at right angles. The maximum deviation from 90 degrees shall be 15 degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles one hundred (100) feet prior to intersecting. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.
 - ii. Proposed new intersections along one side of an existing street shall, whenever practical, coincide with existing intersections on the opposite side of such street. Street discontinuities with centerline offsets of less than 150 feet shall not be permitted. Where streets intersect arterial streets, their alignment shall be continuous. Intersections of collector and arterial streets shall be at least eight hundred (800) feet apart.
 - iii. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a local street and a collector street shall be at least thirty (30) feet. Alley intersections shall have the corners cut off to permit safe vehicular movement. Where heavy truck traffic is likely, radii shall be designed for appropriately sized trucks and may require use of three-centered curves.
 - iv. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - v. Where any street intersection will involve earth banks or crosses vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground, and/or vegetation including trees in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate site distance as determined by the local government engineer.
 - vi. The cross-slopes on all streets, including intersections, shall be three (3%) percent or less. Local streets shall not be super elevated through curves.
- f. Pavement Specifications for Residential Streets, Curbs or Gutters, Sidewalks. See Public Improvement Specifications.

3. Street Dedications and Reservations

- a. New Perimeter Streets – Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall all be improved and dedicated by the subdivider.
- b. Dedication of Additional Right-of-Way. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, or local transportation or street plans indicate plans for re-alignment or widening a street that would require use of some of the land in the subdivision, the applicant shall be required to dedicate on the final plat additional right-of-way necessary for the improvement of such streets.

5.4 DRAINAGE AND STORM SEWERS

- 1. General Requirements - The Planning Commission shall not approve any subdivision, which does not make adequate provision for storm or flood water runoff channels or basins. The storm drainage system shall be separate and independent of the sanitary sewer system. Storm sewers where required, shall be designed as required in the Public Improvements Specifications and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowances shall be made for flow beyond that point and inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each lot and block.
- 2. Nature of Storm Water Facilities
 - a. Location - The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible or in perpetual unobstructed width, and shall be constructed in accordance with the construction standards and specifications.
 - b. Accessibility to Public Storm Sewers
 - i. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Local Government Engineer. However, in commercial and industrial subdivisions, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the Local Government Engineer.
 - ii. If a connection to a public storm sewer is planned, the developer shall make arrangements for future storm water disposal at the time the plat receives final approval.
 - c. Accommodation of Upstream Drainage Areas – Any culvert or other drainage structure shall, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Local Government Engineer shall approve the sizing of drainage structures based on the provisions of the Public Improvements Specifications assuming conditions of maximum potential watershed development.

- d. Effect on Downstream Drainage Areas - The Local Government Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Previous drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition as the Local Government Engineer shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - e. Areas Subject to Flooding. Any plat submitted for property in a Special Flood Hazard Area shall comply with requirements of the City of Henderson and Henderson County Flood Damage Prevention Ordinances.
 - f. Flood Plain Areas - The Planning Commission may, when it deems it necessary for the health, safety and welfare of the present and future population of the area and necessary to the conservation of water drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.
3. Dedication of Drainage Easements
- a. General Requirements - Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, the developer shall provide a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as required. Open channels are preferred over storm sewers, with adequate width and cross section provided for maximum potential volume of flow, in accordance with stormwater technical standards.
 - b. Drainage Easements
 - i. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within the street right-of-way, unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be dedicated on the plat.
 - ii. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - iii. The applicant shall dedicate a drainage easement for land adjacent to existing publicly maintained watercourses, to a width to be determined by the Planning Commission, or appropriate Legislative Body.

5.5 WATER FACILITIES

- 1. General Requirements
 - a. Where a public water main is accessible, the subdivider and/or developer shall install adequate water facilities (including fire hydrants) subject to the specifications of the Planning Commission. All water main sizes shall be as specified by the appropriate water agency.
 - b. Prior to submittal of water main plans, the developer shall consult with the appropriate water utility to determine that adequate capacity is available to serve any planned development.

- c. Water main extensions shall be approved by the officially designated agency of the State or Local Government.
- d. The location of all fire hydrants, and all water supply improvements, shall be shown in the preliminary plat, and all cost of installation shall be included in the bond to be furnished by the developer.

5.6 SANITARY SEWERAGE FACILITIES

1. General Requirements - The developer shall install sanitary sewer facilities in a manner prescribed by the local government Public Improvement Specifications. All plans shall be designed in accordance with the rules, regulations, and standards of the Local Government Engineer, Kentucky Green River Area Health Department, and other appropriate agencies, and shall be properly approved.
2. Prior to submittal of sewer plans, the subdivider and/or developer shall seek a determination from the sewer utility that the proposed development is served by sewers of sufficient size and capacity to accommodate the effluent generated by the proposed development, in addition to the demand of existing developments, without exceeding the design capacity of the sewer lines or sewer pump stations.
3. High Density Residential and Nonresidential Districts - High density residential and nonresidential subdivisions shall be connected to public sanitary sewage systems, provided however, if such public sanitary sewage systems are not available to the subdivision property it may be subdivided only if served by a sewage treatment plant, other than septic tank system, which meets all the requirements of state and local Health Department regulations.
4. Low and Medium Density Residential District - Sanitary sewage systems shall be constructed as follows:
 - a. Where a public sanitary sewage system is located within one hundred (100) feet of a property line, measured along the most feasible route of connection to the sewer, the applicant shall connect with same and provide sewers accessible to each lot in the subdivision.
 - b. Where public sanitary sewage systems are not accessible the applicant may install individual disposal systems that meet the requirements of the Kentucky Green River Area Health Department and/or other permitting agency.

5.7 SIDEWALKS

1. Required Improvements
 - a. Sidewalks are required on both sides of all streets within major subdivisions and shall normally be constructed within the dedicated non-pavement street right of way, with widths as required in **Table 5.9**.
 - b. Sidewalk waivers may be granted when the Planning Commission makes Findings of Fact, on the basis of recommendation of staff and the City/County Engineer and the evidence submitted. **Sidewalk waivers may be allowed under the following conditions:**
 - i. **Site conditions such as topography, pedestrian safety, drainage conditions, and/or utility location, which make sidewalk construction at the site infeasible.**
 - ii. **Existing sidewalks in the immediate vicinity adequately serves the pedestrian public.**
 - iii. **Exterior sidewalks along arterial roadways: Sidewalk waivers may be granted for required exterior roadways sidewalks. For subdivisions with frontage along principal or minor arterial roadways to be limited to only the required exterior sidewalks fronting along minor and/or principal arterial roadways. Such waivers would be limited to these required exterior sidewalks fronting the minor and/or principal arterial roadways.**
 - iv. **On required exterior sidewalks for subdivisions located in the County: The Planning Commission may**

grant sidewalk waiver request for subdivisions with exterior sidewalks located outside of the Urban Area Boundary. The sidewalk waiver request is limited to only exterior sidewalks.

v. The Planning Commission shall not grant a sidewalk waiver request for required interior sidewalks.

2. Pedestrian Accesses –In order to facilitate pedestrian access to schools, parks, playgrounds, or nearby streets, the Planning Commission may require perpetual unobstructed easements not less than ten (10) feet in width, five (5) feet on each lot. Easements shall be indicated on the plat.

TABLE 5.9 MINIMUM SIDEWALK REQUIREMENTS Sidewalk Requirements By Development Density				
Nature of Street	Residential			Non-Residential
	LOW	MEDIUM	HIGH	NON-RES
Local	4 ft. wide	4 ft. wide	5 ft. wide	6 ft. wide
Collector	4 ft. wide	4 ft. wide	5 ft. wide	6 ft. wide
Minor Arterial	4 ft. wide	4 ft. wide	5 ft. wide	6 ft. wide
Principal Arterial	5 ft. wide	5 ft. wide	5 ft. wide	6 ft. wide

Where sidewalks are required, they shall be constructed on both sides of the street, unless an alternate plan is approved by the Planning Commission.

5.8 POWER, TELEPHONE AND CATV

1. Location - The Planning Commission encourages electric, telephone, and CATV cables to be located underground throughout the subdivisions. When required, underground service connections to property lines of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
2. Easements
 - a. Public easements across the frontage of each lot shall be provided for utilities (private and public). Such easements shall be at least 12 feet in width. In any instance where additional easements or additional width is required by the utility company, the subdivider shall be responsible for coordination with the subject utility company, and shall show such easements on the plat.
 - b. When easements are provided for utilities through adjoining lots, such easements shall be at least 20 feet in width (10 feet on each lot). The subdivider shall be responsible for coordination with the subject utility company, and shall show such easements on the plat.

5.9 PUBLIC USES

1. Parks, Playgrounds, and Recreation Areas. When deemed necessary by the Planning Commission the developer shall provide suitable areas for parks and playgrounds. The size and location of this open space must be approved by the Planning Commission, and will be coordinated with retention basins or other less desirable locations. However, the park reservation must have a reasonable amount of street frontage to insure ease of access. In addition, said open space shall be dedicated to the local unit of government having jurisdiction. Before the Planning Commission approves a final plat showing park reservation of land, the Planning Commission shall obtain approval of the park or land reservation from the Legislative body(ies) having jurisdiction. If the local government has not, within a period of two (2) years from the date of such dedication, commenced development of the proposed public facility,

the governing body shall be required to return the dedicated area to the developer, heirs or assigns upon written notice by the developer to the governing body requesting return of the dedicated area.

2. Bike Paths and Walking Trails: Where required by the Planning Commission, developers shall provide facilities for bike paths or hiking and walking trails. The Planning Commission shall coordinate the location and extent of these facilities with the governing body having jurisdiction. Bike paths and walking trails shall be in conformance with facility plans and construction standards approved and adopted by the Legislative body.

5.10 NONRESIDENTIAL SUBDIVISIONS

1. General - If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Commission may require. A nonresidential subdivision shall also be subject to all requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinance.
2. Standards - In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant or subdivider shall demonstrate to the satisfaction of the Planning Commission that the street parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall apply:
 - a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - b. Street rights-of-way and pavement shall be adequate to accommodate the type of volume of traffic anticipated to be generated thereupon.
 - c. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
 - d. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - e. Every effort shall be made to protect adjacent residential area from potential nuisance from a proposed commercial or industrial subdivision. This includes the provision of extra depth in parcels backing up to existing or potential residential development and provisions for a permanently landscaped buffer strip when required by the Zoning Ordinance.
 - f. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

5.11 Inspection of Improvements

1. General Procedure and Fees: The Planning Commission shall provide for inspection of required improvements during construction and insure their satisfactory completion. Fees will be assessed as follows:
 - a. The applicant shall pay to the Planning Commission an inspection fee for street improvements in accordance with the fee schedule in Addendum B.

- b. In Areas served by the Henderson Water Utility, the applicant shall pay to the Planning Commission an inspection fee per running foot of water line improvements, sanitary sewer improvements and storm sewer line or ditch improvements, in accordance with the fee schedule in Addendum B. Ditch improvements include any swale within a drainage easement.
 - c. The subdivision plat shall not be signed by the Chairman or by the Executive Director of the Planning Commission until such fees have been paid to the Planning Commission upon application for final approval.
 - d. CCTV inspection of sanitary sewers is based on television 10% of the main pipelines and 25% of the lateral service lines.
 - e. If the Planning Commission Staff finds, upon inspection by the appropriate local government engineer or utility engineer, that any of the required improvements have not been constructed in accordance with these specifications, Planning Commission staff shall notify the developer of said deficiencies, and they shall be corrected by the developer. Wherever the cost of improvements is covered by bonding, the principles and/or bonding shall be severally and jointly liable for completing the improvements and/or corrections according to regulations, standards and specifications set forth herein.
2. Subdivider and or developers shall notify the local government Engineer at the following stages of development:
- a. Determine the need for sub-grade drainage;
 - b. Approval of sub-grade compaction;
 - c. Approve concrete forms after they have been set, including drains;
 - d. Concrete inspection at the time of pouring, including slump test;
 - e. Final strength test of concrete after curing.

SUBDIVISION REGULATIONS

ARTICLE VI. DEFINITIONS

6.1 USAGE

1. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations", the word "regulations" means "these regulations".
3. A "person" includes a corporation, a partnership, and an incorporated association of persons such as club; "shall" is "mandatory"; a "building" includes a "structure" "building" or structure includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

6.2 WORDS AND TERMS DEFINED

1. **Agricultural Use.** The use of a tract of at least ten (10) contiguous acres for the production of agricultural or horticultural products, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public. Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155 constitute an agricultural use.

Also, any tract of at least ten (10) contiguous acres used for the following activities involving horses: riding lessons; rides; training; projects for educational purposes; boarding and related care; or shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants.

"Agricultural Use" does not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market. Agricultural divisions are not required to conform to the subdivision regulations contained herein. However, all agricultural divisions will be forwarded to the full Planning Commission for approval after review by staff.

2. **Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.
3. **Applicant.** An individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. The term applicant includes "developer", "owner", "subdivider", "builder", and all other persons or entities involved, even though the persons and their precise interests may vary at different project stages. Where the applicant is not the Owner of Record, written consent of the Owner(s) shall be provided to Planning Commission Staff.

4. **Arterial.** A street whose primary function is to move traffic within a region or locality at the highest level of service. Intersections of arterials are typically equipped with traffic signals. See the definitions for Principal Arterial and Minor Arterial.
5. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.
6. **“Bonded” or “Bonding” or “Performance Bond”** or similar terms, means both:
 - a. A written Agreement To Timely and Satisfactorily Complete All Public Improvements in a form approved by the Planning Commission by which the Developer (which includes all of the owners of the Developer – see definition of Developer) agrees, among other things, to timely and satisfactorily complete and pay for the Public Improvements; and,
 - b. A Bank Letter of Credit, Certificate of Deposit or Cash Bond payable to the order of the Planning Commission to insure the timely and satisfactory completion of the Public Improvements.

“Bond” or Performance Bond’ does NOT mean a traditional performance bond issued by a corporate surety. The terms “Bond” or other similar terms, is used in these Subdivision Regulations because such terms are commonly referred to in our community to mean the obligation of the Developer (whether written or otherwise) together with a Bank Letter of Credit, Certificate of Deposit, or Cash Bond payable to the order of the Planning Commission to insure timely and satisfactory completion of the Public Improvements.
7. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
8. **Capital Improvements Program.** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring expenditures of public funds, over and above the annual local government operating expenses, for the purchase, construction or replacement of the physical assets for the community are included.
9. **Cash Bond or Cash Escrow:** A deposit of cash with the Planning Commission or with an approved Bank or other Lending Institution, in lieu of an amount required to assure the completion of specified Improvements.
10. **Certificate of Deposit means:** A Certificate of Deposit issued by an FDIC insured bank with offices in Henderson County, Kentucky or from any other FDIC insured bank with offices in Kentucky, when such bank is specifically approved by the Planning Commission for a particular subdivision; such Certificate of Deposit shall be payable to the order of only the Planning Commission, with interest accruing and being added to the principal (the interest shall not be paid to the Developer.)
11. **Collector Street.** A street intended to move traffic from local roads to secondary arterials.
12. **Comprehensive Plan.** A comprehensive plan for the development of the City of Henderson, City of Corydon, and Henderson County, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plans, or parts thereof.
13. **Construction Plan.** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.
14. **Cul-de-sac.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

15. **Density.** A measure of the proportion of dwelling units to lot area. For purposes of these regulations, density is defined as low, medium or high;
- a. *Low Density.* Residential zoning districts in which the density is equal to or less than one dwelling unit per 40,000 square feet of lot area, excluding right-of-way.
 - b. *Medium Density.* Residential zoning districts in which the density is one dwelling unit for between 10,000 and 40,000 square feet of lot area, excluding right-of-way.
 - c. *High Density.* Residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet of lot area, excluding right-of-way.
16. **Developer”** means: The owner of the land proposed to be developed or subdivided jointly and severally with all affiliates of any entity owner (which includes all parent entities back to and including all individual owners of the ultimate owner entity and all subsidiary entities including all of their owners.) All of which shall execute the Agreement To Timely And Satisfactorily Complete All Public Improvements and all shall agree to be jointly and severally liable. Any such party may execute by and through an agent holding unlimited power of the principal (any agent so signing for a principal must hold an unlimited power of attorney).
17. **Dwelling Unit.** A building or portion thereof used primarily for residential occupancy, including single-family and multi-family units, but not including dormitories, hotels, lodging houses or bed and breakfast inns. A single-family dwelling unit comprises one or more rooms with non-shared bath and kitchen facilities, and is independent and self-contained.
18. **Easement.** Authorization by a property owner for the use by another, and for specified purpose, of any designated part of his property.
19. **Final Plat.** The map or plan of record of a subdivision and any accompanying material, as described in these regulations.
20. **Frontage.** The side or sides of a lot abutting on a street or road.
21. **Frontage Road or Street.** Any street on which development shall take place on only one side.
22. **Governing Body.** The Legislative body of a local government having the power to adopt ordinances.
23. **Health Department and Health Officer.** The agency and persons designated by the Governing Body to administer the health regulation of the local government.
24. **Highway, Limited Access.** A freeway, or expressway, providing a throughway for traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right of, access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway.
25. **Improvements.** See Lot Improvements or Public Improvements.
26. **Individual Sewage Disposal System.** A septic tank tile field sewage disposal system, or any other approved sewage treatment device.
27. **Joint Ownership.** Joint Ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

28. **Land Development Committee.** A committee established by the Planning Commission to provide technical services to the Planning Commission in the administration of these regulations.
29. **Letter of Credit or Bank Letter of Credit:** An irrevocable letter of credit on a form approved by the Planning Commission, in favor of the Planning Commission issued by a bank with offices in Henderson County, Kentucky or from any other bank with offices in Kentucky, when such bank is specifically approved by the Planning Commission for a particular subdivision.
30. **Licensed Professional Engineer.** An engineer properly licensed and registered in the Commonwealth of Kentucky.
31. **Licensed Professional Land Surveyor.** A land surveyor properly licensed and registered in the Commonwealth of Kentucky.
32. **Local Government Engineer.** The City Engineer or County Engineer, or their duly appointed designee, designated by the respective Legislative Body to furnish engineering assistance and inspection of improvements in the administration of these regulations.
33. **Local Streets.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.
34. **Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer or ownership or for building developments.
35. **Lot Area.** The amount of land contained within the property lines of a lot, but excluding any within streets and rights-of-way.
36. **Lot, corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
37. **Lot Depth.** The average horizontal distance between the front and rear property lines of a lot.
38. **Lot Width (or Frontage).** Generally, the distance, measured along the front property line, between the two side property lines of a lot.
39. **Lot Improvement.** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property bonded as provided in these regulations.
40. **Major Subdivision.** All subdivisions not classified as minor subdivision, including but not limited to subdivisions of more than five (5) lots or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.
41. **Master Plan.** Master plan means written and graphic material for the proposed development of an entire tract of land, including subdivision name, property identification, legend information, location sketch, lot designs, boundary lines, streets, utilities, topography, adjoining property owners and any other pertinent conditions or features of the tract.
42. **Minor Subdivision.** Any subdivision containing nor more than five (5) lots fronting on an existing street, nor involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations.
43. **Nonresidential Subdivision.** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivisions shall comply with the applicable provision of these regulations.

44. **Off-Site.** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.
45. **Official Map.** Any map or representational data system adopted by a local Governing Body pursuant to law or regulation showing streets, highways, zoning, parks, utility or drainage systems and other information therefore laid out, adopted and established by law, and any amendments or additions thereto adopted by a Governing body.
46. **Ordinance.** Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.
47. **Owner.** Any person, firm, corporation, or any other legal entity or entities having legal title to or proprietary interest in land sought to be subdivided under these regulations.
48. **Planning Commission.** The local government's Planning Commission established in accordance with law. Sometimes referred to herein as the Henderson City-County Planning Commission.
49. **Planning Commission Staff.** Those persons employed by the Planning Commission and empowered to review plats and plans, and to assist in the enforcement of the Subdivision Regulations, including the Executive Director and such other employees as the Planning Commission may appoint or hire. Where reference is made to the Executive Director, such reference shall include any duly appointed designee.
50. **Preliminary Plat.** The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
51. **Principal Arterial.** A street intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges, universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas. Generally, Principal Arterials consist of numbered Federal or State Highways.
52. **Public Improvement.** Any drainage, roadway, sidewalk, pedestrian way, or other facility for which a local government or public utility may ultimately assume the responsibility of maintenance and operation. All such improvements shall be properly bonded in accordance with the provisions of Chapter IV of these regulations. Public improvements are inspected and recommended for acceptance by the local government or utility engineer responsible for the specific public improvement concerned.
53. **Public Utility.** A service to the public, including sanitary and storm sewers, water, electric power, gas, telephone, cable and other communication means, street lighting, and any other public service.
54. **Resubdivision.** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot lines; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
55. **Right-of-way.** A strip of land occupied or intended to be occupied by a street, road or railroad, or for another special use. The usage of the term "right-of way" for land subdivision purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and is not to be included within dimensions or areas of such lots or parcels. Right-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. Right-of-way width is the distance between property lines, measured at right angles to the centerline of the street.

- 56. Road, Dead-End.** A road or a portion of a street with only one (1) vehicular-traffic outlet.
- 57. Sale or Lease.** Any immediate or future transfer of ownership or any possessory interest in land, including contract sales, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or their written instrument.
- 58. Same Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in such corporations, firm, partnership, entity, or unincorporated association.
- 59. Sectionalization.** Approval of a preliminary or final subdivision plat in stages consisting of at least 10% of the total lots proposed in the development after a master plan or preliminary plat for the entire tract of land has been approved by the Planning Commission. The proposed sectionalization plan shall be shown on both the master plan and preliminary plats.
- 60. Setback.** The distance between a building and the nearest property line. Required setbacks are specified in the Zoning Ordinance.
- 61. Sketch Plan.** A sketch prior to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission, Local Government Engineer, and other authorized persons as to the form of the plat and the objectives of these regulations.
- 62. Street Classifications.** For the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the local government and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the local government, its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan. The terms "street" and "road" are used interchangeably.
- 63. Subdivider.** An individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. The term subdivider includes "develop", "owner", "applicant", "builder", and all other persons or entities involved, even though the persons and their precise interests may vary at different project stages. Where the subdivider is not the Owner of Record, written consent of the Owners(s) shall be provided to Planning Commission Staff.
- 64. Subdivision.** The division of a parcel of land into two or more lots or parcels, for the immediate or future purpose of sale, lease, or building development a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of these regulations.
- 65. Subdivision, Major.** See Major Subdivision.
- 66. Subdivision, Minor.** See Minor Subdivision.
- 67. Subdivision Plat.** The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be submitted to the County Court Clerk or Recorder of Deeds for filing.

- 68. Temporary Improvement.** Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.
- 69. Utility Engineer.** An employee of a public or government-owned utility, or their duly appointed designee, designated by the respective utility to furnish engineering or technical assistance in the administration of these regulations.
- 70. Zoning Inspector.** The person designated by the local government to enforce the zoning ordinance.

ADDENDUM "A"

HENDERSON CITY-COUNTY PLANNING COMMISSION DIGITAL DATA SUBMISSION REQUIREMENTS

Specifications in this document pertain to the digital drawings of all subdivisions and consolidations (as defined in the Henderson City-County Subdivision Regulations). These regulations and standards do not supersede any requirements of the Henderson City-County Subdivision Regulations to submit hardcopy drawings for the review and approval process.

A digital submittal shall be required for all submissions of corporate boundary changes (annexations) in conformance with KRS 81A.470.

The intent of a digital submittal requirement is to enable the required hard copy and the digital submission to be produced from the same digital data without any modification by the firms submitting the data or the Henderson City-County Planning Commission (HCCPC). The digital submittal is not required to have engineering or surveying stamp/certification per 201 KAR 18:104 as it relates to KRS 322.340.

The hard copy will continue to be the official document.

REQUIRED DATA FEATURES AND LAYER NAMING CONVENTIONS

<u>Required Layers</u>	<u>Abbreviation</u>	<u>Data Element</u>
Boundary Lines	BNDY	Line
Boundary Text, Survey Calls, etc.	BNDY-TXT	Text
Lot Lines	LOTLINE	Line
Lot numbers	LOT-TXT	Text
Right-of-Way	ROW	Line
Street Centerlines	CNTRLN	Line
Edges of pavement	EDGPVMT	Line
Street names	STRNAME	Text
New easements	NEW-ESMT	Line
Existing easements	EX-ESMT	Line
Existing Contour	EX-CONT	Line
Existing Contour Text	EX-CONT-TXT	Text
Curb/gutter (Showing both sides)	CURB	Line
Sidewalk	SIDEWALK	Line
Railroad Centerline	RR	Line
Coordinate Text	COORD-TXT	Text
Control Monuments	CONTMON	Point
Monument Text	MON-TXT	Text

Start Point	START-PNT	Point
Start Point Text	START-PNT-TXT	Text
Existing Pre-constructed Buildings	PRECONSTBLDGS-EX	Polygon
Proposed Retention Basin	RETBASIN	Polygon
Proposed Detention Basin	DETBASIN	Polygon
Waterlines	WAT-LINE	Line
Waterline Text	WAT-TXT	Text
Water Valves	WAT-VALVE	Point
Storm Sewer Pipe	ST-PIPE	Line
Storm Sewer Pipe Text	ST-PIPE-TXT	Text
Storm Sewer Manhole	ST-MH	Point
Storm Sewer Manhole Text	ST-MH-TXT	Text
Storm Sewer Headwall	ST-HDWL	Line
Storm Sewer Headwall Text	ST-HDWL-TXT	Text
Sanitary Sewer Pipe	SAN-PIPE	Line
Sanitary Sewer Pipe Text	SAN-PIPE-TXT	Text
Sanitary Sewer Manhole	SAN-MH	Point
Sanitary Sewer Manhole Text	SAN-MH-TXT	Text
Fire Hydrant	FIRE-HYD	Point
Flush Hydrants	FLUSH-HYD	Point
Gas Lines	GAS-LINE	Line
Gas Valves	GAS-VALVE	Point
Gas Text	GAS-TXT	Text

DATA FORMAT

The preferred format for digital submissions will be .DWG. The HCCPC may waive or adjust this requirement as specified herein.

The GIS software, ArcInfo, Arc Editor and ArcView can read the .DGN, .DWG, .DXF file, Arc GIS Shape File and Arc GIS Personal Database.

DATA INTEGRITY REQUIREMENTS

The requirement is to follow the 201 KAR 18.150 "The Standards of Practice for Professional Land Surveyors," Section 7, Measurement Specifications, (6) Table of Specifications by Class: Classification of Surveys, or current edition (latest).

DIGITAL DRAWING ORIENTATION AND GEOREFERENCE/TIE INTO HORIZONTAL CONTROL

HCCPC will provide a template in the form of a .DWG file that will include all required layers and naming conventions as well as control monument locations and point identifications. The control monument locations and point identifications will also be made available at the HCCPC office in hard copy format as well as in .PDF format on the HCCPC website (www.hendersonplanning.org). These monuments use the horizontal datum NAD83 and vertical datum NAVD 1988 unless otherwise noted.

1. The digital submittal file (.DWG) must be oriented to the current coordinate system used by the HCCPC/GIS.
 - a. A permanent control monument with both horizontal and vertical control will be set by the Henderson County Code Department at every intersection of a collector street with an arterial street. For subdivisions that have interior streets being constructed, a minimum of one permanent control monument may be installed when required by the local government engineer. Prior to submitting subdivision plats, the surveyor shall contact the local government engineer's office for location of new control monuments. Location shall be shown on subdivision plat inside of public right-of-way.
 - b. If new monument(s) are required by the local government engineer, prior to the signing of the subdivision plat, a fee of \$250.00 per monument shall be paid by the applicant to the Henderson City-County Planning Commission to offset the cost of materials, equipment, and man power to set the monuments.

MEDIA REQUIREMENTS

Submissions will be accepted only on CD-ROM or DVD or via e-mail. Digital submittal must be submitted with labels indicating the following data:

All media will be submitted with labels indicating the following data (see example). It is understood by the HCCPC that the digital data is not a certified, legal document (201 KAR 18:104 as it relates to KRS 322.340).

Example:

Project or Subdivision Name:	Astec Acres
File Name:	astacrs.dwg
Date:	July 1, 2008
Revision Date:	Revised Aug 1, 2008
Company Name:	Smith & Associates
LS/PE:	John Smith
Reg. No:	L.S. 1234
Format:	DWG/DXF/DOS/4Backup
Signature on Disk	(Signature Line)

DIGITAL DATA FILE COMPRESSION

Files that are too large to copy onto one CD or DVD shall be compressed using the latest version of pkzip® or winzip®. For files using other compression techniques, the extraction program must be submitted with the digital data file.

REVIEW OF DIGITAL DATA

1. Correct Layering
2. Closure of geometry of the features in the submittal.
3. Verification that digital and hard copy maps are consistent
4. Correct geographical position, i.e. correct coordinate values

ALL DIGITAL DRAWINGS SUBMITTED TO THE HCCPC SHALL BE IN THE CORRECT FORMAT AND IN ACCORDANCE WITH THE STANDARDS CONTAINED HEREIN. INCORRECTLY FORMATTED DATA, UNREADABLE DATA, AND DATA MISSING REQUIRED INFORMATION SHALL BE RETURNED TO THE OWNER, SUBDIVIDER, RESPONSIBLE AGENT OR PERSON FOR CORRECTIONS AND RE-SUBMITTAL. FINAL APPROVAL OF DIGITAL AND PAPER PLAT SHALL BE CONTINGENT UPON THE DELIVERY OF CORRECT AND ACCURATE DIGITAL DATA.

ADDENDUM "B"
SCHEDULE OF FEES

A schedule of fees, charges and expenses and collection procedure for requests for variances from the access standards manual, and requests for plan and plat approval from the Planning Commission is hereby established. No approval shall be granted nor shall any action be taken on proceedings before the Board of Zoning Adjustment or the Planning Commission unless and until charges and fees have been paid in full.

Fees for Zoning, Plats, Site Plans and Plats

Request for Variance from Access Standards	\$ 50.00
Request for Variance	\$ 50.00 *
Preliminary Plat Submittal	\$ 100.00 *
Minor Subdivision	\$ 50.00 + \$1.00 per lot**
Agricultural Division	\$ 10.00 **
Final Plat Submittal	\$ 50.00 **
Site Plan	\$ 50.00
Street Name (Intersection) Signs	\$ 100.00
Traffic Control Signs (Stop, Speed Limit, Etc.)	\$ 150.00

*In addition to the fees listed in the schedule of fees, the applicant shall submit a sixteen dollar (\$ 16.00) fee for recording the Certificate of Land Use Restriction as required by K.R.S. 100.3681 through 100.3683. This fee is refundable to the applicant if the request or submittal is not approved. Other fees are not refundable.

** In addition to the fees listed in the schedule of fees, the applicant shall submit a twenty dollar (\$20.00) plat-recording fee. This fee is refundable to the applicant if the plat is not approved. Other fees are not refundable.

These fees and charges shall be in addition to the fee schedule established for obtaining a building permit.

Development Review Fees for Public Improvements

These fees include construction drawing review and construction phase engineering costs.

Water Line	\$ 0.19 per foot
Sanitary Sewer	\$ 0.23 per foot
Storm Sewer	\$ 0.29 per foot
Ditch or Swale within a drainage easement	\$ 0.29 per foot

Payment of Water, Sanitary Sewer, Storm Sewer and Drainage review fees shall be made directly to the Henderson Water Utility.

Development Field Inspection Fees for Public Improvements

These fees include field inspection costs.

Street Inspection	\$ 1.00 per foot
Water Line	\$ 0.56 per foot
Sanitary Sewer	\$ 0.91 per foot
Storm Sewer	\$ 0.66 per foot
Ditch or Swale within a drainage easement	\$ 0.66 per foot
Gravity Sewer Line CCTV Inspection	\$ 0.90 per foot

Fees for Water, Sewer and Storm Sewer lines include costs for GPS field measurements performed by HWU inspectors.

For assessment purposes, review and inspection fees for improvements are per linear foot, measured along the centerline or baseline of the respective improvements.

CCTV inspection of Sanitary and Storm Sewers is based on televising 10% of the main pipelines and 25% of the sanitary laterals, and this fee is computed and assessed at the time of approval of the Final Plat. Should CCTV inspection reveal the failure of any portion of the system to meet the requirements of the applicable HWU Technical Standards, HWU reserves the right to televise any additional portions up to and including the entire system in which a failure was identified at the subdivider’s expense at \$0.90 per lineal foot, payable directly to HWU.

Payment of all inspection fees shall be to the Henderson – Henderson County Planning Commission.