

Subdivision Regulations of Cynthiana, Harrison County, and Berry, Kentucky



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June 2026

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Subdivision Regulations of Cynthiana, Harrison County, and Berry, Kentucky

ARTICLE 1

ARTICLE 1 – APPLICATION, AUTHORITY, AND GENERAL PROVISIONS

Regulations for establishing subdivision procedures for the submission and approval of the final plat and recording of final plats; design standards and principles for the layout of subdivisions and for the surveying and platting requirements thereof; requiring the installation of certain improvements and providing for the necessary construction agreements and guarantees therein; providing for certain plat requirements; defining certain terms used herein; providing for the method of administration and enforcement and the penalties for violation thereof; providing for the means of adoption and amendment; repealing all regulations, resolutions, order, ordinances, and/or codes in conflict herewith.

1.0 SHORT TITLE

These regulations shall be known and cited as the “Subdivision Regulations of Cynthiana, Harrison County, and Berry, Kentucky.”

1.1 PURPOSE AND AUTHORITY

1.1.1 Authority

PURPOSE: These Subdivision Regulations as herein set forth, have been prepared pursuant to KRS Chapter 100 and the adopted comprehensive plan for CYNTHIANA-HARRISON COUNTY-BERRY, to promote the public health, safety, morals, and general welfare of the county; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. In addition, these regulations also provide for the accurate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.

These regulations are adopted in accordance with the Kentucky Revised Statutes - Chapter 100.111 - 100.991. As provided for in KRS 100.203(5) and 100.281(6), the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251 in a circumstance where the applicant chooses for the application to be heard by the Commission at the same hearing.

1.1.2 Purpose

The purpose of these regulations is to promote the public health, safety, and general welfare by ensuring:

- Orderly, coordinated, and efficient subdivision of land consistent with long-term public service capacity;
- Safe and functional access for vehicles, pedestrians, and emergency responders;
- Adequate utilities, drainage, and stormwater management, including protection of downstream properties;
- Avoidance of scattered, unsafe, or premature rural development that burdens public infrastructure;
- Protection of natural resources, including karst features, floodplains, waterways, and agricultural land; and
- Consistency between subdivision design, zoning, and the adopted Comprehensive Plan.

1.2 APPLICABILITY AND SCHEDULE OF LAND DIVISION

Except for lots of record, no lot, tract, or parcel in a subdivision in which the property is located, may be sold or transferred unless a Final Plat has been approved by the Administrator, signed by the chairman or by the Administrator, and recorded with the County Clerk of the county in which the property is located.

1.2.1 Applicability

These regulations shall apply to all divisions of land, whether by plat, deed, land contract, estate conveyance, or other legal instrument, within the planning jurisdiction of Cynthiana, Harrison County, and Berry.

1.2.2 Schedule of Sale or Conveyance

No lot, tract, or parcel created through subdivision shall be sold, transferred, conveyed, leased, or otherwise divided until a Final Plat has been approved by the Planning Commission or its Administrator and recorded in the Office of the Harrison County Clerk.

1.3 SCHEDULE OF IMPROVEMENTS AND PERMITS

1.3.1 Improvement Sequencing

The subdivider of any tract or parcel of land located within HARRISON County shall not proceed with the construction of any improvements until he has obtained: (1) approval or conditional approval of the final plat of the site may proceed following approval or conditional approval of the plat, providing that plans for erosion and sedimentation are submitted to the Administrator, along with executed Notice of Intent to KPDES.

No construction of subdivision improvements shall begin until:

- Improvement / Construction Plans have been approved; and

All required state and local permits have been obtained, including but not limited to:

- Kentucky Transportation Cabinet (KYTC) access permits;
- Kentucky Pollutant Discharge Elimination System (KPDES) stormwater permits; and
- Health Department approvals for septic or on-site wastewater systems.

1.4 GENERAL RESPONSIBILITIES

SUBDIVIDER/DEVELOPER: The subdivider/developer shall use a registered land surveyor and professional engineer, as defined herein, to prepare plats and plans consistent with the design standards; accomplish improvements consistent with the improvement requirements; and submit said plats and plans in accordance with these regulations.

Planning Commission: The Planning Commission is charged with the duty of making investigations and reports on the design and improvements of proposed subdivisions and requiring conformance of such subdivisions with the Kentucky Revised Statutes, Chapter 100, and these regulations.

DELEGATION OF AUTHORITY BY Planning Commission TO ITS ADMINISTRATOR: Pursuant to KRS 100, the Planning Commission has delegated certain authority to its administrator. These delegations of authority are as provided in these regulations. However, the Planning Commission shall have final approval authority over all actions of its designee as provided for in Article 7 of these regulations.

1.4.1 Subdivider / Developer

The subdivider or developer shall:

- Employ a licensed professional land surveyor and a licensed professional engineer to prepare all plats and plans;
- Construct all required improvements in compliance with these regulations and approved plans; and

1.4.2 Planning Commission

The Planning Commission shall:

- a. Review and act upon subdivision plats;
- b. Enforce compliance with these regulations;
- c. Ensure consistency with the Comprehensive Plan and zoning ordinance; and
- d. Impose conditions or deny applications where required to protect public health, safety, and welfare.

1.4.3 Delegation of Authority

The Planning Commission may delegate technical review, administrative approvals, and enforcement actions to the Planning Commission Administrator, except where final approval authority is expressly reserved to the Commission by these regulations.

ARTICLE 2

ARTICLE 2 – DEFINITIONS AND RULES OF INTERPRETATION

2.0 RULES OF INTERPRETATION

For purposes of these Subdivision Regulations, the following rules of interpretation shall apply:

- Words used in the singular include the plural, and words used in the plural include the singular;
- Words used in the present tense include the future tense;
- The word “shall” is mandatory and indicates a requirement;
- The word “may” is permissive and indicates discretion.

2.1 DEFINITIONS

The following words and terms, when used in these regulations, shall have the meanings set forth below. Terms not defined herein shall be interpreted in accordance with their common usage or applicable Kentucky statutes.

ACCESS POINT

A location where a driveway, local street, shared driveway, or private access intersects a public road. An access point is:

- A driveway, a local street, a collector street, or subcollector street, intersecting an arterial street;
- A driveway or a local street intersecting a collector street or sub-collector street; or
- A driveway or a local street intersecting a local street.

ACCESSORY BUILDING OR USE, CUSTOMARY

- A “customary accessory building or use” is one which is subordinate to and serves the principal building or principal use;
- Is subordinate in area, extent, or purpose to the principal building or principal use served;
- Contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a secondary, self-contained residential dwelling unit that is clearly subordinate to the principal single-family dwelling on the same lot and that:

- Contains independent living facilities including sleeping, cooking, and sanitation;
- Is located within, attached to, or detached from the principal dwelling;
- Shares the same lot, access, and address as the principal dwelling;
- Each individual unit must have their own utilities;
- Does not constitute a separate lot, tract, parcel, or division of land;
- Shall not be served by a separate driveway, access strip, panhandle, or frontage; and
- Shall not be sold, conveyed, or otherwise transferred separately from the principal dwelling.

For the purposes of these Subdivision Regulations, an ADU shall be considered an accessory use, not a separate dwelling for purposes of frontage, lot creation, or subdivision classification.

Creation of an ADU shall not be used to circumvent:

-
- Minimum lot size requirements;
 - Frontage and access requirements;
 - Parent Tract limitations; or
 - Minor vs. Major Subdivision thresholds.

ACCESS STRIP (NON-BUILDABLE)

A narrow corridor of land providing access to a public road, which shall not be counted toward minimum lot area, buildable area, or functional frontage.

ADMINISTRATIVE OFFICIAL

Any department, employee, or advisory, elected or appointed body, which is authorized to administer any provision of the zoning ordinance, subdivision regulations, and if delegated, any provisions of any housing or building regulation or other land use control regulation. This includes, but is not limited to, inspection of roads, waters, sewer, storm sewer facilities, sidewalks and bridges.

AGRICULTURAL USE

The use of a tract for the production of agriculture or horticulture crops, including but not limited to livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for person and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

ALLEY

Public right-of-way which normally affords a secondary means of access to abutting property.

BLOCK

A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street, but part of the block.

BLOCK LENGTH

The distance between intersections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

BUILDING

Any structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind, and includes any structures.

BUILDING PERMIT

A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the lot in question.

BUILDING, PRINCIPAL

A building, including any permanently covered space such as porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on its lot.

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.

CERTIFICATE

Refers to the required certificates for final plat and conveyance plat.

CERTIFICATE OF OCCUPANCY

A certificate, which must be obtained prior to occupancy of any premises.

CLUSTER / CONSERVATION SUBDIVISION

A subdivision design and development type in which buildable lots are grouped on a portion of the Parent Tract and the remaining land is preserved as permanent open space through conservation easements or similar legal instruments. This type of development allows for residential development in rural areas by grouping houses on a portion of the property and setting aside the remainder of the property as agriculture only.

COMMISSION (OR Planning Commission)

The CYNTHIANA-HARRISON COUNTY-BERRY Joint Planning Commission, State of Kentucky.

COMPREHENSIVE PLAN

The comprehensive plan for lands within HARRISON County, adopted by the Joint Planning Commission. It is a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships.

CONDITIONAL USE

A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

DEVELOPER

Synonymous with the term “subdivider”.

DEVELOPMENT

Except where the context otherwise requires, “development” shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two or more parcels; and any construction of improvements to facilitate a residential, commercial, business, industrial, or public use.

DEVELOPMENT PLAN

Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and any other conditions deemed relevant by the Planning Commission. Also referred to as a site plan or conceptual plan in various forms.

DETENTION BASIN

A dry stormwater detention area that is used to detain stormwater runoff a specified length of time to keep the flow of water from the subject area to that of pre-development flow.

EASEMENT

A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

EMERGENCY ACCESS ROUTE

A driveway or roadway providing access for fire, police, and emergency medical services, meeting the following minimum standards:

- Twenty-foot (20') minimum clear width;
- Maximum twelve percent (12%) grade; and
- Approved turnarounds or hammerheads.

ENGINEER

A qualified registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors.

FINAL PLAT

A subdivision plat proposed in accordance with the provisions herein in which said plat is designated to be placed on record with the county clerk after approval by the Planning Commission.

FLAG (PANHANDLE) LOT

A lot in which access to a public road is provided by a narrow corridor or "handle," with the primary buildable area located behind another lot.

Functional frontage - The portion of a lot adjoining a public road at the front setback line that provides practical vehicular and emergency access, meeting minimum width requirements.

Panhandle access corridor-A narrow strip of land used solely for access, permitted only by Planning Commission waiver, with a minimum width of fifty feet (50'), and not counted toward minimum lot area or buildable area.

FLOOD

A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

FLOOD - 100 YEAR FREQUENCY

The highest level of flooding that, on the average, is likely to occur once every 100 years.

FLOOD PLAIN OR FLOOD PRONE AREA

Any normally dry land area that is susceptible to being inundated by water from any source.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOODWAY ENCROACHMENT LINES

The lines marking the limits of floodways on the official zoning map.

FRONTAGE LOT

All the property abutting on one side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley or private street be considered as acceptable for frontage.

FRONT YARD DEPTH

The minimum distance required to be maintained within the lot between a line parallel to the front of the principal structure, and the right-of-way line; in the case of a flag lot, the front yard is measured from the front lot line parallel to the road, not to include the stem portion of the lot.

JOINT Planning Commission

Refers to Cynthiana-Harrison County-Berry Joint Planning Commission.

HARRISON COUNTY

Refers to both the incorporated and unincorporated areas of HARRISON County, State of Kentucky.

IMPROVEMENT PLANS

The engineering plans showing design layout, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the subdivision.

INSPECTOR

The Administrator, whose responsibility it is to inspect, or cause to be inspected, items required by these regulations.

KENNEL

Shelter for, or a place where dogs or cats are bred, boarded or trained.

LOT

A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group as permitted under the applicable legislative body or fiscal court's zoning ordinance, together with their accessory buildings or uses and such access, yards, and other open spaces required under those zoning ordinances.

LOT OF RECORD

Except as otherwise defined by state statutes, a lot, parcel or tract of land designated on a plat, survey or deed, recorded by the office of the county clerk.

LOT AREA

The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by street, alley, or railroad rights-of-way, as opposed to an easement.

LOT, CORNER

A corner lot is a lot situated at the intersection of two streets and has frontage on both streets.

LOT, DEPTH OF

The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE

A lot other than a corner lot that has frontage on more than one street. LOT, FLAG: A lot that abuts a public street via a narrow strip of land, at least 50 feet in width.

LOT, INTERIOR

A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.

LOT LINE, FRONT

The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

LOT LINE, REAR

The boundary line of a lot, which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge-shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are

complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE

Any boundary line of a lot, other than a front lot line or rear lot line. LOT WIDTH: The width of the lot as measured along the building front setback line.

MAJOR SUBDIVISION

Any subdivision that:

- Creates more than five (5) lots from a Parent Tract; or
- Requires construction of new streets, shared driveways serving more than five (5) lots, or utility extensions.

MINOR SUBDIVISION

A subdivision that:

- Creates no more than five (5) lots from a Parent Tract;
- Fronts an existing public road;
- Contains no flag or panhandle lots; and
- Requires no private streets or shared drives serving more than five (5) lots.

OFFICIAL MAP

The adopted official map of the applicable legislative body or fiscal court, as provided for in the Kentucky Revised Statutes, Chapter 100.

RURAL LAND DIVISION

A division of land located outside municipal boundaries and designated Future Land Use Map growth areas, subject to enhanced frontage, width-to-depth ratio, access spacing, and Parent Tract standards.

SHARED DRIVEWAY

A driveway serving no more than five (5) lots, designed to emergency-access standards and supported by a recorded maintenance agreement.

SHORT-TERM RENTAL (STR)

A dwelling unit or portion thereof rented or leased for fewer than thirty (30) consecutive days.

SINKHOLE / KARST FEATURE

A natural depression or subsurface void formed by dissolution of limestone or dolomite, including sinkholes, swallets, and related karst features, requiring setbacks and potential geotechnical review.

SURVEYOR

A qualified registered land surveyor in good standing with the Kentucky Board of Registration.

PARENT TRACT

A parcel of land as it existed on the effective date of these regulations.

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 preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Planning Commission ADMINISTRATOR

The ADMINISTRATOR employed by the commission shall be the administrator for the Joint Planning Commission and shall be authorized to check, review, approve, and inspect, or cause to be inspected, where provided in these regulations, all submissions and construction activities regarding their conformance to these regulations.

PLAT

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

PLAT; ADMINISTRATIVE

A plat, which records minor changes such as relocation of a right-of-way, without changing substantial issues such as the number of lots or the density of development.

PLAT; CONVEYANCE

A conveyance plat is used to document limited divisions of land that do not require the construction or extension of public improvements. Conveyance plats are intended for minor divisions of land and are reviewed and approved by the Joint Planning Commission and recorded in the Office of the County Clerk. This plat type allows for the transfer of a minor division of land in an efficient manner without requiring the applicant to undergo the formal subdivision review process applicable to major subdivisions.

PLAT; FINAL SUBDIVISION

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.

PLAT; IMPROVEMENT

A sketch indicating the subdivider's general objectives and desires in regard to the future development of land presented to the Planning Commission for its informal consideration.

PLAT; MINOR

Where a subdivision contains five (5) lots or fewer, counting the remainder of the original tract; and fronts on an existing public street; and involves no opening, widening or extension of a right-of-way streets or easement of utilities.

PLAT; SKETCH

A 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.

RESUBDIVISION

Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved therein for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETENTION BASIN

A pond or lake that is used to retain stormwater runoff until reaching a level of an overflow device that is designed at a specified elevation. The discharge rate of a retention basin shall not exceed the pre-development discharge rate.

RIGHT-OF-WAY

A general term denoting land, property, or interest therein, usually in a strip and dedicated for or devoted to such uses as a street, alley, or railroad.

SALE OR LEASE

Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer, of any interest in a subdivision or part thereof, whether by metes and bounds,

deed, contract Plat, map, lease, devise, intestate succession, or written instrument.

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 three and a half 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-half foot above the finished surface at the centerline of the same traffic lane.

STANDARD CONSTRUCTION SPECIFICATIONS

A set of minimum standards used for the construction of streets, curbs and gutters, sidewalks, water and sewer lines, bridges, and storm water drainage facilities.

STREET

A way for vehicular traffic to move from place to place, however designated and regardless of size or ownership, excluding private driveways serving only one parcel of land.

STREET

Any vehicular ways except alleys.

All streets will be within dedicated rights-of-way, which have been properly processed, approved, and recorded.

The following shall be used to classify all streets:

- **STREET, ARTERIAL**
Public thoroughfares, which serve the major movements of traffic within and through the community.
- **STREET, COLLECTOR**
Public thoroughfares, which serve to collect and distribute traffic primarily from sub collector to arterial streets.
- **STREET, CUL-DE-SAC OR COURT**
A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.
- **STREET, DEAD-END**
A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.
- **STREET, EXPRESSWAY**
A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
- **STREET, FREEWAY**
A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.
- **STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD)**
A street adjacent to a freeway, expressway, or arterial street separated there from by a dividing strip and providing access to abutting properties.
- **STREET, LOCAL**
Roadways, which are designed to be used primarily for direct access to abutting properties.
- **STREET, PRIVATE**
A roadway, which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

- **STREET, PUBLIC**

A public roadway, constructed within the boundaries of an officially dedicated public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

- **STREET, RURAL ROAD**

A street or roadway in rural areas, which is used for access to farms. May be paved or gravel, often one lane in width, with little weight bearing capacity.

- **STREET, SUBCOLLECTOR**

A street designed to provide a traffic route from local to collector street.

SUBDIVIDER

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

SUBDIVISION

The division of a parcel of land into three or more lots or parcels or tracts 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 (as defined herein) and not involving a new street shall not be deemed a subdivision. The term includes resubdivision (as defined in KRS 100.111 (22)).

A qualified registered land surveyor in good standing with the Kentucky Board of Registration.

TRACT

A parcel of land identified by letter or number, the boundaries of which are shown on the recorded subdivision plat (see lot).

WATERCOURSE

A permanent channel designed to carry concentrated stormwater flows without erosion; applicable to open channels, roadside ditches and natural channels that are modified to accommodate increased flows generated by land development.

WIDTH-TO-DEPTH RATIO

The proportional relationship between a lot's width (measured at the front setback line) and its depth, which shall not exceed one (1) to five (5).

ZONING ORDINANCE

Refers to the Zoning Ordinances of the Cities of Cynthiana and Berry and Harrison County

ARTICLE 3

ARTICLE 3 – SUBDIVISION PROCEDURES

3.0 PURPOSE AND GENERAL PROCESS

3.0.1 Purpose

This Article establishes the mandatory procedures governing the subdivision of land, as defined in KRS Chapter 100, by any person proposing to divide, redivide, alter, or rearrange any lot, tract, or parcel of land within Harrison County. All subdivision activity shall comply with the procedures and requirements set forth in this Article and all other applicable articles and sections of these regulations and shall be processed in the sequence prescribed herein. These provisions apply to subdivisions within the City of Cynthiana, the City of Berry, and the unincorporated areas of Harrison County, and are intended to ensure that the subdivision of land occurs in a manner that protects the public health, safety, and welfare; promotes orderly development; conserves environmental resources; and is consistent with the adopted comprehensive plan, zoning regulations, and other applicable local, state, and federal requirements, in accordance with KRS Chapter 100.

3.0.2 Intent

The subdivider is encouraged to notify the Planning Commission of his intention to subdivide a property prior to submission of the final. Such notification should include mention or illustration of any aspect or feature, which will affect the design or layout of the subdivision. For clarity, the subdivider may utilize a map to illustrate various features or aspects of the property.

This Article is intended to:

- Replace outdated procedural standards with a clear, enforceable, and sequential review process;
- Require early review of access, frontage, environmental constraints, and emergency access;
- Coordinate subdivision approval with septic, stormwater, geotechnical, and transportation permitting; and Prevent unsafe, premature, or incremental land divisions that burden public infrastructure.

3.1 PRE-APPLICATION CONSULTATION

3.1.1 Optional but Encouraged

Applicants are strongly encouraged to request a pre-application meeting with Planning Staff prior to submitting a final Plat.

3.1.2 Pre-Application Review Topics

At a minimum, the pre-application meeting may address:

- Existing driveway permits and access spacing requirements;
- Presence of karst features, drainage patterns, and floodplain boundaries;
- Potential need for shared driveways or emergency access upgrades; and
- Likely classification as a Minor or Major Subdivision.

3.2 PRELIMINARY GRADING AND/OR SEDIMENTATION EROSION CONTROL

3.2.1 Limited Authorization

In the event the subdivider elects to proceed with grading, following plat approval, or conditional approval, but prior to the submission of improvement drawings and specifications, grading plans and/or erosion and sedimentation control plans must also be submitted to the staff for review and approval. Plan review and construction review fees shall be submitted as established by the Planning Commission's By-Laws.

Preliminary grading may be permitted for the following:

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- An approved erosion and sediment control plan; and
 - A Notice of Intent (NOI), where required, for KPDES stormwater compliance.

3.2.2 Prohibited Activities

No installation of streets, utilities, or drainage facilities shall occur prior to approval of Improvement Plans.

3.3 SUBMISSION OF IMPROVEMENT PLANS

3.3.1 Required Content

Improvement Plans shall include, at a minimum:

- Roadway profiles, cross-sections, and construction details;
- Water and sewer plans;
- Stormwater design calculations and capacity analysis;

Emergency access design demonstrating minimum clear width and maximum grades.

3.4 REVIEW AND APPROVAL OF IMPROVEMENT PLANS

3.4.1 Administrative Review

The Administrator shall verify consistency between Improvement Plans, and all applicable environmental and access standards.

3.4.2 Revisions

Required revisions shall be prepared by the applicant's engineer and resubmitted for approval prior to Final Plat consideration.

3.5 FINAL PLAT SUBMISSION

3.5.1 Filing Deadline

A Final Plat shall be submitted per the adopted Planning Commission schedule.

3.5.2 Required Documentation

The Final Plat submission shall include, except as provided herein:

- Final Plat shall only be submitted adopted planning commission calendar. The Final Plat shall conform to the approved or conditionally approved changes, additions, deletions, or approvals as may be required per conditional

approval by the commission, or its administrator and shall be prepared in accordance with Article 4 and other applicable sections of these regulations. Resubdivisions of previously approved or recorded Final Plats which do not involve new building development may be submitted and processed in accord with Section 3.8 of these regulations.

- **PREPARATION:** The subdivider may cause, within twenty-four (24) consecutive calendar months after the approval or conditional approval or improvement drawings and specifications, the subdivision or any part thereof, to be surveyed and a final plat thereof to be prepared. Except as required within Appendix A, Section 3, regarding street interconnection/extension, the final plat shall contain only that portion of the approved or conditionally approved plat and improvement drawings and specifications, where applicable, which the subdivider wishes to have approved, recorded and developed at that time. Final plats, shall be named and listed as “SECTION NO. (approved by Planning Commission) of (Name of Subdivision)”. Final plats, which are resubdivisions of approved and recorded final plats, shall be labeled as “RESUBDIVISION OF (Appropriate Listing Title - lots, Section No., Subdivision Name)”. The subdivider shall ensure that the final plat is prepared under the supervision of a registered land surveyor.
- **FILING:** The subdivider shall submit copies of the final plat drawing prepared in accordance with Article 4 of these regulations for review. At this time, the following material shall also be filed with the commission’s administrator, unless otherwise noted:
 - Application for final plat approval: An application (provided by the commission) shall be submitted (see application form). At the time of submission, the Planning Commission shall indicate, on the application, the date of submission and signature of the commission representative.
 - Traverse sheets or other closure documentation: As referenced on the plat. In no case shall the unadjusted linear error of closure of the actual field traverse be less than a minimum ratio of 1:15,000. The closure accuracy required shall include a closed traverse of the subdivision boundaries, in accordance with minimum state standards for practice of Land Surveying, amended (as per Section 5.12, A.).
 - Improvement Drawings and Specifications: Improvement drawings and specifications will be required, if not submitted previously for processing, as per Article 3, Sections 3.2 and include the following where applicable:
 - Grading plans including erosion and sedimentation control measures and permits (as per Article 5);
 - Storm Sewer System and Sanitary Sewerage Plans and Profiles including a Drainage Report with computations (as per Article 7);
 - Water System Plans (as per Article 7); and
 - Street Plans and Profiles, including typical cross sections (as per Appendix A, Section D. 1).
 - **Record Copies of Improvement Drawings:** Where the improvement drawings and specifications were previously submitted and approved prior to the submission of the final plat, as per Sections 3.5 and 3.6, and where public improvements were constructed the same or differently reflecting significant changes from the originally approved improvement drawings, the subdivider shall submit one (1) reproducible mylar of Record Copies of Improvement Drawings including plans and profiles for streets, sanitary sewerage and storm system and water system.
 - **Special Testing Reports:** All applicable required testing reports including soils (i.e., embankments, subgrade, utility trenches), sanitary sewers (i.e., low pressure air acceptance) storm sewers (i.e., larger than 42 - diameter) and concrete street paving (i.e., strength, slump, air content and cylinder tests), core samples for concrete and bituminous surfaces.
 - **Fees:** Plan review, plat review, construction review and recording fees shall be submitted as established by the Planning Commission’s By-Laws.
 - **Guarantee:** A guarantee (if applicable) per Appendix A, Section 17 of these regulations.

3.6 FINAL PLAT REVIEW AND APPROVAL

3.6.1 Approval Criteria

The Planning Commission shall approve the Final Plat only if:

- All required improvements are installed or guaranteed by bond, if required by the legislative bodies;

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- Buildable rectangles are shown on each lot.

The Planning Commission shall check the final plat as to conformity with all other pertinent aspects as required in Article 4 and other applicable sections of these regulations. Following review, the Planning Commission shall recommend one of the following actions:

- approve the final plat;
- cause to revise the final plat, subject to conditions;

or disapprove the final plat, in accord with Section 3.9, B. Where applicable, the Planning Commission shall also check the improvement drawings and specifications, drainage plans and plans for erosion and sedimentation control, to ensure that they are in conformity with the final plat and that they meet the requirements established in Appendix A and other pertinent sections of these regulations. In the event the improvement drawings and specifications were previously submitted and approved, prior to the submission of the final plat, the Planning Commission shall review the

Record Copies of Improvement Drawings (required as per Article 3 Section 3.11) for their conformity to the final plat.

3.7 PLANNING COMMISSION ACTION

Following the review of the final plat and, when applicable, the improvement drawings and specifications, as per Section 3.9, the Planning Commission shall take one of the following final actions:

A. FINAL APPROVAL: Final approval of a plat shall be recommended in one of two ways:

- **After construction of improvements:** After the subdivider has obtained approval or conditional approval, as indicated in Section 3.6 and has installed all required improvements in compliance with these regulations, final inspections have been performed in accord with Appendix A, Section 13 and record copies of drawings have been submitted, and a surety bond for any work not completed or accepted, the amount to be determined by the subdividers' engineer and approved by the Administrator, the Planning Commission shall then recommend final approval. The original drawing of the final plat shall then be signed and dated by the chairman and witnessed by the Administrator.
- **Before construction of improvements:** The Planning Commission may recommend final approval before all required improvements are installed, provided that a guarantee is provided to ensure installation of such improvements. The amount of the guarantee shall be based on an estimate made by the subdivider's engineer and approved by the Administrator. Type of guarantee shall be a good and sufficient surety bond unless other forms of guarantees are acceptable to the applicable legislative bodies. All guarantees shall be approved by the Administrator (see Appendix A, Section 17). Upon determination that all requirements of these regulations have been met, the Planning Commission may recommend final approval. The original drawing of the final plat may then be signed and dated by the chairman and witnessed by the Administrator. The guarantee shall not be returned to the subdivider until all improvements are installed, inspected, and accepted by the Legislative body, and record copies of drawings have been provided, according to these regulations.

B. REVISIONS/DISAPPROVAL: Should the Planning Commission decide to cause revisions to be made or recommend disapproval of the final plat, written notice of such action, including the revisions or reasons for disapproval shall be mailed to the subdivider by the Planning Commission and which specify the Article, Section, and Sub-section of these regulations and/or the Zoning Regulations of the Planning Commission. The action shall be entered on the official records, of the Planning Commission.

3.8 EFFECT OF APPROVAL

After the final plat has been reviewed by the Planning Commission, and all changes, additions, deletions, etc. made, five (5) paper copies for final plats and condominium property regime plats or two (2) originals and one (1) copy for conveyance plats shall be submitted for final approval. Said originals shall include all certificates, acknowledgments, endorsements, and notary seals and all signatures completed in original ink, except for signatures of the chairman and the Administrator and county clerk (e.g., copies of plat signatures are not acceptable by the county clerk for recording). Following this review, the final plat may be recommended for approval by the Planning Commission, and signed by the chairman, or by the Administrator when so designated. Disposition and recording shall be as specified in Sections 3.11 and 3.12 of these regulations.

3.9 DISPOSITION OF APPROVED FINAL PLAT

After approval of the final plat signed by the chairman or by the Administrator, one copy of the final plat shall be forwarded to the applicant for recording at the county clerk's office for recording per Section 3.12. Copies of approved conveyance plats with signature of the chairman and witnessed by the Administrator shall be forwarded or picked up by the subdivider or his agent for preparation of any instrument of transfer or other documents to be recorded per Section 3.12.

3.10 RECORDING

After approval of a final plat, condominium property regime plat or conveyance plat, the applicant shall forward the original drawings of the approved final plat and one copy to the county clerk's office for recording. The county clerk shall record final plats and condominium property regime plats.

The subdivider shall be responsible for preparation of any instrument of transfer or other document to be recorded with conveyance plats in the county clerk's office, after which lots may be sold, leased, or transferred.

Final Plats shall not be recorded until signed by the Administrator or Chair.

No lot may be sold, leased, transferred, or conveyed prior to recording.

3.11 SUBMISSION OF RECORD COPIES OF IMPROVEMENT DRAWINGS

Where improvements were constructed, the subdivider shall submit to the Planning Commission, one (1) print of the Record Copies of Improvement Drawings including plans and profiles for streets, sanitary and storm sewer and water systems reflecting significant changes, where applicable, prior to approval of a Final Plat, per Section 3.9, A, 1, or release of Guarantee per Sections 3.9, A, 2, and Appendix A, Section 17.

3.12 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE AND/OR LAND OFFERED FOR DEDICATION

After all improvements have been installed in accordance with the approved improvement drawings and specifications and the record copies of drawings have been submitted, and the inspector has indicated that inspections were made and approved (as per Appendix A), the applicable legislative body or other applicable public body should accept the improvements for maintenance (or in the case of lands to be dedicated, may accept such lands in fee simple, by easement, or other such instrument approved by the applicable governmental body), pursuant to applicable state statutes and other applicable regulations. KRS 100.277(4) regulates acceptance of any street or other public ground.

3.13 SUBMISSION AND PROCESSING OF MINOR PLATS

GENERAL: In the case of a 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. A Minor Subdivision shall meet all of the following:

- Each lot fronts an existing public road;
- No flag or panhandle lots;
- No private streets or shared drives serving more than five (5) lots.

3.14 SUBMISSION AND PROCESSING OF CONVEYANCE PLATS

A. GENERAL: It is the purpose of the conveyance plat to provide a process whereby parcels or lots may be subdivided from land, without having to be processed through final plat procedures, as established in these regulations. Conveyance Plats for subdividing and platting land including strips, parcels, tracts, residuals, remnants, lots or lot-splits, for sale, lease, mortgages or building development, may be used in accord with these regulations.

Conveyance plats shall not:

- Create buildable lots without compliant frontage;
- Defer access, septic, or road deficiencies to a later date.

To be processed as a conveyance plat, the following requirements must be met in addition to other requirements of these

regulations. Except for tracts subdivided for financing or mortgage purposes, in areas approved or conditionally approved as noted in Section 3.17), the parcel to be subdivided for conveyance or record shall not involve construction of any public improvements including public water lines, storm and sanitary sewers, and streets, etc. for which final plat processes are required. Not more than five (5) lots and remaining, residual or remnant of land for building development may be subdivided from the original parent tract of land under ownership in the same name of record. Conveyance Plats for partial surveys involving strips, parcels, tracts, residuals, remnants, lot-splits, may be used an infinite number of times, provided such plats comply with the following requirements:

- Lot lines that are to be adjusted in recorded subdivisions plats shall not involve more than three contiguous lots. If more than three lots are involved, then said lots shall be handled as a resubdivision and processed according to the applicable requirements for final plats in accord with Section 3.7, A of these regulations.
- Strips, parcels, residuals or remnants of land surveyed for conveyance or record purposes which are less than minimum lot requirements of the zoning district shall be labeled “Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership”. Partial surveys isolated from the remainder of property shall not be approved if residual or remnant land contains an existing principal residence or building where such remnant is less than minimum lot requirements of the zoning district. Divisions or remnants of land from parent tracts containing an existing residence served by on-site sewage disposal systems are further regulated by Section 6.6, D, 2, c.
- Tracts or parcels surveyed for financing and/or mortgage purposes shall be labeled as in (b) above; or, in areas approved or conditionally approved as follows: “Subject tract approved for financing and/or mortgage purposes only in the name of (Developer or Subdivider). Any development within tract or further subdivision must comply with previously approved Plat with conditions on file at Planning Commission offices unless amended via submission of revised plans”.
- Except as noted in item in this chapter or KRS 100.292 (Land sold in violation of chapter), the conveyance plat process shall not be permitted in areas already approved or conditionally approved.

B. SUBMISSION OF THE (CONVEYANCE) PLAT: The subdivider shall submit to the Planning Commission, two (2) copies of the conveyance plat at a size measuring 8-1/2” x 11” or 8-1/2” x 14” or as approved by clerk of records (intended for attachment to a deed) and prepared in accordance with the applicable requirements of Article 4, other pertinent sections of these regulations and minimum standards of practice for Land Surveying in Kentucky, latest revision, as defined in KRS 322. In addition, the conveyance plat shall also contain the following information:

- For lots proposed for building development, a statement by a registered land surveyor preparing the plat that the parcel represents the first, second, third, fourth, fifth, sixth or residual or remnant parcel subdivided from the original tract of land under ownership in the same name of record.
- In the case of lots and/or remnant parcel to be subdivided for building development, sufficient information shall be included to locate the parcel being subdivided in relation to the previous subdivided lots or parcels, as well as their location within the original tract of land under ownership in the same name of record.
- A vicinity map drawn at a scale of one (1) inch to two thousand (2,000) feet or greater (e.g., one (1) inch to one thousand (1,000) feet) on the plat showing, within one-half (1/2) mile of the proposed subdivision, existing roads and other significant features (e.g., streams, lakes, etc.).

At this time, the following information shall also be filed with the Planning Commission:

- Application for Conveyance Plat Approval: An application (provided by the commission) shall be submitted (see application form) at the time of submission. The commission’s representative shall indicate on the application the date of submission and signature of the commission’s representative.
- Traverse Sheets or other closure certification referenced on the plat: The closure accuracy required shall include a closed traverse of the subdivision boundaries as per Section 5.0.
- Description: One copy of the description written by a land surveyor to defining complete land boundaries accurately describing the actual boundary survey.
- Conveyance Plat Fees: Plat review, construction review and recording fees shall be submitted as established by the Planning Commission’s By-Laws, where applicable.

PROCESSING OF CONVEYANCE PLAT: The Administrator shall review the conveyance plat as per the applicable requirements

of Section 3.17, the requirements of this section, other pertinent sections of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the administrator shall take one of the following actions:

- Approve the conveyance plat
- Cause to revise the conveyance plat subject to conditions; or
- Forward the conveyance plat to the full Planning Commission.

Should the Planning Commission recommend revision or disapproval of the conveyance plat, written notice of such action, including the plat revisions or reasons for disapproval shall be mailed to the subdivider by the Planning Commission, and which specify the Article, Section, and Sub-section of these regulations and/or the Zoning Regulations. After final review of the conveyance plat by the Planning Commission, two (2) originals and one (1) copy of the plat shall be submitted to the Planning Commission for final approval and disposition, per the requirements of Section 3.17.

The action shall be entered in the official records of the Planning Commission. If approved and signed by the chairman or by the Administrator, the original conveyance plat may be recorded with the deeds or other documents in the county clerk's office per the requirements of Section 3.17.

3.15 SUBMISSION AND PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS

Condominium plats may be approved provided that:

- Infrastructure meets public standards; and or building codes
- Infrastructure is maintained under unified ownership or management.

PROPERTY REGIME PLATS:

GENERAL: In accord with the Horizontal Property Law (KRS 381) whenever a developer, the sole owner, or the co-owners of a building or buildings constructed or to be constructed, expressly declare, through the recordation of a master deed or lease, a condominium property regime may be established. Once the property is submitted to the condominium property regime, a unit in the building(s) may be individually conveyed and may be the subject of ownership possession or sale and other acts as if it were sole and entirely independent of the other units in the building(s) of which they form a part and the corresponding individual titles and interest shall be recordable. It is the purpose of the condominium property regime plat to provide a process whereby two or more apartments, town-houses, rooms, office spaces, or other units in existing or proposed buildings or structures may be subdivided and offered or proposed to be offered for sale in accordance with requirements as established by these regulations. to be processed as a condominium property regime plat, the following requirements must be met in addition to other requirements of these regulations and applicable state statutes:

- For proposed projects including buildings involving private or public improvements, prior to the review of a condominium property regime plat, per Section 3.1 and Improvement Drawings and Specifications per Section 3.5 are required to be submitted for processing in accord with these regulations.
- For existing building conversions not involving public improvements, submission and processing shall be in accord with Section 3.16, B and C, respectively.

SUBMISSION OF CONDOMINIUM PROPERTY REGIME PLATS: In addition to the requirements in Section 3.13, the developer shall submit to the Planning Commission, two (2) copies of the final plat drawing prepared in accordance with Article 5 of these regulations bearing the certification of a registered land surveyor for review. In addition to other requirements of these regulations, the final plat shall show the location of the building or buildings proposed for the condominium project. Simultaneously, with the submission of the final plat, there shall be attached two (2) copies of a set of floor plans of the building or buildings in accord with state statutes bearing the certification of a registered architect or professional engineer. In addition to other requirements, elevations based upon the North American Datum of 1929 or latest revision, shall be noted on the plats or plans as a reference on each floor or unit for sale.

At this time, the following information shall be filed with the Planning Commission:

- **Application for Condominium Property Regime Plat Approval:** An application form provided by the commission shall be

submitted (see application form) at the time of filing for Condominium Property Regime Plat approval.

- Traverse Sheets or other closure certification referenced on the plat. The closure accuracy required shall include a closed traverse of the condominium project boundaries (as per Section 3.18).
- **Condominium Property Regime Plat Fees:** Plat review, construction review and recording fees shall be submitted as established by the Planning Commission's By-Laws, where applicable.

PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS: The Planning Commission shall review the condominium property regime plats for conformance to the applicable requirements of Article 3, the requirements of this section, other pertinent sections of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the Planning Commission shall recommend one of the following actions:

- Approve the condominium property regime plats;
- Cause to revise the condominium property regime plats subject to conditions;
- Or disapprove the condominium property regime plats.

Should the Planning Commission recommend revision or disapproval of the condominium property regime plats, and which specify the Article, Section, and Sub-section of these regulations and/or the Zoning Regulations, written notice of such action, including the reasons for revision, disapproval, shall be mailed to the subdivider by the Administrator, and which specify, the Article, Section, and Sub-section of these regulations and/or the Zoning Regulations. The action shall be entered into the official records of the Planning Commission. After final review of the condominium property regime plats by the Administrator, the subdivider's surveyor, architect, or engineer, where applicable, shall submit five (5) copies of plat to the Administrator for disposition per the requirements of Section 3.11. If approved and signed by the chairman or by the Administrator, the original condominium property regime plats may be recorded in the county clerk's office per the requirements of Section 3.10.

ARTICLE 4

ARTICLE 4—FINAL PLAT REQUIREMENTS INCLUDING IMPROVEMENT DRAWINGS AND SPECIFICATIONS

4.0 PURPOSE OF FINAL PLAT REVIEW

4.0.1 Intent

The Final Plat review provides the concluding regulatory review of a subdivision and is intended to confirm that all requirements, conditions, and commitments have been fully satisfied prior to recording and development.

The sub-divider shall file with the Planning Commission ten (10) copies of the final plat for review. Following review, the subdivider shall submit two (2) sets of original prints to the Administrator for record purposes. The Final Plat shall be drawn at a scale of one (1) inch to fifty (50) feet or greater (e.g., one (1) inch to thirty (30) feet). However, if the final plat contains lots of one hundred (100) feet or greater, fronting along a street, then a scale of one (1) inch to one hundred (100) feet or greater may be used.

4.0.2 Objectives

The Final Plat review shall ensure that:

- The subdivision is accurately surveyed and legally recordable;
- Required infrastructure and improvements are installed or guaranteed;
- Environmental and geologic protections are incorporated into the recorded plat; and
- The subdivision is suitable for recording and future conveyance of lots.

4.1 REQUIRED CONTENT OF A FINAL PLAT

4.1.1 General Requirement

A Final Plat shall be prepared by a licensed engineer and or professional land surveyor and shall include all information required for recordation under Kentucky law and these regulations.

4.1.2 Information to be Contained on Final Plat

Where necessary, the Final Plat may be on several sheets accompanied by an index showing the entire subdivision. The particular number of the sheet, the total number of sheets, and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of said plat shall show the north point, written and graphic scale and the date. The Final Plat shall contain a vicinity map showing the location of the subdivision with relation to at least one (1) east/west and one (1) north/ south major arterial. The Final Plat shall further show the following, including all mathematical information and data necessary to locate and retrace any of the required data thereon.

The boundary lines of the final plat shall be drawn in heavy solid lines with accurate lengths and bearings. These boundaries shall be determined by an accurate field survey, which shall be balanced and closed. All lines shown on the Plat, which do not constitute a part of the subdivision, shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled “Not A Part Of This Subdivision”.

A. Survey and Legal Information

• A.1 The Final Plat shall include:

- The exact location and the widths of all existing or recorded streets, intersecting or paralleling the boundaries of the subdivision at least within one hundred (100) feet.
- The exact location and width of all abutting lot lines. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, plat book, and page, or cabinet and slide.

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- The boundary line of the proposed final plat shall be tied by bearings and distances to a selected point or points (described on the plat) on the nearest established centerline or right-of-way line of any street or highway or a previously established monument(s) in which case the location of said monument shall be identified and accurately described on the plat. In addition, the final plat shall be tied by bearings and distances to a point in the original parent tract, and state plane coordinate system.
 - Name of the subdivision and name or number of the larger subdivision or tract of which the tract now being subdivided is a part.
 - North point (approximating true north), written and graphic scale, and date.
 - Total site data: including acreage, and, if applicable, number of square feet or acres in parks and other public uses.
 - Municipal and county boundaries lines, if applicable.
 - Boundary lines with total acreage;
 - Lot lines with dimensions and lot numbers;
 - Recording references for adjoining plats.

B. Rights-of-Way, Easements, and Access

- **B.1 The exact layout of the subdivision showing:**

- Street and alley centerlines and right-of-way lines shall be graphically shown; street names and bearings and distances along centerlines;
- Sufficient linear, angular, and curve data (at least Delta, Tangent, Radius, and Length of Curve) to readily determine the bearing and length of the boundary lines of every block, lot and tract, which is a part of the subdivision, and location of 100 year flood occurrence with limit line of such.
- All easements or other rights-of-way (the limitation of the easement rights shall be stated or referenced on the plat).
- All lot lines with dimensions and bearings.
- Benchmarks with minimum finished floor elevation of lots along watercourse.
- **Identification of any waivers of the subdivision regulations granted by the Planning Commission, such as:**
 - sidewalks on one side of the street; width of street pavement; any need for additional off-street parking spaces; etc.
 - All blocks and lots numbered or lettered in a consecutive manner with no omissions or duplications. Ditto marks shall not be used for lot dimensions. Tracts offered for dedication, other than for streets or easements shall be designated by letter or number (further, the accurate outline of all such tracts shall be shown with the proposed use indicated thereon).
- **All permanent monuments set or to be set shall be shown on the Final Plat (see Appendix A. Section 11.):**
 - The location of all monuments placed in making the survey and if any points were reset, that fact shall be stated and attached to final plat for recording, including legend showing noted information.
 - Monuments shall be set at intersections of street centerlines and curve points or offsets therefrom. The exact location of all such documents shall be shown on the final plat before approval is requested.
 - The accurate outline of all property (if applicable), which is to be reserved by deed restriction or protective covenant for the common use of the property owners in the subdivision.
 - Any access to a state-maintained highway shall be shown consistent with approved KYTC permits.

C. Environmental and Geologic Constraints

- **C.1 The Final Plat shall clearly identify:**

- Flood Hazard Information: Elevation and flood profiles shall be shown on the final plat if required (as determined as per Section 5.4 (A) of these regulations).
- All easements shall be shown by a fine dashed line and clearly labeled and identified on the plat. If an easement shown on the plat is already of record, its recorded reference must be given.
- Sinkholes, karst features, and closed depressions to remain undisturbed;
- Floodplains and floodways;
- Required environmental buffers and setbacks; and
- Notes prohibiting disturbance within protected areas.

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- **C.2 Required notes referencing Article 4 – Environmental Constraints & Karst Protection shall be included on the plat.**

D. Infrastructure and Improvements

- **D.1 The Final Plat shall show:**
 - Streets, sidewalks, and turnarounds;
 - Stormwater facilities, detention areas, and drainage easements;
 - Water and sewer infrastructure; and
 - Any required off-site improvements.

E. Certifications, Acknowledgements, and Descriptions

The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat (unless otherwise stated herein). Representative certificates, acknowledgments, and approvals that shall be used on the final plat appear in Appendix F of these regulations.

Dedication certificates: a notarized certificate shall be signed and acknowledged offering for dedication all parcels of land shown on the final plat which are intended for public dedication.

Reference of property from which the plat is taken: each reference in such description to any tract, development, or subdivision, shall show a complete reference to records of the county.

Other affidavits, etc.: the title sheet shall contain such other affidavits, certificates, acknowledgments, endorsements, and notaries seals as are required by law and by these regulations. If such documents are recorded elsewhere, then reference to such documents should be included on the final plat.

Certificate of approval by the Administrator or other duly authorized officer of the Planning Commission.

Certificate of acceptance for recording by the county clerk.

Survey statement giving origin of bearing and unadjusted error of closure and any other required information to comply with minimum state standards.

F. Additional Information to be Submitted at the Time of Filing Final Plat:

- One (1) copy of an application for final plat approval provided by the commission.
- Traverse calculations or order closure certification referenced on the plat, resulting from an accurate and complete boundary survey of the perimeter of the final plat. Traverse calculations when computed from field measurements, on the ground, shall close with an error of closure not to exceed one (1) foot to fifteen thousand (15,000) feet.
- Improvement drawings and specifications: (Improvement drawings and specifications will be required if not submitted previously for processing as per Sections 3.5 and 3.6):
 - Drawings, showing typical cross sections, profiles, construction details, and specifications for all required improvements shall be prepared by a registered engineer in conformance with the provisions of Appendix A and any other pertinent sections of these regulations.
 - One (1) copy of the Sanitary Sewerage & Storm System Plans (as per Appendix A, Section 1 & 2).
 - One (1) copy of the Water System Plans (as per Appendix A, Section 3).
 - One (1) copy of the Street Plans and Profiles, including typical cross sections (as per Appendix A, Section 4).
 - One (1) copy of Drainage Report, including computations (as per Appendix A, Section 1).
 - One (1) copy of plans for control of erosion and sedimentation (as per Appendix A, Section 13).

-
- Record Copies of Improvement Drawings: Where the improvement drawings and plans were previously submitted and approved prior to the sub-mission of the final plat, the subdivider shall submit one (1) copy each of record copies of improvement drawings for: streets, sanitary sewerage and storm system, and water system.
 - One (1) copy of all deed restrictions or protective covenants (may be either placed directly on the final plat, or if separately recorded, reference is made on the final plat).
 - Final plat and construction review fees: Final plat and construction review fees shall be submitted in accordance with Section 6.2.
 - Guarantee: a guarantee (if applicable) per Appendix A. Section 17.

4.2 FINAL STORMWATER AND DRAINAGE REQUIREMENTS

4.2.1 Final Stormwater Plan

A Final Stormwater Management Plan shall be submitted and approved prior to Final Plat approval, demonstrating compliance with:

- Accepted hydrologic and hydraulic methodologies;
- Peak flow control and downstream protection; and
- Karst-sensitive stormwater practices.

4.2.2 Prohibited Discharges

Stormwater outfalls shall not discharge directly into sinkholes, closed depressions, or karst openings, except where expressly approved based on engineering and geologic analysis.

4.2.3 Maintenance Responsibility

The Final Plat shall include notes identifying responsibility for long-term operation and maintenance of stormwater facilities.

4.3 COMPLETION OR GUARANTEE OF IMPROVEMENTS

4.3.1 Required Improvements

Prior to Final Plat approval, all required public and private improvements shall be completed or guaranteed.

4.3.2 Financial Guarantees

Where improvements are not completed, the developer shall provide financial security, such as a bond or letter of credit, sufficient to guarantee completion.

4.3.3 Inspection

All improvements shall be inspected and approved by the appropriate agency prior to acceptance.

4.4 STAFF REVIEW AND ADMINISTRATIVE APPROVAL

4.4.1 Staff Review

Planning staff shall review the Final Plat for consistency and compliance with these regulations.

4.4.2 Administrative Approval

Where authorized, the Planning Commission may delegate Final Plat approval to staff for plats that fully comply and require no discretionary action.

4.5 Planning Commission ACTION

4.6.1 Approval Authority

The Planning Commission shall approve, approve with conditions, or deny the Final Plat.

4.6.2 Conditions

Conditions imposed at Final Plat approval shall be limited to ensuring compliance with approved plans and regulations.

4.6 RECORDATION

4.6.1 Recording Requirement

An approved Final Plat shall be recorded in the Office of the County Clerk prior to the sale, transfer, or development of any lot.

4.6.2 Effect of Recordation

Recordation of the Final Plat shall establish the legal status of lots, easements, and rights-of-way.

4.7 MODIFICATIONS AND AMENDMENTS

4.7.1 Minor Modifications

Minor modifications may be approved administratively if they do not alter lot count, access, or infrastructure commitments.

4.8 EXPIRATION OF FINAL PLAT APPROVAL

4.8.1 Validity

Final Plat approval shall expire if the plat is not recorded within the timeframe established by the Planning Commission.

4.8.2 Effect of Expiration

An expired Final Plat shall be void and subject to current regulations upon resubmission.

ARTICLE 5

ARTICLE 5 – CONSTRUCTION PLANS & DESIGN STANDARDS FOR THE LAYOUT OF SUBDIVISIONS

5.0 PURPOSE OF CONSTRUCTION PLAN AND DESIGN STANDARDS FOR THE LAYOUT OF SUBDIVISIONS

5.0.1 Intent

The purpose of this Article is to ensure that all subdivisions are supported by adequately designed, constructed, and documented public and private improvements necessary to serve the development in a safe, functional, and environmentally responsible manner.

5.0.2 Objectives

Construction plan and improvement standards shall ensure that:

- Streets, access points, and emergency routes are designed and constructed to accepted engineering standards;
- Stormwater and drainage systems protect downstream properties and karst features;
- Utilities are installed in a coordinated and serviceable manner;
- Improvements required by Final Plat approval are constructed or properly guaranteed; and
- Subdivisions are suitable for long-term maintenance and public acceptance where applicable.

5.1 CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS

5.1.1 When Required

Detailed Construction Plans shall be submitted and approved prior to commencement of any site grading, infrastructure installation, or construction of subdivision improvements.

5.1.2 Plan Preparation

All construction plans shall be prepared, signed, and sealed by a licensed professional engineer authorized to practice in the Commonwealth of Kentucky.

5.1.3 Required Plan Components

Construction Plans shall include, at a minimum:

- Overall site plan showing lot layout, streets, easements, and phases;
- Plan and profile drawings for all streets and access points;
- Stormwater and drainage plans;
- Utility plans for water, sewer, and other services;
- Erosion and sediment control measures;
- Construction details and specifications; and
- Applicable permits and approvals.

5.2 STREET AND ACCESS IMPROVEMENTS

Street Design:

- Conformity to comprehensive plan and/or official map: whenever a tract of land to be subdivided or resubdivided includes any part of, or is adjacent to, a proposed arterial or collector street as designated on the comprehensive plan and/or the official map, the subdivider shall meet with the Planning Commission to determine its compliance (e.g., right-of-way width for future widening and pavement widths) and resulting design requirements, of such locations, otherwise such street right-of-way shall be platted by the subdivider in the exact location so designated and at the width indicated in these regulations.

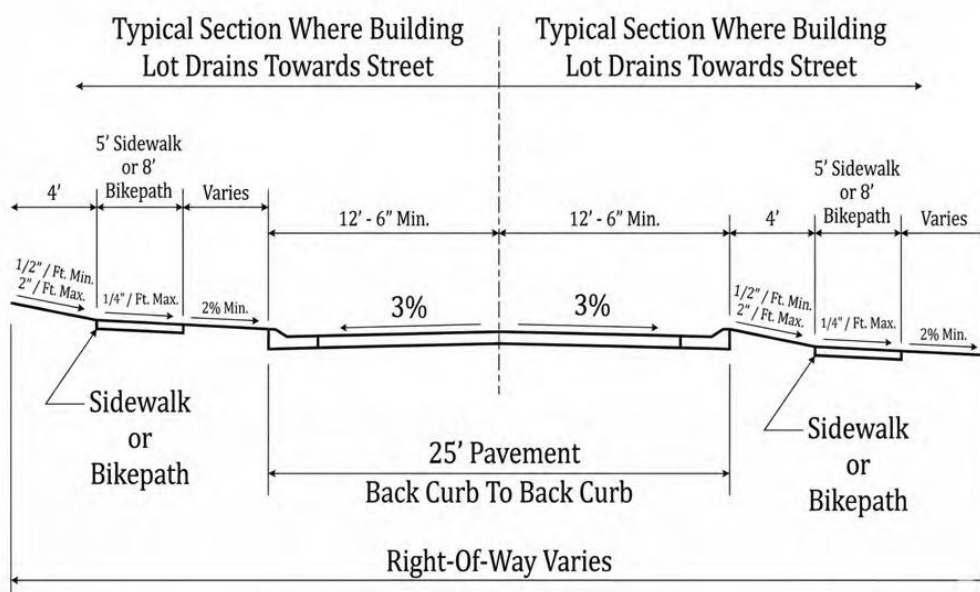
Street Extension:

- Existing Streets: the arrangement of streets in new subdivisions shall make provision for the proper continuation of existing streets in adjoining areas, unless determined otherwise by the Planning Commission, or its administrator.
- Adjacent Property: where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provision for the proper projection of streets to those adjoining areas in a manner, which shall provide for the practical development of the adjacent property.
- Half Streets: dedication of one-half (1/2) of the rights-of-way (half streets) for streets proposed along the boundaries of land to be subdivided, shall be prohibited.

Street Classification and Function:

- A. Arterial Streets: Arterial streets should be planned so as to provide for the smooth flow of traffic between points of heavy traffic generation and from one section of the community or communities to another. Such arterial streets should not traverse the entire community or communities. Arterial streets should not bisect neighborhoods but should act as boundaries between such neighborhoods. Direct access onto the roadway from abutting properties shall be discouraged.
- B. Collector Streets: Collector streets should be designed to provide a traffic route from subcollector streets to arterial streets. These streets should be designed to carry traffic, which has an origin or destination within the neighborhood and between arterial streets. Said streets shall be designed in such a manner to discourage “short cuts” through the neighborhood. Direct access to abutting property should be discouraged whenever possible.

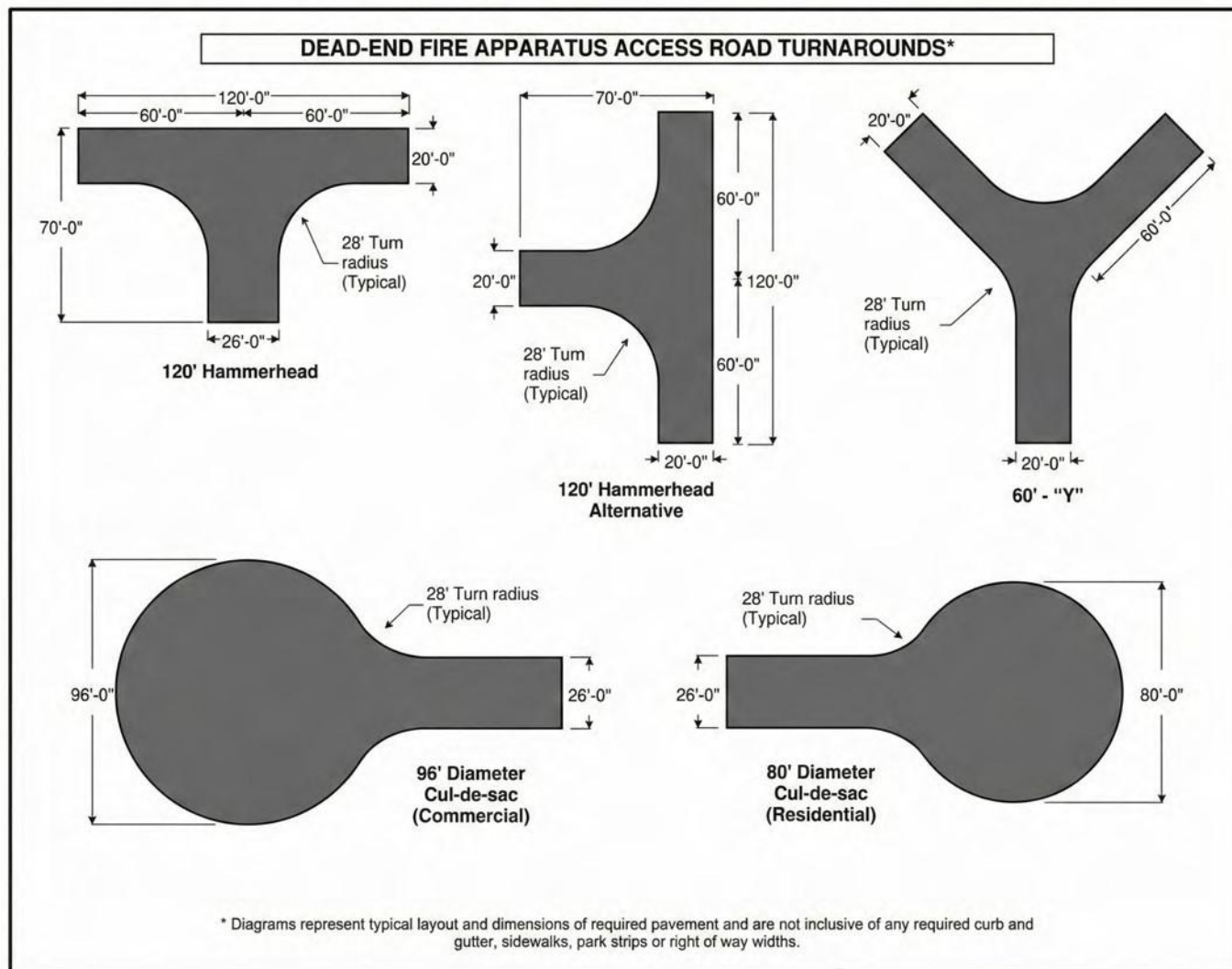
ADD: The following typical road and street sections are provided as examples only. All road and street design standards must meet the requirements of the city and county governing jurisdictions.



Subcollector Streets: Subcollector streets shall be designed to provide a traffic route from local streets to collector

streets. Said streets will serve equally both traffic movement and abutting properties. All streets are to be designed and constructed as required by local jurisdictions.

- C. Local Streets, including Cul-de-sacs and courts: Local streets shall provide direct and full access to each lot and direct traffic movement to another local street or to a subcollector street. Said streets shall be laid out so that their use by through traffic will be discouraged. Local street intersections with arterial streets shall be discouraged wherever practical.



- D. Frontage Roads: Frontage roads may be required along an existing or proposed arterial street to provide access to lots along such streets.
- E. Alleys: Where alleys are to be provided (e.g., in the case of certain commercial development), they shall be designed to provide only secondary access.
- F. **Street Rights-of-Way:**

1. Widths and grades of new streets: Street right-of-way widths and grades shall conform to the following minimum requirements:

- Arterial streets shall be based on current design standards and other pertinent requirements of the Kentucky Department of Transportation and the official Comprehensive Plan, as adopted.
- Requirements will vary for a frontage road depending on whether the street would serve as a Local, Subcollector or Collector type street and as such would be designed in accordance with the respective requirements of said streets.

- Except as may be permitted in Table 3 of these regulations.

Table 1 :

Street Rights-of-way width and grade requirements			
Type of Street	Minimum Right-of-way (feet)	Grades by percent	
		Max	Min
Arterial	60*	7*	.5*
Collector	60	10	.5
Sub-collector	60	12	.8
Local (including cul-de-sacs)	50	12	.8
Residential	50	12	.8
Commercial & Industrial areas	60	10	.8
Courts	50	12	.8
Frontage Road	**	**	**
Alleys	20	10	.5

- Arterial streets shall be based on current design standards and other pertinent requirements of the Kentucky Department of Transportation and the official Comprehensive Plan, as adopted.
- Requirements will vary for a frontage road depending on whether the street would serve as a Local, Subcollector or Collector type street and as such would be designed in accordance with the respective requirements of said streets.
- Except as may be permitted in Table 3 of these regulations.

2. Existing Streets: Existing rights – of – way (i.e., public or private) and widths shall be determined from existing deeds or lots of record and other statutes or agencies establishing such widths. Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in Section 6.0, Subsection D (1) of these regulations. Such dedication shall be in accordance with the following:

- At least the minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street.
- When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way width, measured from the centerline of the right-of-way, shall be dedicated. However, the owner or owners of such property shall not be required to dedicate more than one-half (1/2) of the required rights-of-way width.

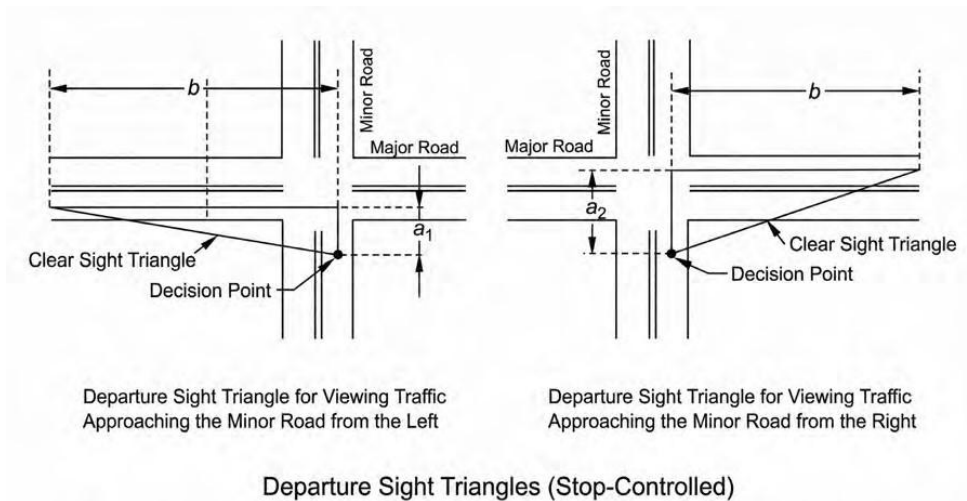
E. Curves and Sight Distance Criteria:

- 1. Horizontal Curve:** When there is a change in the alignment of a street along the centerline, a curve with a radius adequate to ensure safe sight distance shall be constructed. The minimum radii of curves shall be:

STREET TYPE MINIMUM CURVE RADIUS

- Arterial *500 feet
- Collector 400 feet
- Local or Subcollector 100 feet

Sight Distance: Minimum sight distance shall be as required by the Engineers Road Design Manual.



Curves: A tangent of at least two hundred (200) feet for collector streets shall be provided between curves, except for reverse curves. No tangent shall be required for local and subcollector streets.

Vertical Curves: The minimum vertical curve length required shall be calculated by multiplying the algebraic difference in grades times a “K” factor. Rounded “K” factors for local and subcollector and collector streets are as follows:

- Local and Subcollector: K=25 for crest curves, K=35 for sag curves
- Collector: K=50 for crest curves, K=60 for sag curves
- Design of arterial streets shall be based on current standards of the Kentucky Department of Transportation.

F. Cul-De-Sac and Dead-End Streets: Cul-de-sacs and dead-end streets designed to be dead-end permanently, shall not be longer than 1,200 feet in unincorporated areas, and 600 feet within incorporated areas, unless local topographic or other physical conditions are such as to render these provisions impracticable. In either case, no more than 15 building lots shall access via a cul-de-sac or dead-end street.

G. Street Names and House Numbers:

1. Duplication: The name of a new street shall not duplicate existing or platted street names in the county, or approximate such names in spelling, or sound or pronunciation, or by the use of alternate prefixes such as “North”, “South”, or such suffixes as “Lane”, “Way”, “Drive”, “Court”, “Avenue”, “Street”, etc.
2. Continuation of Streets: New street names shall bear the same name of any continuation of, or when in alignment with, an existing or platted street, wherever practicable.
3. Street Names: All street names shall be approved by the 911 coordinator and/or reserved by the Planning Commission, prior to approval of Improvement Drawings and Specifications.

Addressing: Street addressing for building development may be assigned by the 911 coordinator and reserved by the Planning Commission’s representative. Where improvements are not proposed or required, such addressing shall be assigned prior to approval of a final plat or conveyance plat.

H. Alleys:

Alleys shall be permitted in residential zoning districts and frontage along the alleys may also be permitted. frontage along the alleys may also be permitted. , unless otherwise approved by the Planning Commission.

In commercial and industrial areas, adequate alleys shall be provided where the design requires.

The Planning Commission may approve alleys to facilitate rear access to lots, reduce curb cuts along primary streets, support compact development patterns, or achieve neighborhood design objectives such as pedestrian orientation or traditional block layouts.

Lots may take primary vehicular access from an alley, and where specifically approved by the Planning Commission, may be considered to have legal street frontage on such alleys, provided that the alley is constructed to applicable public or private street standards, ensures adequate access for emergency and service vehicles, and includes appropriate provisions for maintenance.

Private Streets:

Private streets or alleys shall not be created or extended, except as approved by the Planning Commission, and existing ones shall, whenever practicable, be dedicated to the public.

Access easements serving multiple parcels shall be limited in scope and intensity to ensure safe and efficient access. Unless constructed to full public or private street standards, no access easement shall serve more than four (4) principal parcels or dwelling units.

5.1 INTERSECTIONS

Angle of Intersection: The centerline of all streets shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless a special modification is granted by the Planning Commission due to certain exceptional conditions. No variance to the angle of intersection may reduce the required minimum sight distance.

Centerline Offset of Adjacent Intersections: Where T-intersections are used, the following minimum centerline offsets of adjacent intersections shall be as follows:

MINIMUM CENTERLINE OFFSET OF ADJACENT

1. **Corner Radii:** Property lines at street intersections shall be provided from the same radius point necessary to establish the pavement radius. If because of certain exceptional conditions, a modification is granted permitting an angle of intersection less than seventy-five (75) degrees, or greater than one hundred five (105) degrees, then the minimum radii shall be increased or decreased, respectively. In no case shall paved radii be less than 25 feet.
2. **Centerline Grades Within Intersections:** Maximum centerline grades within street intersections shall not exceed the grade for through streets, as identified in Table 1 of these regulations, depending on the type of street. The maximum grade of the centerline of the side streets intersecting with the gutter line of the through street shall not exceed four percent for a distance of not less than 75 feet from the center-line for local and subcollector streets and 150 feet for collector streets.
3. **Design Adjacent to Freeways, Expressways, Arterials or Collectors:** The following principles shall be used in the design of subdivisions adjacent to freeways, expressways, or arterials:

Street Design shall have the purpose of making adjacent lots desirable by cushioning the impact of heavy traffic and of minimizing the interference with traffic on such thoroughfares.

Collector, Subcollector, and Local streets shall not be permitted to intersect with freeways or expressways. The number of intersections with arterial streets shall be held to a minimum. Wherever practicable, such intersections shall be spaced not less than 1200 feet apart. In the case of collector streets, intersections with said streets shall be spaced not less than eight hundred (800) feet apart and access to driveways shall be spaced at intervals not less than 200 feet. At those access points where turning vehicles to and from the arterial and collector streets will affect the roadway capacity or safety, reserved turn lanes shall be required, wherever practical. Frontage or service roads shall be used when these spacing requirements cannot be met.

Where frontage roads are not required, lots adjacent to such thoroughfares shall, when practical, be served and be accessible only by a street generally paralleling said thoroughfare or by a series of cul-de-sacs or loop streets extending towards said thoroughfare from an internal street system.

Table 2 :

MINIMUM CENTERLINE OFFSET OF ADJACENT	
TYPE OF STREET	INTERSECTIONS IN FEET
Local - Local	250
Local – Sub collector	250
Sub collector – Collector	500
Collector – Collector	800

5.2 EASEMENTS

Utility Easements: Public utility easements at least Fifteen (15) feet in width may be required along the front, rear, and sides of lots where needed for the accommodation of a public utility, drainage, or sanitary structures, or any combination of the foregoing. Where deemed necessary by the Planning Commission, or utility companies, an additional easement width shall be provided.

1. Watercourses: The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream, or creek. Such rights-of-way or easements shall be of a width, which will provide for the maintenance needs of the channel as determined by the Planning Commission.

5.3 PHYSICAL CONSIDERATIONS

1. Natural Land Use: Wherever practicable, subdivisions shall be planned to take advantage of the natural topography of the land, to economize in the construction of drainage facilities, to reduce the amount of danger, to minimize destruction of trees and topsoil, and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historical significance, and other assets which, if preserved, will add attractiveness and value to the subdivision and the community.

5.4 FLOOD HAZARDS

1. **Prohibition of Development in Areas Susceptible to Flooding:** Land subject to flooding or otherwise uninhabitable shall not be platted for residential, commercial, or industrial uses or for any other use which may increase the danger of health, life, property, or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare (e.g., use as open space, extensive recreation use, conservation purposes).
2. Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of the zoning ordinance or any other ordinance adopted by the county.

The limits of the floodplain (areas subject to flooding during the occurrence of a 100 - year flood) and floodway pursuant to the Flood Insurance Study prepared by the Federal Emergency Management Agency. This study, along with any accompanying maps and other supporting data, and any revisions thereto are adopted by reference and declared to be a part of the zoning ordinance and these regulations.

Areas designated as susceptible to flooding during the occurrence of a 100 - year flood are further regulated by Appendix A, Section 1 of these regulations.

Flood data pursuant to the Flood Insurance Study identify the elevation of the 100 - year flood level and the width of the floodway. Reference to mapping and other supporting data is necessary.

In the case of proposed subdivisions located along other tributaries or bodies of water not covered in this study, stormwater drainage systems are further regulated by Appendix A, Section 1 of these regulations.

No person, city, county, or other political subdivision of the state shall commence filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area including making any alteration or relocation of a waterway located within the floodway which would result in any increase in flood levels during the occurrence of a 100 - year flood discharge. In those cases where a watercourse is to be altered or relocated, the flood carrying capacity of said portion of the waterway affected must be maintained. Plans and specifications for such work shall be submitted to the Planning Commission for review to determine if such encroachment will meet the requirements of these regulations. Said plans shall also be submitted to the Kentucky Department of Natural Resources & Environmental Protection, Division of Water Resources, and other applicable agencies, for their review and approval, where required.

All land outside the floodway of the bodies of water identified in this section, but located within the floodplain, may be used for any purpose for which it is zoned, provided that:

- Any new residential construction, including any expansion or substantial improvements of existing residential structures as herein defined, within said floodplain shall have the lowest floor elevated to a minimum 1 foot above the level of the 100 - year flood. Electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable for parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic exit of floodwaters. Designs for meeting this requirement must be certified by a professional engineer or architect.
 - Any new non - residential structures including any expansion or substantial improvements of non - residential structures within said floodplain, shall have the lowest floor elevated to a minimum 1 foot above the level of the 100 - year flood or together with attendant mechanical, utility and sanitary facilities shall be designed and flood proofed so that below the 100 - year flood level the structure is water tight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro - dynamic loads and effects of frequency certified by a professional engineer or architect. For all new construction and substantial improvement and elevated non - residential structures fully enclosed below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs to meet this requirement must be certified by a professional engineer or architect.
 - All streets and utilities constructed to serve the subdivision to be located within the floodplain, but which are outside the floodway, shall be: (a) flood protected; (b) the land filled; or (c) any combination thereof, to a level of not less than 1 foot above the elevation of the 100-year flood level. Where the fill is partially within the floodplain, roadway access and utilities shall be provided from the “dry” side (areas located above the 100-year floodplain).
3. Stream Easement: If a stream flows through, or is adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least fifteen (15) feet. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run-off rates are increased. All blue line streams on USGS maps shall be approved by the Kentucky Department of Natural Resources or other applicable agency for reviews and approval if required.
4. Streets: Approval shall not be given for streets within a subdivision, which would be subject to flooding. All streets must be located at elevations above a flood of a 100-year frequency in order that no portion of the subdivision would become isolated by floods, except that where a secondary access is provided which would be above a 100-year flood frequency. However, streets may be permitted in areas subject to flooding of a 100-year frequency provided said streets provide access to activities relating to rivers, streams, and recreational activities located along said areas.

5.5 Access to State-Maintained Highways

- Any new access or modification to a state-maintained highway shall require a KYTC Encroachment Permit;
- Construction plans shall demonstrate compliance with KYTC access management, spacing, and sight-distance requirements;
- Approved access locations shall be shown on the Final Plat.

5.6 FRONTAGE, DRIVEWAYS, AND ACCESS MANAGEMENT

5.6.1 Functional Frontage

- Lots shall meet minimum functional frontage standards as established by these regulations;
- Frontage shall be measured at the front setback line;
- Narrow stems, corridors, or access strips shall not be counted as frontage.

5.6.2 Driveway Design and Spacing

Driveway spacing shall comply with County and KYTC standards.

Shared driveways may be permitted for up to five (5) lots with recorded maintenance agreements.

Six (6) or more lots shall require construction of a public or approved private street.

Lot Geometry and Buildability - Blocks

Arrangement: The arrangement of blocks shall be such as to provide for convenient access, circulation, control and safety of street traffic. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with space set aside for off-street parking and loading and/or unloading facilities as required by the applicable zoning ordinance.

Length: Blocks should not exceed twelve hundred (1,200) feet, except where topographical or exceptional physical conditions exist.

Width: The width of blocks should ordinarily be sufficient to allow for two (2) tiers of lots except for double frontage lots, as permitted in Section 6.6.2 of these regulations.

5.6.3 LOTS:

A. Conformance to Zoning: All lots shall conform to or exceed the requirements of the applicable zoning ordinance. Each lot shall front onto a publicly dedicated street, other than an alley. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. Flag lots shall only be used in those locations where, due to geometric, topographic and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission.

B. Lot Frontage and Width:

- **Arterial Street Frontage:** No access onto an arterial street shall be permitted from abutting properties except as provided for in these regulations.

C. Corner Lots: Corner lots shall have extra width to permit conformance to the minimum setback from the side street. In no case shall a corner lot be so narrow that minimum zoning requirements cannot be met.

D. Double Frontage Lots: Lots shall not be laid out so that they have frontage onto more than one (1) street except: (a) when the lots are adjacent to the intersection of two (2) streets; or (b) when the rear of the lot faces an arterial, freeway, expressway, collector street, railroad right-of-way, etc., and the front of the lot faces onto another street, but access shall be limited to lower classification of street, road or alley.

E. Lot Depth:

Conformance to Zoning: Each lot shall conform to all requirements of the applicable zoning ordinance.

Extra Depth and Width in Certain Cases: Additional side yard and lot length as per the applicable zoning ordinance may be required where a lot in a subdivision abuts an industrial or commercially zoned area.

Lot width-to-depth ratios shall not exceed one (1) to five (5)

Each lot shall contain a buildable rectangle with minimum dimensions of one hundred fifty feet (150') by two hundred feet (200');

The buildable rectangle shall be located outside environmental and geologic constraints.

F. Useable Lots:

Building Lots: All subdivisions shall result in the creation of lots, which are developable and capable of being built upon. No lots may be developed which create building sites, which are impracticable to improve due to known problems related to soil conditions and geological formations and areas subject to flood prone conditions. (soil survey studies prepared by the U.S. Soil Conservation Service, Geological survey maps prepared by the U.S. Geological Survey, and flood prone information supplied by the U.S. Army Corps of Engineers and the U.S. Geological Survey)

G. Non-Building Lots:

Strips, parcels, residuals, remnants or lot-splits: Except as herein provided, no remnants of property shall be left which do not conform to minimum lot requirements of the zoning district in which the property is located, or which are not required for a private or public utility purpose, or which are not accepted by the legislative body or fiscal court or any other appropriate public body for an appropriate use.

Strips, parcels, residuals or remnants of land surveyed for subdivision or record purposes which are less than minimum lot requirements of the zoning district and do not constitute a devil or spite strip shall be labeled "Not for conveyance or building development by itself but for attachment to adjacent land in the same ownership".

Divisions or remnants of land from parent tracts containing an existing residence or other use for occupancy served by on-site sewage disposal systems shall conform to minimum lot requirements in accord with Appendix A, Section 2 for Individual On-Site Disposal Systems unless centralized sanitary sewer service is provided, where applicable.

H. Side Lot Lines:

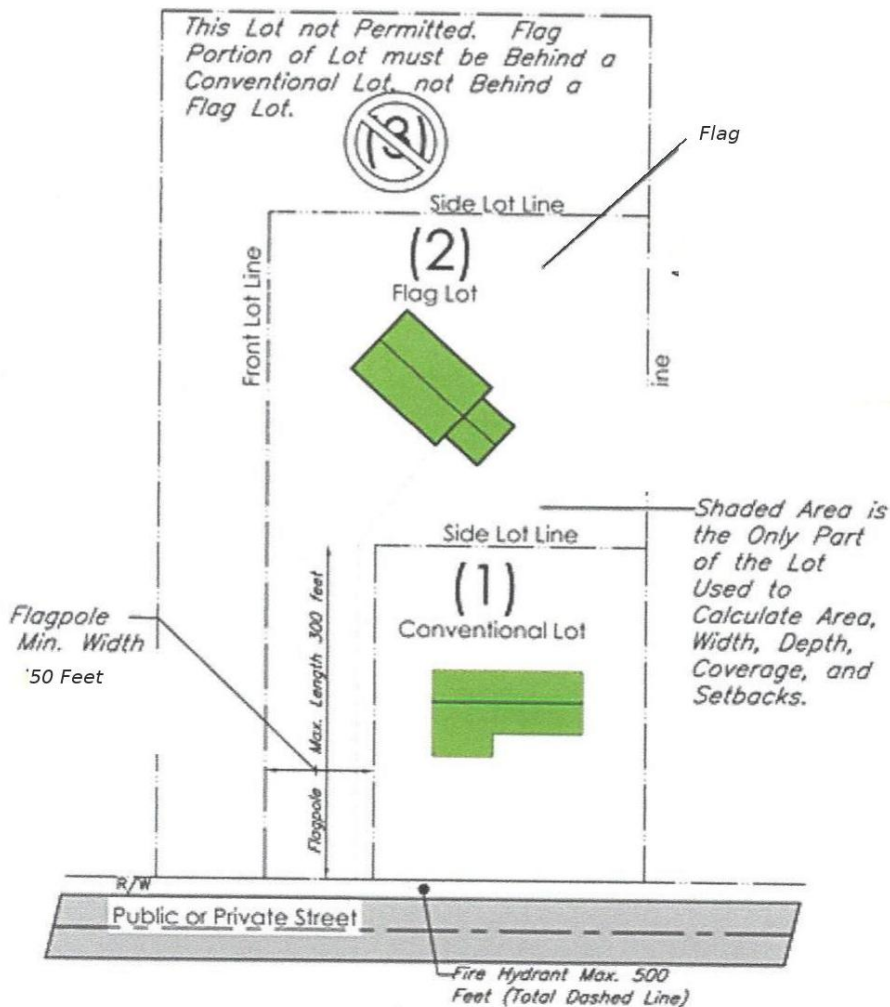
The side lot lines of all lots, whenever practicable, shall be at right angles to the street which the lot faces or radial to the center of curvature, if such street is curved. In the case of cul-de-sac on which the lot faces, side lot lines shall be as nearly radial to the center of the curvature of the cul-de-sac as practicable.

5.7 RURAL LAND DIVISIONS

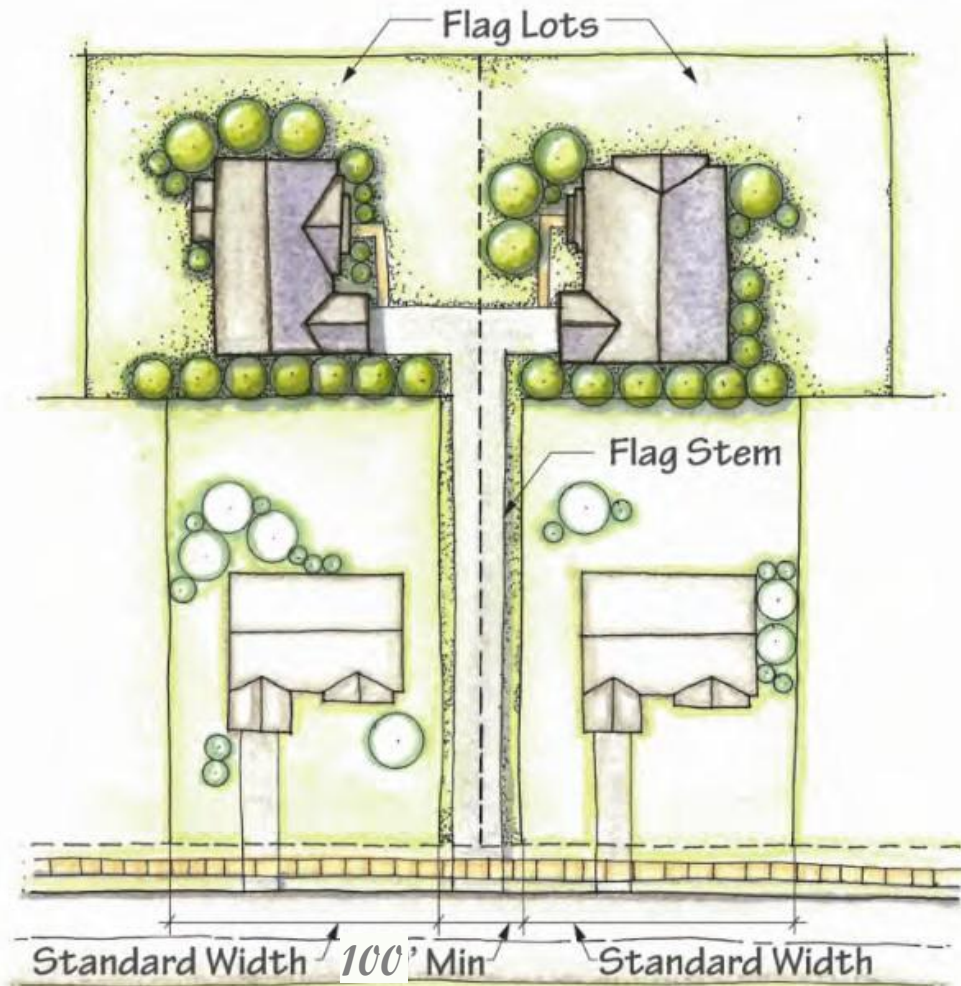
A. Division of rural land into building lots for sale to the public that are in conformance with the provisions of the A-1 zone shall be subject to the following standards:

- Divisions that create three or more lots shall follow the subdivision platting procedure, regardless of the size of the parcels being created.
- Land that fails to meet the standards of the adequate public facilities review may not be subdivided for residential development.
- Road frontage: each lot shall front onto a public roadway;
- Driveway entrances should be consolidated on arterial roads. No new driveway shall be closer than 100 feet to any existing drive unless approved by Planning Commission.
- Flag lots are permitted only in situations where the land slope, topography, and/or previous divisions make a flag shaped lot necessary. Flag lots may not be used to maximize the number of lots that may be created within a given amount of road frontage.
- In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street.

Flag Lot



Standard width for the flag lot stem shall be 100' minimum with 50' minimum each lane. As shown below.



5.8 PEDESTRIAN WAYS

A. Location: Where deemed necessary by the Planning Commission, pedestrian ways may be required to be constructed to future development areas, schools, parks and other public facilities.

5.8.1 Excluded Areas

Slopes exceeding twenty percent (20%), sinkholes, floodways, and protected buffers shall not be included in calculations of usable lot area.

5.9 STORMWATER, DRAINAGE, AND EROSION CONTROL

5.9.1 Stormwater Design

- A. Stormwater systems shall be designed using accepted hydrologic and hydraulic methodologies;
- B. Post-development peak discharge rates shall not exceed pre-development rates to the maximum extent practicable;
- C. Detention, retention, or other best management practices shall be provided as required.

5.9.2 Karst Protection

- A. Stormwater shall not discharge directly into sinkholes, closed depressions, or karst openings;
- B. A minimum setback of one hundred feet (100') from sinkhole rims shall be maintained unless otherwise approved;
- C. A geotechnical report may be required where development is proposed within five hundred feet (500') of known karst features.

5.9.3 Erosion and Sediment Control

Construction plans shall include erosion and sediment control measures designed to prevent off-site sedimentation during all phases of construction.

5.10 UTILITIES AND SERVICE IMPROVEMENTS

5.10.1 Water and Sewer

- A. Water and sewer facilities shall be designed to serve all lots at adequate pressure and capacity;
- B. Public systems shall be installed to the standards of the serving utility;
- C. Private systems shall comply with applicable health and environmental regulations.

5.10.2 Other Utilities

Electric, gas, telecommunications, and broadband infrastructure shall be coordinated with service providers and shown on construction plans.

5.11 EMERGENCY ACCESS AND SAFETY IMPROVEMENTS

5.11.1 Emergency Access Routes

- A. Emergency access routes shall provide a minimum twenty-foot (20') clear width;
- B. Grades shall not exceed twelve percent (12%) unless approved;
- C. Routes shall be constructed with an all-weather surface.

5.11.2 Turnarounds

Fire apparatus turnarounds shall be provided where required and designed in accordance with adopted fire code standards.

5.12 INSPECTIONS AND ACCEPTANCE

5.12.1 Inspections

All improvements shall be subject to inspection by the appropriate County, City, or utility authority during construction.

5.12.2 Acceptance

Public improvements shall not be accepted for maintenance until constructed in compliance with approved plans and formally accepted by the governing authority.

5.13 FINANCIAL GUARANTEES

5.13.1 Guarantee Required

Where improvements are not completed prior to Final Plat approval, the developer shall provide a performance bond, letter of credit, or other approved financial guarantee sufficient to ensure completion.

5.13.2 Release

Financial guarantees shall not be released until all required improvements have been completed and approved.

5.14 RELATIONSHIP TO OTHER ARTICLES

Compliance with this Article is required in addition to:

- Article 4 – Final Plat
- Article 5 –Construction Plans & Design Standards for the Layout of Subdivisions

ARTICLE 6

ARTICLE 6 – ADMINISTRATION & ENFORCEMENT

6.0 PURPOSE AND INTENT

6.0.1 Purpose

This Article establishes the administrative framework, enforcement authority, fee responsibilities, and appeal procedures necessary to effectively implement and enforce the Harrison County (Cynthiana–Berry) Subdivision Regulations.

6.0.2 Intent

The intent of this Article is to:

- a. Ensure consistent, fair, and legally defensible administration of subdivision regulations;
- b. Prevent illegal or premature land divisions, including unrecorded metes-and-bounds conveyances;
- c. Provide clear enforcement mechanisms for violations related to access, lot design, infrastructure, and environmental protection;
- d. Establish transparent procedures for review, compliance, and appeal; and
- e. Align subdivision administration with current Kentucky planning and development practices.

6.1 ADMINISTRATION

6.1.1 Planning Commission Authority

The Planning Commission shall have the authority to administer, interpret, and enforce these regulations.

In furtherance of this authority, the Planning Commission may:

- Adopt administrative policies, procedural guidelines, and technical manuals consistent with these regulations;
- Establish standardized application forms and submission requirements;
- Delegate administrative responsibilities to the Administrator where permitted; and
- Hear appeals, grant modifications where authorized, and take enforcement action as provided herein.
- Administrative policies adopted pursuant to this section shall not amend or conflict with the adopted regulations.

6.1.2 Administrator Authority

The Administrator hereby delegated authority to administer these regulations on a day-to-day basis and shall have the power to:

- Review, Final Plats, and Construction Plans for compliance with Articles 2 through 6;
- Verify compliance with frontage, access spacing, lot geometry, and buildable rectangle requirements;
- Coordinate technical review with applicable agencies, including transportation, utilities, fire services, and health officials;
- Issue administrative determinations, notices of deficiency, and notices of violation; and
- Initiate enforcement actions for unapproved land divisions or construction activities.
- The Administrator’s actions shall be subject to appeal as provided in Section 6.5.

6.2 FEES AND COST RECOVERY

6.2.1 Application Fees

Applicants shall pay all required fees for Final Plats, Construction Plans, and related applications at the time of submission, in accordance with the adopted fee schedule.

No application shall be processed until all required fees are paid in full.

6.2.2 Inspection and Review Fees

Applicants shall be responsible for payment of fees associated with:

- Construction inspections;
 - Stormwater, drainage, and erosion control inspections;
 - Utility inspections where required; and
 - Third-party technical review, if required by the Planning Commission.

An inspection fee shall be charged to the subdivider for inspections during the construction of the improvements. Said inspection fee shall be based on a unit cost per lineal foot of each item of construction required to be inspected, including storm sewer systems, sanitary sewer systems, and street paving including earthwork related to public improvements construction, erosion control plans, driveways and/or sidewalks, etc., measured from grading plans, improvement drawings and specifications and/or final plats by the Planning Commission representative. Inspection fees shall be paid to the Planning Commission representative and made payable to the Cynthiana-Harrison County-Berry Joint Planning Commission prior to final approval of grading plans, improvement drawings and specifications and/or final plats as required by the commission's By-Laws. During construction inspections, the Planning Commission representative will use collected inspection fees to cover costs for construction inspections.

Fees are intended to recover the cost of public review and oversight and shall not be construed as taxes.

6.3 ENFORCEMENT

Planning Commission's APPROVAL REQUIRED FOR ALL SUBDIVISION:

- No person or his agent shall subdivide any land, before securing the approval of the Planning Commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman or by the Administrator.
- **SALE OF LAND IN SUBDIVISION:** No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission, signed by the chairman and witnessed by the Administrator and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.
- **REVISION OF PLAT AFTER APPROVAL:** No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- **IMPROVEMENTS IN CONFLICT WITH OFFICIAL MAP:** After the applicable legislative body or fiscal court has adopted an official map, no board, public officer, or authority shall accept, layout, improve, or authorize any improvements to be constructed in any street, including rights-of-way, watercourses, park and playgrounds, public school or other public building sites shown on the official map, except as provided for in KRS 100.293-100.317.

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- **ENFORCEMENT BY Planning Commission OR ITS ADMINISTRATOR:** The Planning Commission or its administrator shall have a cause of action for all appropriate relief including injunctions against any governmental bodies or any person who violates any of these regulations.

6.3.1 Enforcement Actions

Upon determination that a violation exists, the Administrator may take one or more of the following actions:

- Issue a written Notice of Violation identifying corrective action required;
- Issue a Stop-Work Order halting unlawful construction activity;
- Withhold approval of plats, permits, or certificates related to the violation;
- Require recordation of corrective plats; or
- Refer the violation for civil enforcement or prosecution.

6.3.2 Violations

It shall be a violation of these regulations to:

- Transfer, sell, lease, or convey land by metes-and-bounds description without an approved and recorded plat;
- Create or convey lots that do not meet frontage, access, buildable area, or width-to-depth standards;
- Construct streets, utilities, drainage facilities, or access points without approved plans and permits;
- Establish access to public roads without required approvals; or
- Fail to comply with conditions of subdivision approval.
- Each day a violation continues shall constitute a separate offense.

6.4 PENALTIES

Any person violating these regulations may be subject to penalties as provided by KRS 100.991, including:

- Civil fines for each offense, including per-day violations;
- Court-ordered injunctive relief; or
- Other remedies authorized by law.
- The imposition of penalties shall not preclude the County or City from seeking additional relief to enforce compliance.

6.5 APPEALS

6.5.1 Appeals of Administrative Decisions

Any person aggrieved by a final administrative decision of the Administrator may appeal such decision to the Planning Commission within the time period established by adopted procedures.

6.5.2 Appeals of Commission Decisions

Any person aggrieved by a final decision of the Planning Commission may appeal that decision to Circuit Court in accordance with KRS 100.347. Any appeal from the Planning Commission's action may be taken in the following manner:

- Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission may appeal from the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the Planning Commission. Final action shall not include the commission's recommendation made to other governmental bodies.
- All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the Planning Commission and all decisions, which have not been appealed within thirty (30) consecutive calendar days, shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all

parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

6.6 MODIFICATIONS AND WAIVERS

6.6.1 Authority

The Planning Commission may grant a modification or waiver to these regulations, as specified herein, from specific dimensional or design standards only where expressly authorized by these regulations providing the Planning Commission shall find:

- A. That unusual topographical or exceptional physical conditions exist; or
- B. That strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions; or
- C. That the modifications would provide for innovative design layout of the subdivision.

In granting any modification or waiver to these regulations, the Planning Commission shall find that said modification or waiver will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations.

The Planning Commission may require certain conditions to be met, as may be determined necessary, to accomplish the purpose of these regulations, when modified.

6.6.2 Required Findings

A modification shall not be granted unless the Planning Commission makes written findings that:

- Unique physical or environmental conditions create practical difficulty;
- The modification will not compromise public safety or infrastructure integrity;
- The intent of these regulations is preserved; and
- The modification does not undermine access spacing, frontage requirements, buildable area standards, or Parent Tract limitations.

6.7 RECORD KEEPING AND MONITORING

6.7.1 Required Records

The Administrator shall maintain accurate and accessible records, including:

- All subdivision applications, approvals, and denials;
- Conditions of approval and compliance documentation;
- Enforcement actions and resolutions; and
- As-built plans for accepted improvements.

6.7.2 Public Access

Subdivision records shall be available for public inspection in accordance with applicable public records laws

6.8 Accessory Dwelling Units (ADUs)

6.8.1 Purpose and Intent

PURPOSE: Accessory Dwelling Units (ADUs) are permitted in order to expand housing options while maintaining neighborhood character, allow aging in place and intergenerational living, make efficient use of existing infrastructure, and provide small-scale residential opportunities consistent with the Comprehensive Plan without creating additional lots or subdivisions of land.

INTENT: Accessory Dwelling Units (ADUs) are permitted in order to:

- Expand housing options while maintaining neighborhood character;
- Provide small, attainable housing opportunities without creating additional lots;
- Allow aging in place, intergenerational living, and caregiver housing;
- Make efficient use of existing infrastructure, streets, and utilities; and
- Encourage gentle residential density consistent with the Comprehensive Plan.
- An ADU is considered an accessory residential structure and shall not constitute a subdivision of land.

6.8.2 Definition**Accessory Dwelling Unit (ADU):**

A secondary, self-contained dwelling unit located on the same lot as a principal single-family dwelling, with independent living facilities including kitchen, bathroom, and sleeping area.

ADUs may be:

- Detached
- Attached
- Internal (within the principal dwelling)

6.8.3 General Standards

1. Only one (1) ADU shall be permitted per lot.
2. The principal dwelling must exist prior to or concurrently with the ADU.
3. The ADU shall not be sold separately from the principal dwelling.
4. The ADU shall share the same address as the principal dwelling with a unit designation.
5. ADUs shall not create a new lot, tract, or parcel.

6.8.4 Size and Scale

1. Maximum ADU size: 500 sq. ft.
2. Maximum height: same as accessory structure standards or 25 feet.
3. The ADU shall be clearly subordinate in scale to the primary residence.

6.8.5 Placement and Setbacks

1. Detached ADUs shall be located in the side or rear yard only.
2. Setbacks shall follow accessory structure setbacks for the zoning district.
3. ADUs shall not be located within required front yards.

6.8.6 Access and Driveways

1. ADUs shall utilize the existing driveway access wherever feasible.
2. New curb cuts shall be discouraged and only permitted where no reasonable alternative exists.
3. Parking for ADUs may be tandem or located within existing driveways.
4. In the County there shall be a maximum of 150 feet from the primary dwelling to the ADU.

6.8.7 Utilities and Infrastructure

1. Separate utility meters shall be required.

6.8.8 Design Compatibility

1. Exterior materials shall be consistent with the principal dwelling.
2. Roof pitch and orientation shall be compatible.
3. Entrances for detached ADUs shall face interior yards where feasible to preserve streetscape character.

6.8.9 Approval Process

ADUs shall be approved administratively through issuance of a zoning/building permit upon verification of compliance with this section. No Planning Commission review shall be required. The WEDCO District Health Department requires a site evaluation to be completed prior to zoning/building permit submittal.

6.9 CONFLICTS AND SEVERABILITY

6.9.1 Conflicts

All regulations, resolutions, orders, ordinances, and/or codes in conflict herewith are hereby repealed on the effective date of these regulations; providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any action done or committed in violation of any such Subdivision Regulations, Order, Resolutions, and/or Amendments thereto, hereby repealed prior to the effective date of these regulations.

Where conflicts occur between these regulations and other adopted regulations or ordinances, the more restrictive provision shall apply

6.9.2 Severability

If any article, section, subsection, sentence, clause, or phrase of these regulations is, for any reason, held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions thereof, it being the intent to enact each section and portion thereof, individually, and each such section shall stand alone, if necessary, be in force notwithstanding the validity of any other article, section, subsection, sentence, clause or phrase of these regulations.

If any provision of these regulations is declared invalid, such decision shall not affect the validity of the remaining provisions.

ARTICLE 7

ARTICLE 7 - REQUIRED IMPROVEMENTS & PUBLIC DEDICATIONS

7.0 PURPOSE AND INTENT

7.0.1 Purpose

This Article establishes the minimum public and private improvements required for all subdivisions, including construction standards, dedication procedures, inspection requirements, and long-term maintenance obligations.

7.0.2 Intent

The intent of this Article is to:

- Ensure subdivisions are supported by safe, durable, and properly engineered infrastructure;
- Protect public investment by requiring verified construction and appropriate bonding;
- Coordinate subdivision improvements with County, state, and utility provider standards;
- Prevent acceptance of substandard or incomplete improvements; and.
- Clarify maintenance responsibility for both public and private facilities.

7.1 GENERAL REQUIREMENTS

7.1.1 Improvements Required

Unless expressly waived by the Planning Commission, all subdivisions shall provide the following improvements as applicable:

- Public or approved private streets;
- Stormwater management and drainage facilities;
- Water supply and distribution systems;
- Sanitary sewer or approved on-site wastewater systems;
- Fire protection and emergency access improvements;
- Street signs, traffic control devices, and addressing; and
- g. Erosion and sediment control measures.

7.1.2 Construction Standards

All required improvements shall be designed and constructed in accordance with:

- Adopted County road and infrastructure standards;
- Kentucky Transportation Cabinet (KYTC) standards for state-maintained roads;
- Applicable state plumbing, health, and building codes; and
- Accepted engineering and construction practices.

7.2 STREETS & ROADWAY CONSTRUCTION

7.2.1 Public Streets Required

All streets within a subdivision shall be public unless a private street is expressly approved by the Planning Commission based on demonstrated necessity and long-term maintenance provisions.

7.2.2 Street Design Standards

Street design shall meet or exceed the following minimum standards unless otherwise approved:

- Local Street: 50-foot right-of-way; 24-foot pavement
- Subcollector: 55-foot right-of-way; 26-foot pavement
- Collector: 60-foot right-of-way; 26–30-foot pavement
- Design shall account for drainage, utilities, sidewalks (where required), and emergency access.

7.2.3 Pavement Design and Testing

Pavement design shall include engineered base and surface courses. Compaction testing and material certification shall be required prior to acceptance.

7.2.4 Connectivity

Street connections or stubs to adjoining properties shall be provided where feasible to support long-term circulation, emergency access, and network connectivity.

7.3 STORMWATER MANAGEMENT

7.3.1 Drainage Plans

Stormwater systems shall be designed to prevent increases in downstream flooding, erosion, or sedimentation and shall be consistent with accepted hydrologic and hydraulic methodologies.

7.3.2 Detention and Retention Facilities

Detention and retention facilities shall be required where necessary and shall:

- Protect downstream properties and infrastructure;
- Avoid direct discharge into sinkholes or karst features; and
- Incorporate safety and maintenance access features.

7.3.3 Maintenance Responsibility

Maintenance responsibility for common stormwater facilities shall be clearly identified on the Final Plat and supported by recorded agreements.

7.4 WATER, SEWER & FIRE PROTECTION

7.4.1 Water Supply

Each lot shall be served by an approved potable water source, either public or private, in accordance with applicable regulations.

7.4.2 Sanitary Sewer or Septic Systems

Where public sewer is unavailable, on-site septic systems may be permitted only with Health Department approval. A site evaluation shall be completed prior to Final Plat approval.

7.4.3 Fire Protection

Fire hydrants or alternative fire protection measures shall be provided as approved by the Fire Chief or designated authority.

7.5 EROSION & SEDIMENT CONTROL

7.5.1 Requirements

Erosion and sediment control measures shall be installed prior to and maintained during construction to prevent off-site impacts.

7.5.2 Authorized Measures

The Planning Commission or Administrator may require measures including, but not limited to:

- Silt fencing;
- Temporary or permanent basins;
- Stabilization and seeding;
- Construction entrances; and
- Phased clearing and grading.

7.6 STREET SIGNS & ADDRESSING

7.6.1 Sign Standards

Street signs and traffic control devices shall comply with MUTCD (Manual on Uniform Traffic Control Devices) standards and County specifications.

7.6.2 Addressing

Addresses shall be assigned by the County Harrison County Property Valuation Administrator and displayed prior to occupancy.

7.7 DEDICATION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

7.7.1 Dedication

All public improvements shall be dedicated to the appropriate public agency upon completion.

7.8 PERFORMANCE & MAINTENANCE GUARANTEES

7.8.1 Performance Guarantees

The developer may be required to provide financial guarantees in an amount up to one hundred twenty percent (120%) of the estimated construction cost.

ARTICLE 8

ARTICLE 8 - DEVELOPMENT PLANS

8.0 PURPOSE

This article sets forth the content and procedure for submission, review, and approval of all development plans and site plans as follows:

- A development plan is intended to provide a single, uniform procedure for total review of a proposed development. In this manner, the Planning Commission can review all aspects of a proposal simultaneously.
- Where appropriate, the Planning Commission may review a previously completed sketch, and/or final subdivision plat instead of the development plan.
- Once approved by the Planning Commission, the development plan shall be followed and shall run with the land.

8.1 INTENT

Ensure the proposed subdivision can be developed safely, efficiently, and logically in relation to:

- Topography
- Drainage patterns
- Karst / environmental constraints
- Adjacent streets and properties
- Existing and planned infrastructure

8.2 APPLICABILITY

A. The submission and approval of a development plan shall be required in conjunction with all zone changes. A public hearing on the Zoning Map Amendment shall not be held until a development plan has been submitted to the Commission.

- In a rezoning request for single family residential or two-family residential development in any zone, a site plan may be submitted instead of a development plan. The site plan that is submitted in conjunction with a request for rezoning shall follow the same submittal, review and approval process as development plans.
- For a zoning map amendment of a development that is proposed to be built in phases, an overall conceptual development plan for the entire property shall be required. Upon approval of the conceptual development plan and zoning map amendment, a final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.
- All other applicants for rezoning must submit a final development plan. a final development plan must be submitted before a building permit or construction permit is issued.

B. BUILDING PERMITS

- The submission and approval of a final development plan shall be required for the issuance of a building permit for the following types of development in any zone; multi-family residential dwelling, any business, any industry, planned unit development, mobile home park, or any construction in a floodplain.
- An application for a development that is proposed to be built in phases shall submit an overall conceptual development plan for the entire property. A final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

8.3 DEVELOPMENT PLANS PROCEDURE

A. APPLICATION

To request Planning Commission action on a development plan, the developer must submit to the Planning Commission a completed application form, filing fees and copies of the plan as required by the Commission's adopted filing and fees schedule.

B. REVIEW

The development plan shall be reviewed by the staff when it normally meets at its adopted scheduled time. The meeting is open to the developer or his/her representative. Recommendations and comments from the Committee will become available after the meeting. Corrected copies are required to be submitted as required by the Commission's normal adopted filing schedule, in order for the corrected copies to be distributed to the Planning Commission for their review.

Planning Commission Action

No development plan shall be considered for approval by the Planning Commission until it has been reviewed by the technical review committee. All development plans shall be approved or disapproved within 90 days of the date they are formally filed at the Planning and Zoning Office, unless the developer agrees to a longer time. If the Commission fails to approve a development plan and the City Commission or Fiscal Court approves the zoning map amendment, then the Commission has sixty days to take action upon the plan.

The Commission will review the development plan before making a decision at its normally scheduled meeting time. The Planning Commission will act for approval, conditional approval (with conditions noted), postponement or disapproval.

The Commission may modify or disapprove the development plan if it finds the plan does not comply with Comprehensive Plan, Zoning Ordinance, or when applicable, the Subdivision Regulations. It may also modify or disapprove the plan if it finds there are existing or potentially substantial conditions such as flooding, poor drainage, traffic, topographic or similar problems with the suitability or compatibility of the development of the subject property.

8.4 SITE PLANS

A site plan is submitted with an application for a zoning map amendment for single or two family residential zones. The intent of the site plan is to show the basic features of the site design, such as location of buildings, access and drainage without an undue expense on the part of the applicant.

8.5 CONCEPTUAL DEVELOPMENT PLANS

A conceptual development plan shall be submitted for a zoning map amendment or building permit that involves a development that is to be done in phases. A conceptual development plan shall provide enough information concerning the entire development (all phases) to give the Commission adequate data upon which they can review the plan and make recommendations to the City Commission or Fiscal Court. Major aspects of development, such as land use compatibility, site suitability, drainage, access, circulation, layout and number of units shall be addressed.

Upon approval of a conceptual development plan by the Planning Commission, it shall be required that a final development plan be submitted to the Planning Commission for phase one within two (2) years of the approval of the conceptual development plan. Otherwise, the conceptual development plan shall be deemed disapproved by the Commission. It is required that the final development be substantially consistent with the major aspects of the approved development plan, as determined by the Planning Commission. A copy of the approved conceptual development plan shall accompany the submittal of a final development plan for each phase.

Appendix A– Required Certificates & Plat Notes

A.0 PURPOSE

This Appendix establishes the mandatory certificates, signatures, and plat notes that must accompany all Preliminary and Final Plats.

A.1 REQUIRED CERTIFICATES FOR FINAL PLATS

A. Surveyor’s Certificate

“I hereby certify that the boundary survey shown hereon is correct and was prepared under my direction in accordance with Kentucky Minimum Standards of Practice.”

Signature, License Number, Date

B. Owner’s Certificate of Dedication

“The undersigned owner hereby adopts this plat as the true and correct development plan and dedicates all public rights-of-way and easements to public use as shown.”

Owner Signature, Notary

C. Planning Commission Certificate of Approval

“This plat has been found to comply with the Subdivision Regulations and is approved for recording.”

Chair or Administrator Signature, Date

D. Health Department Septic Approval

“This plat contains lots requiring on-site wastewater disposal. The Health Department has completed site evaluations for each lot and finds them suitable for septic systems.”

Health Department Signature, Date

E. Utility Availability Certificates

Statements from:

- Water provider
- Sewer provider (if applicable)
- Electric provider

Confirming service availability or required off-site improvements.

F. Engineer’s Infrastructure Certification

“I hereby certify that streets, stormwater facilities, water lines, sewer lines, and all related improvements have been constructed in substantial compliance with approved plans.”

Professional Engineer Signature, Date

G. Fire Department Certificate of Approval

H. Harrison County Road Department or City of Cynthia Public Works Certificates

A.2 REQUIRED PLAT NOTES

I. Access Management Note

“Driveway access shall be limited to locations approved by the County and/or KYTC. Shared driveways and access spacing requirements shall be maintained.”

J. Buildable Rectangle Disclosure

“Each lot contains a Buildable Rectangle outside floodways, karst features, steep slopes, and easements.”

K. Karst/Sinkhole Protection Note

"No portion of any stormwater system shall discharge into a sinkhole. A minimum 100' setback from sinkhole rims shall be maintained."

L. Stormwater Maintenance Note

"Owner/HOA shall maintain all stormwater detention, retention, and drainage facilities in perpetuity."

M. Conservation Easement Note (If Applicable)

"Open space areas shall be preserved in perpetuity under a recorded conservation easement and may not be developed."

N. Private Street Maintenance Note (If Applicable)

"No private streets shall be permitted in HOA's."

O. No Further Subdivision Note (For Flag-Lot Waivers)

"This lot shall not be further subdivided. Access corridor is non-buildable."

Appendix B – Subdivision Application Checklists

B.0 PURPOSE

This Appendix establishes mandatory checklists for all subdivision applications to ensure complete, accurate, and compliant submissions.

B.1 IMPROVEMENT PLAN CHECKLIST

Required AFTER Plat approval:

A. Roadway Construction Plans

- Plan/profile sheets
- Pavement design
- Signage & striping plan

B. Stormwater & Drainage Plans

- Detention/retention design
- Pipe sizing & profiles
- Overland relief
- Energy dissipation

C. Water & Sewer Infrastructure

- Line sizes & materials
- Hydrant locations

D. Erosion & Sediment Control Plan

- Silt fence layout
- Construction entrance
- Temporary stabilization areas

E. Emergency Access

- Fire apparatus turnarounds
- 20' clear width verified
- Grades $\leq 12\%$

B.2 FINAL PLAT CHECKLIST

Final Plats SHALL include:

F. Survey Requirements

- Closure calculations
- Lot dimensions & bearings

G. Certificates

- Surveyor certificate
- Owner dedication
- Planning Commission approval
- Health Dept. septic approval
- Utility confirmation

H. Lot Design Compliance

- Buildable Rectangle shown
- No panhandle areas counted as lot area
- Frontage & width-to-depth confirmed
- Conservation easement boundaries

B.3 CONSERVATION SUBDIVISION CHECKLIST

Required for tracts ≥20 acres or when chosen by developer:

I. Open Space Mapping

- 50–70% preserved area
- Conservation easement boundaries

J. Cluster Lot Layout

- Internal public street
- No driveways on perimeter rural roads

K. Environmental Protections

- Buffers along natural features
- Trail or passive recreation plan

Appendix C – Fee Schedule

C.0 PURPOSE

This Appendix establishes the official fee schedule for subdivision applications, infrastructure reviews, inspections, and administrative actions. *Fees are subject to change, and all applicants should Refer to Fee Schedule or Planning Commission Office for current fees.*

C.1 AUTHORITY

Fees are adopted by the Planning Commission and may be revised by resolution.

No application is considered filed until all required fees are paid.

C.2 FEE TABLE

The following table represents the types for subdivision-related actions:

APPLICATION / ACTION FEE

- Major Subdivision – Improvement Plan
- Final Plat Review
- Minor Subdivision
- Parent Tract Determination
- Conservation Subdivision Review
- Plat Amendment / Lot Consolidation
- Boundary Line Adjustment

C.3 PERFORMANCE & MAINTENANCE GUARANTEE FEES

A. Performance Bond Processing if Required by Legislative Bodies

C.4 APPEALS AND WAIVER FEES

A. Administrative Appeal

B. Waiver Request Fee

C.5 REVISIONS AND RESUBMITTALS

A. e-submittal Fee (Substantive Changes)

B. Minor Corrections