

MAY 1, 2024



WOODFORD COUNTY  
CITY OF VERSAILLES  
CITY OF MIDWAY

# Subdivision Regulations

As Amended

Versailles-Midway-  
Woodford County  
Planning Commission

103 SOUTH MAIN STREET  
VERSAILLES, KY 40383

# Subdivision Regulations

Woodford County  
Versailles  
Midway



***MAY 1, 2024***

***Versailles-Midway-Woodford County  
Planning Commission***

103 South Main Street  
Versailles, KY 40383

## ***Acknowledgements***

*This plan would not have been possible without the support, contributions, and hard work of the Versailles-Midway- Woodford County Planning Commissioners, in particular:*

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### ***DATE(S) OF ADOPTION***

**Subdivision Regulations Adopted:**

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**Articles I, II, III, IV, V, VI, VII and Appendix A & B Amended and Restated:**

Amended February 8, 2024, Effective Date May 1, 2024

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**ARTICLE I**  
**GENERAL PROVISIONS**

**100 PURPOSE**

These subdivision regulations are designed to encourage the development of residential, commercial, industrial, and public areas, according to recognized standards which provide for sound, healthful, and economical development; to provide for safe, convenient and efficient traffic circulation; to coordinate land development in order to ensure that future growth of Versailles, Midway and Woodford County will be orderly, efficient, and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to provide for the protection of environmentally sensitive and geologic hazard areas; to minimize fire hazards; to provide for adequate light and air in habitable structures; to mitigate flooding hazards; to provide for proper disposal of sewage; to enhance the unique aesthetics of the community; to encourage the protection and enhancement of trees and woodland areas; and to provide sound and efficient guidelines for the overall development of the community in accordance with the adopted Comprehensive Plan for Woodford County and the Cities of Versailles and Midway, Kentucky.

**110 TITLE**

These regulations shall be known and may be cited as the "Subdivision Regulations, 2024 as Amended - Woodford County, City of Versailles, City of Midway".

**120 AGENCY AUTHORITY**

These regulations are adopted by the Versailles-Midway-Woodford County Planning Commission under authority granted by the Kentucky Revised Statutes, Chapter 100.

**130 AMENDMENTS**

The Versailles-Midway-Woodford County Planning and Zoning Commission may from time-to-time revise, modify or amend these regulations by appropriate action after a public hearing has been held.

**140 ADMINISTRATION**

These regulations shall be administered by the Versailles-Midway-Woodford County Joint Planning Commission. All applications, fees, maps, and documents relative to subdivision approval shall be submitted to this Planning Commission. The Planning Commission shall appoint a Planning Director to handle the daily administration of these regulations and may seek advice from planning consultants or other local, regional, and State agencies, regarding subdivision proposals. The Planning Commission may also appoint a Subdivision Committee, composed of members of the Planning Commission, to study

proposed subdivisions. However, no subdivision plat shall be approved except by official action of the Planning Commission, or its duly authorized designee.

**150 AREA OF JURISDICTION**

The provisions of these regulations shall apply to all lands within the boundaries of Woodford County, Kentucky.

**160 APPLICATION**

No land within Woodford County shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a plat of the subdivision is approved by the Planning Commission and the plat properly filed and recorded by the Woodford County Clerk. In their interpretation and application, the provisions of these regulations shall be held to minimum requirements adopted for the promotion of the public health, safety, and general welfare. All subdividers should consider developing their subdivisions at higher standards. The Planning Commission may require standards above the minimum contained herein whenever it finds that public health, safety, or welfare purposes justify such increases. Whenever the provisions of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, that provision which is more restrictive or imposes higher standards of requirements shall govern.

**170 RELATIONSHIP TO ZONING ORDINANCE AND OTHER ORDINANCES**

Plans and Plats filed pursuant to these Subdivision Regulations shall be required to comply with applicable Zoning Ordinances or other regulations, rules, ordinances, or laws established by all applicable jurisdictions. In case of conflict between these Regulations or any part thereof, and the whole or part of any existing or future ordinance of the applicable jurisdictions or the whole or part of any existing or future private Covenants or deeds, the most restrictive shall apply in all cases.

**180 SEVERABILITY OF REGULATIONS**

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

**190 EXCEPTIONS**

Where it can be shown that there are extraordinary hardships in the way of compliance with these regulations, the Planning and Zoning Commission shall have the power to grant an exception from these regulations if the no other ordinances of local government are violated, and the exception is the minimum exception necessary to provide relief from the demonstrated hardship. Financial disadvantage to the owner is not proof of hardship within the purpose of this regulation.

## **200 EFFECTIVE DATE**

Any Subdivision in which the application has been properly submitted and accepted by the Planning Commission on or after the effective date of these Subdivision Regulations shall comply with all provisions herein. Any Subdivision that has received Preliminary Plat Approval, or Preliminary Plat Approval based on the review of a Development Plan, prior to the effective date of these Subdivision Regulations shall continue to comply with the previous Subdivision Regulations, and all provisions therein, that were in effect as of the date of Preliminary Plan Approval WITH ONE EXCEPTION: As of the effective date of these Subdivision Regulations, ALL Subdivisions with Preliminary Plat Approval that have not been completed or recorded will be granted a three (3) year Preliminary Plat Approval beginning with the effective date of the prior approval. At the end of the three (3) year time frame, if the Subdivision is not complete or recorded, it shall comply with these Subdivision Regulations and all provisions herein. The Planning Commission may give special consideration, which may include a time extension, for large scale projects that have demonstrated continuous construction progress throughout the approval period.

## **210 LAND SOLD IN VIOLATION OF SUBDIVISION REGULATIONS**

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, the owner or owners of record shall file Plats of the land in accordance with these regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of these regulations, the land shall be governed by the Subdivision Regulations both prior to and after the Platting of the land by the owner of record as if a Plat had been filed in accordance with the provisions of these regulations. Plats filed pursuant to these regulations may be filed by the last transferee in the chain of title including holders of deeds, which may otherwise be void under KRS 100.277(2).

## **220 PENALTIES (KRS 100.991)**

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of these regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate violation.
- B. Any person, owner or agent who violates these regulations shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. The Planning Commission may appoint enforcement officers who shall have authority to issue citations for violations of these regulations, which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation.
- D. The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015.

**ARTICLE II**  
**CLASSIFICATION OF SUBDIVISIONS**  
**&**  
**PUBLIC FACILITY GENERAL STANDARDS**

**200 CLASSIFICATION OF SUBDIVISIONS**

The Planning Commission, its Director or designee shall classify all proposed subdivisions as either a "Subdivision," "Non-Conforming Lot of Record", or "Farm Plat" as set forth in these regulations.

**200.1 SUBDIVISIONS** - Before any owner or his agent contracts for the sale of or offers to sell any land or lot within a proposed subdivision, he shall apply in writing to the Planning Commission for the approval of said subdivision. The application for subdivision shall be accompanied by the necessary prints, maps, and information prepared in accordance with these Subdivision Regulations. Such fees as are established by the Planning Commission shall also accompany the application. Further, no sale of such subdivided land shall be completed until the Final Plat of said Subdivision shall have been accepted and approved by the Planning Commission or its designee and shall have been recorded in the Woodford County Clerk's office. The division of agriculturally zoned land in parcels of more than thirty (30) acres not involving a new street or easement of access shall not require Planning Commission approval. The platting of agricultural tracts of at least thirty (30) acres is voluntary.

**200.2 NON-CONFORMING LOTS OF RECORD** - The Planning Commission is vested with the authority to approve the recordation of non-conforming lots of record for information purposes only and under the following conditions:

- A. The recordation of a plat under this section shall in no manner alter the legal status of a Non-Conforming Lot of Record; following recordation of a plat under this section a Non-Conforming Lot of Record contained thereon shall remain a non-conforming lot of record for all purposes.
- B. No additional development of the property described in the plats recorded in this section shall be allowed except as set forth in the Zoning Ordinance.
- C. No plat shall be approved under this section, which reduces in area or width any non-conforming lot of record.
- D. All plats to be recorded under this section shall contain the following statement conspicuously placed thereon:



### NON-CONFORMING LOT NOTICE

*“This Plat is being filed for informational purposes only; and the non-conforming status of the lots shown thereon are not altered. No additional development of this property shall be allowed except as set forth in Article 8 (Non-Conforming Lots), in the Zoning Ordinance as of the date of this recording.”*

**200.3 FARM PLATS** - The owner of property consisting of at least thirty (30) acres that is zoned agriculture may voluntarily request the recordation of a plat of the property for information and financing purposes. Procedures for the filing of Farm Plats will be in accordance with these Subdivision Regulations. All Plats to be recorded under this section shall contain the following statement conspicuously placed thereon:

### FARM PLAT NOTICE

*“This Plat is being filed for informational purposes only. The Planning Commission has reviewed this Plat solely to determine that the property is currently zoned agricultural and contains a minimum of thirty (30) acres. All other information contained on this plat is the sole responsibility of the surveyor.”*

## 210 GENERAL REQUIREMENTS

Minimum improvements and construction standards required for all subdivisions shall be as set forth in these regulations and in the applicable design standards of other public agencies.

### 210.1 REQUIRED IMPROVEMENTS

- A. **MONUMENTS AND MARKERS** - Monuments shall be set in accordance with the Standards of Practice for Professional Land Surveyors in Kentucky (201 KAR 18:150).
- B. **Public and Private Utilities** - The Planning Commission may accept assurance from each public and private utility company whose facilities are proposed to be installed. Such assurance may be in the form of a letter addressed to the Planning Commission stating that such public utility company will make the necessary installations for furnishing its services within a specified time or may be in the form of a signature of approval on a plat. The Planning Commission shall require placing electric, telephone and cable lines underground in new subdivisions unless unnecessary hardship can be demonstrated. Utility companies may require overhead facilities for feeder circuits and tree lines.

**C. WATER SUPPLY**

1. All subdivisions within the Urban Service Boundary of Versailles or Midway shall be connected to the public water system. The subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. The developer shall provide a water distribution system adequate to serve the proposed subdivision. The water mains shall be of adequate size and quality and designed in accordance with applicable Utility requirements. The construction plans shall show proposed water mains adequately sized in accordance with the specifications of the serving utility. Details of construction material and methods shall be provided. Such system shall be approved by the Energy and Environment Cabinet, Division of Water in accordance with the rules and regulations of the Division.
2. In areas outside the Urban Service Boundaries all subdivisions shall be connected to a public water system. The subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Where public water supply is not available within a reasonable distance an alternate water supply, approved by the water provider and the Woodford County Health Department is required. Reasonable distance shall be determined by the water provider and the Woodford County Health Department.
3. Fire Protection and Hydrant Spacing - Fire protection, the placement of hydrants and their spacing shall meet current City of Versailles or City of Midway regulations and recommendations. In all other areas of Woodford County, fire hydrants shall be required to be installed in all new platted subdivisions and shall be spaced not further than 2,000 feet apart as measured over hard-surface roads. Fire hydrants shall be installed no further than 10 feet from a permanent all-weather road. At the time of the filing of any application for a subdivision plat, the Fire Protection and Hydrant Spacing requirements for Agricultural, Rural Residential or Small Community districts in the Woodford County unincorporated area may be waived by the Woodford County Fire Department and the applicable Water District Director or their designee.

**D. SANITARY SEWER SYSTEM**

1. All subdivisions within the Urban Service Boundary of Versailles or Midway shall be connected to a public sanitary sewer system. The subdivision shall be provided with a complete sanitary sewer collection system, including a connection for each lot and appropriately space manholes. Such system shall be approved by the Energy and Environment Cabinet, Division of Water in accordance with the rules and regulations of the Division.

2. In areas outside the Urban Service Boundaries where a public sanitary sewer system is not available within a reasonable distance an on-site sewage disposal system shall be required with approval by the Woodford County Health Department. Reasonable distance shall be determined by the public sewer provider and the Woodford County Health Department.
3. Where there is a plan for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by the public system within a period of ten (10) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

**E. STORM DRAINAGE**

1. All storm runoff shall be collected and conducted to a point of discharge in a positive and suitable manner. Storm sewers, culverts, and related installations shall be provided where necessary to:
  - a. Permit unimpeded flow of natural watercourses;
  - b. Insure adequate drainage of all low points along streets; and
  - c. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
2. In determining the proper drainage of any subdivision, the Planning Commission, upon recommendation of the City or County Engineer shall take into consideration and, if possible, make provisions for, future problems which may arise, and shall not be restricted in imposing conditions or regulations respecting drainage problems to the particular subdivision under consideration.
3. The subdivider shall provide for the construction of all necessary structures and storm drainage facilities required beyond the immediate boundary of the subdivision in order to conduct runoff to acceptable point of disposal.

**F. PUBLIC STREETS AND ROADS** - The Planning Commission is responsible for assuring that street development conforms to the standards contained in this document, including any amendments, additions, and changes thereto, and in conformity to street or highway plans officially adopted by the applicable jurisdictions. Proposed streets shall be considered in their relationship to existing and planned streets, to topographical and drainage conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**H. UTILITY EASEMENTS** - Easements shall be provided for utilities wherever necessary.

## ARTICLE III

### PROCEDURES AND REQUIREMENTS

#### 300 SUBDIVISIONS

The purpose of this section is to set forth procedures for the preparation, review, and approval of subdivisions classified under these regulations.

- A. **OPTIONAL PRE-APPLICATION CONFERENCE** - Any developer desiring to subdivide property should contact the Planning Commission Staff and make an appointment for a pre-application conference. The purpose of the pre-application conference is to discuss the compliance with Zoning Ordinance, the Subdivision Regulations and any adopted development conditions. Fees, requirements and procedures related to the development of the property will be established.
- B. **APPLICATION** - Following the optional pre-application conference, the developer may submit an application for subdivision including a Preliminary Lot Layout, a Topographic Survey (a copy of the USGS Topo Map may be submitted if a Topographic Survey cannot be performed), a Drainage Plan (if required) and any proposed Plat Restrictions. The application shall be in the form as prescribed by the Planning Commission. Fees established at the pre-application conference will be paid at the time of application. The Preliminary Lot Layout should conform to the content requirements set forth in Article 4 of these regulations.
- C. **NOTIFICATION LETTER** - If application deficiencies are found, a letter advising the applicant of an incomplete application status and what must be done to complete the application to make it eligible for review. This letter will be sent to the applicant by the Planning Commission Staff within five (5) business days of submission.
- D. **PRELIMINARY PLAT REVIEW AND ACTION** - The Planning Commission Staff or an assigned subdivision Technical Review Committee will review the Preliminary Lot Layout and Topographic Survey or Drainage Plan (if required) to determine if the proposed subdivision conforms to the Zoning Ordinance, these Subdivision Regulations, or any recorded Development Plan. Preliminary Plat Approval grants the developer three (3) years to submit Construction Plans (if required). If Preliminary Plat deficiencies are found, a marked-up Plat indicating what must be done to make Plat eligible for Final Approval/ Recording will be available to the applicant's surveyor/ engineer after review by the Planning Commission Staff or an assigned subdivision Technical Review Committee.
- E. **PLANNING COMMISSION FINAL PLAT REVIEW AND ACTION** - The Planning Commission shall take one of the following actions on each application:
  - 1. **FINAL PLAT APPROVAL** - After the Planning Commission has given final plat approval; one (1) set of the required materials will be returned to the

developer along with a written notice of the action, and a Land Use Certificate will be recorded at the County Clerk's office by the Planning Commission. Final Plat Approval grants the developer three (3) years to record the Plat for all property shown on the Preliminary Lot Layout. If the three (3) year period for filing the Plat elapses, the developer must resubmit the Preliminary Lot Layout, and fees for preliminary plan re-approval. The Planning Commission may give special consideration, which may include a time extension, for large scale projects that have demonstrated continuous construction progress throughout the approval period.

2. **CONDITIONAL FINAL PLAT APPROVAL** - The developer must make all corrections to the Preliminary Lot Layout and Drainage Plan as requested by the Planning Commission, the Planning Commission Director or an assigned subdivision Technical Review Committee.
3. **DISAPPROVAL** - The Preliminary Lot Layout and Drainage Plans are not acceptable. For further action, the developer must make all changes and resubmit the application, Preliminary Lot Layout, Drainage Plan, and fees.

F. **PLAT REVIEW, RECORDATION AND ACTION** – The Plat will be reviewed for compliance with the approved preliminary plan review and Planning Commission approval. The Plat of record containing such information as is necessary for the public recording and transfer of land including but not limited to required signatures, lot lines, easements, any recorded conditions and other restrictions.

1. **RECORDING PLAT** - The Recording Plat shall be prepared in accordance with Article 4 of these regulations. The Planning Commission Staff shall record the Subdivision Plat at the Woodford County Clerk's office (which authorizes the property owner or developer to offer lots for sale). A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.

G. **CONSTRUCTION PLANS** – Within three years (3) after preliminary plat approval, the developer may submit Construction Plans to the Planning Commission for the entire project depicted on the preliminary plat. The Planning Commission will distribute the preliminary lot layout and topographic survey or drainage plan (if required) to relevant agencies, such as the utility companies, health department, responding fire department and city or county engineer, and will solicit comments on the proposed subdivision containing public infrastructure. The appropriate local government will determine through approval of these plans and recordation of the plat if dedications of any public lands, streets, alleys, etc. would be beneficial to the public interest and suitable future acceptance if constructed to current standards. All Construction Plans shall be prepared in accordance with Article V and VI of these regulations.

The Construction Plans shall consist of a Utility Plan Sheet and any other supporting drawings that show the location and general construction details for all public improvements. The plan must contain completed signoff blocks for all affected utilities (public and private) that will be using easements on the property. The Construction Plans shall include detailed improvements to be developed within the subdivision, such as streets (private or public), storm drainage, erosion control, gas, sanitary sewers or septic systems, water supply, electrical distribution, communications and any other public facilities. All construction sections shall substantially agree with the filed preliminary plat and shall function within the original concept of the subdivision or a new preliminary approval must be obtained.

- H. **CONSTRUCTION PLAN REVIEW AND ACTION** - The Construction Plans will be reviewed by the Planning Commission Staff and the appropriate local government Staff for compliance with the approved preliminary plat and all applicable standards and requirements. Within thirty (30) days the Planning Commission Staff shall in writing take one of the following actions on the Construction Plans:
1. **FINAL APPROVAL** - The developer is permitted to proceed with the construction process after complying with items I, J, K and L (listed below).
  2. **CONDITIONAL FINAL APPROVAL** - The developer must make all corrections to the Construction Plans as requested by the Planning Commission Director or assigned staff. After corrections are made then final approval to proceed shall be granted as outlined above.
  3. **DISAPPROVAL** - The Construction Plans are not acceptable. For further action, the developer must make all changes and resubmit the Construction Plans.
- I. **PRE-CONSTRUCTION CONFERENCE** - After Preliminary Plat Approval, Construction Plan Approval, the developer and his contractor shall be required to schedule and attend a mandatory pre-construction conference with the Planning Commission Staff and the appropriate local government engineer. The developer or contractor shall be prepared to outline all proposed construction operations and procedures as presented on the plat and in the Construction Plans. If the Construction Plans were given conditional final approval, the developer must show that the conditions have either already been met. The developer will be informed of other regulations applicable to the proposed subdivision.
- J. **NOTICE TO PROCEED** - After attending the required pre-construction conference, the developer is permitted to proceed with the construction process after complying with items K and L (listed below) and receiving a "Notice to Proceed" from the Planning Commission Staff.
- K. **DEVELOPER CONTRACT** - The contract, signed by the developer and property owner shall specify a surety in an amount that will be sufficient to pay the entire cost of installing the public improvements set forth in the Construction Plans and related

documents as determined by the Planning Commission. All required Planning Commission Construction Review Fees shall be paid prior to commencement of construction.

- L. **ACCEPTABLE SURETIES** - To secure the proper completion of all public improvements shown on the approved construction plans, the developer shall provide, subject to Bonding Options below and the approval of the Planning Commission, one of the following sureties listed in items 1, 2 or 3 below.

Public Improvement 100% Bonding Option - At the time of the preconstruction conference the developer is required to bond the entire estimated cost for constructing the proposed infrastructure plus ten percent (10%) contingency, pay administrative fees based upon the bond estimate and sign a construction contract. The developer will then be allowed to plat and transfer lots while the subdivision infrastructure is being constructed. During the construction process Planning Commission representatives will be monitoring construction and as work is successfully completed the developer may request bond reductions. The developer shall then be allowed to substitute a smaller bond amount that reflects work remaining plus ten percent (10%) contingency. Quality issues during construction may influence the allowable bond reduction. The bond will not be reduced below twenty percent (20%) of the original bond estimate until such time as the public infrastructure has been accepted for maintenance by the appropriate governmental entity.

Public Improvement 20% Bonding Option - At the time of the preconstruction conference the developer will be required to bond twenty percent (20%) of the estimated cost for constructing the proposed infrastructure, sign a construction contract, pay administrative fees based upon the original bond estimate and may then begin construction of the public infrastructure. The developer may not record the subdivision plat or transfer lots. During the construction process Planning Commission representatives will be onsite monitoring construction. Once the developer is ready to transfer lots, a request may be made to the Planning Commission who will estimate the cost of the remaining work items plus a minimum 10% for contingencies. This shall be the bond amount that the developer will provide as surety to the Planning Commission until the project is accepted by the appropriate governmental entity. Once the bond is posted the developer will be allowed to plat and transfer lots. The minimum bond will be at least 20% of the original bond estimate until such time as the developments infrastructure has been accepted for maintenance by local ordinance. A separate contract and surety may be provided for the construction of the sidewalks shown with the proposed subdivision. Quality issues during construction may necessitate more than a 20% bond.

1. **CORPORATE SURETY BOND (PERFORMANCE BOND)** - If the developer chooses to provide a Corporate Surety Bond, then it shall be submitted from an insurance company authorized to do business in the Commonwealth of Kentucky. The bond shall be in the form of a payment and performance bond, subdivision bond, or such other form as shall be satisfactory to the

Planning Commission. If the developer has employed a contractor to construct all Improvements as provided herein, the Planning Commission may accept the payment and performance bond of such contractor as surety for the performance of the construction contract.

The Corporate Surety Bond shall provide the Planning Commission as a named obligee. The bond should clearly establish that it acts as a surety for the construction contract, signed by the developer or property owner. The payment and performance bond shall specifically name the Improvements set forth in the construction contract. The Corporate Surety Bond shall state that the amount is equivalent to the contract amount. The Corporate Surety Bond shall also state, that upon the failure by the developer to complete the Improvements within the required time period, the insurance company shall pay the Planning Commission, immediately, and without further action, such funds as are represented, in the Corporate Surety Bond.

The original a Corporate Surety Bond will be for a three-year period, reviewed and renewed annually. If requested the Corporate Surety Bond may have two extensions, for a minimum period of one year. This will allow three years for the completion of the public improvements in the recorded subdivision. The Commission will provide one, non-certified notice of intent to call the Corporate Surety Bond to the developer and to the insurance company which issued the Corporate Surety Bond. Any Corporate Surety Bond which has not been released nor had documentation submitted for an extension prior to the morning of the expiration date shall be called and converted to a cash surety.

2. **CASH SURETY** - If the developer chooses to provide a Cash Surety, then cash shall be deposited in a separate Subdivision Surety account of the Planning Commission. This bond will allow three years for the completion of the public improvements in the recorded subdivision. The cash surety shall be refunded to the developer if he satisfactorily completes the project within the three-year timeframe.
3. **LETTER OF CREDIT** - The Planning Commission will accept the posting of an approved Letter of Credit as surety for the timely and satisfactory completion of public improvements in a subdivision in order that the subdivision may be recorded in an expeditious manner. The developer may provide, as surety for the performance of the contract, a Letter of Credit, from a financial institution acceptable to the Planning Commission. The Letter of Credit shall be delivered in a form acceptable to the Planning Commission. The Letter of Credit shall state that the amount is equivalent to the contract amount. The Letter of Credit shall also state, that upon the failure by the developer to complete the improvements within the required time period, the financial institution shall pay the Planning Commission, immediately, and without further action, such funds as are represented, in the Letter of Credit. The original Letter of Credit will be for a one-year period.



If requested the Letter of Credit may have two extensions, for a minimum period of one year. This will allow three years for the completion of the public improvements in the recorded subdivision. The Commission will provide one, non-certified notice of intent to call the Letter of Credit to the developer and to the institution which issued the Letter of Credit. Any Letter of Credit which has not been released nor had documentation submitted for an extension prior to the morning of the expiration date shall be called and converted to a cash surety. The developer or the institution must submit the new Letter of Credit to the Planning Commission by 4:00 p.m. on the last working day prior to the expiration date on the face of the original Letter.

**M. REDUCTION OF CONTRACT SURETIES** - The developer may request a reduction of the surety. If progress has been made on the completion of improvements, the Planning Commission may at authorize the reduction of the surety. The construction must be completed as provided in the construction contract and the Subdivision Regulations and in a manner satisfactory to the Planning Commission. The following conditions must be satisfied for contract surety reduction:

1. **AMOUNT OF INITIAL SURETY** - The initial surety is for an amount greater than ten thousand dollars (\$10,000.00);
2. **WRITTEN REQUEST** - The Planning Commission shall require a written request for a reduction. The request must be made in writing and signed by the developer. The request must include the following: An itemized list of the value of the improvements completed and a certification that the detailed Improvements have been completed, and for which the reduction of the contract surety is requested, in accordance with the approved subdivision plan specifications.
3. **DETERMINATION OF SURETY REDUCTION** - If the Planning Commission authorizes the reduction of the amount of the contract surety, the reduction shall be based upon the following formula:  $\text{New or Revised Bond Amount} = \text{Total Value of Uncompleted Work} + \text{ten (10) percent}$ . Under no circumstances shall the total amount of any reduction approved by the Planning Commission reduce the contract surety to an amount below twenty percent (20%) of the initial construction bond estimate (bonded amount set forth in the construction contract).
4. **PROJECTS IN DEFAULT** - If the improvements are not completed within three (3) years from the date of the Planning Commission's "Notice to Proceed" the construction contract as provided in this Article shall be in default and shall not be eligible to be reduced.

**N. DEFAULT/ COMPLETION OF PUBLIC IMPROVEMENTS** - If the improvements are not completed within three (3) years from the date of "Notice to Proceed", the construction contract as provided in this Article shall be in default, and the Planning

Commission shall proceed within 120 days against the developer and its surety for performance.

- O. **ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS** - Any street or other public land dedicated by plat shall be accepted for maintenance by the appropriate Legislative Body after it has received approval by the Planning Commission and formally adopted for acceptance by the Legislative Body. Any street built in accordance with specific standards set forth in these regulations or by ordinance shall only be accepted for maintenance by the appropriate Legislative Body after inspection, final approval, submission of "As-Built" plans and adoption of an ordinance, resolution or order to accept public improvements.
  
- P. **WARRANTY** - As a material part of the developer's duty to construct in accordance with the plat, plans and specifications, as set forth above, the developer shall warranty, for a period of twelve (12) months following the appropriate Legislative Body's acceptance of the work, that the work performed and the products installed under these regulations, have been performed in accordance with said plans, plat and specifications, in a good and workmanlike manner and are free from defects. In the event the developer breaches its warranty, the appropriate Legislative Body shall be entitled to recover its damages, costs, including reasonable attorney's fees, from the developer and/or his surety.
  
- Q. **RELEASE** - Upon completion of the improvements as provided in these regulations, the Planning Commission shall terminate the construction contract and release its surety.
  
- R. **MAINTENANCE OF COMMON IMPROVEMENTS AND OPEN SPACE** - These regulations are established to assure that adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain common open space and common improvements, in order to ensure their continued availability and utility for the residents or occupants of the development and to prevent such facilities from becoming an unnecessary burden or nuisance to the general public or surrounding property. However, nothing in these regulations shall be construed as creating any obligation or liability upon the public to maintain such facilities or otherwise ensure their availability and condition. These regulations shall apply to all common open space and all common improvements that are required or provided pursuant to these regulations, the adopted Comprehensive Plan, or other applicable laws and regulations. However, these requirements shall not apply to the following:
  - 1. **Dedicated Lands and Improvements** - Any lands or improvements to be dedicated or conveyed to the public, for designated or general public use.
  
  - 2. **Private Lands and Improvements** - Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where such lands and improvements are situated or on other lots or parcels owned by the

landlord, as for typical multi-family or shopping center development.

3. Condominiums and Cooperatives - Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Kentucky law.

- S. **ESTABLISHING A MEANS OF COMMON OWNERSHIP AND MANAGEMENT** - Prior to approval of the Record Plat, the subdivider shall provide documents to establish a means of common ownership and management of all common open space and common improvements. Such documents shall establish an organization or entity to own and manage the open space and/or improvements, describe its membership and responsibilities, and shall include a maintenance and fiscal program for the improvements. In no event shall a Record Plat be recorded for a development involving common open space and/or improvements until the entity of common ownership and management has been incorporated. Documentation shall be provided to the Planning Commission Staff.
- T. **FUNDING MECHANISM REQUIRED** - Prior to approval of any Record Plat, the subdivider shall provide and record documents to establish a funding mechanism for the maintenance of the common improvements and/or open space. The documents shall provide a method for the organization or entity to assess the property owners having beneficial use of the improvements and open space for the cost of their maintenance. The method of assessment shall provide the legal right for the organization or entity to impose liens against those properties for which payment of any assessment is not made. Collection of assessments and enforcing the payment thereof shall be the responsibility of the organization or entity and shall not be the responsibility of the public. The assessments imposed by the organization or entity shall not relieve property owners from any taxes, fees, charges or assessments imposed by the Planning Commission, Property Valuation Administrator or any other governmental agency. Notice to Buyers - The documents shall also provide for notice to purchasers and prospective purchasers or properties that the organization or entity shall have the authority to make assessments and impose liens as provided in these regulations.
- U. **FAILURE TO MAINTAIN COMMON IMPROVEMENTS AND OPEN SPACE** - Failure to maintain common improvements and/or common open space in accordance with these regulations, established standards and the subdivider's agreements, binding elements and other documents establishing the improvements and/or open space shall be considered a violation subject to enforcement in accordance with provisions of these regulations. In such cases, citations for violation shall be issued both to the organization or entity, and to all property owners, occupants and lessees having beneficial use of or legal interest in the improvements and/or open space. The public shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the common improvements and/or open space.

### 310 NON-CONFORMING LOTS OF RECORD

The purpose of this section is to set forth procedures for the preparation, review, and approval of subdivisions classified as Non-Conforming Lots of Record under Article 2 of these regulations.

- A. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The Recording Plat shall conform to the content requirements set forth in these regulations.
- B. **REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission shall be defined in items 1 and 2 below.
  - 1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.
  - 2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable.
- C. **RECORDATION OF PLAT** - After approval by the Planning Commission, the Recording Plat shall be recorded in the Woodford County Clerk's office at the developer's expense.

### 320 FARM PLATS

The purpose of this section is to set forth procedures for the preparation, review, and approval of Subdivisions classified as Farm Plats under Article 2 of these regulations.

- A. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The Recording Plat shall conform to the content requirements set forth in these regulations.
- B. **REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission shall be defined in items 1 and 2 below.
  - 1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.

2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the Developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable.
- C. **RECORDATION OF PLAT** - After approval by the Planning Commission, the Recording Plat shall be recorded in the Woodford County Clerk's office at the developer's expense.

## ARTICLE IV

### CONTENT REQUIREMENTS FOR SUBDIVISION PLATS

#### 400 PURPOSE

The purpose of this Article is to describe the minimum content of plat and plan materials required before consideration by the Planning Commission.

#### 410 PRELIMINARY LOT LAYOUT REQUIREMENTS

The Preliminary Lot Layout for the subdivision shall meet the following requirements for approval:

- A. **AUTHORIZATION TO PREPARE PLANS** - Preliminary Lot layouts shall be prepared by a Kentucky Licensed Professional Land Surveyor, Licensed Professional Engineer, Registered Landscape Architect, or to a limited degree an Architect. The division of work to be performed by each profession shall be governed by state statute and regulations, which regulate each profession.
- B. **TOPOGRAPHIC SURVEYS** - Topographic Surveys, when submitted, shall be prepared by either by a Kentucky Licensed Professional Land Surveyor or Licensed Professional Engineer. The division of work to be performed by each profession shall be governed by state statutes and regulations, which regulate each profession. If a Topographic Survey, when required, cannot be performed, the Planning Commission will accept a copy of a USGS Topo Map.
- C. **EXPIRATION OF PRELIMINARY LOT LAYOUT** – A letter will be issued to the applicant stating that preliminary approval has been issued and that this approval will expire three (3) years from that date.
- D. **NUMBER AND TYPE OF COPIES** - Each application for the approval of subdivision shall be accompanied by the following:
  - 1. Two (2) sets of 18" X 24" drawings and two (2) sets of 11" x 17" size drawings
  - 2. The scale of these lot layouts shall be two hundred (200) feet to the inch or less.
- E. **TITLE BLOCK** - The title block shall contain the name of the subdivision; the date and scale; the names and addresses of the owner(s); name, address, and phone number of the person or firm preparing the plans; and, any other appropriate information.
- F. **VICINITY MAP** - The vicinity map shall show the area sufficient to locate the Subdivision in all directions. The vicinity map shall be at an appropriate scale.

- G. **PURPOSE STATEMENT** - A purpose statement located directly below the vicinity map shall describe the type of plat and general intent of the plat being filed for review
- H. **BOUNDARY LINES** - The layout, names and widths of proposed streets, alleys, and easements and the proposed lots, numbered and dimensioned with existing and proposed building setback lines, shall be shown. Also, the names of adjacent subdivisions or names of recorded owners of adjacent land shall be shown on the Preliminary Lot Layout. Current zoning shall be shown.
- I. **UTILITIES** - The Preliminary Lot Layout shall show all existing utilities across or adjacent to the subdivision. The Preliminary Lot Layout shall show the following: location of gas lines; location of electrical distribution lines or transformer stations; location of public water supply; fire hydrants; and, location of any storm or sanitary sewers.
- J. **OPEN SPACE/COMMON RECREATIONAL SPACE/OPTIONAL PUBLIC PARKLAND** - All parcels to be dedicated to open space, common recreational space or optional public parkland use within the subdivision shall be shown on the Preliminary Lot Layout.
- K. **OTHER PERTINENT INFORMATION** - The Preliminary Lot Layout shall contain the names, location, and width of all existing platted streets or other public ways within or adjacent to the subdivision. The Preliminary Lot layout shall show any existing permanent buildings, railroad right-of-ways, existing utility easements, cemeteries and may include other important features, such as political subdivision, incorporation boundaries, within or adjacent to the tract to be subdivided.
- L. **RESTRICTIONS** - The Preliminary Lot Layout shall be accompanied by a copy of or made reference to all restrictions upon use of the land or type of construction that will be allowed by the owner and/or developer.
1. **PRIVATE/ DEED** – Refer to and are included in the deed at the time of sale or transfer of the property or a restriction placed on a piece of property without a plat.
  2. **PLAT NOTE** – Refer to restrictions placed on a particular plat of land voluntarily by the owner and/or developer,
  3. **DEVELOPMENT CONDITIONS** – Refer to adopted land use restrictions that are agreed upon at the time of a zone change.
- M. **NORTH ARROW** - The Preliminary Lot Layout shall show the north arrow.
- N. **RECORDING OR FINAL PLAT** - The following information and terms required for the Recording/ Final Plat are listed in Section 420 (below).

## 420 RECORDING/ FINAL PLAT

The following information and terms are required for the Recording/ Final Plat approval:

- A. **AUTHORIZATION TO PREPARE PLATS** - Plats shall be prepared by a Kentucky Licensed Professional Land Surveyor. The division of work to be performed by each profession shall be governed by state statute and regulations, which regulate each profession.
- B. **TYPE OF COPIES** - The Plat shall measure the scale and be two hundred (200) feet to the inch or less. The Recording Plat shall be Mylar material. Other Recording Plat materials such as 100% Linen Paper or Judd Board may be used with permission of the Woodford County Clerk's Office.
  - 1. Two (2) sets of 18" X 24" drawings and two (2) sets of 11" x 17" size drawings
  - 2. The scale of these Lot layouts shall be two hundred (200) feet to the inch or less
- C. **TITLE BLOCK** - The title block shall contain the name of the subdivision; the date and scale; the names and addresses of the owner(s); name, address, and phone number of surveyor(s); and any other appropriate information.
- D. **VICINITY MAP** - A vicinity map shall show the area sufficient to locate the Subdivision in all directions of the property. It shall be drawn at an appropriate scale.
- E. **PURPOSE STATEMENT** - A purpose statement located directly below the vicinity map shall describe the type of plat and general intent of the plat being filed for review.
- F. **LOTING SCHEME** - The lotting scheme shall be drawn two hundred (200) feet or less to the inch with north oriented to the top of the sheet, if possible, or at another scale and/or orientation that permits clear and legible presentation of the following information.
  - 1. **BEARINGS AND DISTANCES** - The plat shall show the true bearings and distances to the nearest existing monument of the state plane coordinates (Kentucky North zoned NAD 1983, feet) and National Geodetic Vertical Datum of 1988 (NGVD 88) for horizontal and vertical control. The type of monumentation shall be accurately described on the plat.
  - 2. **BOUNDARY LINES** - The plat shall show the names of adjacent property owner(s) or lot number(s) and plat book and page number(s) and the footprint of all existing building(s) within the boundary area of the plat. The plat also shall have all corners marked and show the calls and distances.



3. **STREETS** - The plat shall show the right-of-way, pavement width of existing or proposed streets or roads and the locating distance to nearest centerline of streets, roads, or railroads.
  4. **LOT NUMBERING** - The plat shall show the address of lot(s), if applicable, the lot number(s), each building setback line, square footage or acreage of lot(s), and total acreage. The lot number(s) shall be shown in a systematic order.
  5. **SETBACKS** - The plat shall show each building setback line on all sides, square footage or acreage of lot(s), and total acreage. The lot number(s) shall be shown in a systematic order.
  6. **EASEMENTS** - The plat shall show the size and location and bearings and distances of cross-hatched drainage easements. All other easements shall be shown and clearly labeled as to their width and purpose.
  7. **CONTROL MONUMENTS** - The plat shall show the location and description of at least two (2) Control Monuments (or if no other controls can be established, the plat shall show controls to the state plane coordinates). The monuments shall be placed to the state plane coordinates (Kentucky North zoned NAD 1983, feet) and National Geodetic Vertical Datum of 1988 (NGVD 88) for horizontal and vertical control. The plat shall show the accurate location, description, and material of all permanent Control Monuments.
  8. **NORTH ARROW** - The plat shall show the north arrow.
  9. **OTHER INFORMATION** – The plat shall also show the following miscellaneous information:
    - a. Location and elevation of all benchmarks
    - b. Minimum FFE of proposed structures on all lots.
    - c. 100-year Flood elevation
    - d. Any non-buildable areas, (floodplain or non-engineered fill).
- F. **RECORDATION INFORMATION** - The plat shall show the previous recording book and page number(s), if applicable, the source of title (deed book and page number), and any recorded Binding Elements (book and page number).
- G. **SURVEYOR'S STAMP/SIGNATURE** - The plat shall show the surveyor's stamp and signature.

- H. **PRIVATE RESTRICTIONS** - The plat shall show all private restrictions placed on the land (See page 4-2, Item L, Restrictions).
- I. **OPEN SPACE/COMMON RECREATIONAL SPACE/OPTIONAL PUBLIC PARKLAND** - The plat shall show all areas of land intended to be dedicated to open space, common recreational space or optional public parkland use within the subdivision.
- J. **FLOODPLAIN INFORMATION** - The plat shall show the floodplain areas clearly labeled, and where available, the actual computed elevation of the regulatory flood with the source of that information.
- K. **NOTES** - The plat shall include any informational or restrictive notes, and the notes shall be numbered in sequential order and grouped together as one list whenever possible.
- L. **MAINTENANCE NOTE** - The Plat shall include a note that notifies potential lot purchasers of their responsibilities for maintaining drainage and other easement areas.
  1. The property owner shall be responsible for maintenance of any portion of a drainage easement that is on their property. This maintenance shall be defined as maintaining a substantial stand of grass, to a height no greater than ten (10) inches, repairing eroded areas, removing debris from inlets structures. The property owner is also responsible for maintenance of any drainage infrastructure (not accepted by the local government) contained within this easement.
  2. Maintenance of "Interpretative" items, including but not limited to, landscaping on right of way, islands, medians, entryways, subdivision signs, traffic control features, traffic circles, roundabouts shall not be the responsibility of the appropriate local government.
- M. **CERTIFICATIONS** - The following certifications shall be placed on the recording plat and shall be properly signed and executed (certification text may be revised, or additional text included as agreed upon by the Planning Commission):

**LAND SURVEYOR'S CERTIFICATION** - Shall be as follows:

I hereby certify that this plat depicts a survey, made by me, or under my direction, by the Standards of Practice per 201 KAR 18:150 or by the Global Positioning Systems Standards of Practice per 201 KAR 18:150. The bearings and distances shown hereon have been adjusted for closure. This survey and plat meets or exceeds the minimum standards of governing authorities and the Woodford County Subdivision Regulations.

(Signature of Land Surveyor, Professional Land Surveyor Number & Date)

**EASEMENT AND DEDICATION** - Shall be as follows:

The spaces outlined by dashed lines and designated as easements are hereby reserved for the purposes shown, including the right of ingress and egress over all lots to and from the easements and the right to cut down or trim any trees within or along the easements that may interfere with the installation or operation of infrastructure contained in or on the easement. The easements shall be kept free of all permanent obstructions.

(Signature of Owner(s) and Date)

**CERTIFICATE OF OWNERSHIP AND DEDICATION** - Shall be as follows:

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

(Signature of Owner(s) and Date)

**DRAINAGE EASEMENT** - Shall be as follows:

All drainage easements are hereby established by recordation of this plat. All drainage shall be maintained by the respective owner(s) of the lot(s) over which said easements cross and no drainage easements shall be altered in any way by filling, changing the contour thereof, or by building any structure thereon, except upon prior written approval of the appropriate governmental authority. This restriction may be enforced by any owner of any lot affected by the drainage over said easement, or by the Planning Commission or appropriate governmental authority.

(Signature of Owner(s) and Date)

Additional Notes: \_\_\_\_\_

(City, County, or State Authorized Signature and Date)

**ACCESS CERTIFICATION** – Shall be as follows:

Entrance and/or driveways to lots shall be constructed to meet applicable City, County, or State requirements. Grading within the developed area shall be performed in such a manner that no excess water will be diverted to the road right-of-way without approval of appropriate governmental authority. The same authority certifies that the property has public access to a City, County or State Road but grants the right to make final access approval at the time of an access permit application.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_

(City, County, or State Authorized Signature and Date)

**UTILITY CERTIFICATION** - A representative of the applicable utility company must sign and date the plat. These utilities shall include applicable providers of water, sewer and electrical.

All Utility Easements are shown on this plat. All utility easements shall be maintained by the respective owner(s) of the infrastructure over which said easements cross and no easements shall be altered in any way, except upon prior written approval of the appropriate authority.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_

(Signature of Utility(s) and Date)

**FIRE DEPARTMENT CERTIFICATION** - Shall be as follows or similar language.

I hereby certify the Fire Department has reviewed and approved this plat based on the agency requirements of the Fire Mains, Fire Hydrant(s) and Emergency Access for Fire Apparatus.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_

(City or County Authorized Signature and Date)

**BUILDING CODE OFFICIAL HORIZONTAL PROPERTY (CONDO)  
SUBDIVISION CERTIFICATION** - Shall be as follows or similar language.

I hereby certify that this plat has been reviewed and approved based on the applicable local building code requirements.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_

(Building Code Official Authorized Signature and Date)

**WOODFORD COUNTY HEALTH DEPARTMENT** - A representative of the County Health Department will certify the following:

\_\_\_\_\_ Public sewer connection may be required.

\_\_\_\_\_ On existing public sewer (if can be determined).

\_\_\_\_\_ Has existing private sewer or septic system.

On-Site Septic system required and shall be permitted through this office prior to installation of said system.

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_

(Signature of Woodford County Health Department representative and Date)

**CERTIFICATE OF APPROVAL OF RECORDING** - The Planning Commission Chairman or Vice-Chairman and Director shall certify as follows:

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Versailles-Midway-Woodford County Planning and Zoning Commission, Kentucky, and that it has been approved for recording in the office of the Woodford County Clerk.

(Signature Planning Commission Chair or Vice-Chair and Date).

(Signature Planning Commission Director's and Date).

- N. **ELECTRONIC SUBMITTAL** – In an effort to improve efficiency in review and documentation, the Planning Commission requires an electronic submittal of the final recording plat information (See Appendix A for format and submission details). The final recording plat submittal shall include the following information on the recording plat as outlined in items A through M above.

#### 430 HORIZONTAL PROPERTY

- A. **PURPOSE** - The purpose, intent, and application of this Article is to implement and reaffirm the Horizontal Property Law of Kentucky. Encourage a variety and flexibility in land development and land use for basically residential areas, consistent with the Zoning Ordinance of Versailles, Midway and Woodford County, Kentucky; and, to provide a framework within which an effective relationship of residential land use and related activities can be planned on a total basis.
- B. **GENERAL PROVISIONS** - All projects shall be subject to these regulations:
1. **ZONING COMPLIANCE** - All projects whether referred to as horizontal properties or condominium properties shall be in accord with the Zoning Ordinance of Versailles, Midway and Woodford County, Kentucky, and the elements thereof.
  2. **BUILDING CODE COMPLIANCE** – All projects whether referred to as horizontal properties or condominium properties or construction plans shall be in accord with all adopted local building codes prior to recordation.
  3. **MASTER DEED /LEASE** - A master deed or lease that sets forth the particulars enumerated by KRS 381.835 or 381.9101 shall not be recorded and established as a horizontal property regime without having first been reviewed and approved by the Planning Commission, including floor plans meeting the standards set forth in KRS 381.835(5). The maximum permitted overall densities and floor area ratios and the minimum outdoor area, living space, and recreation area ratios shall be controlled by the zoning district classification in which the project is located.
  4. **PERMITTED USES** - The permitted uses will be controlled by the zoning district classification in which the project is located.
- C. **ADMINISTRATIVE PROCEDURE** - The establishment, expansion, or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission. The review shall be in the same manner as approval as set forth in the Zoning Ordinance and the approved Development Plan as recorded by the Planning Commission.
- D. **CONFLICTS WITH OTHER SECTIONS OF REGULATIONS** - In a case where this Article conflicts with any other provision of the Subdivision Regulations, the provisions of this Article shall take precedence and shall be the controlling provision.

# ARTICLE V

## NON-RESIDENTIAL SUBDIVISIONS

### 500 GENERAL REQUIREMENTS

Nonresidential developments include commercial and industrial developments. The Planning Commission recognizes that the subdivider creating non-residential subdivisions face unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined in Article III and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show, but at least two (2). As prospective buyers express interest in lots sized to their required specifications, the owner may submit to the Planning Commission an amendment to the approved Final Subdivision Plat for consideration. Regular procedural requirements shall then apply. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed.

### 510 DESIGN STANDARDS

#### A. SITE DESIGN

1. Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
2. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities as required by the Zoning Ordinance.
3. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned, and managed as a unit. Narrow, ribbon developments along arterial streets will be discouraged.
4. With respect to physical improvements, special requirements may be imposed by the Planning Commission within the nonresidential subdivision.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the nonresidential subdivisions, including the provision of extra permanently landscaped buffer strip when required by the Planning Commission.

## **B. STREET SYSTEM**

1. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor create hazards for adjacent residential areas.
2. The design of streets, service drives, and pedestrian ways should provide for safe and hazard-free internal circulation.
3. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterial or collector streets in such a way that the number of intersections with such arterial or collectors shall be minimized.
4. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at intersections shall be at least five (5) feet.

## **C. BUILDING SETBACK LINES**

Building setback lines shall be as specified by the Zoning Ordinance.

## **D. UTILITIES**

Nonresidential subdivisions shall be provided with water and sewerage systems which are adequate to maintain adequate health standards, and to dispose of commercial and industrial wastes. These facilities shall be approved by the Woodford County Health Department and the Water Pollution Control Commission.

## **E. DRAINAGE**

The Planning Commission with assistance from the City or County Engineer shall require adequate provisions for the discharge of surface water which will result from commercial and industrial developments with large roof areas and large paved parking areas in compliance with the Storm Water Management Facilities found in Article VI, Section 620.



## ARTICLE VI

### DESIGN STANDARDS

#### 600 **General Requirements**

- A. In designing a subdivision, the subdivider shall comply with the principles and requirements of this article.
- B. The Planning Commission in considering an application for the subdivision of land shall be guided by the considerations and standards contained herein.
- C. Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- D. Subdivisions shall conform to the Comprehensive Plan and to the Zoning Ordinance.

#### 610 **Land Requirements**

Land shall be suited for the purposes for which it is to be subdivided. In general, the Planning Commission shall take the following factors into consideration prior to the approval of any subdivisions.

- A. Subdivisions laid out on land subject to periodic flooding shall not be approved unless adequate safeguards against such hazards are provided, and,
- B. Areas characterized by steep slopes greater than 18%, shall not be subdivided unless adequate safeguards against potential hazards are provided. A geotechnical engineer and a structural engineer shall evaluate the area and specify engineering conditions whereby the area could be buildable.
- C. Sinkholes shall require geotechnical inspection to determine below surface cavernous size and conditions to insure construction limitations are safe from such hazards.

#### 620 **Streets**

The subdivider shall provide for the complete construction of streets, curbs, and gutters, constructed to standards approved by the Planning Commission and the City or County Engineer. Where streets are proposed to be dedicated to the County or City, that government is not required to accept said street until it has been inspected by a qualified engineer and has been determined that said construction was in accordance with the approved construction plans.

- A. General Requirements - The arrangement, character, extent, width, and location of all streets shall conform to the Comprehensive Plan and Official Map (if adopted)

and shall be considered in relationship to existing and planned streets, to topographical conditions, to public convenience and safety, and to their appropriate relationship to the proposed uses of the land to be served by such streets. In designing a street system, the subdivider shall be guided by the following principles:

1. Adequate vehicular and pedestrian access shall be provided to all parcels.
2. Street systems shall be designed to provide for a smooth flow of traffic and a high level of connectivity within and between neighborhoods, workplaces, and downtown, with adequate and safe provisions for on and off-street parking, loading and unloading of goods and equipment.
3. Local street systems shall be logical and comprehensible and designed in a grid pattern.
4. The arrangement of local streets shall permit economical and practical patterns, shapes, and sizes of development parcels.

**B. Street Layout and Design**

1. Streets shall be classified with pavement widths and the number of lanes and right-of-way widths as noted below (Exhibit 6-1); unless approved otherwise by the Planning Commission. Street Cross Sections are found in Exhibit 6-2, number of lanes and right-of-way widths shall not be less than as follows:

**Exhibit 6-1**  
**Street Design**

<u>Street Type</u>	<u>Pavement Width*</u>	<u>Right of Way Width**</u>
Expressways***	---	---
Arterial Streets***	---	---
Collector Streets	36'	60'
Local Streets	32'	50'
Cul-de-sac Streets	28'	50'
Alleys	12'	24'
County Roads (Outside the Urban Services Area)	22'	50'
Marginal Access Streets	To be determined based on use.	
Rural Residential Roads (Private)	18'	30'

The standards listed above may be increased or decreased where necessary as approved by the Planning Commission.  
 \* Dimension of pavement is back of curb to back of curb or edge of pavement where there are no curbs.  
 \*\* See typical cross sections in Exhibit 6-2.  
 \*\*\*Design standards and right-of-way requirements shall be designed by Kentucky Transportation Cabinet.

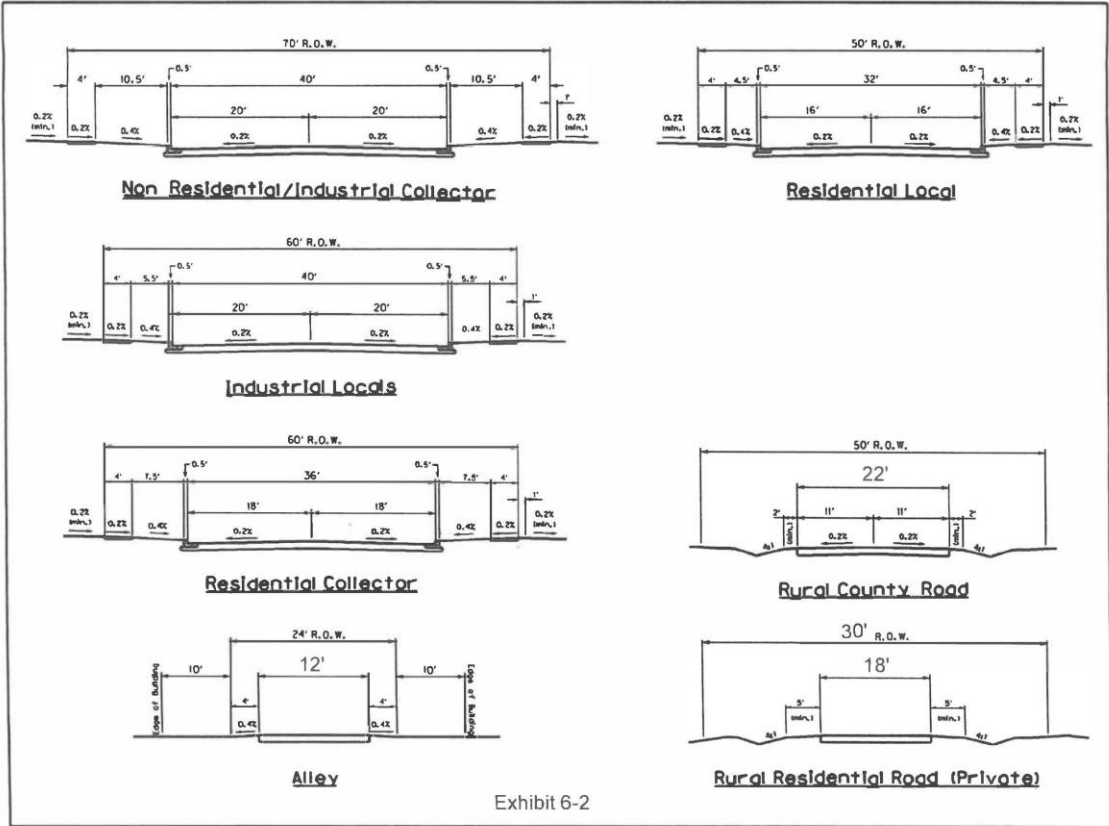


Exhibit 6-2

2. When any proposed subdivision fronts on or has access to a State road, the Planning Commission shall consult with the Kentucky Transportation Cabinet concerning the effect of the subdivision on the State road.
3. Whenever a proposed subdivision contains any part of a street designated in the Comprehensive Plan or noted on the official map (if adopted) such part of said street shall be platted by the subdivider in the general location and at the width indicated in the Comprehensive Plan.
4. New streets shall generally be continuous in alignment with existing streets with which they are to connect (Where appropriate to the design).
5. Proposed streets shall be extended to the boundary lines of the proposed subdivision with temporary turnarounds unless such extensions are not feasible because of topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary for the coordination with existing streets for adjacent tracts.

C. Pavement Specifications - The minimum specifications for streets are as follows:

Pavement base shall consist of not less than two (2) courses of dense graded aggregate laid and rolled separately to at least ninety (90%) percent maximum density, totaling eight (8) inches for the full widths of pavement and including any proposed shoulder. Sub-grade shall have been graded and rolled to ninety (90%) percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point

of three (3) inches. A surface or wearing course of Asphalt Concrete, Class I, Type "A" or an equivalent shall be applied, with a thickness at the thinnest point of one (1) inch. In the case of concrete streets, concrete pavement shall be a minimum of six (6) inch thick and reinforced with 6 x 6, 6 /6 mesh or No. 3 bars at a minimum twelve (12) inches center to center each way with concrete having a minimum compressive strength of three thousand (3,000) psi at twenty eight (28) days. Special approval shall be required for concrete pavement. These standards shall be increased in cases of industrial, warehousing, and heavy commercial developments where the streets must bear unusual stress and traffic. Industrial streets shall be constructed to specifications equal to or better than interstate standards for surface and subsurface materials. Street construction plans must be approved by the County and/or City Engineer, or as designated by the Planning Commission.

D. Street Geometrics

The street system layout shall be designed so as to preserve natural features such as trees, groves, creeks, hilltops, scenic views, and historical landmarks; and to preserve, the natural lay of the land and disposition of the topsoil.

1. Grades of streets shall conform as closely as possible to the original topography and shall be designed to produce usable and reasonable grades.
2. Grades of streets shall be arranged to obtain as many building sites as possible at or above the grade of the street (s) abutting the building.
3. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

**Exhibit 6-3**  
Street Grades

<u>Street Type</u>	<u>Maximum Percent Grade</u>
Arterial	5%
Collector	8%
Local & Cul-de-sac	12%
Alley	12%
County Roads in AG Districts	15%
Marginal Access Streets	15%
Rural Residential	15%

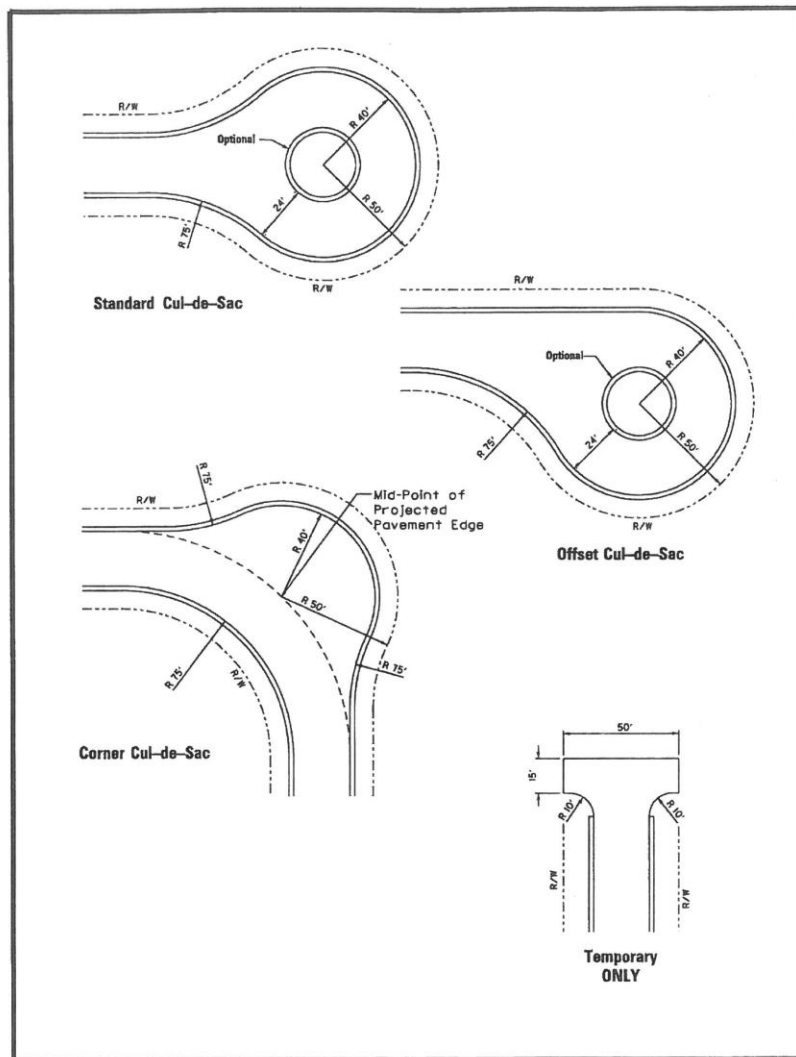
\*The Planning Commission may permit steeper grades in special circumstances.

4. No street grade shall be less than 0.80 percent.
5. Street alignments shall be designed as provided in this section. A combination of steep grades and sharp curves shall be avoided.
6. Grades at street intersections for stopping streets only shall be held to a maximum of two (2) percent for a distance of fifty (50) feet measured from back of curb.
7. Dead-end streets shall be prohibited except as stubs to permit future

extension to adjoining tracts or where necessitated by topography, or where, in the opinion of the Planning Commission, they are appropriate for the type of development contemplated and are designed as cul-de-sacs (See Exhibit 6-4).

8. Streets should be laid out to intersect as nearly as possible at right angles, and no street shall intersect with any other street at less than sixty (60) degrees. Any change in street alignment to meet this requirement shall occur at least eighty (80) feet from the intersection.
9. Intersections with State administered arterial streets shall be located not less than six hundred fifty (650) feet apart, measured from center line to center line or as determined appropriate by the Kentucky Transportation Cabinet. Intersections with County administered thoroughfares shall be as determined appropriate by the Woodford County Engineer.

Exhibit 6-4 - CUL-DE-SACS



**Exhibit 6-5**  
**Street Geometrics**

	<u>COLLECTOR STREET</u>	<u>CONTINUING</u>	<u>LOOP/CUL DE SAC (*3)</u>	<u>SERVICE ROAD</u>	<u>NON-RES.</u>
<b><u>STREET DIMENSIONS</u></b>					
Right of Way Width	60-70	50	50	40-50	60
Roadway Width (face to face)	36-40	30	27-30	30	36
Curbs and Gutters	Yes	Yes	Yes	Yes	Yes
Sidewalk (width and sides)	4' - both	4' - both	4' - both	4' - (*1)	4' - both
Driveway Access	*1	Yes	Yes	Yes	Yes
Backup Lots	*1	No	No	No	No
Street Grade, Maximum	6% (*4)	8%	8%	6%	6%
Street Grade, Minimum	0.8%	0.8%	0.8%	0.8%	0.8%

**STREET ALIGNMENT**

Horizontal Curve Radius at CL	500'	200'	100'	150'	300'
Stopping Sight Distance	250'	200'	200'	200'	200'
Crest Vertical Curve Formula	L=45A	L=22A	L=22A	L=22A	L=22A
Crest Vertical Curve, Minimum	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	L=60A	L=35A	L=35A	L=35A	L=35A
Sag Vertical Curve, Minimum	100'	100'	100'	100'	100'

**STREET INTERSECTIONS**

Maximum Street Legs	4	4	4	4	4
Intersection Angle (Pref.&Min.)	90-80 deg.	90-80 deg.	90-80 deg.	90-80 deg.	90-80 deg.
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	20'	20'	20'	20-40'
Max. Grade within 50' of intersecting gutter	3%	3%	3%	3%	3%
Max. Tangent Offset within 100' of intersection at gutter line	8.3'	11.3'	11.3'	11.3'	11.3'

(\*1) As approved by the Planning Commission.

(\*2) Intersection spacing shall apply as described in Section 630 (D) (10).

(\*3) Alternate dimensions of twenty two (22) feet' (face to face) roadway width may be utilized as described in Exhibit 6-2.

(\*4) On collector streets, grades from six (6) to eight (8) percent may be approved for short distances provided that no crest sight distance problem is created.

Note: Typical Cross section applications are described in Exhibit 6-2

10. Multiple intersections involving junctions of more than two (2) streets shall be avoided. All of the streets shall have a minimum offset of one hundred fifty (150) feet between street center lines, except in the case of round-a-bouts.
11. Clear sight triangles of fifty (50) feet measured along street right-of-way lines from their points of junction shall be provided at all intersections, and no building, structure, grade or planting higher than three (3) feet above the centerline of the street shall be permitted within such sight triangles.

12. Minimum back of curb radii or edge of pavement radii at street intersections shall be twenty (20) feet.
13. Where a proposed subdivision abuts or contains an existing or proposed arterial street, the number of intersections with the arterial street shall be kept to a minimum. Frontage roads will be incorporated into the subdivision or site design as a means of access control to the arterial when one or more of the following conditions occur:
  - a. The frontage road would serve to extend an existing frontage road, improving access control for several properties abutting the same arterial.
  - b. Where outlots of a commercial subdivision or development site would abut the arterial.
14. Cul-de-sac streets, permanently designed as such, shall not exceed two hundred fifty (250) feet in length. Cul-de-sac streets will only be permitted by the Planning Commission when the applicant can clearly demonstrate that one or more of the following conditions exist requiring the use of this technique:
  - a. The width and/or length of the tract would prohibit the use of a street and alley system because the use of such system would result in lots that are non-conforming with existing building placement standards. The physical dimensions of the tract must not be the result of property conveyance or platting actions taken by the property owner or applicant within two (2) years of a development application requesting approval for use of a cul-de-sac.
  - b. There are environmental or wildlife resources that the applicant proposes to preserve or protect and the use of a cul-de-sac is integral with the preservation objective.
  - c. The cul-de-sac would be utilized to continue an existing stub street from an adjoining subdivision and there would be no existing means of connecting the stub street to another existing or proposed street.
  - d. The cul-de-sac is integral to a rural residential development.
15. Cul-de-sac streets shall be provided at the closed end with a paved turnaround having a minimum diameter of eighty (80) feet to the outer pavement edge or back of curb and a diameter of one hundred (100) feet to the right-of-way line.
16. A suitable turnaround shall be required by the Planning Commission when a street temporarily dead-ends over one hundred fifty (150) feet from its nearest intersection.
17. When stub streets are approved and constructed the developer shall post a sign at the end of the stub street stating: "NOTICE: This road will be extended if there is future development. For more information contact the Versailles-Midway-Woodford County Planning office at 873-8611." The sign(s) will be metal with reflective 4" tall lettering. The sign (s) will be posted prior to recording of final plat.

E. Adjacent Existing Streets

1. Subdivisions that adjoin or include existing streets that do not conform to standards herein or streets included in the Comprehensive Plan or Official Map (if adopted) to dedicate additional right-of-way width, construct additional pavement width or perform other measures that may be required for the facilities to be fully compliant with standards contained herein. The Planning Commission may also require that funds be put in escrow for the purpose of acquiring right-of-way and making improvements to correct substandard conditions for the street or streets providing primary access.
2. Where a subdivision abuts or contains an existing or proposed arterial street, there shall be no direct access to the arterial street from individual lots. Such restriction shall be noted on the plat.
3. Where a subdivision abuts or contains an existing or proposed thoroughfare, the front of abutting lots and houses shall face the thoroughfare. Driveway access to thoroughfares will not be permitted except for designated scenic/historic thoroughfares. Where houses face the thoroughfare but driveway access is not permitted, access rights to the thoroughfare shall be dedicated to the public as part of the record plat.

F. Street Names

Proposed streets which are clearly aligned with existing streets shall bear the name of the existing street. Proposed streets shall not duplicate or closely approximate the names of existing streets in Woodford County. In the naming of developments, streets, etc., developers are encouraged to make use of local names and historical associations. All street names and addresses shall be approved by the Emergency 911 Coordinator prior to submission of the Final Plat.

G. Street Signs

Subdivider's are responsible for placement of street signs of a type in use throughout the cities and county. The subdivider shall place at least two (2) street name signs at each four-way street intersection and one at each AT@ intersection. Where street lighting is provided, signs shall be installed under light standards, free of visual obstruction, and easily legible. All street signs must be designed and installed in accordance with the requirements of the manual on Uniform Traffic Control Devices (UTCD). All street signs shall be metal with reflective lettering.

H. Street Lighting and Easements

All streets, sidewalks, and walkways shall be properly lighted within the Urban Service Boundary as required by the Planning Commission. Such lighting shall be installed by the subdivider. Easements necessary for provision of such lighting shall be provided and shall be labeled as Astreet light easement@ on the Final Subdivision Plat. The street lights shall be installed on both sides of the streets at no more than seventy five (75) foot intervals measured parallel to the street. Street lights should be between ten (10) and fourteen (14) feet in height. Lighting should



be designed to meet the minimum standards of the Illumination Engineering Society.

I. Sidewalks and Curbs and Guttering

Sidewalks and curbs and gutters shall be provided on both sides of all streets within the Urban Service Boundary of Versailles and Midway. Sidewalks shall be at least four (4) feet wide and at least four (4) inches thick unless otherwise approved by the Planning Commission. They shall be 6" thick at all driveway crossings. Curbs and gutters shall be Ogee Curb, Box Curb. Sidewalks are subject to performance guarantee at final platting but must be installed on each lot prior to the Certificate of Occupancy permit being issued for the structure on said lot. In any case, all sidewalks must be complete within two (2) years of the final plat being recorded or when 80% of the lots in said unit are occupied, whichever occurs first.

J. Alleys

1. Alleys may be provided in residential, commercial and industrial districts. Alleys shall not be provided in other locations unless required by special conditions.
2. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit safe vehicular movement.
3. Dead end alleys shall be avoided but, where necessary, shall be provided with adequate turnaround facilities at the dead end, as determined by the City or County Engineer.

K. Dedication of Right-of-Way for Existing Streets

Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in this Article.

1. The entire minimum right-of-way 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 (2) of the required right-of-way width measured from the center of the existing roadway shall be dedicated.
2. Dedication of one-half (2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

L. Dedication of Right-of-way for Proposed Streets

The preferred method for dedication of Right-of-Way for proposed streets, with the exception of the alley, is fee simple title for public use by the Record Plat or other legal instrument. The preferred method for the alley=s is to dedicate a cross access easement by the Record Plat or other legal instrument. A fee simple dedication of lands for this street type may be accepted if the Planning Commission finds that a suitable agreement for an adequately funded program for long-term maintenance of the facility will be implemented.

M. Erosion Protection

1. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching to prevent erosion.
2. To protect ditches and other areas from erosion, the following protective measures shall be required:

<u>Grade of Ditch</u>	<u>Required Protection</u>
Less than 1%	Seed and fertilize entire ditch and slopes.
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slope.
5% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4) inch thick reinforced concrete. Seed all other areas not paved in the right-of-way.
All over 10%	Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot center to retard flow.

All seeding and fertilization shall be done in conformance with the guidelines for Urban Sediment Control prepared by the Woodford County Conservation District.

3. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, it shall be corrected by the contractor immediately, to the satisfaction of the City or County Engineer.

**630 Storm Water Management Facilities Design Criteria**

A. Post-Development versus Pre-Development Design Criteria

1. Peak Discharge Considerations

The basic standard for design of drainage systems will be to keep runoff characteristics after development at the same level as existed prior to development and prevent aggravation of the existing downstream drainage system. To achieve this objective, storm water detention/retention facilities will be required, in most cases, so that the peak discharge (measured in cubic feet per second - CFS) and flood elevations from the developed area shall not be greater than the peak discharge and flood elevations evaluated for four (4) separate storm events: the 2 Year/1 Hour storm; the 10 Year/1

Hour storm; the 25 Year/24 Hour storm; and the 100 Year/1 Hour storm based on a method approved by the County and/or City Engineers. Included would be peak discharges from all areas that pass through the subject development. The peak discharge for the pre-developed site shall be measured in an instantaneous flow rate at the discharge point of each watershed affected. The peak discharge for the post developed site shall be the instantaneous flow rate taking into consideration both the detained storm water and the unmanaged storm water (if applicable). Downstream interceptor storm facilities shall be studied to determine that peak discharge from the subject development would not compound the existing downstream situation. The emergency spillway shall be designed to route the 100 year/24Hour storm, but does not have to meet the pre-development flow rate.

2. Downstream Flood Levels

The developer will be required to provide storm drainage improvements that will prevent the flood level for the area immediately downstream from the subject development from being raised in a 2 year/1 hour, a 10 year/1 hour storm, a 25 year/24 hour storm and a 100 year/1 hour storm considering both the instantaneous flow rate and flood elevations caused by the increased quantity of water from the development. Where conditions and engineering calculations indicate benefit from storm water detention/retention facilities would not occur, then they may be deleted from the development requirements in favor of channel improvements and/or off-site improvements to improve flow, or other alternative as approved by the applicable City or County Engineer.

3. Watershed Overcompensation

Each watershed must be evaluated separately, and each watershed must meet the requirements as stipulated within these specifications. Overcompensating within one watershed to allow for under compensated storm water detention in any other watershed may be considered on a case by case basis.

4. Discharge Points

The discharge point (s) of any storm water management facility shall be into either a natural, well defined drainage path, or into a man-made drainage way. For areas proposed to drain onto adjoining properties essentially undetained, then the drainage must be sheet flow. Point discharges onto adjoining property are prohibited unless the discharge point is into a natural, well defined drainage path or into a man-made drainage way or into an agreed upon off-site easement.

B. Storm Water Collection System Design Criteria

1. General System Design



Association shall permit necessary access to the City or County Engineer for periodic inspection. Failure to comply with the above requirements shall allow the City or County Engineer to take the necessary action to correct the non-compliance and the cost thereof shall be borne by the Association. Woodford Fiscal Court, the City of Versailles, or the City of Midway, shall have the right to assert a lien on the property to assure payment.” This note shall be designated on the Final Record Plat.

The applicable City or County jurisdiction will be responsible for maintaining all head walls, storm drainage pipes and inlets, regardless of the ownership of the facilities.

The County or City Engineer shall review the drainage plan to determine the adherence to the criteria as outlined in these Regulations, and to determine compliance with other Planning Commission Regulations. The storm water management system final plans and calculations shall be submitted to the Planning Commission Staff in triplicate. They shall include the number, seal and original signature of a professional engineer registered in Kentucky and the engineer's calculations for pre-development/post-development peak discharge runoff volumes, catch basin spacing, pipe sizing, and storage volumes in the detention facilities for each of the four (4) separate storm events outlined earlier in this regulation. Capacities of all downstream interceptor facilities receiving discharges from development shall be checked for pre-development/post-development adequacy. Outlet sizing shall be staged for each of four (4) storm events to insure the post-development discharge will not exceed the pre-development discharge rates.

The Planning Commission and/or Staff reserve the right to reject any plan that would adversely effect adjoining properties.

## 2. Piping System

Design of storm water piping system shall be designed on the basis of the 25 Year/24 Hour Storm event peak discharge. The unit shall then be checked for backwater and surcharge conditions for the one hundred (100) year storm event peak discharge. No flooding shall be induced by the system at the one hundred (100) year return frequency.

The Manning's roughness co-efficient to be used in culvert design shall be 0.024 for Corrugated Metal Pipe (CMP); and 0.012 for Reinforced Concrete Pipe (RCP), smooth interior High Density Polyethylene Pipe (HDPE), Ductile Iron Pipe (DIP), and PolyVinyl Chloride (PVC) pipe.

HDPE and PVC pipe shall only be used for private systems. Both pipes are very susceptible to permanent damage from rodding operations. A plan and profile of the proposed storm water system (including pipes, drainage swales, channels, stream relocations, etc.) shall be drawn with pipe sizes, types, grades and inverts indicated. All drainage pipes must be extended to a

natural, well defined drainage path connected to a manmade drainage way, or storm water sewer systems.

Under no circumstances shall storm water drainage systems be designed, constructed or connected so that the flow is diverted into any public or private sanitary sewer system.

3. Head walls

Head walls are required for any pipe within the proposed storm water management plan. Head walls are also required for any existing pipe within the proposed subdivision. Energy dissipater head walls shall be provided at the outlet of all pipes over eighteen (18) inches in diameter and of a configuration to prevent erosion and to reduce the discharge velocity. For pipes less than eighteen (18) inches in diameter, the applicable City or County Engineer may require energy dissipater head walls at the outlet as deemed necessary. Four (4) foot fencing shall be required along the perimeter of the head wall if the distance from the pipe invert to the top of the head wall exceeds three and one-half (3.5) feet.

4. Storm Manholes

The storm water drainage system shall be designed and constructed with sufficient junction boxes, manholes, and other appurtenances to provide ready access into any section for clean out and maintenance operations. Storm sewer manholes with improved inverts shall be required for pipes at any change in direction (horizontal or vertical) or junction point and at a minimum every four hundred (400) feet. Manhole lids must be clearly marked as Astorm sewers@ so as not to be confused with sanitary sewer manholes.

5. Box Culverts

Any drainage plan requiring the use of box culverts shall include reinforced concrete designs from a professional engineer to withstand the anticipated loading. (HS 20 loading or greater). Design of culverts shall be designed on the basis of the 25 Year storm event peak discharge.

6. Drainage Channels

When open channel flow in man-made drainage channels is proposed as a method of storm water transport (in lieu of underground pipes), the developer shall provide drainage channels sufficient in size to contain the design discharge from the 10 Year/24 Hour storm event plus one (1) foot freeboard.

The channel shall then be checked using the 100 Year storm event. No flooding shall be induced by the channel at the 100 Year return frequency. The side slopes for sodded channels shall not be steeper than three to one (3H:1V). The lowest floor elevation (residence and garage) for any lot

adjacent to any channel shall be a minimum of one (1) foot above the elevation of the top of the bank for any channel. The side slopes for a concrete lined channel shall not be steeper than two to one (2H:1V). Channels with slopes less than two (2%) percent shall have a low flow concrete channel with a minimum of two (2) foot flat bottom, six (6) inches deep. For design velocities exceeding six (6) feet per second, riprap or other approved erosion control shall be used to the elevation of the 10 Year/24 Hour storm event. The Manning's roughness co-efficient to be used for flows contained within concrete lined open channels shall be 0.015, grass lined channels shall be 0.030, rip-rap lined channels shall be 0.045.

7. Existing Structures - On Site

The storm water management plan must take into account adjoining subdivisions and drainage areas to insure that the effects of existing structures and/or drainage ways have been considered. If existing on-site structures are to be utilized within the storm water management plan, then each existing structure must meet the design materials and construction requirements as set forth in these Regulations.

8. Sinkholes

Sinkholes (either active or inactive) shall not be used in calculations for the Storage or transfer of storm water. Sinkholes should not be considered as a viable part of the storm water management system since the capacity for flow and volume for storage cannot be determined. Existing sinkhole systems shall not be covered or otherwise tampered with since they already function with existing hydrological conditions. A geotechnical engineer shall evaluate the area and specify engineering conditions whereby the area could be buildable.

9. Springs

Springs (either constantly flowing or wet weather flowing) must be considered within the storm water management system. Spring boxes and piping shall be required to divert the ground water from the spring to the storm water drainage system. This shall include existing springs and any spring discovered during construction. Under no circumstances shall spring discharge be designed, constructed, or connected so that the flow is diverted into any public or private sanitary sewer system. A geotechnical engineer shall evaluate the area and specify engineering conditions whereby they could be buildable.

10. Private Systems

A private storm water management system shall be defined as a system installed by an individual (i.e. person or company) to fulfill detention/retention requirements not associated with subdivisions. A private storm water

management system shall follow the same design criteria as outlined in these Regulations, except that the use of HDPE and PVC are allowed when the system will not be dedicated for public maintenance.

C. Detention/Retention Basin Design Criteria

1. General Basin Design

A detention basin shall be defined as a normally dry, storm water storage area with a principle spillway and/or an emergency spillway. Detention basins shall be designed so that standing water will not remain during dry weather. Grass bottoms in detention basins shall be designed with minimum slopes of two (2%) percent and shall include low flow concrete channels designed with minimum slopes of one-half (2) percent. In certain instances, other techniques (underground vault storage, etc.) may be considered for systems on a case-by-case basis.

A retention basin shall be defined as a storm water storage area that permanently stores a predetermined pool of water. Retention basins shall be designed within a drainage area of sufficient size or be aerated to insure that the standing water will not stagnate or present health hazards. For the design of retention basins, the static ground water level must be taken into consideration for any and all utilities including the existence or possibilities of basements. The minimum depth for a basin with a permanent pool shall be two (2) feet as measured from the bottom of the basin to the invert of the primary spillway. Permanent pools of depth greater than two (2) feet shall be fenced along all sides of the permanent pool with a minimum of a 4 (four) foot fence.

Farm ponds that are utilized for storm water storage and are off-site to the subdivision or development/building site will be exempt from the fencing requirement.

The storm water piping system used to feed the retention basin must have the inflow inverts above the normal lake level as dictated by the invert elevation of the principle spillway. Trash racks and rock silt check dams or other acceptable method as approved on a case by case basis by the City or County Engineer, shall be designed at each inflow source to the retention basin to prevent silt and/or trash from entering into the permanent pool.

2. Construction in Flood Plain

Detention/retention basins shall not be constructed within the 100 Year Flood Plain as defined by the Flood Insurance Maps for the cities of Midway and Versailles and Woodford County unless a permit for such construction is obtained from the Kentucky Division of Water in Frankfort, Kentucky.



3. Principle and Emergency Spillway

Each detention/retention basin is required to have a principle and an emergency spillway of a size dictated by the overall storm water detention/retention plan. The minimum size for a principle spillway shall be eight (8) inches in diameter for either pipe or orifice, or as determined by the Engineer and approved by the City or County Engineer. More than one principle spillway for each detention/retention basin may be required to insure compliance with the method as outlined in these regulations. The spillway (s) may be staged as necessary to insure proper discharge rates for each of the four (4) storm events: 2 Year/1 Hour storm; the 10 Year/ 1 Hour storm; the 25 Year/24 Hour storm; and the 100 Year/1 Hour storm. One spillway outlet rarely detains/retains different storm events. The principle spillway is intended to serve the 25 Year/24 Hour Storm event and the emergency spillway is intended to serve the outfall needs of a 100 Year storm event. Each detention/retention basin must have an emergency spillway of sufficient size to prevent the overtopping of the basin during the greatest of any of the four (4) storm events. Open channel emergency spillways shall be concrete.

4. Embankment Requirements

If an earthen berm is used to construct a detention/retention basin, the minimum top width shall be four (4) feet, and the maximum slope of the embankment shall be three (3) feet horizontal for each one (1) foot of vertical rise (3H:1V) or as approved by the City or County Engineer. The embankment shall be initially constructed to a minimum of one (1) foot above the crest of the 100 Year/1 Hour storm event discharge through the emergency spillway.

5. See Storm Water Collection System Design Criteria regarding the location and design of storm water detention and retention basins.

D. Construction Criteria - Materials

1. Pipe - Once the Construction Plans have been approved for construction by the Planning Commission Staff and the City or County Engineer, the pipe type shall not be altered without further review and approval.
  - a. Corrugated Metal Pipe (CMP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains and Sewers.
  - b. Reinforced Concrete Pipe (RCP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains and Sewers.
  - c. High Density Polyethylene (HDPE) Pipe shall only be used in private storm sewer systems and be ADS N-12 manufactured by Advanced Drainage Systems, Inc., or approved equal and conform to the

- d. requirements of ASTM F-405 and ASTM F667. Ductile Iron Pipe (DIP) shall conform to the latest edition of the Kentucky Standard Specifications for Road and Bridge Construction - Pipe Culverts, Storm Drains, and Sewers.
  - e. PolyVinyl Chloride (PVC) Pipe shall only be used in private storm sewer systems and shall conform to the requirements of ASTM D2241, SDR35 and ASTM D1784, Schedule 40.
2. Concrete Structures - Once the Construction Plans have been approved for construction, the size or type of concrete structures shall not be altered unless approved by the Planning Commission Staff and the City or County Engineer. The materials used to construct any concrete structure (pre-cast or cast-in-place) shall conform to Kentucky Standard Specifications for Road and Bridge Construction including any and all accessories which might be required of the structure (i.e., chain link fencing, grates, riprap, castings, etc.). Concrete for the structures shall conform to the requirements for Class 'A' concrete as described in the Kentucky Standard Specifications for Road and Bridge Construction (Latest Edition).

E. Construction

The installation of storm water facilities shall not begin until the Construction Plans have been approved by Planning Commission Staff and the City or County Engineer.

Construction of head walls shall conform to the Kentucky Bureau of Highways, Head Wall Supplement, RDH Series, except as modified for energy dissipaters. Head walls may be pre-cast or cast-in-place, but the use of brick is prohibited as a structural material. Construction of other concrete structures shall conform to the Kentucky Bureau of Highways Standard Drawings Manual. The structures may be pre-cast, cast-in-place or slip formed, but the use of brick is prohibited.

F. Pipe trenching and backfill shall consist of the following:

- a. The trench width shall be a minimum of eighteen (18) inches plus the outside diameter of the pipe. The pipe shall be bedded on four (4) inches of #9 or #68 crushed stone. The pipe shall then be cushioned by at least one and a half (1 1/2) feet of select soil backfill above the pipe. Backfill above this soil cushion shall not contain large pieces of rock (greater than one (1) foot).
- b. When the trench excavation is within the street then the entire trench must be bedded-with #9 or #68 stone and backfilled with D.G.A.

G. Inspection of Storm Water Management Facilities

Prior to final approval of the Construction Plans, the Developer shall designate by letter to the Planning Commission Staff, a Project Engineer to be responsible for the inspections and project certifications. The Project Engineer may propose changes to the approved construction plans. Notification of the changes shall be given to the Planning Commission Staff. Such changes shall meet the requirements of the

Versailles-Midway-Woodford County Subdivision Regulations and not violate any local or state regulation. All such changes shall be reviewed and approved by the Planning Commission Staff and the City or County Engineer prior to the work being done.

Changes requiring variances from the requirements of the Subdivision Regulations must be submitted in writing to and approved by the Planning Commission prior to the work being done.

All storm sewer construction shall be inspected by the Project Engineer to insure that the construction progresses in compliance with the approved plans and specifications of the project. If the storm sewer being constructed is covered prior to inspection, it will have to be uncovered before it will be approved. However, small area spot coverings of the storm sewer prior to inspection are acceptable to prevent flotation.

The Developer shall provide ready access to the construction site for inspection by Planning Commission Staff and the City or County Engineer throughout the construction period. If the Planning Commission Staff determines that the construction is not in compliance with the approved plans or specifications, they shall notify the Contractor, the Project Engineer and the owner. The owner shall take the necessary steps to see that the problem is corrected. In the event an unresolved difference arises between the owner, Developer, Project Engineer and the Planning Commission Staff, the parties shall present their arguments in support of their positions to the Technical Review Committee, the Planning Commission and an independent engineer, in sequence. The independent engineer's time shall be paid by the Developer, if the Developer is found to be performing construction not in compliance with Planning Commission specifications and acceptable construction techniques. Otherwise, the Planning Commission will absorb costs associated with having the independent engineer examine the work. If the difference is resolved at any stage, no further presentation of differences shall be required. If differences are not resolved by this method, either party may appeal to the Circuit Court pursuant to the provisions of KRS 147.710.

Upon completion of the construction, the Developer shall make a written request to the Planning Commission Staff for a detailed inspection by the Planning Commission Staff and the City or County Engineer for acceptance of dedicated public facilities.

#### H. Penalties

Failure to construct the storm water improvements in accordance with the approved plans and specifications, and the regulations contained herein (including violations of conditions or safeguards established in connection with approval) shall constitute a misdemeanor as per Kentucky Revised Statute Chapter 100. Any person who so violates these requirements shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00) but not more than five hundred (\$500.00) for each conviction. Each day of violation shall constitute a separate offense. Nothing herein contained shall prevent the Planning Commission from taking such other lawful

action as is necessary to prevent or remedy any violation.

I. As-Built Construction Plans

After the completion of the construction of the storm water management facilities, three (3) sets of prints, one (1) digital copy (clearly marked As-Builts), and one (1) set of reproducible mylars shall be submitted to the Planning Commission Staff for the As-Built System. The As-Built Construction Plans for the storm water management system shall include the following information which has been determined in the field after construction:

1. The location of each structure, piping system and detention/retention area must be shown on a plan view sheet. This shall include the location of all catch basins, storm manholes, piping systems, drainage swales or located streams, head walls, springs, box culverts, and the flooding limits and volumes of detention/retention basins.
2. Information for each basin, or other similar structures shall include the grade elevation, the flow line elevation, and type of structure including throat length, if applicable.
3. Information for storm manholes shall include a rim elevation and a flow line elevation.
4. Information for piping systems shall include the pipe sizes, pipe lengths, the pipe type, and slope of pipe installed.
5. Information for drainage swales or re-located streams shall include a cross section indicating the extent of the constructed swale and a generalized slope with flow arrows.
6. Information for head walls shall include the type of head wall and the flow line elevation.
7. Information for springs shall include the type (i.e. constantly flowing or wet weather (flowing) and the actual treatment installed.
8. Information for box culverts shall include the size and type, the flow line elevation and the design loading.
9. Information for detention/retention basins shall include a stage/storage curve for the constructed basin indicating the invert of the principle spillway (s), the invert of the emergency spillway, and the elevation of the top of the embankment. Additional data for the principle spillway shall include the size and type. Additional data for the emergency spillway shall include a cross section indicating the control section of the constructed spillway.
10. Certification that volumes and construction meets the intent of these regulations and the approved construction plans.
11. Show a bench mark.

**640 Lots and Lot Sizes**

A. General Requirements

1. The size, width, depth, shape, orientation, and yards of lots shall not be less than specified in the Zoning Ordinance for the district in which the lots are

located and shall be appropriate for the type of development and use contemplated.

2. All lots shall have frontage upon an approved and improved public street, except that in a Planned Unit Development lots having access to a street or common parking area along a pedestrian way may be allowed if the development meets with the specifications outlined in the Zoning Ordinance.
3. Side lot lines shall be substantially at right angles or radial to street lines, unless a variation from this rule will give a better street or lot plan. Right of way shall be substantially parallel to the street centerline.
4. Double frontage and reverse frontage lots should be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement of at least fifteen (15) feet contained within the required setback, across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or highway.
5. Where a watercourse separates the buildable area of the lot from the street by which it has access, a note shall be placed on the plat indicating the type and size of culvert or other structure, approved by the City or County Engineer.

## **650 Blocks**

### **A. Block Shape**

Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance, and to provide for convenient access, circulation control, and safety of street traffic. Blocks shall be of such sizes and shapes as considerations of topography and street layout shall dictate. Pedestrian through walks may be required when necessary to assist circulation or provide access to community facilities. Such walks shall have a right-of-way width of not less than twelve (12) feet and a paved walk of not less than four (4) feet.

## **660 Easements**

### **A. General Requirements**

To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. Easements shall be fully indicated on the Final Subdivision Plat.

### **B. Pedestrian Easements**

1. The Planning Commission shall require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least twelve (12) feet in width. The Planning Commission may require a paved walk of at least four (4) feet in width for pedestrian safety within such an easement.
2. Where a subdivision borders on a watercourse in an area designated in the Comprehensive Plan for public recreational use, the Planning Commission

may require easements to be reserved for public access to the water.

C. Utility and Drainage Easements

Where topography or other conditions make it impractical, to include utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least twelve (12) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street, unless otherwise specified by the utility company.

D. Storm Water Easements

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary with design and approval by the City or County Engineer to permit the construction of improvements designed to restrict the flooding of said watercourse on adjoining properties. Parallel streets or medians may be required.

E. Widening or Realignment of Existing Roads

Where the subdivision borders an existing street and the Comprehensive Plan indicates a plan for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Commission may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes". Land reserved for street widening may not be counted in satisfying the minimum front yard or minimum lot area requirement of the Zoning Ordinance.

**670 Land Requirement for Community Facilities and Adequacy and Accessibility to Public Facilities**

A. In reviewing subdivision plats, the Planning Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.

Where a proposed park, playground, or other recreational area, proposed school site, or other public uses, shown in the Comprehensive Plan is located in whole or in part within a proposed subdivision, such proposed public use or park, if not dedicated to public use, or conveyed to the City, County or the Board of Education, shall be reserved for a period not more than two years from the date of final approval of the Final Subdivision Plat by the Planning Commission for acquisition by the Fiscal Court, the City Council, the Board of Education or other public agency by purchase or other means.

At a minimum, open space (exclusive of retention/detention basins) shall constitute no less than four (4%) percent of the gross area of any subdivision or development

site except in the Rural Residential zones. This open space area shall have at least sixty (60%) percent of its perimeter abutting a public street edge.

B. In reviewing subdivision plats and site plans, the Planning Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings or non-residential structures and uses proposed. This review shall be based on service or facility standards adopted by the Planning Commission. Community facilities and services that may be reviewed for adequacy and accessibility include:

1. Public Schools
2. Transportation Facilities
3. Potable Water Supply
4. Sanitary Sewer Collection and Treatment
5. Storm Water Management and
6. Parks and Recreation

## **680 Urban Sediment Control**

A. Technical Principles

The subdivider shall provide effective sediment control measures in the planning and construction of subdivisions. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb five (5) or more acres. The permit will be obtained from the Kentucky Division Of Water, The Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. A practical combination of the following technical principles shall be applied:

1. The smallest practical area of land shall be exposed at any one time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.
9. All seeding and fertilizing shall be done in conformance with the guidelines or Urban Sediment Control prepared by the Woodford County Conservation District.

10. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavation or construction activity. If erosion, siltation or water impoundment should occur it shall be corrected by the contractor immediately, to the satisfaction of the City or County Engineer.

## 690 Miscellaneous

### A. Preservation of Existing Features

Existing features which would add significant aesthetic or historic value to residential development, or natural or man-made assets of Versailles, Midway, or Woodford County, such as trees, groves, woodlands, watercourses, vistas, historic spots, historic or architecturally significant buildings, and similar irreplaceable assets, shall be preserved. No more than twenty (20%) percent of the existing trees, groves, or woodlands, can be removed. Trees, groves, or woodlands being protected shall be specifically identified on the Preliminary Plan, as "Tree Protection Areas", with appropriate acreages and percentages.

These "Tree Protection Areas" will be depicted as easements on the Final Record Plat with notes indicating that it is the responsibility of the property owner to maintain them. If any of the existing trees die or become a danger to the surrounding area, the property owner shall contact the Planning Director in writing for permission to remove and replace the tree (s). They will need to indicate the location of the tree (s) being removed and identify what type (s) of tree (s) are being planted. The new tree (s) must be native Kentucky tree species that are at least 1 ½ inch caliper and 10 feet tall when installed.

### B. Preservation of Natural Cover

Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil.

### C. Self-Imposed Restrictions

The subdivider may place restrictions on the development more restrictive than those required herein or by the Zoning Ordinance. Such restrictions, if any, may be required to be indicated on the Subdivision Plat.

### D. Modifications of Standards

The Planning Commission may modify the special requirements in any individual case where, in the Planning Commission's judgment, such modifications would eliminate undue hardship and are in the public interest. No modifications shall be granted which will have the effect of nullifying the intent and purpose of these Regulations or the Comprehensive Plan. In granting any adjustment, the Planning Commission shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements so adjusted.



E. Construction Procedure

Equipment or structures used in construction shall not be allowed to remain in close proximity to newly occupied lots in the subdivision. Once construction is halted for a thirty (30) day period, the developer may be required to remove the construction equipment from the premises.

**ARTICLE VII**  
**DEFINITIONS**

**700 INTERPRETATION**

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows: The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory, the word "should" is directive but not necessarily mandatory, the word "may" is permissive. The phrase "used for" includes, "arranged for", "designed for", "intended for", "maintained for", or "occupied for". The word "lot" includes the words "plat" or "parcel". Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan or Zoning Ordinances, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other practices and otherwise according to common usage, unless the context clearly indicates otherwise.

**710 DEFINITION OF TERMS** - As used in these Regulations, the following terms shall be defined as follows:

**AGRICULTURAL USE (KRS 100.111):** Shall mean the use of:

- a. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agriculture use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155.
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

- d. A tract of land used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph (d) shall only apply to acreage that was being used for these activities before July 13, 2004.

**ALLEY** - See street.

**ARCHITECT, LANDSCAPE** - Shall be a person licensed as a Landscape Architect by the State of Kentucky.

**BLOCK** - An area of land containing two or more lots and bounded by streets providing access to such lots.

**BLUE LINE STREAM, SOLID** - A stream defined and designated as such on seven and one-half minute quadrangle topographic maps published by the U.S. Geologic Survey.

**BUFFER (OR BUFFERING)** - The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

**BUILDING** - Any man-made physical structure, or part thereof, and public land, railroad rights-of-way or waterways, affixed to the land and intended for work, residence, or other occupancy. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

**BUILDING AND ZONING OFFICIAL** - The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the administration and enforcement of building and zoning regulations.

**BUILDING SETBACK LINE** - A line drawn parallel to a lot line at a distance therefrom equal to the depth of a required yard. The term also includes front yard setback, side yard setback, and rear yard setback.

**CALIPER** - The diameter of a tree trunk, usually measured at 4.5 feet above the natural grade of the surrounding ground.

**COMMISSION (KRS 100.111)**: Versailles-Midway-Woodford County Planning Commission established pursuant to Chapter 100 of the Kentucky Revised Statutes.

**COMMON ACCESS EASEMENT** - An unobstructed passageway for two or more lots, typically crossing or occupying a portion of more than one lot that provides access to

garages, utilities and services such as garbage collection.

**COMMON AREA** - Any part of a development designed and intended to be used in common by the owners, residents, or tenants of the development and by the general public if the area is so designated. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, tenants and/or the general public.

**COMMON OPEN SPACE** - All open space, or portions thereof, including landscaping, screening, and buffering, which is part of a Common Area.

**COMPREHENSIVE PLAN** - The plan which shall serve as a guide for the physical development of the area within the jurisdiction of the Planning Commission, which has been adopted by the Planning Commission, the Fiscal Court, the City Council of Midway and the City Council of Versailles. Such Plan shall include all elements whether expressed in words, graphics, or other forms.

**CONSTRUCTION EASEMENT** - A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

**CONSTRUCTION PLANS OR DRAWING** - The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of the Subdivision Regulations. This term also includes Construction Drawings.

**CONSERVATION EASEMENT** - The grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

**CONSERVATION LINE** - A line drawn on private lots that stipulates land uses for the purpose of rural conservation.

**CUL-DE-SAC** - See Street.

**CURB** - The concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

**DAY** - The term shall mean calendar day unless otherwise specified.

**DECELERATION LANE** - An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

**DEDICATION** - The transfer of property from the owner to another party.

**DEED** - A legal document conveying ownership of real property.

**DEED RESTRICTION** - See Restrictive Covenant.

**DEVELOPER** - Any person, firm, corporation, partnership, or association including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

**DEVELOPMENT PLAN (KRS 100.111):** Written and/or 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 man-made and natural conditions, and all other conditions agreed to by the applicant.

**EASEMENT** - Any strip of land for public or private utilities, drainage, sanitation, access or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of servitude.

**ENGINEER** - A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**ENVIRONMENTALLY SENSITIVE AREA** - Any area which due to its natural or physical setting may have environmental problems with regard to development. Areas included are (but are not limited to) areas of steep slope (over 12%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, significant tree stands, aquifer recharge areas, and similar areas.

**F.E.M.A.** - The U.S. Federal Emergency Management Agency or any successor agency.

**FILL** - A deposit of soil, rock, or other non-deteriorating material used to replace or supplement the original soil or subsoil. A Construction fill@ is a term used to describe fill upon which any permanent structure or human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

**FLOODPLAIN** - Low lying land that is susceptible to flooding from any source. The floodplain consists of two sections--the floodway, which is the channel for a water course and that portion of land needed for the passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

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

**GRADE** - The slope of a road, street or other unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

**GRADING** - Any stripping, cutting, filling, or stockpiling of earth or land, including land in its cut or filled condition, to create new grades.

**GROUNDWATER** - The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

**HOMEOWNERS ASSOCIATION** - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. Participation in the Association may or may not be mandatory.

**HORIZONTAL PROPERTY (KRS 381.805/381.9101):** Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 or KRS 381.9101 et. seq. (Also referred to as Condominiums).

**IMPROVEMENTS (OR SITE IMPROVEMENTS)** - Any grading, filling or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, street lights, landscaping, permanent reference monuments (PRMs) permanent control points (PCPs), or any other improvement required by these regulations or by the Planning Commission.

**INFRASTRUCTURE** - Facilities and services needed to sustain industrial, residential, commercial and all other land use activities.

**INTERIOR WALK** - A right-of-way for pedestrian use extending from a street into a block or across a block to another street.

**LAND CLEARING** - Removal of all trees and/or vegetation from the land surface to the mineral soil.

**LAND SURVEYOR** - A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**LEGISLATIVE BODY (KRS 100.111):** Means the chief body of the city, consolidated local government, urban-county government, charter county government, or unified local government with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court.

**LOT** - A tract or parcel of land intended for transfer of ownership, use or improvement.

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

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

**LOT, DOUBLE FRONTAGE** - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**LOT FRONTAGE** - The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

**LOT OF RECORD** - A lot which is included in a subdivision, the plat of which has been recorded in the office of the Woodford County Clerk.

**LOT, REVERSE FRONTAGE** - A double frontage lot extending between and having frontage on a freeway, arterial, or collector street and a local street, and with vehicular access solely from the latter.

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

**MONUMENT** - A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice of Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**OWNER** - The owner of the land proposed to be subdivided whose name last appears on the tax rolls.

**PAVEMENT** - That portion of a street intended for vehicular movement.

**PLANNING DIRECTOR** - The designated representative of the Versailles-Midway-Woodford County Planning Commission who is responsible for the preparation of the community's Comprehensive Plan and the administration and enforcement of land development regulations, including but not limited to the Zoning Ordinance and Subdivision Regulations.

**PHASE** - The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

**PLAT:** The recording document for subdivisions that contains all required signatures and notations.

**PLAT RESTRICTIONS:** Requirements stated in the plat notes that governs development activity on that property or properties.

**PROPERTY** - A lot, parcel, or tract of land together with the building and structures located thereon.

**PROPERTY OWNERS ASSOCIATION** - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner or a portion of a subdivision - be it lot, parcel, site, unit plat, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

**PUBLIC SPACE** - Any area, lot, building site or development site that has been reserved or dedicated for public use.

**PUBLIC UTILITY** - Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

**RESTRICTIVE COVENANT** - A restriction on the use of land usually set forth in the deed.

**RIGHT-OF-WAY** - Land reserved for use of a street, interior walk, or for other public purposes such as underground and above ground utilities.

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

**SEDIMENT** - Solid material that may be mineral or organic and is in suspension, is being transported, or has moved from its site of origin by water.

**SEDIMENTATION** - The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

**SETBACK** - See "Building Line".

**SIGHT DISTANCE (ALONG ROAD)** - A straight line with unobstructed view measured between a point four feet (4') above the finished grade of a road, at the centerline of each traffic lane, and a point at a given minimum distance away from the first point, located one foot (1') above finished grade at the centerline of the same traffic lane.



**SIGHT DISTANCE (ACROSS INTERSECTIONS)** - A straight line with unobstructed view measured in either direction across the corner between points, each seventy-five feet (75') back from the theoretical intersection of the edges of the pavement prolonged; one point four feet (4') above the grade of the pavement edge, the second point one foot (1') above the grade of the pavement edge.

**SIGHT TRIANGLE** - A triangular shaped area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

**STREET** - A street in its general sense herein, is an area of land designated for public use within defined limits in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street shall include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any street shall be coincident to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows:

1. Expressways: Expressways rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.
2. Arterial: Arterial streets rank second in the classification of streets and are used primarily for vehicular movement and are used secondarily for vehicular access to abutting properties. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than providing each abutting property to have its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.
3. Collector Streets: Collector streets rank third in the classification of streets and are principally used for vehicular movement; however, access to abutting properties are planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way widths, and speed control.
4. Local Streets: Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be eliminated. Local streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Local streets require the least amount of vehicular movement and may be further classified into five categories as follows:

- a. Continuing Streets: Continuing streets are minor streets having two open ends; each end generally connecting with different streets. One or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.
- b. Marginal Access Streets: Marginal access streets are minor streets generally having two or more access points to the major system by connecting to a street of higher classification. Property that abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.
- c. Loop Streets: Loop streets are minor streets having two open ends each and generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.
- d. Cul-de-Sacs: Cul-de-Sacs are minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation for an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Planning Commission.
- e. Alleys: Alleys are streets generally having two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides thereof and are not intended for general traffic circulation.

**STREET TREE ALIGNMENT LINE** - A generally straight line that street trees are to be planted along. This alignment is parallel with the street.

**STREET TREE** - A deciduous canopy tree, of a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**STREETSCAPE** - This term refers to the various components that make up a street, both in the right-of-way, and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

**STUB STREET** - A street that usually ends at a property line and is designated to be extended to adjoining property in the future.

**SUBDIVIDER** - Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

**SUBDIVISION (KRS 100.111):** The division of a parcel of land into three (3) or more lots or parcels except in a county containing a city with a population equal to or greater than eight thousand (8,000) based upon the most recent federal decennial census or in an urban-county government or consolidated local government where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

**SUBDIVISION/ MAJOR** - Shall be those subdivisions of land which are generally of major significance to the community's future development and shall include all subdivisions which do not conform to the definitions established for minor subdivisions.

**SUBDIVISION/ MINOR** - Shall be those subdivisions of land which are generally of minor planning significance to the community's future development and include only the subdivision defined in these regulations. Such minor subdivisions shall conform specifically to the requirements established in these regulations.

**ZONING ORDINANCE** - The officially adopted Zoning Ordinance of Versailles-Midway- and Woodford County together with any and all amendments thereto.

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## **APPENDIX A**

**SUBDIVISION REGULATIONS**  
**GIS MAPPING STANDARDS/DIGITAL FORMAT**  
**VERSAILLES - MIDWAY - WOODFORD COUNTY PLANNING COMMISSION**

**Introduction**

The Versailles-Midway-Woodford County Planning Commission (V-M-WCPC) requires that all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts be submitted in digital format. This requirement is in addition to the existing hardcopy submission requirements. The intent of this document is to enable the required hardcopy and digital submission to be produced from the same digital data without significant modification.

In order for the GIS to be fully utilized by the Versailles-Midway-Woodford County Planning Commission and other agencies, it must be as current as possible. The hardcopy will continue to be the official document.

**Adoption of the GIS Mapping Standards/Digital Format**

Requirements for all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts will be submitted to the V-M-WCPC in digital format by surveyor/registered civil engineer in accordance with the following details:

- I. Purpose : The purpose of this document is to outline the minimum content and format required for all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts.
- II. Format Requirements: The format for digital submission of all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts is \*.DXF, \*.DWG, \*.DGN or in ESRI format (shape file or file Geodatabase).
- III. Ties to Horizontal Control
  - A. The surveyor or engineer is required to show ties made to control monuments in accordance with the Subdivision Regulations. Coordinates published by the V-M-WCPC for these control monuments shall be shown on the hardcopy and the digital file
  - B. Points used to establish the **boundaries** of all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts shall be tied into the Kentucky State Plane Coordinate System, North Zone or Single Zone, NAD 83 in US survey feet. The coordinates of at least two points shall be shown and labeled, preferably, on opposite sides of the subdivision.
  - C. The basis of the bearings shown for all subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts shall be indicated
  - D. If the boundaries of the subdivision plats, preliminary development plans, subdivision construction plans and subdivision construction plan as-builts are presently tied to the Kentucky State Plane Coordinate System, North Zone or Single Zone, NAD 83, in US survey feet, the requirements of section III, paragraph B, shall

be waived, with the stipulation that the surveyor or engineer be required to show existing monumentation.

#### IV. Data Layering and Submission Requirements

The following outlines desired layers: Boundary Lines, Boundary text, survey calls, etc., Street centerlines, Existing easements, Existing contours, Existing contours text, Floodplain, Floodplain text, Lot lines, Lot numbers, Monument icon, Monument description, New easements, New easement descriptions, Proposed contours, Street right-of-way, Building setback line, Starting point, Street name text, Appropriate title, Proposed stream relocation, Stream text, Proposed retention basin, Proposed detention basin, Storm pipes and culverts, Culvert and pipe text, Manholes and junction boxes, Manhole and junction box text, Headwalls, Headwall text, Sanitary sewer pipe, Sanitary sewer pipe text, Sanitary sewer manhole, Sanitary sewer manhole text, Address numbers, Sanitary sewer lift station, Sanitary sewer lift station text, Water line, Water line text, Water valve, Water valve text, Fire hydrants, Blow-offs, Blow-offs text.

- A. All other data not required or desired by the V-M-WCPC and therefore, not indicated in the preceding table, should be transmitted as a separate data element or on other layers.
- B. In cases where a linear element between two points applies to more than one feature (i.e. a boundary line and lot line may be coincidental), this data may, at the submitter's discretion, be submitted as one graphical element. If such is the case, the following hierarchy must be utilized to determine the appropriate layer for the graphics data.
  1. Boundary
  2. Right-of-way
  3. Lot line

#### V. File Naming Convention

Filenames shall be appropriately assigned based on the alphanumeric plan number assigned by the Planning Commission office. Filename extension should include: **.DXF**, **.DWG**, **.DGN**, **SHP**, or **GDB**

#### VI. Media Requirements

The following methods of data transfer are considered acceptable for digital submission of subdivision plans:

1. Email
2. Cloud-base server provider

#### VII. Data Integrity Requirements

Measurements shall comply with the standards of practice for professional land surveyors in Kentucky.

## VIII. Review of Digital Data

- A. All digital data will be reviewed for the following criteria:
  - 1. Verification that digital and hardcopy maps are consistent
  - 2. Correct geographical position (i.e. correct coordinate values for final submissions)
- B. The licensed Surveyor/Registered Civil Engineer shall be responsible for correcting any errors and resubmitting the correct digital file prior to approval by the V-M-WCPC.

### **Exceptions**

#### I. Instances of Minor plats

The following exceptions pertain to particular instances of minor plats. In order to qualify as exceptions the minor plats **must be consolidations or amendments to previously existing recorded plats in which digital submissions were not required.**

- A. Consolidation Plat
  - 1. A subdivision providing for the transfer of land between adjacent property owners and not involving the creation of any new lots or building sites and which shall neither create any new non-conforming lots nor create any additional non-conformity.
  - 2. A subdivision in which no more than five (5) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.
- B. Minor Amendments to recorded Final Plats
  - 1. A subdivision where there is a need to make technical revisions to a recorded Final Plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements.
  - 2. A subdivision involving amendments to a recorded Final Plat for the purpose of release or modification of existing utilities and drainage easements and/or the addition of new utility and drainage easements.

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## **APPENDIX B**





## VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING COMMISSION CONSTRUCTION CONTRACT

**THIS CONSTRUCTION CONTRACT** made and entered into on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter called "Developer"; and the VERSAILLES-MIDWAY-WOODFORD COUNTY PLANNING COMMISSION, located in Versailles, Kentucky, hereinafter called "Commission".

**WHEREAS**, the Developer has applied to the Commission for approval of a subdivision plat and/or public infrastructure project as herein defined for a certain tract of land within Woodford County, Kentucky, to be known as \_\_\_\_\_, and has agreed, as a condition to the approval by the Commission, to install improvements as set forth herein below and which improvements are, but are not limited to grading, filling, storm water drainage, erosion control, landscaping, sidewalks, streetlights, public water, public sanitary sewer, paving and similar improvements as required by the Commission; and,

**WHEREAS**, the approval of the above subdivision plat and/or public infrastructure project is further conditioned upon the furnishing of this agreement to complete the above described improvements in good workmanlike manner, with an adequate surety thereon to be furnished to the Commission; and,

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and in further consideration of the approval by the commission of the subdivision plat and/or public infrastructure project, the parties hereto agree as follows:

1. The Developer shall construct, in accordance with the approval by the commission of the subdivision plat, subdivision and/or public infrastructure project, including all conditions attached by the Commission thereto, those improvements within said subdivision plat, subdivision and/or public infrastructure project, including but not limited to grading, filling, construction of embankments, storm water drainage, seeding of all excavation areas, installation of guard rails, landscaping, concrete sidewalks, streetlights, public water lines, public sewer lines, curbs, gutters, signs, paving, and similar improvements, in accordance with the Versailles-Midway-Woodford County Subdivision Regulations.

2. This contract shall continue in full force and effect until completion of all improvements hereunder and until the Developer shall be released by the Commission. As a material part of the Developer's duty to construct in accordance with the subdivision plat, subdivision and/or public infrastructure project, plans and specifications, as set forth above, the Developer does further agree to warrant, for a period of 12 months following the appropriate Governmental Agency's acceptance of the work, that the work performed and the products installed under this agreement, have been performed in accordance with said subdivision plat, subdivision and/or public infrastructure project plans and specifications, in a good and workmanlike manner and are free from defects. In the event the Developer breaches its warranty, the appropriate Governmental Agency shall be entitled to recover its damages, costs, including reasonable attorney's fees, from the Developer and/or his surety.
3. The Developer agrees and stipulates that the sum of \$\_\_\_\_\_ shall be the estimated cost of construction of the improvements aforementioned. Upon the breach of this agreement the Developer shall pay over unto the Commission such sums as are necessary for full and satisfactory completion of such improvements not to exceed the estimated construction costs set forth hereinabove. The determinations on satisfactory completion shall be exclusively vested in the Commission and in its sole discretion.
4. In the event of the amendment of the original subdivision plat, subdivision and/or public infrastructure project, including the estimated cost of construction, as hereinabove set forth same shall become a part hereof upon approval by the Commission, conditioned on approval by the Engineer of the jurisdiction where the improvements are located and same shall be incorporated herein by reference as if copied in full.
5. The following events shall constitute an event of default and/or breach of this agreement:
  - (a) Failure to construct any of the improvements hereunder, or any portion thereof.
  - (b) A breach or failure of performance by Developer of any provision of this contract.
  - (c) The termination and/or lapse of any surety for the performance of this agreement.
  - (d) The Developer, (i) is unable, or admits in writing the inability to perform this contract; (ii) makes an assignment for the benefit of creditors; (iii) has a receiver appointed voluntarily or otherwise, for its property, or in the event of individual Developers for their property; (iv) is adjudicated a bankruptcy; (v) suspends business; or (vi) becomes insolvent, however, or as otherwise evident.

6. That in the event of default hereunder the Commission may, in accordance with the Versailles-Midway-Woodford County Subdivision Regulations, undertake completion of the improvements to be constructed hereunder, or any portion thereof, and the Developer shall pay the cost of such construction in accordance with this contract; in the event that the Commission undertakes completion of such improvements. The Developer shall, in addition to the cost of construction, also reimburse the Commission for any and all engineering, administrative or legal costs actually incurred by the Commission, whether or not such services are provided by an employee or employees of the Commission, the cost of which shall not exceed the Surety posted by the Developer. Default Developer Funds not utilized by the Planning Commission to complete the required construction, shall be refunded back to the developer.
7. In the event of default by the Developer, in accordance with the Versailles-Midway-Woodford County Subdivision Regulations, the Developer hereby grants to the Commission the discretionary power, after providing adequate notice to the Developer to deal in any manner with any surety hereunder, including but without limiting the generality of the foregoing, the following powers:
  - (a) To consent to the substitution, exchange, or release of all or any part of the Surety;
  - (b) In the event of the default and/or breach of this contract, including all liabilities created hereunder, the Commission is hereby granted full and complete authority to require payment by the Surety without notice to the Developer; or,
  - (c) To exercise all of its rights with such Surety, including but not limited to issuing any drafts of letters of credit, demands for payment under deposit agreements or performance bond, or the Commission may forebear from requiring payment by such surety, all as the Commission may deem proper.
8. No failure on the part of the Commission to enforce any provision of this contract, including the extensions and/or renewals of any surety agreements hereunder, shall act as a waiver on the part of the Commission.
9. This agreement shall be in all respects governed by and construed in accordance with laws of the Commonwealth of Kentucky, including all matters of construction, validity, and performance.

10. This agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.
11. Nothing in this agreement, whether express or implied, shall be construed to give to any party other than the Commission and the Developer any legal or equitable right, remedy, or claim under or in respect to this agreement or any covenant, condition, or other provision contained herein.
12. This instrument contains the entire agreement between the parties hereto, and is a total integration thereof, and no statements, promises, or inducements by any party hereto or by any agent of any party hereto, which is not contained in this written agreement shall be valid or binding; no modification, variation, or amendment of this agreement shall be of any force unless such modifications, variation or amendment is in writing and signed by the party against whom enforcement shall be sought.
13. Subject to the provisions hereof, this agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns to become such in accordance with the terms of this agreement, and in the case of the individual parties, their heirs, administrators, executors, and personal representatives.
14. This agreement may be assigned only upon the prior written consent of the Commission.
15. Additional terms (if any):  
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**WITNESS WHEREOF**, the parties hereto have caused this agreement to be duly executed, the day and date first above written.

**DEVELOPER:**

\_\_\_\_\_

COMMONWEALTH OF KENTUCKY) )  
COUNTY OF WOODFORD ) )

This is to certify that the above Contract was signed and acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC - KY State at Large  
My Commission Expires: \_\_\_\_\_

**VERSAILLES-MIDWAY-WOODFORD COUNTY  
PLANNING COMMISSION, KENTUCKY**

\_\_\_\_\_  
Chairman

COMMONWEALTH OF KENTUCKY) )  
COUNTY OF WOODFORD ) )

This is to certify that the above Contract was signed and acknowledged before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC - KY State at Large  
My Commission Expires: \_\_\_\_\_