

SUBDIVISION REGULATIONS

FOR

LINCOLN COUNTY, KENTUCKY

LINCOLN COUNTY/CEDAR CREEK PLANNING COMMISSION

APRIL, 2003

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***LINCOLN COUNTY/CEDAR CREEK PLANNING COMMISSION
and
BLUEGRASS AREA DEVELOPMENT DISTRICT***

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AUTHOR: Lincoln County/Cedar Creek Planning Commission/ Bluegrass Area Development District

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DATE: April 1, 2003

REGIONAL PLANNING AGENCY: Bluegrass Area Development District

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ARTICLE I

PURPOSE, AUTHORITY, AND JURISDICTION

1.1 PURPOSE

Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well community needs for residence, business, and industry will be met. It also determines to a great extent how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demands for home sites, and how efficiently and economically it will be able to provide the many services demanded of it. Land development and divisions in relationship to *Lincoln County* is anticipated to be somewhat different than traditional urban land divisions and development. The Comprehensive Plan anticipates primarily large lot rural residential and limited commercial development. These regulations are also implemented in order to ensure development that occurs in the Cedar Creek Lake Watershed occurs in an effective and efficient manner which protects the water quality and quantity of the lake and preserves the scenic rural nature of the area.

Once land has been subdivided and officially recorded, it is difficult and costly to correct defects and deficiencies in subdivision layout and in the facilities provided. Additionally, a subdivided area eventually becomes a public responsibility in that roads and streets must be maintained and public services customary to residential developments must be provided. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is therefore a matter of serious public concern, and it is in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

These subdivision regulations, copies of which are filed in the office of the Lincoln County/Cedar Creek Planning Commission, and the County Judge-Executive of Lincoln County, Kentucky, are designed to provide for the harmonious development of the subdivided area; for a coordinated layout; for the proper arrangement of streets, for adequate and convenient open spaces; for traffic, utilities, recreation, light, air, and access of fire-fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot areas; for adequate provision of water, sanitary and storm sewer, and other sanitary facilities; and for reducing erosion and flood damage potentials to the greatest extent possible.

1.2 AUTHORITY

These subdivision regulations were adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Sections 100.273 through 100.307. The *Lincoln County/Cedar Creek Planning Commission*, which was established in accordance with the Kentucky Revised Statutes, Chapter 100, Section 100.117, has fulfilled the requirements set forth in the applicable sections of the Kentucky Revised Statutes as necessary for the adoption of such regulations.

These regulations provide a procedure and minimum standards of design and construction by which the *Lincoln County/Cedar Creek Planning Commission* can equitably appraise all proposed plats for land subdivision plat preparation, review, and approval requirements. These regulations shall also be applied to all development and construction on existing undeveloped lots. All proposed development must comply with these regulations, especially in relation to the design of the proposed roads and other improvements and provisions for erosion control and best management construction practices, and other development standards to ensure compliance with the design standards established by these Subdivision Regulations. These design standards must be met prior to the issuance of an occupancy permit.

The applicant for the subdivision, at the time of the filing of the application for the subdivision, may elect to have any variance for the same development heard and decided by the Planning Commission in conjunction with the subdivision plat review as per KRS 100.281(7b).

1.3 JURISDICTION

These regulations shall govern all subdivisions of land within the of the unincorporated areas of Lincoln County, Kentucky, as established at the formation of the Commission and in the adopted Comprehensive Plans.

ARTICLE II DEFINITIONS

For the purpose of these Subdivision Regulations, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural; the word **person** includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word **structure** includes building; the word **occupied** includes arranged, designed or intended to be occupied; the word **used** includes arranged, designed or intended to be used; the word **shall** is always mandatory and not merely directive; the word **may** is permissive. Other words and terms shall have the following respective meanings.

Administrative Official: Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the Zoning Regulations, Subdivision Regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

Agricultural Use: The use of any tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

As-built Plans: Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the system as it has actually been installed.

Bikeway: A way or portion of a way intended and designated primarily for bicycle traffic.

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

Chairman: The elected chairman of the Planning Commission, or, in his absence, the vice-chairman or other delegate.

Commission: The *Lincoln County/Cedar Creek Planning Commission* formed by the Lincoln County Fiscal Court for the purpose of developing land use plans and regulations within the boundary of *Lincoln County* and charged with administering these Regulations.

Comprehensive Plan: A plan, or portion thereof, adopted by the Planning Commission in accordance with KRS 100.183 through 100.197, showing the general location and extent of present and proposed physical facilities including housing, commercial and industrial uses, major streets, parks, schools and other community facilities. This plan also establishes the goals, objectives, and policies of the community which are also adopted by the Fiscal Court.

County: Refers to the territory of Lincoln County, Kentucky.

County Engineer: Refers to the engineer employed or contracted by the County for the purpose of administering the operation of public facilities and inspecting the plans and construction of these public facilities.

Developer: Any individual, firm, association, corporation, government; agency or any other legal entity commencing proceedings under these Regulations, to carry out the development of land as defined herein, for himself or for another.

Development Plan: A presentation in the form of sketches, maps, and drawings (plans and profiles) of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan). At a minimum, a development plan shall include the same information required for preliminary plats in the *Lincoln County* Subdivision Regulations, unless otherwise waived by the Planning Commission. Development plans shall be required by the Planning Commission for all zone change requests and shall be required for all industrial developments consisting of one building or more and all other developments consisting of two or more principal buildings. The subdivision preliminary and final plat process shall satisfy the development plan requirements for all single family residential developments.

Grade: This inclination from the horizontal of a road, unimproved land, etc. and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

Easement: Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.

Legislative Body: The chief body of a city or a county with legislative power, whether it is the Board of Aldermen, the General Council, the Common Council, the Board of Commissioners or the County Fiscal Court.

Lot or Parcel: A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds; for the purpose of sale, lease, or separate use. All lots shall front on a public street.

Lot Area: The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

Lot, Corner: A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth: The average horizontal distance between the front and rear property lines of a lot.

Lot Frontage: The front of a lot is that portion nearest to the street. For the purpose of determining yard requirements for corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.

Lot-of-Record: A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.

Lot, Through or Double Frontage: A lot of which the opposite ends abut on streets.

Lot Width: The distance between the two side property lines of a lot measured along the building setback line. The width between side property lines along the right-of-way line should not be less than sixty (60) percent of the lot width for residential lots.

Major Street Plan (or Transportation Plan): That portion of the Comprehensive Plan pertaining to transportation and existing and proposed streets.

Minor Subdivision Plat: See Section 3.3 of these Regulations.

Mobile Home Park: A parcel of land available to the public in which two (2) or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure, or other facility used as a part of the park.

Mobile Home Subdivisions: A tract of land subdivided for residential development limited to the use of mobile homes wherein the parcels subdivided are intended for sale or lease.

Official Public Properties Map or Official Map: A map prepared in accordance with KRS 100.293 through 100.317 and adopted by the Planning Commission and/or the Legislative body, showing the location and extent of the existing and proposed public streets, including right-of-way, water courses, parks and playgrounds, public schools and building sites, and other public facility needs.

Owner: Any individual, firm, association, corporation, governmental agency or any other legal entity whose name last appears on the tax roles as owner of the land proposed to be subdivided.

Planned Unit Development: An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these Regulations.

Plat: A map or layout of a subdivision indicating the location and boundaries of individual properties.

Sketch Plat: A preliminary sketch indicating the Subdivider's general objectives and desires in regard to the future development of his land, presented to the Planning Commission for its informal consideration.

Preliminary Plat: The drawings and supplementary material indicating the proposed layout of the subdivision and its public facilities to be submitted to the Planning Commission for its consideration.

Final Subdivision Plat: The final map, drawing, or chart upon which the Subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.

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

Right-of-Way: Land used generally for streets, sidewalks, alleys, easements, or other public uses. Right-of-way also refers to the distance between lot property lines which generally contains not only the street pavement, but also sidewalks, grass area, and underground and above ground utilities.

Setback Line: See "Building Setback Line".

Sidewalk: A way or portion of a way intended primarily for pedestrian traffic.

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

Site Plan: A development plan of one or more lots on which is shown the existing and proposed topography of the lots, the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities,

landscaping, structures and signs, lighting, screening devices, and any other information that may be reasonably required in order to make an informed decision.

Street: A public right-of-way which provides a public means of vehicular and pedestrian access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. The right-of-way limits of any street shall include the street pavement, curb, and gutter (or open ditches) and may provide space for the location of utilities. The right-of-way limits of any street shall be coincidental to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows (see Exhibit 8-1).

A. Expressways

Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes. This class of streets are typically constructed with state and/or federal funds.

B. Arterials

Arterial streets rank second in the classification of streets, and are primarily for vehicular movement. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than by providing each abutting property its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.

C. Collector Streets

Collector streets rank third in the classification of streets, and they are principally used for vehicular movement; however, access to abutting properties is planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way lengths and speed control.

D. Local Streets (Minor Streets)

Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on local streets should have an origin or destination in the immediate vicinity, whereas all types of through-traffic should be eliminated. Local streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Local streets may be further classified to include the following:

1. Marginal Access Streets

Marginal access streets are minor streets generally having two or more access points to the major street system by connecting to a street of higher classification. Property abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.

2. Cul-de-sacs

Cul-de-sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end without provisions for a turn-around circle. Temporary turn-around circles may be required when a street is proposed to be continued in the future or when otherwise deemed necessary by the Commission.

3. Alleys

Alleys are streets generally having two open ends with each end connecting to different streets. Such streets generally provide service and access to the rear of abutting properties on both sides.

Subdivider: Any individual, firm association, corporation, governmental agency or any other legal entity commencing proceedings under these Regulations, to create a subdivision of land as defined herein for himself or for another.

Subdivision: The division of a parcel of land into ~~two (2)~~ three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any request to divide more than one tract per year from any parent tract shall imply the intent to create a subdivision and such proposal will be required to comply with all the major plat requirements of these subdivision regulations. A single lot division may be considered a minor plat as determined by the Planning Commission.

Unit: A portion of a subdivision selected for development as one of a series of stages.

ARTICLE III

ADMINISTRATIVE PROCEDURES

3.1 APPLICABILITY

These Regulations and standards shall apply to the subdivision of any tract of land into two or more parcels, counting the original tract; the consolidation of two or more parcels of land into a fewer number of parcels; and to the amendment of any subdivision plat previously approved by the Commission.

3.2 PRE-APPLICATION MEETING WITH PLANNING COMMISSION

Before preparing a plat and submitting it to the Planning Commission for approval, the subdivider should meet and consult informally with the Planning Commission for the purpose of ascertaining the locations of proposed and major streets, parks, playgrounds, school sites, and other planned projects, which may affect the property being considered for subdivision. At the pre-application meeting, the subdivider should review with the Planning Commission the minimum standards of subdivision design set forth in Article IV. This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the Planning Commission is not required for this informal advisory meeting; however, it is helpful if a sketch plat as detailed in Section 3.21 is prepared.

At the pre-application conference the proposed subdivision will be classified as a Major or Minor subdivision and the Subdivider advised accordingly of the proper procedure to follow. Major Subdivisions shall be processed in accordance with Section 3.4 through Section 3.6 of these Regulations. Minor Subdivisions shall be processed in accordance with Section 3.3 of these Regulations.

3.21 SKETCH PLAT

The Subdivider may submit a sketch plat containing the information specified below. This plat may be in pencil, on a sheet of paper or other suitable material of adequate size to show the subdivided area at a scale of 100 feet per inch or other suitable scale. The sketch plat does not have to be prepared or certified by a registered professional surveyor or engineer.

A well prepared sketch plat includes the proposed name of subdivision, date, north arrow, scale; name and address of property owner and developer; a generalized vicinity sketch showing existing roads and their names, the subject property, and major streams; generalized shape of the subject property at scale of 100 feet per inch with boundary dimensions and total acreage; existing physical features including natural drainageways, existing structures, wooded areas, ponds, sink holes; generalized topographic contours at 20 foot intervals; generalized layout of proposed streets and lots; names of adjacent land owners or subdivisions; existing and proposed zoning; information about available utilities and proposed methods of service for water supply, sanitary sewer, storm water drainage; relationship to community services including shopping, schools, parks; and the proposed land use for all parcels.

3.3 MINOR PLAT APPROVAL

At the pre-application meeting (Section 3.2 of these Regulations) the Commission will determine whether the proposed subdivision constitutes a Major or Minor Subdivision. In the case of Minor Subdivision, the lesser significance on the long range development of the community is considered justification for simplifying and expediting the processing of such plats.

3.31 Minor Plat Criteria

To qualify for consideration as a Minor Subdivision Plat, a subdivision must meet one of the following situations.

- A. A ~~single lot~~ multi-lot division, where a subdivision contains a total of ~~two (2)~~ three (3) lots, including the remainder of the original tract; provided both lots front on an existing public street; and the division involves no opening, widening, or extension or streets or utilities.
- B. Consolidation plats where the division provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
- C. Consolidation plats where up to and including five (5) lots of record are consolidated to create a lesser number of parcels and involved no new public improvements.
- D. Plats of correction where there is a need to make technical revisions to a recorded Final Plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.

3.32 Minor Plat Requirements

The following information shall be included on any Minor Plat presented for review by the Commission unless accompanied by a request for waiver:

- A. Name of subdivision and portion thereof, date, label "Minor Plat", graphic scale, north arrow

- B. Total site data including acreage, number of lots, area and lot number of the smallest lot, square feet of area or acres in parks and other public uses, zone districts that apply to subdivision.
- C. Name and address of property owner, Subdivider (if other than owner).
- D. Name, address and seal of the licensed professional land surveyor responsible for preparation of the plat and certification that the plat represents a survey made by him/her and that all monuments shown actually exist, and their location, size and material are correctly shown.
- E. Names and adjacent property owners or subdivisions and abutting streets.
- F. Vicinity map at a scale of two thousand (2,000) feet per inch or greater showing the subject property and surrounding land within one-half mile existing street systems and their connections with proposed streets.
- G. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The Plat shall be prepared at a scale of not smaller than one hundred (100) feet per inch.
- H. Bearing and distance to nearest established street lines or other recognized permanent monuments.
- I. Exact location, right-of-way, and names of all streets adjoining the plat.
- J. Location and dimensions of all easements or right-of-way when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.
- K. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearings of lot lines building setback and identification by consecutive lot number or letter designation.
- L. Lot width at building setback line and front lot line for lots located on curves.
- M. All permanent monuments, witness monuments or pins set to be set shall be shown and described on the Minor Plat. Such monuments shall be set at the intersections of property lines, the intersection of street centerlines, and at angles along the subdivision boundary. Any required monument or pin destroyed before acceptance of improvements shall be replaced by the Subdivider or Developer.

N. Subdivision plats being submitted for industrial and commercial development shall also show buildings including entrances, loading areas and, when possible, the number of establishments to be contained within.

The following items of supplementary information shall be submitted with and included as part of the Minor Subdivision Plat.

- A. Copy of completed subdivision application form for Minor Plat review and payment of subdivision processing fees.
- B. Deed restrictions and protective covenants shall either be placed on the Minor Plat or attached thereto in form for recording. (If recorded separately, reference to the restrictions shall be made on the Minor Plat.)
- C. Certificates 1, 2, and 3 as indicated in the Appendix.
- D. If any portion of the proposed development lies within any 100-year floodplain, the boundaries of such floodplain shall be shown on the plat.

3.33 Minor Plat Procedure

Upon the determination that a proposed subdivision meets the minor plat criteria of 3.31 and 3.32 of these Regulations, the Subdivider shall proceed directly with the preparation of the plat for the Chairman's signature and recording.

An application for review of the Minor Plat and five (5) copies of the plat shall be submitted at least twenty-one (21) days prior to a regularly scheduled Commission meeting to the Chairman or his designee. The Chairman or his designee may decide at this time to waive the required public review of the Minor Plat upon the determination that all plat requirements are met. If he so chooses, the Chairman may sign the plat thus certifying its approval for recording by the County Clerk and not require it to be presented at a Commission meeting.

3.4 PRELIMINARY PLAT APPROVAL

If the proposal is determined to be a major subdivision, after the pre-application meeting with the Planning Commission, the subdivider shall have a Preliminary Plat prepared and submitted to the Planning Commission for their approval prior to making of any street improvements or the installation of any utilities.

3.41 Preliminary Plat Data

The Preliminary Plat shall meet with the standards of design as set forth in Article IV and shall show the following information:

- A. Graphic scale of two hundred (200) feet to one (1) inch or larger; label "Preliminary Plat"; north arrow; vicinity sketch map (1"=2000'); date.
- B. Name of subdivision, names and addresses of the owners, the licensed professional land surveyor, and the owners of adjacent property.
- C. Acreage of land to be subdivided.

- D. Contours at an interval of not greater than five (5) feet or at a lesser interval if deemed necessary by the Planning Commission.
- E. Boundary lines of area to be subdivided and their bearings and distances.
- F. Existing and proposed easements and their locations, widths and distances.
- G. Streets on and adjacent to the tract and their names, widths, approximate grades, profiles (1" = 20'), and other dimensions as may be required.
- H. Utilities on and adjacent to the tract showing proposed connections to existing utility systems; plans and profiles for all proposed utilities; existing culverts and water courses. General location and size of proposed stormwater facilities including retention/detention facilities and swales. Rear easements for utility poles and wires shall be required wherever possible.
- I. Lot lines and lot numbers.
- J. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses. Sites, if any, for non-single family use.
- K. Minimum building setback lines.
- L. Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plat
- M. Clearly indicate or discuss proposed erosion control methods during construction.
- N. Certificates 1, 2, 4, 6, 7, and 8 as indicated in the Appendix.
- O. See Exhibit 8-2, Typical Sample Preliminary Plat.

3.42 Procedure

These procedures shall be adhered to in all cases. No hearings or plat reviews shall be considered without compliance to the procedures identified below.

- A. Fifteen (15) copies of the complete Preliminary Plat and supplementary material specified (see Preliminary Plat Data Requirements) shall be submitted to the Planning Commission Administrative Officer/Planning and Zoning Office at least twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting.
- B. The Administrative/Enforcement Officer for the Planning Commission shall notify the subdivider of the time and place of the meeting at which the plat will be discussed.
- C. Within sixty (60) days after the review of the Preliminary Plat, the Planning Commission shall approve, disapprove, or approve subject to modification, the said Plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
- D. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. Upon approval of the Preliminary Plat, the developer may proceed with improvements to the land at his own risk and subject to development standards set forth in this document. Prior to final plat approval all improvements must be complete or have adequate bonding in place. No lots may be sold until the final plat is approved and properly filed in the County Clerk's office. The approval of the Preliminary Plat shall lapse one (1) year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Planning Commission.

3.43 Subdivision of a Portion of a Larger Tract

When part of a tract is proposed to be subdivided and the subdivider intends to subdivide additional parts of the tract in the future, a sketch plan or a conceptual development plan for the entire tract shall be submitted to the Planning Commission at the same time the Preliminary Plat for the first part of the tract to be platted is submitted. The sketch or conceptual plan is non-binding except in conformance with the Comprehensive Plan.

3.5 CONSTRUCTION PLANS

The Preliminary Plat is not considered officially approved until such time as the construction plans for the streets and other public improvements, if necessary, have been approved by the appropriate legislative body or agency.

- A. Upon approval of the Preliminary Plat by the Planning Commission, such plat shall be forwarded to the County Engineer along with the construction plans for all public improvements for their approval.
- B. The Planning Commission, Fiscal Court, or their authorized agent will then forward said Preliminary Plat, construction plans, and other material to a selected and proper engineer or engineering firm, who shall examine said Preliminary Plat and construction plans and determine whether or not the construction design aspects of said plat comply with these Regulations. Said engineer or engineering firm shall then certify by letter to the Planning Commission or the Fiscal Court its findings. The Planning Commission or Fiscal Court shall then make an order either approving or not approving the construction design aspects of said Preliminary Plat as it relates to these Regulations. If said construction design aspects

of the Preliminary Plat is ordered approved according to these Regulations, the Planning Commission or Fiscal Court, or its authorized representative shall execute a certificate or letter showing such approval.

- C. Approval of the Construction Plans shall authorize the subdivider to proceed with construction according to the terms of "D" below and/or to construct the minimum improvements required and submit a final plat with the balance of the improvements bonded in accordance with the requirement of these Regulations.
- D. Prior to the beginning of any construction of any road and/or street as regulated by these Regulations, the County Judge-Executive or his designated agent shall be given notice of the beginning date of said construction. Said notice shall be reasonable in time, but no less than two (2) weeks prior to the beginning of said construction. The Fiscal Court and/or its authorized agent shall notify the selected engineer or engineering firm and they shall inspect all construction within these Regulations as the construction and work is being done. Said engineer or engineering firm shall be known as a Resident Engineer and shall enforce compliance with these Regulations and the approved construction plans and then shall certify to the legislative body that such construction was done pursuant to said approved construction plans and these Regulations.
- E. Upon approval by the Planning Commission of the Final Plat of said subdivision, a copy of said Final Plat shall also be forwarded to the County Engineer.

3.6 FINAL PLAT APPROVAL

The Final Plat shall conform substantially to the Preliminary Plat as approved, and it may constitute only a portion of the Preliminary Plat which the subdivider proposes to record and develop.

3.61 Final Plat Data

The Final Plat shall give the following information:

- A. Scale of one hundred (100) feet to one (1) inch or larger; graphic scale; north arrow.
- B. Name of subdivision, names and addresses of owner(s), the licensed professional land surveyor, and adjacent property owners.
- C. Acreage of land to be subdivided.
- D. All dimensions, angles, bearings, and similar data on the plat shall be tied to permanent bench marks. These bench marks shall be U.S.G.S. survey bench marks, the nearest established control points, other official monuments or witness monuments as standard. Locations and descriptions of said bench marks shall be given.
- E. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sides with accurate dimensions to the nearest one hundredth of a foot; bearings of deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest second. Landscaping requirements shall be indicated to comply with design standards.
- F. Name and right-of-way width of each street, easement, or other right-of-way.
- G. Lot numbers and addresses.
- H. Purpose for which sites, other than residential lots are dedicated or reserved.
- I. Minimum building setback lines in accordance with Zoning Ordinance; in no case shall it be less than 35 feet from the right-of-way line .
- J. Location and description of monuments, including bench marks, existing streams or other bodies of water, significant trees and tree stands, sinkholes, etc.
- K. Names and location of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the names and addresses of the owners of adjoining unplatted properties.
- L. Certification on plat of title showing that the applicant is the owner and a statement by such owner dedicating streets, right-of-way, and other sites for public use (Form 1).
- M. Certification on plat by licensed professional land surveyor as to the accuracy of survey and plat (Form 2).
- N. Certification by the County Health Officer of individual subsurface sewage disposal or approval by the applicable sewer district of acceptance of relevant improvements. (Form 8).
- O. Certification (Form 5) that the subdivider has complied with one of the following alternatives:
 - 1. All the improvements have been installed in accordance with the requirements of these regulations;
 - 2. A security bond, irrevocable letter of credit, or certified check has been posted with Lincoln County in sufficient amount to assure such completion of all required improvements in compliance with Section 3.63 of these Regulations.
- P. Cross-sections, profiles, and grades of streets, curbs, gutters showing the locations of in-street utilities and drawn to County specifications, and elevations shall be attached to the Final Plat. Road profiles and roadway design shall be

signed by a licensed engineer. Plats shall bear the seal and signature of such engineer. Engineer shall be licensed to do business in the Commonwealth of Kentucky.

- Q. Protective covenants shall either be placed directly on the Final Plat or attached thereto in form for recording.
- R. Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk (Form 3).
- S. See Exhibit 8-3, Typical Final Plat.
- T. Certification on final plat for entrance/encroachment approval from State/Federal Highway (form 9) or Certification on Final Plat for Entrance/encroachment approval from the county road engineer (Form 10.)

3.62 Procedure

- A. Fifteen (15) copies of the Final Plat together with any street profiles or other plans that may be required shall be submitted to the Planning Commission Administrative Officer/Planning and Zoning Office by the subdivider at least twenty-one (21) days prior to the meeting, at which time it is reviewed. At least three (3) copies of the plat shall contain all original signatures.
- B. The Final Plat shall be reviewed by the Planning Commission who will check said plat as to computations, certifications, monuments, etc., and determine that all the required improvements have been completed to the satisfaction of the *Lincoln County/Cedar Creek Planning Commission*. A security bond, irrevocable letter of credit, or certified check may be posted in sufficient amount to cover the cost of the required improvements if such improvements are not complete. The Planning Commission shall establish the amount deemed sufficient if this option is elected.
- C. One copy shall be transmitted to the County Health Department Officer or the appropriate sewer district. If the plat meets the approval of the appropriate agency, three copies must be signed by the appropriate authority.
- D. One copy shall be transmitted to the County Fire Department, as appropriate, for review and approval of fire safety compliance.
- E. Within the sixty (60) days after review of the Final Plat, the Planning Commission shall approve or disapprove the said Plat. Failure of the Planning Commission to act upon this Final Plat within sixty (60) days shall be deemed approval of the Plat. If the Plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.
- F. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.
- G. When the Final Plat has been approved by the Planning Commission, two copies shall be returned to the subdivider, with the approval of the Planning Commission certified thereon, one copy for proper filing with the County Clerk as an official plat record and one for the subdivider's records. Another copy certified by the Planning Commission will be retained by the Planning Commission and Fiscal Court for their records and any necessary action on any proposed dedication.

3.63 Construction Guarantees

Prior to the submission of the Final Plat to the Commission for approval, the Developer shall complete all required improvements to the satisfaction of the County Engineer and/or the appropriate utilities who will certify their satisfactory completion in writing to the Commission.

The Developer may execute and file Guarantees of Construction with the Planning Commission in lieu of completion of some of the required improvements when requesting approval of the Final Plat. The Developer shall install all soil erosion and sedimentation controls, street construction (except for the final course of blacktop), and stormwater retention facilities to the satisfaction of the County Engineer prior to the submission of the Final Plat. In addition to the final course of blacktop, water and sewer utilities, and clean-up may have Guarantees of Construction submitted in accordance with these Regulations.

The Developer shall submit to the Planning Commission, Fiscal Court, or the County Engineer an estimated cost calculated to be reasonably necessary to complete all of the improvements required for their review and approval. The Planning Commission or Fiscal Court shall establish the bond amount at 125% of the cost approved and deemed sufficient.

The bond may be in the form of a surety bond, certified check, irrevocable letter of credit or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits of public money. The bond shall be executed by the Developer as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint bond and several obligations, faithful performance of any and all work and the construction and installation of all improvements required to be done by the Developer together with all engineering and inspection costs and fees incurred by the County. The bond shall contain the further condition that should the Developer fail to complete all work and improvements required to be done by him within twelve (12) consecutive calendar months of the date of approval of the Final Plat, or within a mutually agreed upon extension not to exceed twelve (12) consecutive calendar months the Planning Commission or Fiscal County may, at its option, cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the Developer elects to deposit cash, certified check or approved negotiable United States Treasury Certificates, the Planning Commission or Fiscal Court shall be authorized, in the event of any default on the part of the

Developer or the performance of any work or construction of any improvements for which the cash or negotiable bonds has been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs therefore.

At such time that the Developer has completed such improvements specified in the bond guarantee, the Developer shall notify the County Engineer or the appropriate utility who will inspect the improvements and, if all are in conformance with the requirements, will notify the Commission or Court in writing and recommend the release of the relevant portion of the bond or other instrument used as the guarantee of performance.

The Fiscal Court shall not accept any road and/or street for county maintenance unless and until the following is completed:

1. Prior to submission to the ***Lincoln County/Cedar Creek Planning Commission*** of the Final Plat relative to a subdivision, the developer or subdivider has fully and completely reimbursed the Court for any and all fees and costs paid to the selected engineer or engineering firm charged with the plat review.
2. Prior to the acceptance by the Fiscal Court of maintenance of any road and/or street, the developer or subdivider has fully and completely reimbursed the Court for any and all fees and costs paid to the selected engineer or engineering firm charged with construction inspection. It is the intent of these Regulations that all costs incurred by the Court for the engineering or engineering firm shall be the responsibility of the developer and/or subdivider and reimbursement shall be a condition for approval of the final plat.

The Fiscal Court and/or their authorized agents may require that the 1" bituminous surface course not be applied to any or selected subdivision streets and/or roads until after completion of at least 75% of the subdivision buildings. The Fiscal Court may, at their option, accept streets and/or roads prior to the application of the surface course provided that the Planning Commission or the Court retains a maintenance and performance guarantee to ensure that the existing road is properly maintained, and to ensure that the road is completed once the subdivision is fully developed.

The Developer shall be responsible for the maintenance and repair of the improvements installed. The Developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the County. Upon completion of work and before public acceptance, the Developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision or the billing of the developer for such service performed by the County. Payment shall be guaranteed by the performance bond or other instrument used as the guarantee.

3. An amount of fifty (50) percent of the final cost of streets, gutters and curbs shall be retained from the original instrument of construction guarantee, or a new instrument posted, at the Developer's or Subdivider's option, with the Fiscal Court at the time of public acceptance of the street(s) for two (2) years to guarantee the quality of construction of the street, gutters and curbs.

ARTICLE IV

DESIGN STANDARDS

4.1 PURPOSE

The purpose of this Article is to establish the basic and minimum design standards which will be required for lots, streets, and other physical elements in the subdivisions. These standards shall be the minimum which shall be observed by developers.

4.2 STREET DESIGN STANDARDS

All streets which are designed primarily for the movement of vehicular traffic shall conform to the following requirements:

4.21 Classification of Streets and Required Pavements

Five basic street classifications shall be observed by developers:

Arterial Streets, Separated Pavements, each	22 feet
Collector Streets (Commercial/Industrial)	26 feet
Collector Streets (Rural/Residential)	22 feet*
Local Streets (Commercial)	24 feet
Local Streets (Rural/Residential)	22 feet*

* Where it is determined that a turn lane(s) is necessary by state or local officials, a minimum of 9 feet of pavement shall be provided for each turn lane, in addition to the travel lanes.

All streets shall have the following roadway construction standards:

- A. The alignment on all streets should have a center-line run, profile taken and grade figured to construct finished pavement and to establish drainage facilities.
- B. Tangent section of roadway shall have roadway crown of 3/16" per foot of roadway and curved sections of roadway to have super elevation in roadway not to exceed .01 per foot, depending on length, sharpness of curve and traffic flow. This super elevation to be transitioned from tangent sections to curved section and vice versa, with runoff of curve being of such distance as not to create any water pockets or bumps in roadway. These requirements of constructing roadway to be made in each phase of construction, sub-grade base and finished surface.
- C. The roadway sub-grade should be stripped of all debris, sod, grass, roots, etc. Sub-grade to be finished with suitable materials, soil free of foreign matter, to finished sub-grade elevation, then compacted with rollers and water if needed, to establish suitable sub-grade, prior to adding any base material.
- D. Base material should consist of a packed base consisting of ~~4 to 6~~ 8 inches of dense grade rock. This material should be laid in two equal layers and compacted with at least one 10-ton roller until density of desired percentage is reached for each layer. Water should be added to dense grade aggregate at approximately seven percent at point of delivery and additional water added at roadway if so needed for smooth compacted sub-grade. Sub-grade finished elevation should be uniformly maintained as to grade alignment for desired thickness over entire roadway. Results of a compaction test shall be submitted the County road Supervisor and County Judge Executive for review and approval
- E. Roadway surface to be Class I surface made according to Kentucky Highway Department specifications at a minimum of ~~4-1/2"~~ 2" bitumenous base and a 1" surface to comply with County Road Ordinance thickness. Surface to be laid in two equal widths of roadway to maintain crown in center of roadway.
- F. The entrance pipe in private entrances to be 15" minimum, **all cross drains that have headwall inlet/outlet structures shall have a minimum of 18"**. Storm sewer to be a minimum of 18". **However storm sewers that are fed only by curb inlet boxes or grated inlet may be 15" if the licensed design engineer certifies that a 15" pipe will carry the required amount of water. Any opening or a headwall inlet must be 18"** Drainage calculations may be required where roadways/entrances cross natural area drainage ways. Such calculations shall be provided by a licensed engineer and shall show flow and drain pipe sizes for specific conditions. **(Revised 2/2005)**
- G. Typical section of roadway should consist of a minimum of **22' pavement 1.5' curb and gutter, 4' grass strips** **When sidewalks are not required as per these regulations, the typical section of roadway may consist of a minimum of 22' pavement, 2' shoulders and a 3' ditch.** Back slope of ditch in cut section should be so shaped to blend into existing grade or 4:1 slope when practical. **Revised June 2004.**

4.22 Miscellaneous Street Standards

The following standards shall apply to miscellaneous street design elements.

A. Relation to Topography

Streets shall be logically related to the topography so as to produce the most usable and properly situated lots, provide the most drainage for storm water and proper grades.

B. Street Continuity

Streets in proposed subdivisions shall generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts, and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be landlocked.

C. Street Names

Streets which are obviously in alignment with existing streets shall generally bear the names of the existing streets. Street names shall not duplicate or closely approximate the names of existing streets in Lincoln County. Verify street naming with 911 personnel.

D. Partial Subdivision

Where the plan to be submitted includes only a part of the tract owned or intended for development by the developer, a sketch plan of the proposed street system for the unsubdivided portion shall be prepared by the developer and submitted to the Planning Commission.

E. Planning for Conflicting Traffic or Land Use

Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, arterial street right-of-way, other major rights-of-way, or conflicting changes in land uses, the Planning Commission may require marginal access streets, reverse frontage lots, lots with rear service alleys, lots with additional depth, or other such treatment as may be necessary for protection of abutting properties and afford separation of conflicting types of traffic or land use. Revised 12/2004 A two hundred fifty feet storage lane will be required in each effected crossover for proposed subdivisions with ingress/egress off a four lane highway at the cost of the developer.

F. Cul-de-sacs

Shall not be longer than five hundred (500) feet including the turnaround which shall be provided at the closed end with a right-of-way radius of fifty (50) feet and a transition curve radius of seventy-five (75) feet for connecting the turnaround with the rest of the street. Longer cul-de-sacs may be permitted because of unusual topographic or other conditions. Temporary turnarounds may be required at the end of stub streets as long as it is retained within the street right-of-way. If temporary turnarounds are approved for stub streets intended for future extension in conjunction with future adjacent development, each developer shall extend the roadway to the property line within the approved easement.

G. Oversize Improvements

Whenever street rights-of-way or other improvements are required in excess of what is needed to meet the demands of the subdivision plat being considered, the Commission should require dedication or improvement costs of the developer only to the extent of what his subdivision needs, and then encourage the other appropriate authorities to finance the acquisition or cost of the additional improvements.

H. Cuts

In cuts, all tree stumps, boulders, organic material, soft clay, spongy material, and other objectionable materials shall be removed to a depth of at least two (2) feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least twelve (12) inches below the grade surface.

I. Fills

In fills, all tree stumps, boulders, organic material, soft clay, spongy material, and other objectionable material shall be removed to a depth of at least two (2) feet below the natural ground surface. This objectionable matter as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

4.23 Street Rights-of-Way and Grades

Street rights-of-way and grades shall be as follows:

Street Classification	Min. R.O.W.*	Min. Grade	Max. Grade**
Arterials	80'	4%	7%
Collectors	60'	4%	10%
Local (Minor)	50'	5%	10%

*Additional right-of-way may be required whenever a proposed subdivision abuts or contains an existing road of inadequate width, or to provide parking space in high density residential districts or non-residential areas, or to provide drainage easements where streets parallel streams or drainage areas, or for other reasons to promote public safety and convenience.

**The Commission may increase these maximum grades whenever they feel special topographic or other conditions justifies such increase.

4.24 Street Alignment

The minimum horizontal and vertical alignment on all streets shall be as determined by accepted engineering practice and/or as follows:

Street Classification	*Horizontal Curve Radius	**Stop Sight Distance	***Vertical Curves	
			Crest Curves	Sag Curves
Arterials	53'	275'	L=50A	L=50A
Collectors	500'	175'	L=21A; 100' min.	L=30A; 125' min.
Local (Minor)	250'	90'	L=7A; 75' min.	L=12A; 100' min.
Marginal Access	150'	90'	L=7A; 75' min.	L=12A; 100' min.
Cul-de-sac	50'	90'	L=7A; 75' min.	L=12A; 100' min.
Alleys	100'	N.A	N.A	N.A.

*Whenever street centerlines are deflected in excess of one (1) degree, connection shall be made by horizontal curves with a minimum radius at the center line as noted (a 50 mph design speed was assumed for expressways, and 40 mph for arterials—based on AASHO 1957 policy).

**A minimum safe stopping sight distance, measured from driver’s eye level of four and one-half (4.5) feet above road surface along center line of driver’s path to top of object four (4) inches high above road surface, shall be provided as noted in “A Policy on Arterial Highways in Urban Areas,” AASHO, 1957.

***All changes in street grades, having an algebraic difference exceeding one-half of one (.5) percent, shall be connected by vertical curves of a minimum length as noted. In the formula L = minimum length of vertical curve; A = algebraic difference in grades in percent; 100' minimum means minimum acceptable length of curve.

4.25 Street Intersections

The following standards shall be the minimum for intersection designs.

A. Number of Approaches

Intersections involving more than four basic street legs or approaches shall be prohibited. Merging lanes, deceleration lanes, “Y” intersections, etc., are not included in this prohibition, but are considered as being parts of one street leg or approach.

B. Angle of Street Intersection

For a tangent distance of at least one hundred (100) feet, measured from the intersection of right-of-way lines, all streets shall intersect at an angle of ninety (90) degrees, where practical—but in no case shall be less than seventy-five (75) degrees.

C. Intersection Offset

Streets entering opposite sides of another shall be laid out either directly opposite one another or with a minimum for minor and collector streets, consideration should be given to “T” intersections as opposed to four-way intersections.

D. Intersection Spacing

All minor streets intersecting with, and entering the same side of, arterial and collector streets shall be located at least eight hundred (800) feet apart, measured between center lines, except that in plans for entire neighborhoods such intersections may be placed at closer intervals. All minor streets intersecting with, and entering the same side of minor streets shall be located at least two hundred (200) feet apart, measured between center lines. Access points from marginal access streets onto arterials and collectors also shall observe the 800 feet separation. When through streets pass through marginal streets and enter a collector or arterial, the marginal access road may be required to be bowed outward at the intersection in order to provide storage space of 400 feet or more to the arterials or collector streets.

E. Excessive Grades at Intersections

Where the grade of any street at the approach to an intersection exceeds three (3) percent, a leveling for a distance of fifty (50) feet from the intersection of street centerlines shall occur. Vertical curves shall then be used to connect the intersecting grades.

F. Intersection Sight Triangle for Crossing

At all intersections, sight triangles shall be provided which will permit vehicles on the designated “Stop” street to safely cross, or turn into, the through street. The sight triangles shall be formed by measuring along, and from the intersection of, the street center lines, and connecting the measured points. The resulting triangles must lie wholly within the street rights-of-way. The following distances shall be measured along the center lines:

Street Classifications	Distance Along Through Streets	Distance Along Stop Streets
Arterials	625'	35'
Collectors	500'	30'
All Minors, except below	250'	25'
Marginal Access	200'	25'

Cul-de-sacs	200'	25'
Alleys	N/A	N/A

G. Minimum Property Line Radii

For street intersections, the minimum radius at property line shall be 20' for all streets, unless sound engineering practice dictates otherwise.

4.26 Street Extensions

- A. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design. The responsibility for these extensions remains with the developer of the dedicated right-of-way filed with his plat. At such time that the development right-of-way and street is accepted by the county, the developer shall be absolved from further responsibility of that road and right-of-way.
- B. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turn-around having a radius of at least fifty (50) feet.
- C. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

4.3 BLOCK DESIGN STANDARDS

The following shall be the required standards to be observed for the design of blocks.

4.31 Residential Block Length

In general, intersecting streets which determine block length shall be provided at such intervals as necessary and to meet existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Blocks, however, normally shall not exceed one thousand (1,000) feet in length, nor be less than four hundred feet in length.

4.32 Residential Block Width

The width of blocks shall be sufficient, generally, to allow two tiers of lots of appropriate depth.

4.33 Pedestrian Mid-Block Sidewalks

Pedestrian mid-block sidewalks may be required within blocks where necessary to improve pedestrian circulation by providing more convenient access to schools, shopping, etc. than is possible with the sidewalks within the street right-of-way. Such crosswalks shall have a right-of-way width of at least ten (10) feet.

4.3 Curb, Gutter and Sidewalks Revised June 2004

The developer shall build curb and gutter as per current Department of Highway's Specifications. For residential developments the developer shall build Portland cement Concrete sidewalks which are four (4) feet wide and four (4) inches thick. For commercial Developments the developer shall build Portland cement concrete sidewalks which are eight (8) feet wide and four (4) inches thick. All sidewalks shall meet the requirements of the "Americans with Disabilities Act." Sidewalks and curb and gutter construction shall be Performed by the developers as part of the required improvements prior to final plat Approval.

The requirements for curb and gutter may be waived by the planning commission for Developments in which all the following apply:

- 1. The development is two miles or more from any active or proposed public sanitary sewer system. (Revised May 2010)**
- 2. The minimum lot size is one (1) acre.**
- 3. The minimum lot set back is sixty (60) feet.**
- 4. The maximum number of lots is thirty five (35.)**

In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception is permitted to preserve topographical or natural features or to provide visual interest. Alternate paved pedestrian systems located away from the road system may be appropriate in some types of planned developments allowing links between dwelling units, streets, and recreation areas. Additionally, the Planning Commission may require the provision of a pedestrian way access easement to adjacent subdivisions or the Cedar Creek Lake Buffer Area if appropriate to a development. Such access easement shall be a minimum of ten (10) feet and may be unpaved. Provisions for maintenance of the easement should be noted on the plat.

Maintenance of the sidewalks is the responsibility of the abutting property owner and shall include, But not limited to: repairing all holes, uneven surfaces and other defects in the sidewalk; Keeping the sidewalk clean of all dirt, mud, ice and other debris; and trimming trees, shrubs, and grasses that overhand the sidewalk and/or cause sight problems. This should be noted on the plat.

4.35 Non-Residential Blocks

Blocks intended for non-residential uses shall be of such length, width, and other design as the Commission finds necessary for the prospective use, including adequate provisions for off-street parking, loading and unloading of trucked goods, and limitation and control of vehicular access points to adjacent streets.

4.36 Infill

Development of blocks of land between existing development shall provide harmonious infill of these areas.

4.4 LOT DESIGN STANDARDS

The following shall be required standards to be observed for the design of lots in a subdivision.

4.41 Corner Lots

Corner lots for residential uses shall be of sufficient width to permit compliance with the required minimum building setback line on all property lines which abut upon streets. In order to comply with the additional width requirements and continue the same size homes as are on adjoining lots, corner lots shall be increased to whatever width is necessary.

4.42 Lot Lines

Side lot lines shall be at right angles to straight street center lines, and radial to curved street center lines. Rear lot lines should consist of straight lines with a minimum number of deflections. Front lot lines shall front on a public street.

4.43 Lot Shape

Excessive depth in relation to width shall be avoided with a proportion of 2 1/2 to 1 normally being considered as a desirable maximum, for lot widths of sixty (60) feet or greater. Pointed or very irregular shaped lots shall be avoided where possible. Additional depth may be required on lots which back up to railroads, major streets, or other conflicting land uses.

4.44 Access revised July 2004

All lots shall abut an improved public street (adopted for maintenance by the Lincoln County Fiscal Court or has had Final Plat approval by the Lincoln County/Cedar Creek Planning Commission and approval with the county engineer with a surety bond in place) in accordance with the minimum lot frontage specified for that zone in the Zoning Ordinance. If no other frontage requirement exists, a minimum of 50 feet of road frontage shall be required. All lots shall have readily apparent physical means of pedestrian and vehicular access from the lot onto the street. Each lot shall be permitted one vehicular entrance except as permitted by the Planning Commission.

4.45 Double Frontage Lots

Double frontage lots shall be prohibited except where employed to prevent excessive vehicular driveway access to streets, or to separate residential areas from other areas of conflicting land or traffic use. Rear access to an alley shall not be considered double frontage.

4.46 Land Remnants

If remnants of land exist after subdividing, and have no apparent future use which can be properly controlled, they shall be incorporated into the lots of the proposed lotting scheme.

4.47 Lot Area, Width, and Minimum Building Setback Line

Lots for residential or non-residential use shall meet the minimum standards as required by the Zoning Ordinance. ~~except that any lots permitted with septic tanks shall be of at least one (1) acre in size.~~

4.5 EASEMENT DESIGN STANDARDS

The following shall be the required standards to be observed for the design of easements in a subdivision.

4.51 Utilities

An easement for utilities, at least ten (10) feet wide, shall be required along each side of a rear or side property line, or twenty (20) feet wide across lots, wherever necessary to form a continuous right-of-way, at least twenty (20) feet in width. Easements of greater width may be required along lot lines or across lots wherever necessary for the extension of water or sewer lines or other utilities. These easements are subject to the review, amendment, and approval of the appropriate utility companies.

4.52 Slope Easement for Grading Right-of-Way

Whenever a proposed subdivision affects an existing or proposed road in such a way that present or future grading of such road's full right-of-way width will necessitate cuts and fills in adjoining property, a slope easement on such adjoining property shall be required.

4.53 Stormwater Drainage Easement or Right-of-Way

See Section 4.7 for stormwater management and sedimentation/erosion control regulations and requirements. Wherever a subdivision is required to have a drainage easement or a drainage right-of-way; it shall be provided. This drainage right-of-way or easement shall have adequate width for workmen, with necessary equipment, to install, maintain, or repair drainage facilities. When required for creeks or streams, drainage calculations may be required to ensure proper draining of such easements. Such drainage easement or right-of-way shall be maintained by a homeowner's association duly formed and charged with such responsibly. Such association shall require dues adequate to provide required maintenance.

4.54 Stream Easements

If the property being subdivided is traversed by a blue line stream, a 75 foot conservation easement on either side of the centerline of the stream shall be provided. No cut, fill, or building construction shall occur within the 100 year floodplain.

4.55 Connection to Existing Easements

Where necessary, utility and drainage easements shall connect with easements already established in adjoining properties.

4.56 Landscape Easement

Landscape easements shall be incorporated into development design as part of existing easements or separate easements as may be required to comply with development standards (i.e., separate landscape easement between different adjoining zoning classifications).

4.6 COMMUNITY FACILITIES DESIGN STANDARDS

The following shall be the required standards to be observed for the design and provision of community facilities and related elements.

4.61 Assessing Needs for Community Facilities

In reviewing subdivision plats, the Planning Commission shall consider the adequacy of existing or proposed community facilities which must serve the additional population to be housed in the proposed subdivision. Where appropriate, subdividers

shall also give earnest consideration to dedicating or reserving land for those facilities which will be needed by the people who buy homes in his subdivision—such as public buildings, recreational areas, and shopping centers.

4.62 Adequacy of Such Areas

Areas provided or reserved for such community facilities should be adequate for building sites, landscaping, and off-street parking as appropriate to the proposed use. Prior to preparation of final plans, subdividers of large tracts should review with the Planning Commission the minimum standards for various community facilities applicable to the proposed subdivision.

4.63 Site Acquisition

Where master plans or implementation devices adopted by the Commission have proposed that the location of parks, schools, or other public uses be within the proposed subdivision, or where such sites appear desirable, the Commission may require their reservation for acquisition by public agencies for an eighteen (18) month time period.

4.64 Preservation of Existing Physical Assets

Existing features which are existing assets to the community and subdivision area shall be preserved as much as possible through harmonious design of the subdivision. Example of such features are farm fences of stone or wood, groupings of trees, isolated but outstanding trees, watercourses, vacant historical buildings, and similar irreplaceable physical assets.

4.65 Development of Hazardous Open Areas

Whenever a subdivision contains land which is, or appears to be, subject to flooding, subsidence, or other hazards injurious to the health and safety of potential users; and when such hazards cannot be eliminated or adequate safeguards provided to protect the health and safety of potential users, the Commission may declare such land to be unsuitable for subdivision and disapprove such plans or portions thereof.

4.66 Utility Availability

A. Based on the number of housing units, residential subdivisions shall be connected to existing public water and sewerage systems, if public service is available within the following distance of any portion of the parent tract:

Size of Development	Distance
1 - 2 units	400 feet
3 - 4 units	800 feet
5-10 units	1000 feet
10-20 units	1/2 mile
over 20 units	1 mile

B. In areas where property proposed to be subdivided is more than one-mile from a public water supply, if the water or sewer district or the city providing water or sewer service to the area has plans within a five year period to provide service to the area, the Planning Commission, may, after consultation with the service provider, require the installation of a capped system, or dry lines, within the road right-of-way.

C. If water service is not available within the distances noted above, the minimum lot size shall be increased to five (5) acres and 250 feet of road frontage.

D. If sewer service is not available within the distances noted above, all on-site sewage disposal systems shall be approved by the County Health Department and shall, at a minimum, comply with lot sizes and dimensional requirements of the Zoning Ordinance.

E. Any commercial development requiring over 400 gallons of water per day shall not be permitted if public water supply is not available to the property.

F. Where water lines are capable of providing fire fighting water pressure, fire hydrants shall be provided as recommended by the County Fire Chief.

4.7 SOIL EROSION/ SEDIMENT CONTROL/ STORMWATER MANAGEMENT REGULATIONS

4.71 Finding of Fact

Significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes, and lack of adequate vegetative cover. These conditions are in part caused by or aggravated by improper construction, grading, or excavation which results in removal of natural ground cover without taking appropriate steps to control erosion problems.

All land use activities occurring within the *Lincoln County* must make every effort to protect the water quality and quantity of *Lincoln County*. All agricultural activities must conform with individually adopted state mandated *Agricultural Water Quality Management Plans*. Assistance in the development of these plans can be obtained from the Lincoln County Natural

Resources and Conservation District. Additionally, all forestry activities must comply with the requirements of the “*Kentucky Forest Practice Guidelines for Water Quality Management*”.

All development activities, whether involving a minor or major subdivision plat, or a development plan, shall comply with the recommendations of the “*Kentucky Best Management Practices for Construction Activity*”. Detailed stormwater management plans, erosions control plans, and/or grading permits shall be required as noted in the following subsection of Section 4.7.

4.72. Purposes And Objectives

The intent of Section 4.7 of these Regulations is to:

- A. Control stormwater quantity and quality in Lincoln County.
- B. Reduce soil erosion in Lincoln County.
- C. Provide procedures for submission, review, and approval of erosion control plans to be submitted prior to soil disturbance.

4.73 Scope Of Coverage

The following are included within the scope of this ordinance:

- A. Stormwater Management Plans are required in the following circumstances:
 - (1) Stormwater management plans shall be required for all major subdivision plats and/or development plans. Developments involving five (5) acres or more within the Cedar Creek Lake Watershed shall submit stormwater plans to the Kentucky Division of Water and shall submit a letter of approval from the Division of Water to the Planning Commission with the plat approval request. All others will be reviewed by the Resident Engineer.
 - (2) All stormwater management plans must include the determination of two parameters: runoff peak rate of discharge and runoff volume. Peak rate of discharge calculations should be used to determine the configurations and sizes of pipes, channels, and other routing or flow control structures. Runoff volume calculations shall be used to determine the necessity for and sizing of detention and retention facilities.

Peak rate of runoff for areas up to one-half of a square mile shall be calculated by the Rational Method or derivatives. The analysis shall also consider the procedure outlined in the NRCS Method (Technical Release No. 55), Urban Hydrology for Small Watersheds.

Runoff volume shall be calculated utilizing the NRCS method for drainage areas of less than five square miles. For drainage areas of less than 5 acres, the Rational Method triangular hydrography approximation may be used as an alternative.

Where detention facilities are necessary, they shall be designed to accommodate storms generated by calculations which shall include 1 hour/2-year, 1 hour/10-year, 24-hour/25-year, and 1 hour/100-year storms. Wherever possible, all storm detention facilities shall be located outside of the 100-year flood plain. Water quality as well as quantity provisions shall be considered in the design of the detention facilities. Best management practices shall be incorporated into the design of all stormwater facilities.

The post development total rate of runoff shall not exceed the predevelopment rate of runoff. Any additional volume created by the development shall be effectively detained in a stormwater facility that ensures the rate of runoff does not exceed predevelopment rate.

- (3) Provisions for the maintenance of all facilities and easements shall be included in notes on the final plat.

- B. Erosion Control Plans are required in the following circumstances:

All persons submitting to the *Lincoln County/Cedar Creek Planning Commission* major subdivision plats or development plans shall include a note on the preliminary plat or development plan stating that: “**No grading, excavating, stripping, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan.**” An erosion control plan shall be submitted after a preliminary plat or development plan has been approved.

Any persons disturbing the natural ground cover in an area for which there is an approved erosion control plan shall conform to the requirements of such plan without exception.

- C. Grading permits shall be required in the following circumstances:

All persons doing any grading, stripping, excavating, filling or otherwise disturbing the natural ground cover in an area for which no erosion control plan has been approved, must obtain a grading permit prior to commencing such work, unless exempted under Subsection D below. For any work or developments not requiring a fully developed erosion control plan, a grading plan addressing at a minimum the handling of topsoil and off-site runoff during grading must be submitted in conjunction with the grading permit application.

- D. Exceptions

No grading permit or separate erosion control plan shall be required for the following: (Each subsection of this section shall constitute a separate, independent exception.)

- (1) Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure authorized by a valid building permit, (b) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit; (c) for retaining walls eighteen (18) inches or less, (d) for swimming pools, or (e) for cemeteries for human or animal burial, provided the disturbed material or fill is handled in such a manner as to conform to the approved erosion control plan for the area or where no such erosion control plan is in effect such work must be done in a manner which presents no significant erosion hazard.
- (2) An excavation or fill provided it meets all of the following:
 - a) is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground;
 - b) does not result in a total quantity of more than 100 cubic yards of material being removed from, deposited on or disturbed on any lot, parcel or subdivision thereof;
 - c) does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or water course;
 - d) has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal;
 - e) has proper vegetative cover reestablished as soon as possible on all disturbed areas; and
 - f) has no fill placed on a surface having a slope steeper than five (5) feet horizontal to one (1) foot vertical.
- (3) Accepted agricultural land management practices such as plowing, cultivation, construction of agricultural structures, ponds, waterways, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level, and logging operations leaving the stump, ground cover and root mat intact. Non-agricultural uses permitted in an Agricultural Zone are not excepted from the requirements of soil erosion and sediment control.
- (4) Grading, on existing developed lots or parcels, provided it meets all of the following:
 - a) the aggregate area(s) affected, or stripped at any one time does not exceed 8,000 square feet, and is not within a natural drainageway (i.e., designated floodplain);
 - b) the grade change does not exceed eighteen (18) inches at any point and does not alter the drainage pattern;
 - c) proper vegetative cover is reestablished as soon as possible on all disturbed areas; and
 - d) the grading does not involve a quantity of material in excess of 100 cubic yards.
- (5) Installation of approved subsurface sewage treatment systems, lateral sewer lines, geothermal systems, telephone lines, electricity lines, gas lines, or other public service facilities.

4.74 Procedures And Standards For Stormwater Management Plans

Stormwater Calculations and Management Plans shall be submitted as a part of the Construction Plans as detailed in Section 3.5 of these Regulations. No soil shall be disturbed either through cut or fill unless and until all construction plans have been approved as well as all other requirements of the soil erosions control and sedimentation provision of these regulations.

4.75 Procedures And Standards For Approving Soil Erosion Control Plans And For Issuing Grading Permits

A. Administrative Procedure

Applications for approval of erosion control plans and grading permits shall be submitted to the Administrative Officer of the *Lincoln County/Cedar Creek Planning Commission* as specified in Section 4.75 of these Regulations. The application shall contain the applicant's name and address and other relevant information requested on the application forms. It shall also contain a proposed erosion control plan containing the information required by Section 4.75(B). The application must be signed by the owner of the property or an authorized agent, and the erosion control plans must be certified by a registered professional engineer or licensed landscape architect if submitted in association with a major subdivision plat or development plan.

(1) Request for Approval of Erosion Control Plans Associated With a Major Subdivision or Development Plan

All erosion control plans shall be reviewed by the *Lincoln County/Cedar Creek Planning Commission* which shall approve or disapprove the erosion control plan as a part of the construction plans submitted for all major subdivision plats or development plans under the standards set by this ordinance. Such an approved erosion control plan shall have the same status and effect as a grading permit and a separate grading permit shall not be required. Upon completion of the work required under an approved erosion control plan, the Administrative/Enforcement Officer shall certify on such plan that the work has been completed.

(2) Application for Approval of Grading Permit

Applications for approval of grading permits shall be filed with the Administrative Officer. The Administrative Officer shall review such plans and a grading permit shall be issued or denied by the Administrative Officer. Review of the decision of the Administrative Officer is available through the Board of Adjustment. Upon completion of the work required under an approved grading permit, the Enforcement Officer shall certify on the permit that the work has been satisfactorily completed.

(3) Extension of Time

Every approved erosion control plan or grading permit shall expire six (6) months from the issuance of a grading permit or approval of an erosion control plan. If work is not completed within the terms of the permit, or work is not commenced within six (6) months after issuance, the permit holder may request an extension. The Administrative Officer may extend the deadlines contained in the plan or permit respectively upon a showing by the applicant: a) that there is sufficient justification for the delay; b) that delay will not create a new erosion hazard or permit an existing one to continue; and c) that a new completion date has been set.

B. Contents of the Soil Erosion Plan

For purposes of obtaining a grading permit or for coordination with a major subdivision plat or development plan, an erosion control plan containing the following information must be submitted unless such information is available to the Administrative Officer in an acceptable form. This information must be supplied for the entire tract of land whether or not the property will be developed in stages. If the development occurs in stages the erosion control plan shall be approved as a whole; however, after construction has begun on the initial stage the Administrative Officer or the Enforcement Officer must inspect the site prior to granting approval for the issuance of building permits for any other stage of construction.

- (1) The erosion control plan shall be drawn at a scale of 1" = 100' (or less) indicating
 - a. the site location as well as the adjacent properties, and
 - b. identification of any structure or natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls.
- (2) Property boundary bearings and distances for the site on which the work is to be performed.
- (3) A soil survey or a description of the main soil types (available from the Lincoln County Conservation District).
- (4) The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- (5) Existing topography at contour intervals not exceeding five (5) feet.
- (6) Proposed topography at contour intervals not exceeding five (5) feet.
- (7) Elevation, dimension, location, extent and the slope of all proposed grading.
- (8) Location and identification of all site features (either man-made or natural) which have a significant impact on drainage or siltation controls.
- (9) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.
- (10) Plans for removal, recontouring or other final disposition of sediment basins or other structural improvements or devices included in the plan.
- (11) If a sedimentation basin is required, it should be designed by a registered engineer.

C. Factors Which Shall be Considered in Reviewing Applications for Erosion Control Plans and/or Grading Permits

- (1) The development should relate to the specific site conditions.
- (2) The plan should keep land grading and land disturbance to a minimum under the circumstances.
- (3) Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.
- (4) To prevent soil erosion, existing temporary and future protective vegetative cover should be emphasized.
- (5) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
- (6) Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
- (7) The plan should utilize available technology to keep soil erosion to a minimum level.
- (8) Retaining walls shall be planned, installed and maintained where slope is steeper than one (1) foot vertical in two (2) foot horizontal on excavated slopes, cuts or fills greater than four (4) foot vertical.
- (9) Fill areas shall be engineered to be appropriate for intended use. Plan should include method for placement of large material such as concrete slabs or rock boulders with dimension greater than two (2) feet in any direction. Method of placement should be designed to prevent voids in fill which may cause shifting, sliding or settling of material.

4.76 Failure To Complete Work Or Comply With Terms Of Plan

In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit or plan, the Administrative Officer or Enforcement Officer may order stoppage of work. The Planning Commission may

instruct the Administrative Officer to refuse to issue any additional building permits and/or it may order work authorized by plan or permit to be completed.

4.77 Violations And Penalties

A. Violations

Whenever, by the provisions of these Regulations, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of these Regulations.

B. Correction of Violations

All violations shall be corrected within a time period as specified by written notice issued by the Administrative Officer or Enforcement Officer, but in no case shall such period be less than 24 hours. The time period determination shall be at the discretion of the Administrative Officer or the Enforcement Officer and dependent upon weather and soil conditions, and the type and scope of off-site damages being induced by the violation, but in no case shall the time period impose unrealistic requirements under prevailing weather and working site soil conditions. If the violation is not corrected as specified in the written notice, the Administrative Officer or Enforcement Officer may issue an order to the violator to cease all work; they may refuse to issue any additional building permits. The Planning Commission may initiate prosecution in District Court or initiate civil compliance procedures.

C. Penalties

Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this Ordinance, or any permit or exceptions granted hereunder, or any lawful requirement of the *Lincoln County/Cedar Creek Planning Commission*, shall be fined on conviction in accordance with Article V Section 5.2 of these Subdivision Regulations. Each day that a violation is maintained shall be deemed a separate offense. The time of violation shall be measured from the time written notice to correct is given to the permittee. The imposition of any penalty shall not exempt the offender from compliance with the provisions of these Regulations.

4.78 Definitions related to stormwater/erosion control/sedimentation

A. Erosion

The process by which the ground surface is worn away by the action of wind or water.

B. Excavation or Cut

Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting therefrom.

C. Fill

A deposit of soil, rock, concrete, or asphalt to replace or supplement the original soil or sub-soil.

D. Grading

Any stripping, excavating, filling, stockpiling of soil or any combination thereof, and shall include the land in its excavated or filled condition.

E. Natural Features

Shall include but not be limited to, existing water courses, soils, vegetation (including grasses, shrubs, legumes, etc.) and tree stands having trees 5" or greater in diameter or 15' or greater in height, whichever is less.

F. Natural Ground Surface

Any ground surface in its original state before any grading, excavation or filling, and shall be established by the Administrative Officer or Enforcement Officer when there is any question of its location.

G. Sediment

Any solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site or origin by air, water or gravity as a product of erosion.

H. Slope

Any inclined, exposed surface of a fill, excavation, or natural terrain.

I. Soil

All earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

J. Stripping

Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

4.79 Grading Permit

A grading permit shall be subject to the same dimensional limitations and fee structure as a building permit.

4.8 SUITABILITY OF THE LAND FOR SUBDIVISION DEVELOPMENT

4.81 Land Determined to Be Unsuitable

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

4.82 Prematurity Clause

The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities, or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services (such as undue maintenance costs for adequate roads).

4.9. LANDSCAPING STANDARDS

4.91 Purpose

- A. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
- B. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. The use of native plant materials is strongly encouraged. The planning commission reserves the right to prohibit inappropriate plantings.
- C. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.

4.92 Site Protection and General Planting Requirements

A. Topsoil

Preservation

Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide an even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

B. Removal of Debris

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the municipal engineer.

C. Protection of Existing Plantings

Maximum effort should be made to save significant trees.

D. Slope Plantings

Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.

E. Plant Specifications

Deciduous trees shall have at least a two-inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the developer during the following planting season.

F. Plant Species

The plant species selected should be hardy for the central Kentucky area and appropriate in terms of function and size. Native plant species are strongly encouraged.

4.93 Buffering

A. Function and Materials

Buffering shall provide a year-round visual screen in order to minimize adverse impacts between varying land uses and zones. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives

B. When Required

Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets or railroads. Single family residential developments are not typically required to provide buffering. However, higher density residential, commercial, industrial and recreational/resort development shall be required to buffer. In these types of developments, when building design and siting do not provide privacy, the Planning Commission shall require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

C. Amount Required

1. Where more-intensive land uses abut less-intensive uses, a buffer strip fifteen (15) feet in width shall be required. Any proposed or required vegetative buffer shall be a minimum of 15' in width.
2. Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five (5) feet wide.

D. Design

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material.

E. Planting Specifications

Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

F. Maintenance

Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all trash, debris, weeds, and tall grass.

4.94 Parking Lot Landscaping

A. Amount required

In parking lots, at least five percent (5%) of the interior parking area shall be landscaped with plantings, and one (1) tree for each ten (10) spaces shall be installed. Parking lot street frontage screening and perimeter screening shall be a minimum of five (5) feet wide. Planting required within the parking lot is exclusive of other planting requirements, such as for shade trees planted along the street.

B. Location

The landscaping should be located in protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.

C. Plant Type

A mixture of hardy flowering and/or decorative evergreen and deciduous trees shall be planted. Native plant species are strongly encouraged.

Evergreens should be used along the perimeter of the lot for screening, and deciduous trees for shade within the lot. The area between trees shall be mulched, planted with shrubs or ground cover, or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.

4.95 Walls and Fences

A. Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.

B. The design and materials used shall be functional and compatible with existing and proposed site architecture.

C. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

4.96 LANDSCAPING MAINTENANCE

Any and all landscaping within the right-of-way of a street dedicated to the Lincoln County road system in a new subdivision, i.e. landscaped islands, medians, entry-ways or any and all other landscaping within the right-of-way shall not be maintained, managed, mowed or otherwise the responsibility of Lincoln County. All landscaped areas with the dedicated right-of-way shall be depicted on preliminary and final subdivision plats stating the name of the developer, owner or homeowner's association as responsible landscaping maintenance.

All subdivision final plats shall state that the homeowner's association, owner, or subdivision Developer of records shall maintain such landscaping areas. Refer to section 5.2 for penalties Relating to this subsection of the Lincoln County Subdivision Regulations.

4.10 DEPARTMENT OF HIGHWAYS MAY REVIEW PLATS

The State Department of Highways may file with the planning commission of any planning unit exercising subdivision jurisdiction, a map of the territory within one (1) mile on either or both sides of any existing or proposed highway. After receipt of the map by the planning commission, no preliminary plats shall be approved by the commission until one (1) copy of such preliminary plat has been referred to the designated office of the Department of Highways for its review. If the Department of Highways desires to make any recommendations on the plan, it shall communicate such to the planning commission within fifteen (15) days after the receipt of the plat. (KRS 100.287)

4.96 amended January 6, 2004

4.10 amended July 10, 2003

ARTICLE V

ENFORCEMENT AND PENALTIES FOR VIOLATIONS

5.1 ENFORCEMENT

No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of Lincoln County or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission as provided in the Kentucky Revised Statutes Chapter 100.277. Admission to the records shall not be construed as approval.

No board, public officer, or authority shall accept, lay out, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted Subdivision Regulations unless the street has been approved by the Planning Commission.

If any section, clause, paragraph, provision, or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

5.2 PENALTIES

Any Court Clerk, person, or entity who receives, files, or records a plat in violation of the provisions of these regulations shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) as provided in the Kentucky Revised Statutes, Chapter 100.991.

Any person who transfers or negotiates to transfer any lot in a subdivision before the Final Plat of said subdivision has been approved by the Planning Commission and recorded in the County Clerk's office, or attempts the description of land by metes and bounds in violation of these regulations, shall pay to Lincoln County a penalty of one hundred dollars (\$100.00) for each parcel of land so transferred as provided in the Kentucky Revised Statutes, Chapter 100.991. The county may, by action in the Circuit Court, enjoin the transfer or agreement to transfer land as provided in the Kentucky Revised Statutes, Chapter 100.991.

ARTICLE VI

ADOPTION AMENDMENT AND EFFECTIVE DATE

6.1 AMENDMENT

Any amendment to these subdivision regulations shall occur at a regularly scheduled or specially called Planning Commission meeting and shall require a majority vote of the Commission.

6.2 EFFECTIVE DATE

These subdivision regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption.

Adopted by the *Lincoln County/Cedar Creek Planning Commission, April 1, 2003.*

APPENDICES

- I. APPLICATION FOR MINOR PLAT
- II. MINOR PLAT CHECKLIST
- III. APPLICATION FOR PRELIMINARY PLAT
- IV. PRELIMINARY PLAT CHECKLIST
- V. APPLICATION FOR FINAL PLAT
- VI. FINAL PLAT CHECKLIST
- VII. FORMS FOR PLAT CERTIFICATION
 - FORM 1 Certificate of Ownership and Dedication
 - FORM 2 Certificate of Accuracy
 - FORM 3 Certificate of Approval for Recording
 - FORM 4 Certificate of Availability of Water Supply
 - FORM 5 Certificate of Approval of Streets
 - FORM 6 Prohibited Transactions
 - FORM 7 Certificate of Approval of Roadway System
 - FORM 8 Subsurface Sewage Disposal Note
 - FORM 9 Note for Department of Transportation approval for access to State/Federal Highway**
 - FORM 10 Note for County Engineer approval for access to county road**
- VIII. EXHIBITS
 - EX. 8-1 Classification of Thoroughfares
 - EX. 8-2 Typical Preliminary Plat
 - EX. 8-3 Typical Final Plat
 - EX. 8-4 Typical Road Section
 - EX. 8-5 Revised Typical Road Section**
- IX. 201 KAR 18:150: STANDARDS OF PRACTICE, PROFESSIONAL LAND SURVEYORS

I. APPLICATION FOR MINOR SUBDIVISION APPROVAL

DATE _____

APPLICATION NO. _____

THE UNDERSIGNED APPLIES FOR MINOR SUBDIVISION APPROVAL UNDER THE PROVISIONS OF SECTION 340 OF THE SUBDIVISION REGULATIONS OF THE *LINCOLN COUNTY/CEDAR CREEK PLANNING COMMISSION*.

SIGNATURE _____

ADDRESS _____

PHONE _____

MINOR SUBDIVISION APPROVAL IS REQUESTED UNDER THE FOLLOWING PROVISIONS (INDICATE ONE):

- A. A SINGLE LOT DIVISION, WHERE A SUBDIVISION CONTAINS A TOTAL OF TWO (2) LOTS, INCLUDING THE REMAINDER OF THE ORIGINAL TRACT; PROVIDED BOTH LOTS FRONT ON AN EXISTING PUBLIC STREET; AND THE DIVISION INVOLVES NO OPENING, WIDENING, OR EXTENSION OR STREETS OR UTILITIES.
- B. CONSOLIDATION PLATS WHERE THE DIVISION PROVIDES FOR THE TRANSFER OF LAND BETWEEN ADJACENT PROPERTY OWNERS AND DOES NOT INVOLVE THE CREATION OF ANY NEW LOTS OR BUILDING SITES.
- C. CONSOLIDATION PLATS WHERE UP TO AND INCLUDING FIVE (5) LOTS OF RECORD ARE CONSOLIDATED TO CREATE A LESSER NUMBER OF PARCELS AND INVOLVED NO NEW PUBLIC IMPROVEMENTS.
- D. PLATS OF CORRECTION WHERE THERE IS A NEED TO MAKE TECHNICAL REVISIONS TO A RECORDED FINAL PLAT OF AN ENGINEERING OR DRAFTING NATURE OR SIMILAR SMALL DISCREPANCY, BUT NOT INCLUDING THE ALTERING OF ANY PROPERTY LINES OR PUBLIC IMPROVEMENT REQUIREMENTS.

FOR OFFICIAL USE & PLANNING COMMISSION REVIEW

DATE RECEIVED _____

ACTION _____

COMMENTS _____

CHAIRMAN

DATE

II. MINOR PLAT REQUIREMENTS AND CHECK LIST	YES	NO
Five (5) copies submitted 10 days prior to Planning Commission meeting	___	___
Plat contents, per Section 3.32, as follows:		
A. Name of subdivision and portion thereof Date Label "Minor Plat" Graphic scale North arrow.	___	___
B. Total site data including the following: Acreage Number of lots Area and lot number of the smallest lot Square feet of area or acres in parks and other public uses Zone districts that apply to subdivision.	___	___
C. Name and address of property owner, Subdivider (if other than owner).	___	___
D. Name, address and seal of the registered licensed professional land surveyor responsible for preparation of the plat and certification that the plat represents a survey made by him and that all monuments shown actually exist, and their location, size and material are correctly shown.	___	___
E. Names and adjacent property owners or subdivisions and abutting streets.	___	___
F. Vicinity map at a scale of two thousand (2,000) feet per inch or greater showing the subject property and surrounding land within one-half mile existing street systems and their connections with proposed streets.	___	___
G. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The Plat shall be prepared at a scale of not smaller than one hundred (100) feet per inch.	___	___
H. Bearing and distance to nearest established street lines or other recognized permanent monuments.	___	___
I. Exact location, right-of-way, and names of all streets adjoining the plat.	___	___
J. Location and dimensions of all easements or right-of-way when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.	___	___
K. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearings of lot lines, building setback and identification by consecutive lot number or letter designation.	___	___
L. Lot width at building setback line/front lot line for lots located on curves.	___	___
M. All permanent monuments or pins set to be set — such monuments or witness monuments shall be set at property corners, the intersections of property lines, the intersection of street centerlines (as applicable), and at angles along the subdivision boundary. Any required monument or pin destroyed before acceptance of improvements shall be replaced by the Subdivider or Developer.	___	___
N. Subdivision plats being submitted for industrial and commercial development shall also show buildings including entrances, loading areas and, when possible, the number of establishments to be contained within.	___	___
O. Deed restrictions and protective covenants (if applicable)	___	___
P. Applicable Certificates found in Appendix: FORM 1 Certificate of Ownership and Dedication FORM 2 Certificate of Accuracy FORM 3 Certificate of Approval For Recording FORM 9 OR 10 Encroachment/entrance approval	___	___
Q. If any portion of the proposed development lies within any 100-year floodplain, the boundaries of such floodplain shall be shown on the plat.	___	___

III. APPLICATION FOR PRELIMINARY PLAT APPROVAL

DATE _____

APPLICATION NO. _____

1. NAME OF APPLICANT _____

ADDRESS _____

PHONE _____

2. NAME OF SURVEYOR _____

ADDRESS _____

PHONE _____

3. NAME OF SUBDIVISION _____

4. LOCATION DESCRIPTION (TAX LOT OR OTHER IDENTIFICATION)

(IN ADDITION, PLEASE ATTACH COPY OF LEGAL DESCRIPTION)

5. PROPOSED USE _____

6. PRESENT ZONING DISTRICT _____

7. PROPOSED ZONING CHANGES _____

8. NUMBER OF LOTS _____

AREA OF TRACT _____

9. DO YOU PROPOSE DEED RESTRICTIONS? YES _____ NO _____

(IF YES, PLEASE ATTACH A COPY) _____

10. WHAT TYPE OF SEWAGE DISPOSAL DO YOU PROPOSE? _____

IF AN "ON LOT" TYPE OF SEWAGE DISPOSAL IS PROPOSED, INCLUDE A LETTER FROM THE COUNTY HEALTH DEPARTMENT APPROVING SUBSURFACE SEWAGE DISPOSAL.

11. LIST ALL PROPOSED IMPROVEMENTS AND UTILITIES AND STATE YOUR INTENTION

TO INSTALL OR POST A GUARANTEE PRIOR TO ACTUAL INSTALLATION.

IMPROVEMENT	INSTALLATION	GUARANTEE (COST)
-------------	--------------	------------------

A. _____	_____	_____
----------	-------	-------

B. _____	_____	_____
----------	-------	-------

C. _____	_____	_____
----------	-------	-------

D. _____	_____	_____
----------	-------	-------

E. _____	_____	_____
----------	-------	-------

12. VARIANCES REQUESTED FROM PLAT OR DESIGN REQUIREMENTS.

SECTION NUMBER	ITEM
----------------	------

A. _____	_____
----------	-------

B. _____	_____
----------	-------

C. _____	_____
----------	-------

D. _____	_____
----------	-------

E. _____	_____
----------	-------

IV. PRELIMINARY PLAT REQUIREMENTS AND CHECK LIST

	YES	NO
Fifteen (15) copies submitted 21 days prior to hearing	___	___
Notification of hearing to subdivided and adjoining property owners.	___	___
Copies sent to Resident/County Engineer (or appropriate official) and County Health Department for recommendation	___	___
Plat contents, per Section 3.41, as follows:		
A. Date;	___	___
Label "Preliminary Plat";	___	___
Graphic scale (not less than 1" = 200');	___	___
North arrow;	___	___
Vicinity sketch map (1" = 2,000 feet).	___	___
B. Name and location of subdivision.	___	___
Name and address of property owner, subdivider (if other than owner), and developer.	___	___
Name, address and seal of the registered licensed professional land surveyor responsible for preparation of the plan and supplementary plans.	___	___
Names of adjacent property owners of record and abutting subdivisions and streets.	___	___
C. Acreage of land to be subdivided. to nearest 1/100 th acre	___	___
D. Contours at an interval of not greater than five (5) feet or at a lesser interval if deemed necessary by the Planning Commission.	___	___
E. Boundaries of the tract, showing all bearings and distances.	___	___
F. Existing and proposed easements and their locations, widths and distances.	___	___
G. Existing and proposed street layout, depicting streets on and adjacent to the tract; Street names (selected so as not to duplicate any other within the County); Street widths, approximate grades, profiles (1" = 20'), and other dimensions as may be required.	___	___
H. Utilities on and adjacent to the tract showing proposed connections to existing utility systems;	___	___
Existing culverts and water courses;	___	___
Rear easements for utility poles shall be required wherever possible.	___	___
I. Proposed lot lines and lot numbers.	___	___
J. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses.	___	___
Sites, if any, for semi-public, commercial, or multi-family use.	___	___
K. Minimum building setback lines.	___	___
L. Copies of proposed deed restrictions (if applicable).	___	___
M. Clearly indicate or discuss proposed erosion control methods during construction.	___	___
O. Certificates 1, 2, 4, 6, 7, 8 and 9 or 10 as indicated in the Appendix.	___	___

V. APPLICATION FOR FINAL PLAT APPROVAL

DATE _____

APPLICATION NO. _____

1. NAME OF APPLICANT _____

ADDRESS _____

PHONE _____

2. NAME OF SURVEYOR _____

ADDRESS _____

PHONE _____

3. NAME OF SUBDIVISION _____

4. DATE PRELIMINARY PLAT APPROVED _____

5. WAS A ZONING MAP AMENDMENT REQUESTED? _____

IF YES, THE PLAT MAY NOT BE APPROVED UNTIL IT CONFORMS WITH THE LOCAL ZONING INCLUDING A CERTIFICATION OF ZONING COMPLIANCE IF A CHANGE WAS REQUESTED.

6. HAVE ALL REQUIRED IMPROVEMENTS BEEN INSTALLED? _____

IF NO, INCLUDE DETAILED ESTIMATES OF COST AND A STATEMENT RELATIVE TO THE METHOD OF IMPROVEMENT GUARANTEE. ALL ESTIMATES MUST BE APPROVED BY THE RESPONSIBLE (MUNICIPAL, COUNTY) OFFICIAL.

7. DO YOU PROPOSE DEED RESTRICTIONS? _____

8. WAIVERS REQUESTED FOR PLAT OR DESIGN STANDARDS.

SECTION NUMBER	ITEM
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____

9. LIST OTHER MATERIALS SUBMITTED WITH THE APPLICATION.

ITEM	NO. COPIES
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____

APPLICANT	SURVEYOR
-----------	----------

FOR OFFICIAL USE — FINAL PLAT

DATE RECEIVED _____

DATE OF MEETING OF PLANNING COMMISSION _____

ACTION BY PLANNING COMMISSION:

VI. FINAL PLAT REQUIREMENTS AND CHECK LIST

	YES	NO
Submitted within 1 year of preliminary approval	___	___
Original and fifteen (15) prints submitted 21 days prior to meeting	___	___
FORM 1 Certificate of Ownership and Dedication	___	___
FORM 2 Certificate of Accuracy	___	___
FORM 3 Certificate of Recording	___	___
FORM 4 Certificate of Availability of Water Supply	___	___
FORM 5 Certificate of Approval of Streets	___	___
FORM 8 Subsurface Sewage Disposal Note	___	___
FORM 9 OR 10. Encroachment approval	___	___
One print transmitted to Resident/County Engineer, or appropriate official, and County Health Officer	___	___
Private deed restrictions on or attached to plat	___	___
Plat contents, per Section 3.61, as follows:		
A. Date;	___	___
Label "Final Plat";	___	___
Graphic scale (not less than 1" = 100');	___	___
North arrow;	___	___
Vicinity sketch map (1" = 2,000 feet).	___	___
B. Name and location of subdivision;	___	___
Name and address of property owner, subdivider (if other than owner), and developer;	___	___
Name, address and seal of the registered licensed professional land surveyor responsible for preparation of the plan and supplementary plans;	___	___
Names of adjacent property owners of record and abutting subdivisions and streets.	___	___
C. Acreage of land to be subdivided to 1/100 th of an acre	___	___
D. True bearings and distances to nearest established control points or official monuments.	___	___
E. Tract boundary lines;	___	___
Right-of-way lines of streets, easements, and other rights-of-way;	___	___
Property lines of residential lots and other sides with accurate dimensions to the nearest one hundredth of a foot;	___	___
Bearings of deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest minute;	___	___
Landscaping requirements shall be indicated to comply with design standards.	___	___
F. Proposed street layout including street names.	___	___
G. Lot numbers and addresses.	___	___
H. Purpose for which sites, other than residential lots are dedicated or reserved.	___	___
I. Minimum building setback lines	___	___
J. Location and description of monuments, including bench marks, existing streams or other bodies of water, significant trees and tree stands, sinkholes, etc.	___	___
K. Names and location of adjoining subdivisions and streets;	___	___
Location of adjoining unplatted properties;	___	___
Names and addresses of the owners of adjoining unplatted properties.	___	___
L. Cross-sections, profiles, and grades of streets, curbs, gutters showing the locations of in-street utilities drawn to County specifications, and elevations;	___	___
Road profiles and roadway design signed by a licensed engineer;	___	___
Seal and signature of engineer.	___	___
M. Protective covenants, if applicable.	___	___

VII. FORMS FOR PLAT CERTIFICATION

FORM 1 Certificate of Ownership and Dedication (minor, preliminary and final)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Owner Date

Owner Date

FORM 2 Certificate of Accuracy (minor, preliminary and final)

I hereby certify that the survey depicted by this plat was done under my direct supervision by the method of random traverse with side shots. The unadjusted closure ratio was 1:_____. The values identified hereon are adjusted values based on a transit rule adjustment. All corner and witness corner locations are monumented with 1/2" conduit in accordance with 201 KAR 18:150, Section 8, with a metallic cap stamped _____, except when noted otherwise. I further certify that this plat meets the accuracy standard required by the *Lincoln County/Cedar Creek Planning Commission*

Registered Licensed Professional Land Surveyor Date

FORM 3 Certificate of Approval for Recording (minor and final)

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for *Lincoln County, Kentucky*, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Clerk.

Chairman, Planning Commission. Date

FORM 4 CERTIFICATE OF AVAILABILITY OF WATER SUPPLY (Preliminary Plat)

I Hereby certify that the _____ shall supply the _____ Subdivision with services and that the water distribution of said subdivision meets the requirements of this Agency and all other requirements for the proper distribution of water.

Signed Date

FORM 5 Certification of the Approval of Streets (Final plat)

I hereby certify:

- (1) that streets have been installed in an acceptable manner and according to county specifications in the subdivision entitled: _____, or,
- (2) that a security bond has been posted with the Lincoln County Fiscal Court to assure completion of all required improvements in case of default.

County Road Engineer Date

Form 6 Prohibited transactions (preliminary plat)

This Plat cannot be used for the sale of undeveloped lots, until after a Final Plat has been recorded.

Owner Date

Form 7 Certificate of approval of roadway system (Preliminary Plat)

I hereby certify that the roadway locations and cross-sections proposed to be constructed in the Subdivision shown hereon meet the criteria of the Lincoln County Road Department.

County Road Engineer Date

Form 8 subsurface sewage disposal plat note (preliminary and final plats)

Sewage disposal for this development shall be by a subsurface disposal method approved by the Lincoln County Health Department. Prior to beginning construction on a lot, a person shall obtain a valid subsurface sewage disposal permit issued pursuant to 902 KAR 10:081 and 902 KAR 10:08.

Form 9 Note for Department of Transportation approval for access to a State/County Highway revised 5-2007

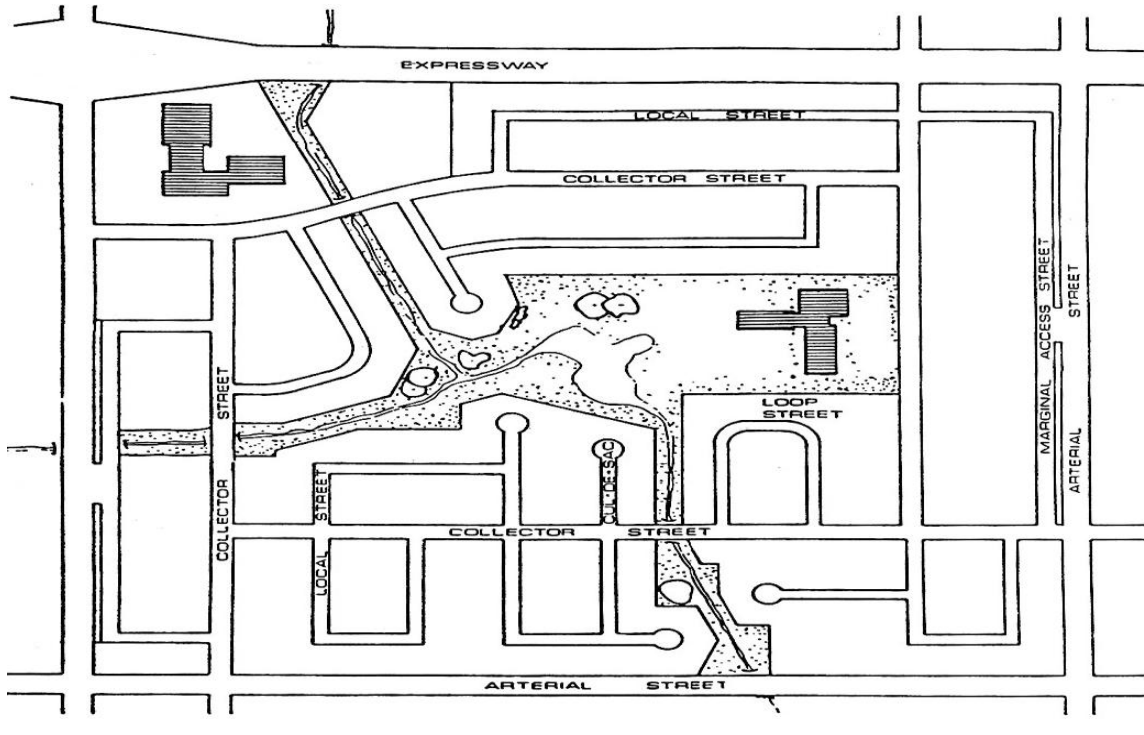
The approval of these parcels does not guarantee access by each tract to the adjacent public right of way. An Entrance/encroachment permit must be obtained from the Department of Transportation, District Office.

Form 10 Note for county engineer approval for access to county road

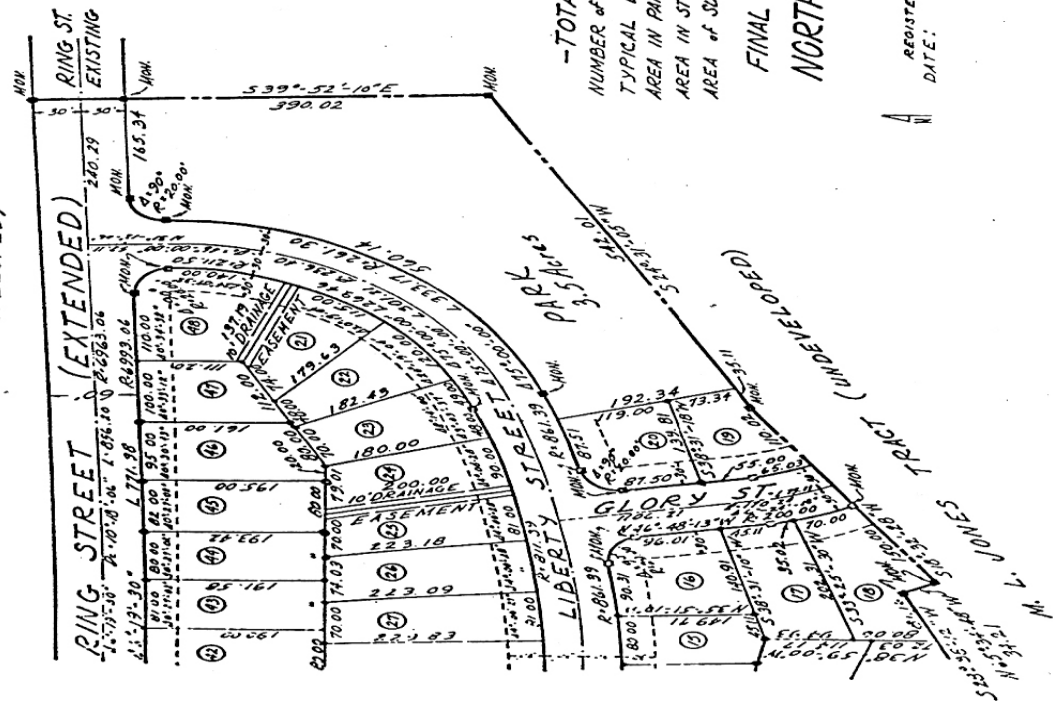
The lots shown hereon have been evaluated for entrance/encroachment approval. Each lot has an acceptable Site distance for the construction of an entrance on each lot.

VIII. EXHIBITS

EXHIBIT 8-1
CLASSIFICATION OF THOROUGHFARES



D. J. SMITH TRACT (UNDEVELOPED)



-TOTAL SITE DATA -
 NUMBER OF RESIDENTIAL LOTS - 48
 TYPICAL LOT SIZE 85' X 200'
 AREA IN PARK 3.5 Acres
 AREA IN STREETS 4.8 Acres
 AREA OF SUBDIVISION 25.03 Acres

FINAL SUBDIVISION PLAT
 NORTHVIEW MANOR
 COUNTY KY
 LOT No.

REGISTERED CIVIL ENGINEER
 DATE:

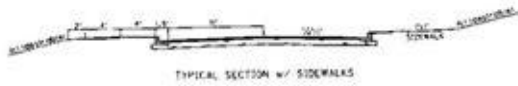
SCALE 1" = 100'

EXHIBIT 8-4
 TYPICAL ROAD SECTION

(See revised typical road section EXHIBIT 8-5)

*Amended
6/1/04*

EXHIBIT 8-4 TYPICAL ROAD SECTION

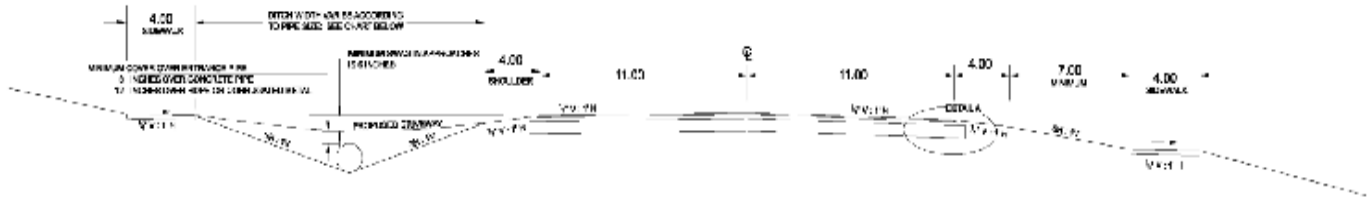


PAVEMENT DESIGN
8" DGA Base (2-4" 50lb)
2" Bituminous Base
1" Bituminous Surface
*Minimum shoulder thickness shall be 4" DGA Base

Any improvements required by the State Highway Department due to the proposed development, shall be the responsibility of the Developer.

EXHIBIT 8-5

COUNTRY ROAD TYPICAL SECTION



MINIMUM DITCH WIDTHS FOR VARIOUS ENTRANCE PIPE SIZE:

- 15 INCH PIPE, DITCH WIDTH MINIMUM = 10.00 FEET
- 18 INCH PIPE, DITCH WIDTH MINIMUM = 11.50 FEET
- 24 INCH PIPE, DITCH WIDTH MINIMUM = 14.50 FEET
- 30 INCH PIPE, DITCH WIDTH MINIMUM = 17.50 FEET
- 36 INCH PIPE, DITCH WIDTH MINIMUM = 20.50 FEET

201 KAR 18:150

**STANDARDS OF PRACTICE FOR
PROFESSIONAL LAND SURVEYORS IN KENTUCKY**

201 KAR 18:150. STANDARDS OF PRACTICE.

RELATES TO: KRS 322.290(1)(a). (2)(f)

STATUTORY AUTHORITY: KRS 322.290(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290(1)(a) authorizes the board to administer KRS Chapter 322. KRS 322.290(2)(f) requires the board to establish standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky.

Section 1. Definitions. (1) "Boundary survey" means a survey for which the primary purpose includes the:

- (a) Determining of the perimeter of a parcel or tract of land;
 - (b) Establishing or reestablishing of a parcel corner or monument;
 - (c) Describing, platting, and locating each fixed improvement on the parcel surveyed; or
 - (d) Dividing or consolidating the parcels surveyed.
- (2) "Plat of survey" means a drawing of a parcel or tract of real property used to depict the final results of a field survey.
- (3) "Corner" means a point on a land boundary that designates a change in direction.
- (4) "Monument" means an artificial manmade or natural object that is used as, or presumed to occupy, a:
- (a) Real property corner;
 - (b) Point on a boundary line; or
 - (c) Reference point.
- (5) "Witness monument" means a monument:
- (a) That does not occupy the same defined position as a corner; and
 - (b) Whose relationship to the corner is established.
- (6) "Meander point" means a survey point or station marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.
- (7) "Reference point" means the defined position of a point that is, or can be, established in relation to the position of another defined point or points.

Section 2. The standards of practice established in this administrative regulation:

- (1) Shall be the minimum standards of practice for a professional land surveyor; and
- (2) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
 - (a) An agency;
 - (b) An owner;
 - (c) Contract; or
 - (d) The professional land surveyor.

Section 3. (1)(a) Boundary surveying in Kentucky, and a document purporting to represent a boundary survey, shall comply with the provisions of this administrative regulation.

(b) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.

- (2) A professional land surveyor shall not represent that:
 - (a) A boundary survey determines land ownership;
 - (b) A boundary survey provides more than evidence of rights in land; or
 - (c) Land ownership can be established by a means other than an action in a Kentucky court.

Section 4. The marks on the ground of a professional land surveyor shall constitute the actual boundary survey.

Section 5. Record Research. (1) To determine the proper description of the land to be surveyed, a professional land surveyor shall conduct research to obtain record description of:

- (a) Each parcel to be surveyed; and
 - (b) Each adjoining parcel.
- (2) A professional land surveyor shall evaluate:
- (a) Historical records of the subject and each adjoining parcel;
 - (b) Records of:
 - 1. Previous pertinent surveys;
 - 2. Tax maps;
 - 3. Topographic maps;

- 4. Aerial photographs; and
- 5. Public agency records; and

(c) Other available data pertinent to the boundary survey.

(3) A professional land surveyor shall analyze the data and make a determination of the record boundary of each parcel to be surveyed.

(4) Research required by the provisions of this administrative regulation:

- (a) Shall be used by a professional land surveyor to determine the location of the parcel boundary; and
- (b) Shall not be used by a professional land surveyor to determine title.

Section 6. Field Research. A professional land surveyor shall thoroughly:

- (1) Search for the physical monument that represents each parcel corner;
- (2) Analyze evidence of occupation;
- (3) Investigate possible parole evidence supporting the position of monuments or corners;
- (4) Compare evidence discovered by the field survey with the record research to establish the boundary of the land being surveyed.

Section 7. Measurement Specifications. (1) Every measurement made as a part of a boundary survey shall comply with:

- (a) The standards for accuracy and precision established by the provisions of this section; or
- (b) At the request of the client, standards for accuracy and precision that exceed the standards established by the provisions of this section.
- (2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:
 - (a) Adjusted;
 - (b) Maintained; and
 - (c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (6) of this section.
- (3) A boundary survey shall be conducted utilizing a method of closed traverse and the measurement of angles and distances that achieve the appropriate tolerance specified in subsection (6) of this section.
- (4) A boundary survey for platting or describing a land parcel shall be classified as Class A or Class B.
 - (a) Class A shall:
 - 1. Consist of urban or suburban land; and
 - 2. Include a parcel lying within, or adjacent to:
 - a. A city or town limit;
 - b. A commercial business area;
 - c. An industrial area;
 - d. A residential area; or
 - e. A developing area.
 - (b) Class B shall:
 - 1. Consist of rural land; and
 - 2. Include:
 - a. A farm;
 - b. A woodland; or
 - c. Other land not included in Class A.
- (5) The accuracy and precision of a boundary survey shall not be less than the appropriate requirements established in subsection (6) of this section.
- (6) Table of Specifications by Class: Classification of Surveys.

	Class A Urban & Suburban	Class B Rural	Remarks
Unadjusted Closure (Minimum)	1:10,000	1:5,000	Loop or Be-tween Control Monuments
Angular Closure (Maximum)	15" N	30" N	N = Number of Angles in Tra-verse
Accuracy of Dis-tances	0.05' +100 PPM	0.10' +200 PPM	100 PPM = 1:10,000

Section 8. Monumentation. (1) In a boundary survey, a professional land surveyor shall make a determination of the boundary and corners of the parcel being surveyed.

- (2) Unless an adequate monument already exists at each parcel corner, a professional land surveyor shall set a monument or a witness monument at each corner of a parcel as provided in this section.
- (3) A monument or witness monument set by a professional land surveyor shall be:
 - (a) Made of, or contain, a ferrous material;
 - (b) Not less than one-half (1/2) inch in diameter and eighteen (18) inches in length;
 - (c) A minimum of schedule forty (40) weight if pipe is utilized; and
 - (d) Identified with a cap bearing the registration number of the professional land surveyor responsible for and in charge of the survey.
- (4) A monument or witness monument shall be required at each corner of a boundary survey.
- (5) A parcel corner shall be identified by a witness monument if a monument cannot be set because the corner:
 - (a) Falls upon rock, concrete, or other like material;
 - (b) Is likely to be disturbed; or
 - (c) Is inaccessible.
- (6) A witness monument shall be set:
 - (a) On the boundary line, if practicable; and
 - (b) As close as practicable to the corner location.
- (7) A professional land surveyor shall set each monument in a manner to avoid its destruction.
- (8)(a) A tree shall not be established as a corner monument except on a rural boundary survey.
 - (b) A tree that a professional land surveyor establishes as a corner monument shall be:
 1. At least ten (10) inches in diameter at breast height;
 2. In sound condition;
 3. Marked in a conspicuous manner; and
 4. Clearly described by size, species, and method of marking on the plat, and in the written description.
 - (c) Trees shall not constitute more than fifty (50) percent of the established monuments for a boundary survey in a rural land classification.
 - (d) For an urban or suburban survey in which a tree is found to be the monument of record, the tree shall be witness-monumented.
- (9) A corner monument that a professional land surveyor has determined is not of sound condition or which fails to meet the standards established in this administrative regulation shall be witness-monumented to perpetuate the corner location.
- (10) Linear monuments.
 - (a) The following distinct physical features may be utilized as a monument:
 1. A watercourse;
 2. A ridge;
 3. A road; or
 4. A cliff.
 - (b) The point at which a boundary line intersects a physical feature shall be monumented or witness-monumented.
 - (c) A physical feature that represents a linear monument shall be witness-monumented at a minimum of every 1,000 feet.
 - (d) A professional land surveyor shall obtain sufficient field survey data to define the position of each physical monument in order to accurately plat, describe, and calculate the area of the land being surveyed.

Section 9. Documentation. (1) The corner monuments established or reestablished by a professional land surveyor shall constitute the actual boundary survey.

- (2) A professional land surveyor shall provide a plat of survey to the client upon the completion of a boundary survey in which he has:
 - (a) Retraced a previously established boundary line; or
 - (b) Established a new boundary line.
- (3) A professional land surveyor shall retain as permanent record the following items pertaining to a boundary survey:
 - (a) Plats;
 - (b) Written descriptions;
 - (c) Research documents;
 - (d) Field and office notes;

- (e) Electronic and magnetically stored field data; and
- (f) Documents of calculations stating the:

- 1. Closure;
- 2. Adjustment method;
- 3. Bearing reference datum; and
- 4. Determination of corners.

(4) A written description prepared by a professional land surveyor for the purpose of defining a parcel boundary shall:

- (a) Be complete;
- (b) Accurately describe the actual boundary survey; and
- (c) Contain the information specified in this paragraph:
 - 1. Captions sufficient to identify the:
 - a. General location of the land surveyed;
 - b. Specific location of the land in reference to a major physical feature, or primary control network; and
 - c. Reference of at least one (1) corner to a corner of the parent tract;
 - 2. The direction and length of each line, as follows:
 - a.(i) Each bearing shall be shown in degrees, minutes, seconds; and
 - (ii) Each distance shall be shown to hundredths of a foot; or
 - b. A geometrically-curved line shall be identified with a beginning point, terminus point, and sufficient curve data to define the curve;
 - 3. A description of each monument marking or witnessing a corner, including:
 - a. A notation as to whether found or set;
 - b. Dimensions;
 - c. Type of material; and
 - d. Identification cap;
 - 4. The names and record sources of adjoining property owners;
 - 5. A notation describing each prominent feature of terrain which the boundary follows;
 - 6. Calculated area of the land surveyed, computed either to the nearest hundredth of an acre or square foot;
 - 7. Reference to the record source of the land surveyed;
 - 8. Name and registration number of the professional land surveyor who performed the survey, and name of the land surveying firm, if any;
 - 9. A dated signature and the seal of the professional land surveyor responsible for and in charge of the survey; and
 - 10. Date of the field survey.

(5) A final plat of a boundary survey shall be drawn to scale on durable, dimensionally-stable media, and clearly contain the following information:

- (a) Direction and length of each line as follows:
 - 1.a. Each bearing shown in degrees, minutes and seconds; and
 - b. Each distance shown to hundredths of a foot; or
- 2. A geometrically-curved line shall be identified with a beginning point, terminus point, and sufficient curve data to define the curve;
- (b) Calculated area of the land surveyed computed either to the nearest hundredth of an acre or nearest square foot;
- (c) A description of each monument, which marks or witnesses a corner, including:
 - 1. A notation as to whether found or set;
 - 2. Dimensions;
 - 3. Type of material; and
 - 4. Identification cap;
- (d) Reference of at least one (1) corner to a:
 - 1. Corner of the parent tract;
 - 2. Durable physical object; or
 - 3. Primary control network, such as state plane coordinates;
- (e)1. The name of each road;
- 2. The name and record sources of each adjoiner; and

3. The name and record sources of each adjoining subdivision;
- (f) An apparent encroachment discovered in the course of the survey;
- (g) The reference meridian and whether its basis is:
 1. True;
 2. Grid;
 3. Record, including the source of the record meridian;
 4. State plane; or
 5. Magnetic, including the date of the observation;
- (h) Vicinity map of sufficient detail to locate the land being surveyed, unless the location of the property is clearly shown by the plat itself;
- (i) A statement disclosing the unadjusted error of closure;
- (j) A statement identifying the land classification of the parcel surveyed;
- (k) A statement as to whether the directions and distances shown on the plat is based on an adjusted traverse;
- (l) The location of a cemetery or grave site that is visible or discernible during the field survey or the required research;
- (m) A dated signature and the seal of the professional land surveyor responsible for and in charge of the survey;
- (n) A written and graphic scale; and
- (o) A title block containing the following:
 1. Name and address of client and parcel owner;
 2. Title of the survey;
 3. Location of each parcel surveyed; and
 4. Name and address of the professional land surveyor and, if applicable, the firm that performed the survey.

Section 10. Marking of Working Drawings And Unfinished Plats. (1) A working drawing or unfinished plat:

- (a) Shall be marked as to its intended use; and
 - (b) Shall not be sealed.
- (2) A marking shall be made in a manner similar to:
- (a) "PRELIMINARY - NOT FOR RECORDING OR LAND TRANSFER"; or
 - (b) "EXHIBIT".

Section 11. Partial Boundary Survey. (1) A partial boundary survey may be conducted by a professional land surveyor if:

- (a) The portion of the property being surveyed can be clearly isolated from the remainder of the property; and
 - (b) The interest of an adjoining owner is not affected.
- (2) A plat of a partial survey shall:
- (a) Comply with this administrative regulation; and
 - (b) Graphically delineate that portion of the boundary covered by the current survey from the remainder of the property. (12 Ky.R. 291; eff. 9-10-85; Am. 16 Ky.R. 592; 1157; eff. 12-6-89; 24 Ky.R. 1540; 1866; 2062; eff. 3-12-98.)