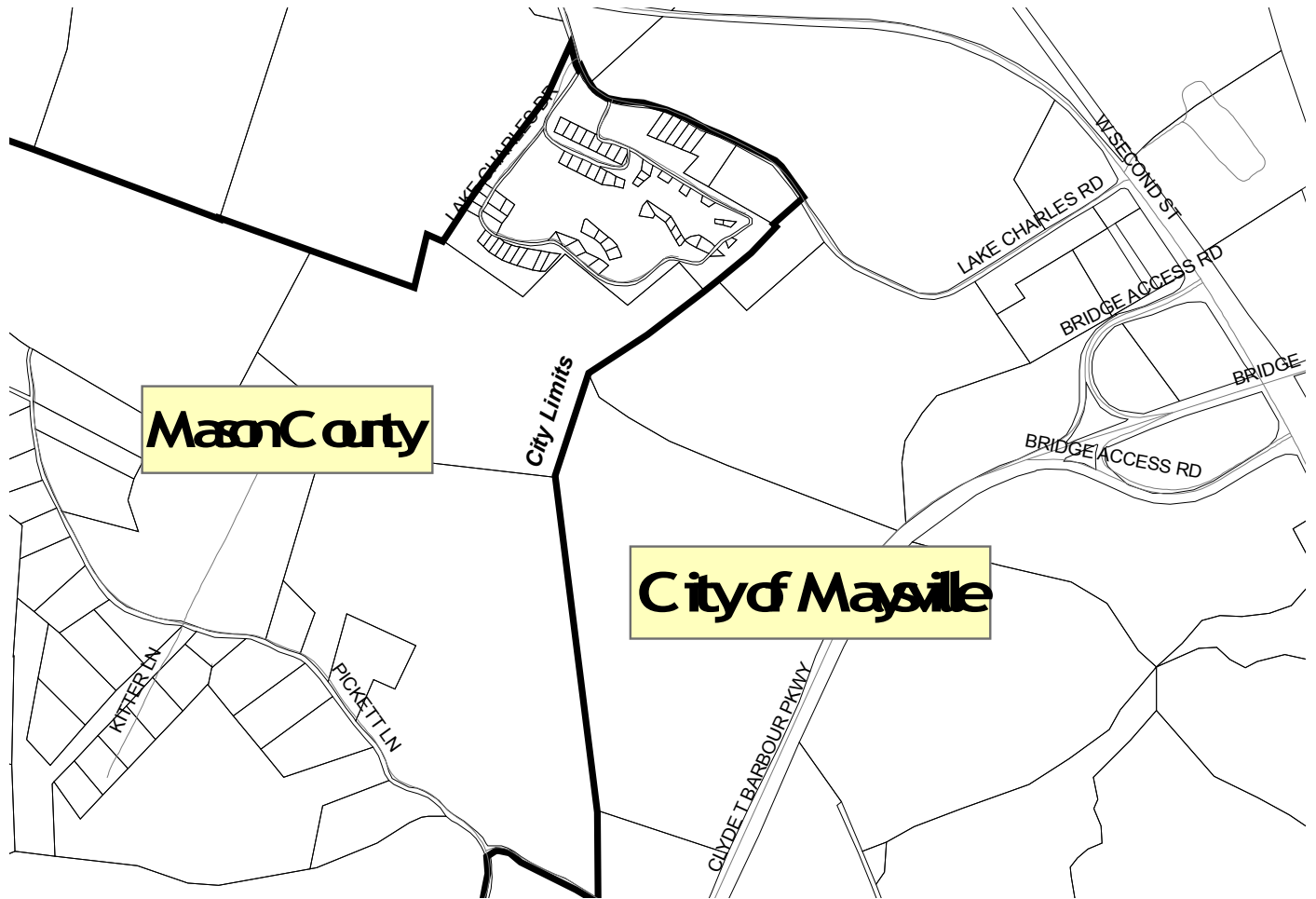


# MAYSVILLE/MASON COUNTY SUBDIVISION REGULATIONS



**Subdivision Regulation Amendments**  
**As approved by the MC Joint Planning Commission 9/7/2005**

1. 290.022 (4) Require base pavement to be in place, versus gravel, before a performance bond can be submitted prior to record plat submittal.
2. 290.024 (B) Development Plan approval is required by the Planning Commission on developments that contain 10 lots or more, or 10 acres or more. Anything under those amounts can be approved by the City/County Staff.
3. 290.035 (J) Increase the contour requirements on Preliminary Plats and Improvement Plans from 5 feet to 10 feet (with the City/County Engineer allowing smaller contours for certain requests). Also require separate sheets for water, sewer, and storm drainage; roads; and lot layout on the Improvement Plans.
4. 290.035 & 290.036 Delete the reference to soils.
5. 290.036 Increase the slope requirement on proposed grades from 2 ½ feet to 3 feet (this allows a slope for mowing purposes).
6. 290.036 (1) Location of proposed sanitary sewer, stormwater, and water systems including facilities such as laterals, manholes, pump stations, sewage plants, catch basins, junction boxes, head walls, water valves and fire hydrants **shall be included.** (The shaded section needs to be included with the sentence).
7. 290.036 (I) Streets: Include language stating: “Cross sections are required every 100 feet and additional sections at locations designated by the City/County Engineer as required on the development plan.”
8. 290.036 (N) Erosion Controls: Require a separate erosion control plan with the Development Plan. Include language stating: “All erosion controls must meet State of Kentucky Best Management Practices and a storm water discharge permit must be filed with the State.”
9. 290.051 (B) Subdivision Street Requirements: Include language stating that turnaround street designs shall be approved by the City/County Engineer.
10. 290.051 (D) Street Intersections: Include language stating: “Requiring the curb radius for commercial developments to be 50 feet.”
11. 290.052 (B) Lot Arrangement and Sizes: Change the minimum width for flag lots from 60 feet to 100 feet.
12. 290.053 (B) Utility Design: Change the minimum size water line in a major subdivision from 6 inches to 8 inches, unless otherwise approved.
13. 290.055 Stormwater Control, Section (J): Include language stating: “All erosion control measures shall meet the requirements of the State of Kentucky. Such measures shall follow the Best Management Practices. Delete subsections 1-9, the Best Management Practices by the State of Kentucky will prevail.
14. 290.065 Construction Inspections: Include requirements for all permits to be posted on the job site.
15. 290.069 Guarantees and Bonds: Require a performance bond of 100% of the public improvements, instead of “no more than 25%.”
16. Require a copy of every plat be submitted to the Mason County Property Valuation Administrator.

**Subdivision Regulation Amendments**  
**As approved by the MC Joint Planning Commission 11/3/2005**

1. 290.052 (A): Interior developments in the Rural Residential Two zone in the unincorporated parts of the county, may reduce the minimum lot size to one (1) acre with a minimum of 150 feet of road frontage for each lot IF a road is developed to county standards AND dedicated to the Mason County Fiscal Court and the development exits onto a State or County road that is a minimum sixteen (16) feet wide.

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## **GENERAL PROVISIONS**

### **290.001 TITLE**

These regulations shall be known and may be cited as the “Subdivision Regulations for Maysville-Mason County, Kentucky” (herein referred as subdivision regulation or regulations). A certified copy of these regulations are on file with the County Clerk of Mason County. These regulations were prepared and adopted by the Mason County Joint Planning Commission (also referred as “Planning Commission”) as outlined in KRS Chapter 100. The provisions of these regulations shall apply to all property within the County except for lands within incorporated limits of cities, which are not part of the joint planning unit.

### **290.002 MINIMUM STANDARDS**

In their interpretation and application, the provisions of these regulations shall be held to be minimum acceptable standards or requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

### **290.003 SEPARABILITY CLAUSE**

Should any section or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **290.004 PURPOSE AND AUTHORITY**

These subdivision regulations are herein set forth, have been prepared in accordance with the adopted Maysville/Mason County Comprehensive Plan. They are designed to encourage development of residential, commercial, office and industrial subdivisions, according to recognized standards that provide for sound, efficient and economical development; to provide for safe, convenient, and efficient traffic circulation; to coordinate land development to insure that future growth will be orderly and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas.; to provide for adequate and convenient open spaces for utilities, recreation, light, air, and access of fire fighting equipment; to avoid population congestion through requirements of minimum lot widths and lot areas; to provide for provision of water, drainage, sewer, and other sanitary facilities; and to reduce flood damage potentials to the greatest extent possible.

290.005 REPEAL OF CONFLICTING REGULATIONS OR ORDINANCES; EFFECTIVE DATE

The regulations titled, “Subdivision Regulations for Maysville/Mason County, Kentucky,” dated 1982 are hereby repealed. These regulations shall become effective in full force from and after the date of their approval and adoption as provided in KRS Chapter 100.

290.006 PLANNING COMMISSION APPROVAL REQUIRED FOR SUBDIVISION OF LAND AS PROVIDED IN KRS CH. 100.

The Maysville/Mason County Subdivision Regulations set forth a procedure for Planning Commission approval of the subdivision of land. This procedure and legal authority is based upon KRS 100.277 and all amendments to KRS Chapter 100.

(A) No person or his agent shall subdivide any land before securing the Planning Commission’s approval of a plat designated the areas to be subdivided, and no plat of a subdivision of land within the planning unit’s jurisdiction shall be recorded by the County Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the chairman or other authorized officer of the Planning Commission.

(B)No person owning land comprising a subdivision, or his agent, shall transfer, sell, or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval by the Planning Commission, and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such a lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided, or deprive the purchaser of any right or remedies he may otherwise have.

(C)The Planning Commission shall review all survey plats or deeds submitted for recording by the Mason County Clerk as an agricultural exemption. When a tract of land is being divided and the property owner seeks an agricultural exemption by declaring that the intended use of the land is for agriculture, the owner must give testimony and provide a written notarized affidavit stating that the primary use of the land is for agricultural use and not for residential building development for sale or lease to the public (see definition of Agricultural Use). Additionally, the Planning Commission may require that a statement be placed on the plat to the effect that the land is not to be used for residential building development for sale or lease to the general public. If the intended use of the land for agricultural purposes is obvious from the initial plat review,

the Planning Commission may designate the Administrative Officer authority to sign off on the plat.

#### 290.007 ADMINISTRATION

(A) These regulations shall be administered by the Joint Planning Commission. The Planning Commission's authority and responsibilities include the following:

- (1) Review, process and take final action on all plans and plats as described in these regulations
- (2) Receive applications, fees, drawings and maps as a result of subdivision review of various plats and plans and coordinate inspection services for constitution of public improvements.
- (3) Distribute copies of approval plans and plats to various legislative units and utility companies for review, comment and/or approval.
- (4) Maintain files for subdivision plats and plans.
- (5) Appoint administrative officers (city and county) to administer and enforce these regulations.
- (6) Seek advice if necessary from consultants and other local, regional, and state, agencies regarding subdivision proposals.
- (7) Hear and take action on dimensional variances when a proposed development requires subdivision review and one or more variances (KRS 100.243). In determining whether a variance should be granted or not, the Planning Commission shall use the criteria outlined in KRS Chapter 100.
- (8) Hear and take action on individual waiver requests other than dimensional variances to seek relief from a requirement in the regulations. Upon written request by the applicant, the Planning Commission shall review and take action on a waiver request as a result of an unusual or extreme circumstance, while still meeting the intent in these regulations. Such circumstances may include new construction technology, existing topography, or site conditions that have existed for some time and are not the result of actions of the applicant. A waiver request must clearly demonstrate a hardship placed upon the applicant.

(B) Application for variances and waivers shall be made at each level of review by the Planning Commission. This is done by submitting a letter requesting such waiver and/or variance with the submittal of each plat or plan.

(C) The legislative body's authority and responsibilities as governed by the Maysville-Mason County Subdivision Regulations consist of the following.

- (1) Perform on-site construction inspections of public improvements in accordance

with the approved plans or plats unless delegated to the Planning Commission.

(2) Assure that all inspected public improvements are complete and have been constructed in accordance with the plans, plats, and specifications as approved by the Planning Commission and as required by each legislative unit and utility.

(3) Review guarantees and bonds for the proper installation of public improvements as described in these regulations.

(4) Make recommendations to the appropriate legislative authority for maintenance purposes of public improvements (includes street rights-of-way and utilities) on record plats and street rights-of-way on minor plats approved by the Joint Planning Commission.

#### 290.008 AMENDMENTS

The Planning Commission may revise, modify, or amend the regulations by appropriate action taken at a scheduled meeting after the required notice and subsequent public hearing. All amendments are referenced in the beginning of this document and have been adopted in accordance with KRS Chapter 100.

#### 290.009 ADOPTION AND EFFECTIVE DATE

The presentation and adoption of these subdivision regulations and subsequent amendments are made in accordance with KRS Chapters 100 and 424 legal requirements for public notification. The subdivision regulations shall take effect and be in full force immediately upon adoption thereof by the Mason County Joint Planning Commission.

### **PROCEDURES**

#### 290.020 OVERALL PROCEDURE FOR SUBDIVISION APPROVAL

(A) The procedure for obtaining approval of a subdivision plat from the Planning Commission generally includes the following:

(1) Advisory meeting with the Planning Commission staff.

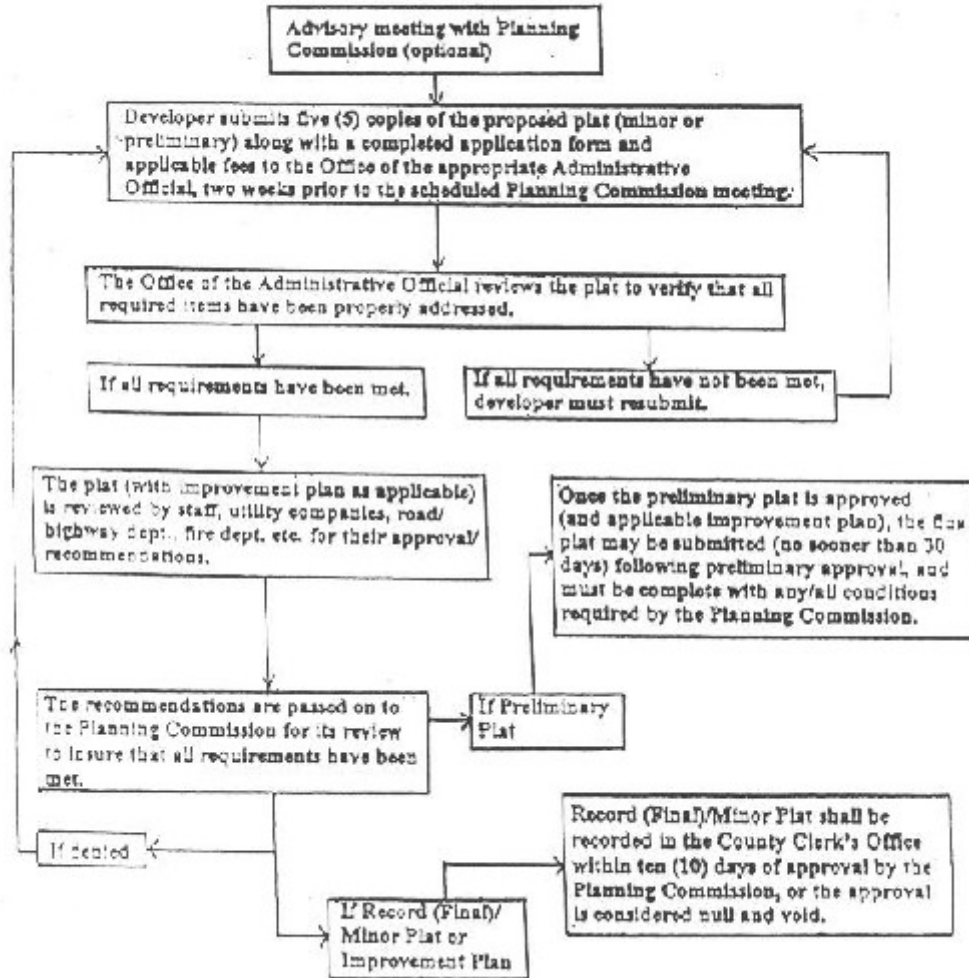
(2) Definition and determination of minor and major subdivision review.

(3) Minor subdivision - minor plat review and approval.

(4) Major subdivision - preliminary plat review and approval - improvement plan review and approval - record (final) plat review and approval.

(B) The following chart briefly outlines the procedures and types of subdivision reviews:

**SUBDIVISION PLAT  
AND IMPROVEMENT PLAN REVIEW PROCESS**



## 290.021 ADVISORY MEETING WITH THE PLANNING COMMISSION

Prior to the preparation of any subdivision plan or plat, a subdivider or applicant is encouraged to meet with the Planning Commission's Administrative Officers or staff designees in order to expedite the processing or review of each subdivision plan or plat. This meeting is intended to familiarize the subdivider with the current regulations and to ascertain the location of any planned development projects and infrastructure, which may affect the property being considered for subdivision. This step does not require a formal application or the filing of a plat with the Planning Commission. A prepared plan or plat by the subdivider is recommended so that the Planning Commission will have information available for preliminary comment in a pre-application meeting with the Planning Commission staff.

## 290.022 MINOR AND MAJOR SUBDIVISIONS

(A) Minor subdivision. A type of subdivision that involves the division of land into a maximum of five buildable lots from the parent tract (record tract existing on Jan. 5, 1995.) Buildable lots are defined as lots which meet all design criteria in these regulations and any applicable regulations, (see the Land Use Management Ordinances, the City of Maysville Code of Ordinances Chapter 320, and 290.080, Definitions). A minor subdivision does not require the extension of a public street or public utility improvements (for example: water or sanitary sewer). A minor plat is used for minor subdivisions. If an applicant or property owner follows the minor subdivision procedure, but later subdivides further to create more than five lots from the parent tract, then the applicant will be required to follow the major subdivision procedure and requirements. Planning Commission approval is required prior to recording such plat in the County Clerk's office. The minor plat requirements are outlined in 290.038 of this chapter.

(B) Major subdivision. A type of subdivision that involves the division of land into a minimum six buildable lots or more (as defined above) from the parent tract (recorded tract as of Jan. 5, 1995.) or which includes public improvements such as streets and utilities (for example, water and sanitary sewer.) The review procedure for major subdivisions Requires the submittal of a preliminary plat, and improvement plan and a record plat. No major subdivision shall be approved on a county or other roadway with a pavement width under sixteen (16) feet. The developer has the right to widen the roadway to the nearest existing (16) foot roadway at the developer's sole expense. Provided funds are available, and the proposed roadway improvement is in keeping with the County's Road Plan, the Fiscal Court may agree to share in the cost of the improvement. A copy of the approved plat shall be submitted to the Mason County Property Valuation Administration Office.

(1) The subdivider or applicant shall submit a preliminary plat and/or improvement plan

to the Planning Commission. All waiver requests shall be made at this level. The Planning Commission shall take action either to approve, approve with conditions or disapprove a properly completed preliminary plat or improvement plan within 60 days of submittal unless the time limitation is waived by agreement by the Planning Commission and the applicant. Once the preliminary plat and the improvement plan have been approved by the Planning Commission, an applicant may commence grading the site and construct utilities and streets, subject to review, inspection, and approval of federal, state, and local government agencies and utility companies. Once construction of the proposed subdivision has begun and public improvements are completely installed or near completion, then a record (final) plat shall be submitted to the Planning Commission for review and approval.

(2) Improvement Plan approved by the Planning Commission.

(3) The Planning Commission shall take action either to approve, approve with conditions or disapprove a properly completed record plat within 60 days of submittal unless the time limitation is waived by mutual agreement by the Planning Commission and the applicant. If the record plat is approved with conditions, those conditions shall be listed on the record plat before being signed by the Planning Commission. No lots in the proposed subdivision may be sold or transferred until the record plat has been approved by The Planning Commission, signed by an officer of the Planning Commission and recorded in the County Clerk's office.

(4) No record plat may be approved by the Planning Commission until all public improvements have been completely and properly installed and approved by the appropriate federal, state, and local agencies or utilities unless a performance bond is posted with the appropriate legislative body to cover the expected costs to complete and properly install the uncompleted public improvements. The bonding of uncompleted public improvements shall not be permitted unless the base pavement is in place, and the water supply and public sanitary sewer extensions (where applicable) are 75% completed. The remaining improvements may be bonded in order to record the record plat. Such bond or guarantee can be released after completion and inspection of the remaining improvements. (See Section 290.067)

(C) Resubdivision of a previously recorded lot. If a subdivider or applicant wishes to resubdivide a previously recorded lot and combine the new lot(s) with adjacent existing lots, thereby decreasing the number of lots, then a minor plat can be used for recording

this change. If a subdivider or applicant wishes to resubdivide a previously recorded lot, thereby increasing the number of lots, then an amended or revised record plat shall be used.

(D) Revision of previously approved plans or plats. In certain case, a subdivider may find it necessary to make changes to the arrangement, size, number, or location of lots, streets, or utilities. All changes wether major or minor in nature shall be reviewed and approved by the Planning Commission as a “revised” record plat. Amended or revised drawings, plats, or plans shall be presented to the Planning Commission for action. Final “as-built” drawings shall be required to be submitted prior to record plat approval.

(E) Revocation of subdivision plat. Revocation of a previously approved recorded Subdivision Plat shall be permitted only in accordance with KRS 100.285.

#### 290.023 PRELIMINARY PLAT FILING AND APPROVAL PROCEDURE

(A) After meeting informally with the Planning Commission’s staff, the subdivider shall prepare and submit a preliminary plat for review and action by the Planning Commission. The preliminary plat shall meet all applicable requirements in these regulations. Five copies of the preliminary plat and supplemental material shall be submitted to the appropriate Administrative Officer of the Planning Commission along with a written application and applicable fees two weeks prior to the scheduled Planning Commission meeting. Any requests for variances shall be listed on the preliminary plat.

(1) Preliminary plat review by the Planning Commission. In determining whether an application for preliminary play review shall be approved, the Planning Commission shall determine if the plat provides for the following:

- (a) Meets all minimum requirements and standard design standards contained or referenced in these regulations.
- (b) Adequate provisions have been made for potable water, sewage disposal, fire protection, and other utilities.
- (c) Coordination of subdivision streets with existing and planned streets.
- (d) Establishment of minimum width, depth, and area lots within the projected subdivision. See the Land Use Management Ordinance.
- (e) Distribution of population and traffic in a manner that results in promoting health, safety, convenience, and harmonious development of the area.

(2) Approval of the preliminary plat shall not constitute acceptance and approval of the record (final) plat. Approval of the preliminary plat allows the subdivider to

proceed with construction of private improvements as long as public improvements are not required. A record plat is then required in this situation. However, if public improvements are required, then the next step of review is improvement plan review and then record plat review. In this situation, construction cannot occur until the improvement plan is approved by the Planning Commission. Approval of the preliminary plat is valid for up to one year from the date of Planning Commission action. If a record plat is not submitted within one year, up to a one year extension may be granted by the Planning Commission prior to the expiration of the one year period based upon a schedule submitted by the developer.

(3) Disapproval. Disapproval of the preliminary plat is based upon the plat not meeting the design requirements or review criteria in these regulations. Reasons for disapproval will be given in writing as stated and contained in the Planning Commission's minutes.

(B) An approved copy of the preliminary plat will be forwarded by the Planning Commission to the subdivider and appropriate city/county agencies and utility companies. Revised copies of the preliminary plat will also be distributed. If a preliminary plat is denied by the Planning Commission, a new application is required to be submitted.

Case reference:

Planning Commission disapproval of preliminary subdivision plat is not a final appealable action under KRS 100.347, *Poage v. SDK Corp.*, 4 KY. A.R. 16 (11/26/97)

## 290.024 IMPROVEMENT PLAN PROCEDURE

(A) An improvement plan is a professionally prepared design document which describes the specifications for construction of the public and private improvements. Included in the improvement plan are streets, sidewalks, drainage, sewer systems, grading, and other elements comprising the subdivision.

(B) Improvement plan filing and approval procedure. The improvement plan may be filed at the same time as the preliminary plat. Improvement plan approval is required by the Planning Commission on developments that contain 10 lots or more, or 10 acres or more. The City/County staff will still make recommendations on such developments; but the staff may approve plans, administratively, on developments less than the amounts stated above. Plans containing a variance or waiver request, no matter the number of lots or acres, shall be approved by the Planning Commission.

## 290.025 RECORD (FINAL) PLAT AND MINOR PLAT PROCEDURES

(A) Record (final) plat filing approval and procedure. A record plat for a major subdivision which meets the minimum design requirements in these regulations may be submitted for review and action by the Planning Commission after approval of the preliminary plat (if no public improvements are necessary) or improvement plan. Prior to record plat approval by the Planning Commission and recording such plat in the County Clerk's office, the applicant or developer may not sell, lease, transfer a lot under the major subdivision procedure.

Three paper copies with original signatures of the record plat required along with one mylar or vellum, all with original signatures of the record plat to be submitted to the Planning Commission at least two weeks prior to a scheduled meeting.

(B) Conformance with preliminary plat or preliminary plat with public improvements. The record plat shall conform to the approved preliminary plat and improvement plan and the minimum state surveying requirements and the design requirements stated in these regulations.

(C) All documents for dedication of public improvements or easements shall be submitted with the record plat.

(D) Bond documents

(E) As-built drawings

(F) County Clerk recording fees

(G) Planning Commission action on record plat.

(1) The Planning Commission will review all Record Plat submittals and act within 60 days unless a time extension is granted by the Planning Commission by mutual agreement with subdivider. The Planning Commission shall act accordingly:

(a) Deferral. Deferral of the record plat means that the plat doesn't provide sufficient information and final action by the Planning Commission is postponed.

(b) Approval. The Planning Commission takes action to approve the record plat and it is signed by an officer of the Planning Commission. The record plat is then recorded in the County Clerk's office. After recording such plat, a subdivider may sell, lease, or transfer land or lots. Planning Commission approval does not,

however constitute acceptance by the city or county of the dedication of any streets or utilities since this responsibility is reserved for the legislative body.

(c) Disapproval. The subdivider's record plat is denied by the Planning Commission for failing to meet the minimum state surveying requirements and the design requirements or criteria outlined in these regulations. Reasons for denial will be given in writing as stated and contained in the Planning Commission's minutes.

(2) If record plat is denied by the Planning Commission, a new application is required to be submitted.

(D) Recording of record plat. Within 10 days of the Planning Commission's approval or conditional approval, unless a time extension is granted by the Planning Commission, a certified copy of the record plat shall be filed in the County Clerk's office by the Planning Commission. The certified recorded copy shall be identical to the copy retained by the Planning Commission. After 10 days if such plat is not recorded, then it shall be void.

(E) Release of bond. If subdivision performance bond has been submitted as part of a record plat submittal, its completion or performance shall be approved by the Planning Commission and recommended for release by appropriate legislative body upon request by the applicant.

(See Section 290.069)

(F) Minor plat filing and approval procedures. A minor plat for minor subdivisions that meets the minimum surveying requirements in this document may be submitted for review and action by the Planning Commission. A subdivider following the minor subdivision process may not sell, lease, or transfer land or a lot until a minor plat is reviewed and approved by the Planning Commission. Five copies of the minor plat, and a fee shall be submitted to the Planning Commission staff at least two weeks prior to the scheduled meeting.

(G) Minor plat in conformance with requirements. Each submitted minor plat shall meet the minimum state surveying requirements and design requirements stated in these regulations. The Planning Commission may authorize the Administrative Officer to approve minor plats where no variances/waivers are requested.

(H) Planning Commission action on minor plats.

(1) The Planning Commission or staff will review all minor plat submittals and within 30 days take action unless a time extension is granted by the Planning Commission by mutual agreement with the subdivider. The Planning Commission or staff will take one of the following actions:

(a) Approval. The Planning Commission takes action to approve the minor plat and it is signed by the staff of the Planning Commission. The minor plat is then recorded in the Mason County Clerk's office. After recording such a plat, a subdivider may sell, lease, or transfer land or lots.

(b) Disapproval. The subdivider's minor plat is denied for failing to meet the minimum state survey requirements and the design requirements in these regulations. Reasons for denial will be given in writing as stated and contained in the Planning Commission minutes.

(c) Conditional approval. The subdivider may proceed as outlined above, but only after meeting the state conditions for approval by the Planning Commission. Such conditions shall be noted on the plat.

(2) If a minor plat is denied by the Planning Commission, a new application is required to be submitted.

(I) Recording of minor plat. Within 10 days of the Planning Commission's approval or conditional approval, unless a time extension is granted by the Planning Commission, a certified copy of the minor plat shall be filed in the Mason County Clerk's office by the Planning Commission. The minor plat may be filed by the subdivider provided written evidence is provided to the Administrative Officer that plat has been duly recorded. The certified recorded copy shall be identical to the copy retained by the Planning Commission. After 10 days if such plat is not recorded, then it shall be void.

## **PLAT REQUIREMENTS FOR SUBDIVISION APPROVAL**

### **290.035 PRELIMINARY PLAT REQUIREMENTS**

The preliminary plat shall meet the minimum acceptable design standards and applicable regulations for the construction of improvements as set forth in these regulations and shall contain the following information.

(A) Scale. The preliminary plat and proposed subdivision shall be drawn to scale of not less than one inch equals 100 feet. A graphic or written scale shall be noted on the plat along with the date of the plat and north arrow.

(B) Size. The sheet size of the plat shall not be larger than two feet by three feet. When more than one sheet is used, an index shall be included showing the entire subdivision drawn to scale.

(C) Land title. The name and address of the subdivider. The name of the subdivision shall be clearly indicated on the first page of the subdivision drawings. In addition, the source of title or deed book reference of the tract in question shall be noted on the plat.

(D) A parent track map shall be included on the plat showing the relationship of the parcel being subdivided and previously subdivided parcels if only a portion is being divided.

(E) Revised to read: The name, address, seal, and signature, of a state registered land surveyor Engaged in the practice of land surveying. If engineering data is contained in the plat, the name address, seal, and signature of a state registered engineer.

(F) Vicinity map. A vicinity map showing the proposed location of the subdivision in relation to adjacent roads and watercourses. This map shall show the specific location of the subdivision and be at a scale no greater than 1" = 2000'..

(G) Adjacent property owners. The names of property owners adjacent to the boundaries of the subdivision including the names of recorded subdivisions.

(H) Lots. Proposed layouts of lots, including dimensions. Acreage of area to be subdivided and acreage or square footage of each lot. Each lot shall be numbered, and a street address assigned by the appropriate 911 office.

(I) Uses. Proposed uses of property (for example: commercial, residential, office and the like (if known), and current zoning. Areas to be dedicated or reserved as open space or public areas shall be labeled as such.

(J) Grades. Existing contours of the site and adjoining streets with intervals not greater than ten feet to reflect current topography of the subdivision with elevations based upon mean sea level (U.S.G.S. Datum). Less than ten foot contours because of significant grade changes may be required by the City/County Engineer..

(K) Utilities. Rewrite to read as follows: (1) Information pertaining to the existing public/private utility layouts to include water, gas, electric, cable, storm, and sanitary sewers, etc. and (2) a preliminary utility layout showing or describing the location, type, size, and flow of proposed public and private utilities, Telephone, electric, and cable service shall be noted as being installed underground or overhead.

(L) Streets. Names, locations, and widths of existing and proposed streets and right-of-ways, both public and private. Recorded but improved streets shall be shown with dashed lines along with multiple parcel boundary lines.

(M) Landmarks. Boundary lines of the land to be subdivided in heavy solid lines, including lengths and bearings, existing buildings, lot numbers, cemeteries, historical landmarks, watercourses, railroad lines, bridges, public and private utilities, easements, parks, and open spaces.

(N) Floodplain/stormwater. Boundaries of 100-year floodplain using the National Flood Insurance Program (FEMA) maps. The plat shall show all flood prone areas and the drainage basins both upstream and downstream from the site including the surface drainage easements both off-site and on-site.

(O) Variances/Waivers. Any requested or previously approved variances or waivers shall be listed.

(P) Preparer's Certificate, Owner's Certificate, and Planning Commission Approval Certificate.

## 290.036 IMPROVEMENT PLAN REQUIREMENTS

The improvement plans and specifications shall meet the minimum acceptable design requirements of the appropriate legislative authority for the construction of private and public improvements as set forth in these regulations and shall contain the following information:

(Note, separate sheets required for 1) water, sewer, and storm drainage; 2) roads; and 3) lot layout for improvement plan submittal).

(A) Scale. The preliminary plat and proposed subdivision shall be drawn to scale of not less

than one inch equals 100 feet. A graphic or written scale shall be noted on the plat along with the date of the plat and north arrow.

(B) Size. The sheet size of the plat shall not be larger than two feet by three feet. When more than one sheet is used, an index shall be included showing the entire subdivision drawn to scale.

(C) Seal. The name and address and seal of a state registered engineer engaged in the practice of civil engineering and/or state registered land surveyor responsible for the preparation of the plat.

(D) Vicinity Map. A vicinity map showing the proposed location of the subdivision in relation to adjacent roads and watercourses. This map shall show the specific location of the subdivision and be at a scale no greater than 1" = 2000C.

(E) Adjacent Property Owners. The names of property owners adjacent to the boundaries of the subdivision including the names of recorded subdivisions.

(F) Existing Grades. Existing contours of the site and adjoining streets with intervals not greater than ten feet to reflect current topography of the subdivision with elevations based upon mean sea level (U.S.G.S. Datum). More than ten foot contours because of significant grade changes may be required by the City/County Engineer.

(G) Proposed Grades. Proposed finished contours with intervals of not more than five feet shall be clearly labeled and be related to the existing contours. Maximum grade for any excavated (cut and fill) slopes shall be 3:1 (3 feet horizontal for each one foot vertical) and the design slope shall be labeled on the plan. Excavated slopes may be steeper upon report by a design engineer and approved by the Planning Commission. Disturbed limits shall be clearly identified on the submitted drawings.

(H) Utilities

(1) Profile of each proposed street with finished grades as they relate to utilities, including underground public utility crossings with catch basins, junction boxes and manholes and existing and proposed private utilities such as gas, electric, and telephone. Horizontal and vertical scales shall be used for the profiles along with stationing. Location of proposed sanitary sewer, stormwater, and water systems including all facilities such as laterals, manholes, pump stations, sewage plants, catch basins,

junction boxes, head walls, water valves, and fire hydrants shall be included.

(2) Detention/retention ponds or lakes shall be identified with maximum volume capacities labeled. Detailed drawings of all overflow facilities shall be shown and profiles shall be submitted for the proposed storm sewer system. Location of any dam or natural drainage feature (for example creeks and streams) within 100 feet of the subdivision which may significantly impact the drainage of the subdivision. Design calculations of all drainage facilities shall be included and be prepared by a state registered civil engineer (see 290.050 through 290.055, Design Standards).

(3) Where necessary, the Planning Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development.

(I) Streets. A typical detail of a cross-section of the proposed streets that shows the classification of each street. When divided entrances are proposed, detailed plans shall be submitted. Cross sections are required every 100 feet and additional sections at locations designated by the City/County Engineer as required on the development plan.

(J) Landmarks. Boundary lines of the land to be subdivided in heavy solid lines, including lengths and bearings, existing buildings, lot numbers, cemeteries, historical landmarks, watercourses, railroad lines, bridges, public and private utilities, easements, parks, and open spaces.

(K) Floodplain/stormwater. Boundaries of 100-year floodplain using the National Flood Insurance Program (FEMA) maps. The Plat shall show all flood-prone areas and the drainage basins both upstream and downstream from the site including the surface drainage easements both off-site and on-site.

(L) Lot Information. Lot dimensions and drainage arrows showing the stormwater flow from each lot after initial grading work.

(M) Erosion Controls. A separate erosion control plan is required with submittal of the development plan. These measures include both on a temporary and permanent basis. All excavated slopes shall be seeded and mulched upon completion of grading work and street right-of-way shall be seeded and mulched by the end of the construction for the phase or section under development. (See 290.050 through 290.055, Designs Standards.) All erosion controls must meet State of Kentucky Best Management Practices and a storm water discharge permit must be filed with the State.

(N) Public Use. Show lots that either are offered for dedication to public use or are reserved

by covenant in the deeds for the common use of the property owners in the subdivision.

(O)Covenants/Restrictions. A draft copy of the subdivision private covenants or restrictions shall be submitted.

#### 290.037 RECORD (FINAL) PLAT REQUIREMENTS

The record (final) plat shall meet the minimum acceptable design standards and applicable regulations for the construction of private and public improvements as set forth in these regulations and shall contain the following information:

(A) Plat Material. All record plats shall be drawn on an 18" x 24" Media. One Mylar and five paper copies, all with original signatures, are required to be submitted.

(B) City Limits and Jurisdiction. Indicate name of legal jurisdiction and location of incorporation limits (if applicable).

(C) County Clerk's information. Plat Cabinet Number\_\_\_ and Slide Number\_\_\_ with blanks to be filled in upon recording as specified by the County Clerk's office.

(D) Scale. Date, north arrow, and a graphic or written scale at no more that 1" = 100'.

(E) Ownership information. Name and addresses of the subdivider.

(F) Boundary Limits. Boundary of the subdivision with bearings and distances and lot sizes and internal boundaries lines if multiple tracts are to be shown (use dash lines).

(G) Lots. Location, bearings, dimensions, and acreage of each lot. Each lot shall be numbered.

(H) Streets and Easements. Locations and bearings of pavement and right-of-way width of all streets and easements of areas to be dedicated (labeled or shaded). The purpose of the easement shall be stated. Names of streets within and adjacent to the subdivision.

(I) Curve Data. Centerline curve data for the right-of-way of the streets and easements with the data to include: central angle and radius, arc, length, long chord, and tangent distances.

(J) Monumentation. Description of all monumentation including a notation on whether they were found or set and the type of monument used.

(K) Seal. The name and address and seal of a state registered engineer engaged in the practice of civil engineering an/or state registered land surveyor responsible for preparation of the plat.

(L) Vicinity Map. A vicinity map showing the location of the subdivision in relation to adjacent roads and watercourses, at a scale no greater than 1"=2,000'. If the subdivision comprises only a portion of the parent tract, a sketch of the parent tract and the relationship of the subdivision shall be included.

(M) Parent Track Map. Required if only a portion of a larger tract is being subdivided.

(N) Deed Information. References to the current Deed Books and Page numbers as to the transfer to the current owner(s) of all property that is part of the proposed subdivision.

(O) Certificates. The following certificates, where applicable: Owner's Certificate, Engineer's Certificate, Land Surveyor's Certificate, Certificate of Water Supply and Sewage Disposal, Certificate of Approval of Streets, Planning Commission Approval Certificate, and County Clerk's Certificate.

(P) Homeowners Agreement. Reference to a homeowners agreement or private covenants or restrictions where recorded in Deed Book \_\_\_ page \_\_\_.

(Q) Sewage Disposal. For subdivisions which involve on-site individual sewage disposal systems, this statement shall appear on the record plat.

Plat approval for building development and/or alteration of existing private sewage disposal systems on each lot is contingent upon the issuance of an on-site individual sewage disposal construction permit and inspection by the Buffalo Trace District Health Department.”

## 290.038 MINOR PLAT REQUIREMENTS

The minor plat shall meet the minimum state surveying requirements and the design standards as set forth in these regulations and shall contain the following information.

- (A) Scale. Date, north arrow and a standard engineering scale of not less than 1"=200'
- (B) Seal. Name, address, and seal of the state registered surveyor responsible for the survey plat and the land surveyor's certificate.
- (C) Boundary limits. Boundary of the parcel and subdivision of that parcel including bearings and distances of each tangent course and all the necessary data for curve courses.
- (D) Plat size. Area in acres of the parcel and the plat shall be drawn no larger than on an 8 1/2" x 14" sheet unless permitted by the Planning Commission. If more than one sheet is used an index shall be included, and each sheet shall be numbered.
- (E) Lots. Location, bearings, dimensions, and acreage of each lot. Each lot shall be numbered.
- (F) Streets. Location and names of public or private rights-of-way that adjoin the subdivision.
- (G) Encroachments. Encroachments discovered in the survey.
- (H) Name of subdivision and location. Name of subdivision and names of adjacent property owners and recorded subdivisions and a vicinity map showing the parcel at an appropriate scale.
- (I) Ownership information. Names and addresses of the subdivider. Source of land title shall be indicated on the plat or previous deed reference shall be shown. Deed Book references as established by the County Clerk's office shall be shown as they relate to the parent tract and all previously recorded divisions of land.
- (J) Building information. If the lot(s) does not meet the minimum requirements for building purposes or does not have street frontage, the following statement shall appear on the minor plat:  
"Lot(s)\_\_\_ shall be conveyed only to an adjacent property owner, and shall not be used as a building site unless combined with the property of that adjacent property owner."
- (K) Easements. All public and private (both public and private) easements and their purpose

shall be shown on the plat. Size of water and sewer lines shall be noted.

(L) Monumentation. Description of all monumentation including a notation on whether they were found or set and the type of monument used.

(M) Certificates. The following certificates, where applicable: Owner's Certificate, Land Surveyor's Certificate

(N) Dedication. Dedication of additional street right-of-way if required as measured from the centerline of the road (see requirements in 290.051).

(O) Sewage disposal. Statement on whether the parcel will be served by either private or public sewer and approval of the system. In addition, a statement on whether the parcel will be served by either a private or public water system and approval of the system. For parcels which involve on-site individual sewage disposal systems, this statement shall appear on the minor plat.

“Plat approval for building development and/or alteration of existing systems on each lot is contingent upon the issuance of an on-site sewage disposal construction permit and inspection by the Buffalo Trace District Health Department.”

(P) Vicinity Map. A vicinity map showing location of the subdivision in relation to adjacent roads and watercourses, at a scale no greater than 1 = 2000.

(Q) If the subdivision comprises only a portion of the parent tract, a sketch of the parent tract and the relationship of the subdivision shall be included.

#### 290.039 LAND SOLD IN VIOLATION (KRS 100.292):

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 this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for sale or transfer of land in violation of this chapter, the land shall be governed by the subdivisions regulations both prior to and after the platting of the land by the owner or owners of record, as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations. Plats filed pursuant

to this section 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).

Enforcement:

The City Commission or Fiscal Court shall have a cause of action for all appropriate relief, including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder.

Penalties:

Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991, or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction be fined no less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates this chapter shall upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

## DESIGN STANDARDS FOR SUBDIVISION REVIEW

### 290.050 INTRODUCTION AND SUBDIVISION DESIGN

(A) The following design standards assist a developer or a subdivider in preparing plans for the creation of a subdivision. These standards apply to both minor and major subdivisions and subsequent types of review. These standards are consistent with the Maysville/Mason

Comprehensive Plan. These standards establish minimum design and development requirements as precondition to development for lots, utilities, and other physical elements of a subdivision. A developer or property owner's engineer or surveyor shall use these standards for design of a subdivision, while the designated representative from the Planning Commission assures that these standards are met.

(B) In general, the design and construction of all public streets, water, sanitary sewer, and stormwater utilities shall be in accordance with these subdivision regulations and specifications and the appropriate water and sanitary sewer commission/district. In addition, subdivisions shall conform to the Comprehensive Plan and the Land Use Management Ordinance.

## 290.051 STREET DESIGN

Generally, the arrangement, character, extent, width, name, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and to their appropriate relation to the proposed uses of the land to be served by such streets.

(A) Street extensions. Proposed streets, which are in alignment with other existing streets shall bear the name of the existing streets. The street layout of a proposed subdivision shall provide for the continuation or projection of streets already in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for reasons such as topography, design, public convenience, or safety. The Planning Commission shall use the following criteria for determining whether street connections or extensions should occur between properties or parcels of land and the provision to install temporary measures to encourage street connection:

- (1) The compatibility of future development of adjoining land with the subject property as determined by existing zoning and/or future land use as specified in the County's Comprehensive Plan.
- (2) Topographical features such as slope and drainage features as they affect the subject property.
- (3) Future desired transportation patterns as described in the County's Comprehensive Plan.
- (4) Functional classification of existing and proposed streets.
- (5) Phasing of development.
- (6) Existing conditions and design limitations of existing streets.
- (7) Avoidance of long cul-de-sac streets.

(B)

Subdivision Street Requirements:

| Type Street           | Minimum<br>R-O-W | Minimum<br>Pavement Width | Grade   |         |
|-----------------------|------------------|---------------------------|---------|---------|
|                       |                  |                           | Minimum | Maximum |
| Arterial              | 80               | 48                        | .5%     | 5%      |
| Collector             | 60               | 36                        | .5%     | 8%      |
| Sub-Collector         | 50               | 28                        | .5%     | 10%     |
| Minor (Local)         | 40/50*           | 24<br>20**                | .5%     | 10%     |
| Cul-de-sac (Court)*** | 40               | 22                        | .5%     | 10%     |

\* The minimum right-of-way width for streets with curb and gutter is 40 feet; without curb and gutter (ditching) the minimum right-of-way width is 50 feet.

\*\* The minimum pavement width for new subdivision streets in the unincorporated area of Mason County is 20 feet.

\*\*\* Turnaround street designs shall be approved by the City/County

**Additional Notes:**

No parking is allowed and no driveway access on arterial and collector streets. On-street parking is limited to one side on sub-collector, minor, and cul-de-sac streets.

The right-of-way dimensions above are the minimum right-of-way widths unless additional right-of-way is needed for utility requirements. When curb and gutter is provided, the pavement width shall be measured from curb face to curb face.

(1) Generally, signs other than street signs and traffic control signs, walls, fences, entrance signs, sprinkler systems, and other obstructions shall not be located in public street right-of-ways. Subdivisions platted along existing streets shall dedicate additional right-of-way necessary to meet the minimum width requirements mentioned previously. Such dedication shall consist of one-half of the total necessary to meet the minimum width requirements as measured from the existing centerline of the existing street.

(C) Street configuration in relation to topography..

(1) Streets shall be designed in relation to the natural topography of the subdivision. All streets shall be graded to their approved design and in accordance to the following percent grades:

(2) Grades at street intersections approaching stop signs or traffic lights shall be held to a maximum of 2% for a distance of 75 feet in any direction from the point of intersection of the street centerline. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading the drainage. For adequate drainage, the minimum street grade shall not be less than one half of 1%. Stormwater collection shall be designed in order to eliminate water draining across the streets. A minimum of 1.56% is required. In addition, the Planning Commission shall not approve streets that are subject to flooding.

(D) Street intersections.

(1) Generally, streets shall intersect at right angles and no street shall intersect with any other at less than 75 degrees.

(2) Multiple intersections involving junctions of more than two streets shall be prohibited.

(3) There shall be no obstruction to vision between a height of two feet and a height of ten feet above the average grade of each intersecting street at the centerline for distance of 30 feet from the intersection.

(4) Streets entering opposite sides of another street shall be designed either directly opposite one another or with minimum offset of 125 feet between their centerline.

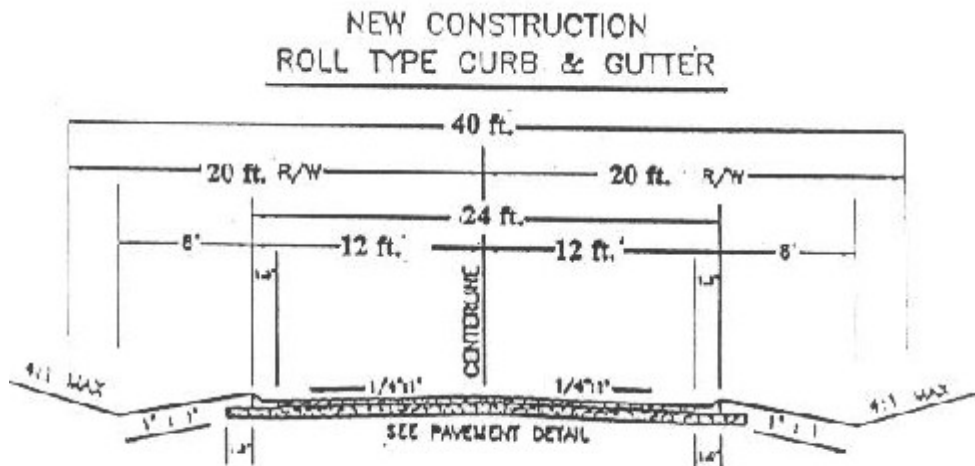
(5) The minimum curb radii at street intersection shall be 25 feet for residential streets and 50 feet for commercial streets..

(6) Where proposed subdivision adjoins and existing or proposed arterial street., the number of access points off the arterial street shall be kept at a minimum.

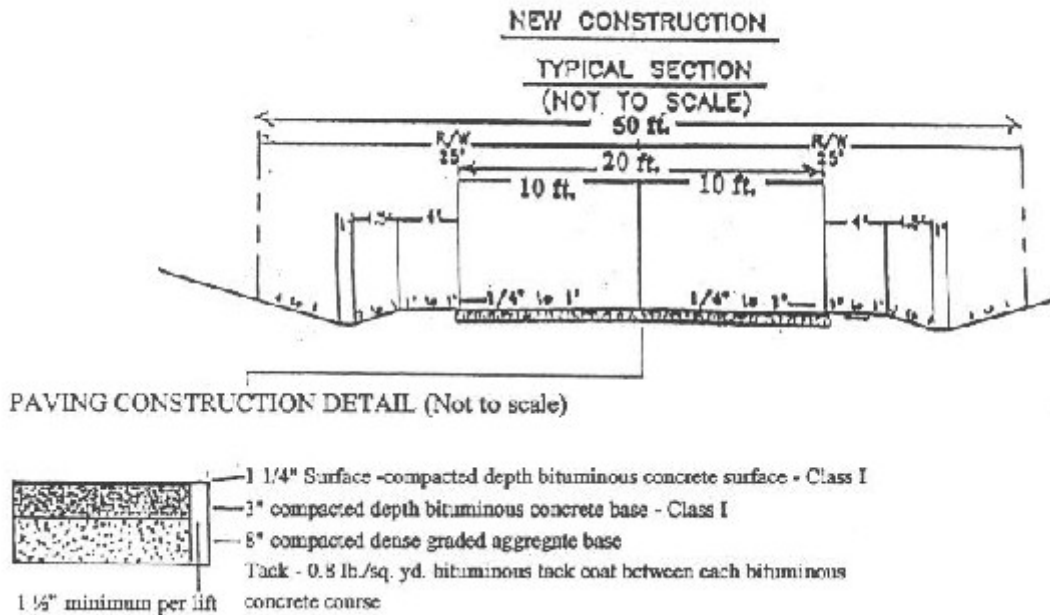
(E) Street curves. Horizontal and vertical curves shall be designed in accordance with current Kentucky Department of Highways standards.

(F) Access management. All street intersections both public and private shall be approved by the Planning Commission to determine their proper location. Marginal access streets such as frontage roads or service roads may be required by the Planning Commission for subdivisions fronting on arterial or collector roads due to high traffic volume. In general, access points shall be designed and reviewed based upon intended uses, street classification, spacing of driveways (distance and number) or curb cuts, corner clearance of driveways or curb cuts, sight distance, and roadway capacity. Property fronting on a state or federal highway must receive approval from the State Highway Department of Transportation for ingress and egress.

(G) Street construction specifications. A subdivider shall provide streets that shall be designed to carry the expected traffic loads as previously in the street classifications table and shall conform to the "Kentucky Standard Specifications for Road and Bridge Construction" for county streets and Chapter 176, Construction of Public Streets of the city code of ordinances for city streets.



NO CURB AND GUTTER (DITCHING)



(H) Miscellaneous street regulations.

- (1) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require the separation of local and through traffic. This can be done by constructing a marginal access street separated from the arterial street and not allowing access from double frontage lots.
- (2) Dead-end streets (cul-de-sacs). Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than 1,200 feet in length.
- (3) Street names and signs. The subdivider shall select street names, which shall be subject to approval of the appropriate legislative body. Street signs and traffic control signs shall be the responsibility of the developer as specified by the city or county. This includes street name signs and directional traffic signs. Proposed streets in alignment with existing street shall bear the same name. The name of a proposed street shall not in alignment with an existing street shall not duplicate the name of any existing street regardless of the use of the suffix street, avenue, boulevard, drive, place, court, lane, way, pike, highway, road, or similar suffix.
- (4) Curb and gutters. All public streets in the City of Maysville shall have curb and gutter. Design and construction shall be made in accordance with the adopted street construction specifications as stated above and incorporated herein as part of these regulations (see Chapter 176 of The Maysville City Code of Ordinances). Curbs and gutters are optional in the unincorporated areas, but county ditching requirements must be met.
- (5) Sidewalks

(a) Public sidewalks are required in major subdivision along streets serving 40 or more lots in accordance with the following standards.

| <u>Streets</u>         | <u>Sidewalk Location</u> |
|------------------------|--------------------------|
| Arterial streets       | Both sides of street     |
| Collector streets      | Both sides of street     |
| Sub- collector streets | Both sides of street     |
| Minor (local) streets  | One side of street       |

(b) Sidewalks are also required in multi-family development and shall meet the federal standards of the Americans with Disabilities Act. All sidewalks and curb cuts shall be constructed of concrete material of at least four inches thick except at driveways, the minimum depth shall be five inches with steel or fiber mesh reinforcements. The width of each sidewalk shall be minimum of four feet and the location shall be based upon the standard detail of each type of street. Sidewalks are not required in subdivisions in the unincorporated areas except along arterial roads.

(6) Street lighting. The subdivider or developer shall provide street lighting fixtures, poles, electric service, wiring, equipment and other accessories and the necessary easements in accordance with the specifications of the city. In general street lights shall be placed at strategic locations to assure safe pedestrian and vehicular traffic. Street lights are not required in subdivisions in the unincorporated areas.

(7) Street trees. Street trees, when provided shall be a species, which are resistant to damage and disease and which do not interfere with utilities, street lighting or visibility at street intersections. Street trees in the city are permitted but only in accordance with Chapter 177 of The City of Maysville Code.

(8) Private Streets.

(a) Residential

1. Private streets serving residential lots are only permitted in areas where an

extension or construction of a public street is not practical due to the topography of the land or in the best public interest due to the length of street to be publicly maintained for minimal public benefit, and may be located in agricultural and residential zones or areas and for such uses. Private residential streets shall not be utilized as a means to avoid the cost of construction of a public street.

2. A private residential street cannot serve more than four lots and must have access directly to a public street. All private residential streets shall be approved by the Planning Commission as a major subdivision, and clearly be indicated as private street on the preliminary plat and improvement plan, and the record plat.

3. A private residential street shall have a minimum 20 foot width driving surface and a minimum 40 foot width right-of-way.

4. All lots on a private residential street shall have a minimum of 100 feet, of frontage on such street, (except where a street dead ends into the lot. This shall be the same for public streets.) And shall have a minimum of three acres of lot area. All private residential streets shall be centered in the right- of way and have a minimum base of four inch compacted crush dense- graded aggregate and drainage features in accordance with the Kentucky Transportation Cabinet specifications.

5. Public utilities /easements.

(b) Commercial

1. Private streets shall be required within commercial developments containing two or more lots. All lots within the commercial development shall have frontage on and access through either the private street or an adjacent public street. The width of the lot frontage shall be determined by the Land Use Management Ordinance.

2. Private commercial streets shall have direct access to a public street. Private streets and storm drainage structures shall be contained entirely within easements not less than forty (40) feet in width.

3. The pavement design for a private street shall be the same as required for a public street. The minimum pavement width for a private commercial street shall

be 24 feet.

4. The record plat shall clearly show all access easements for and across the private street for all lots served by the private street. Utility easements not less than 20 feet in width shall be provided for all utilities and shown on the record plat.

(c) Ownership agreement

1. All private streets shall have a common ownership agreement, which governs the construction, use and maintenance of such streets. A common ownership agreement includes a legal description of the land area contained within the easement of the private street, identifies members of the agreement, an explanation of rights and privileges, a purpose of the agreement (for example, access), assessments, maintenance, construction material and utility crossovers. The common ownership agreement shall be submitted to and approved by the Planning Commission along with the record plat, and shall be recorded as an exhibit or attachment to each deed for each lot served by the private street. The common ownership agreement and the record plat shall clearly state that there shall be no public or city/county maintenance of the private street or of the drainage provisions.

2. A sign shall be posted at the entrance stating “This is a private street. No city or county maintenance.” A private street shall be clearly labeled on the face of the record plat, and a not shall be clearly affixed to the face of the plat stating that lots within the subdivision shall not be further subdivided.

Case reference:

Under KRS Chapter 100, the planning commission’s function is to suggest and review zoning ordinances and subdivision regulations, and board of adjustment may grant conditional use permits and variances; new streets must be approved by planning commission, and board of adjustment is involved only if a variance is needed, Bellefonte Land, Inc. V. Bellefonte, KY., 864 S. W. 2d 315 (KY. App 1993)

290.052 LOT ARRANGEMENT AND SIZES

(A) The size, shape and arrangement of lots in subdivisions shall be based upon the existing city/county Land Use Management Ordinance. Rectangular shaped lots shall be encouraged and extremely irregularly shaped lots shall be avoided. Consideration of

additional lot depth shall be made when lots adjoin railroad lines, major utility lines or easements and heavy commercial and industrial uses. Side lot lines shall be as close to the right angles with street centerline as possible or radial to curve street centerline. Lot sizes shall also be designed in accordance with the requirements of the County Health office in order to provide safe public and private sewage and water systems on each lot. The minimum lot size for individual sewage disposal is one (1) acre. Interior developments in the Rural Residential Two zone in the unincorporated parts of the county, may reduce the minimum lot size to one (1) acre with a minimum of 150 feet of road frontage for each lot IF a road is developed to county standards AND dedicated to the Mason County Fiscal Court and the development exits onto a State or County road that is a minimum sixteen (16) feet wide.

(B) Flag lots shall only be permitted in areas where because of geometric, topographic or other natural features it would be impractical to extend a public or private street to serve the lot. Flag lots shall have a panhandle extending to the public street and shall be used for the purpose of access. Single flag lots shall have a minimum of 100 feet of public street frontage, and the panhandle shall be a minimum of 100 feet in width. There shall be no more than two contiguous flag lots.

#### 290.053 BLOCK DESIGN

Intersecting streets which determine block length and width shall be provided as intervals based upon street patterns, topography and requirements for safe and convenient vehicular and pedestrian circulation. Block length shall not be less than 240 feet nor more than 1,200 feet in length. Block width shall be wide enough to allow two tiers of lots.

#### 290.054 UTILITY DESIGN

Generally, overhead utilities and sanitary sewers shall be provided in the rear of each lot and shall be contained within easements. Utilities may be placed underground. However, when it is necessary to install utilities in an existing or proposed street right-of-way, the following requirements shall apply.

(A) After grading work is completed in accordance with the approved plat and before any pavement base is applied, all underground utility lines in the street right-of-way shall be completed before paving begins.

(B) Within the City of Maysville, a water supply system shall be constructed by the subdivider in accordance with City of Maysville Code or Ordinances Chapter 150. In

areas of unincorporated Mason County, if public water is accessible as described with this section, a water supply system shall be provided by the developer in accordance with the standards of the Commonwealth of Kentucky, Department of Natural Resources. In unincorporated Mason County, if public water is not accessible as described within this section, an alternate water supply which has been approved by the Buffalo Trace Area District Health Department shall be provided. In unincorporated Mason County, water shall be declared accessible if located within 200 feet of a subdivision containing 5 or fewer lots, within 600 feet of a subdivision containing 6-10 lots, within 800 feet of a subdivision containing 10-25 lots or within 1,000 feet of a subdivision containing over 25 lots.

The minimum size water line in the major subdivisions shall be 8 inches, unless otherwise approved. Fire hydrant specifications for the City of Maysville are detailed in Chapter 274 of the City of Maysville Code of Ordinances. Flush hydrants shall be required in all major subdivisions in the unincorporated areas of the county.

(C) If public sanitary sewer is accessible or available to a proposed subdivision within the corporate limits of the city, the subdivider shall construct a sanitary sewer system that shall adequately serve all lots. The sanitary sewer system shall be installed in accordance with Chapter 150, Water and Sewer Services of the city code of ordinances. If a sewage treatment plant or pumping station is used to serve the subdivision, then it cannot be placed closer than 200 feet from any residence. Where public sanitary sewer is not available, the subdivider shall provide an alternate sewage system such as individual septic tanks. Such and alternate system shall be approved by the Buffalo Trace Area District Health Department.

(D) Private utilities such as electric, telephone, gas and cable shall be placed underground if possible in the street right-of-way or within platted easements as per applicable standards or specification of the appropriate utility agency.

## 290.055 STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

(A) In general, storm sewer systems shall be designed to collect and distribute stormwater runoff from street inlets, runoff control structures and the location where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area quick enough to avoid unacceptable amounts of ponding damage and inconvenience, but not to contribute to downstream ponding and flooding. Further, no storm sewer flow

or pipe shall be permitted to run into a sanitary sewer system.

(B) The amount of stormwater runoff shall be equal in terms of pre-development and post development given the design of the stormwater system. Stormwater runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or to adjacent properties. A property owner shall be responsible for all stormwater drainage facilities unless specified for public purposes on private property where runoff will be collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties, unless a large drainage basin exists or is being planned. Finally, stormwater drainage easements shall be required if stormwater is directly discharging from a drainage structure to an adjoining property and not being dispersed on the subject property.

(C) Utility and drainage easements. Generally, utility and drainage easements shall be centered on or adjacent to rear side lines. These easements shall be indicated on minor plats and record plats. Easements outside street rights-of-way shall have a minimum width of 20 feet. Where a subdivision is traversed by watercourse, drainage way, channel or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the Planning Commission to permit construction of improvements designed to restrict the flooding of that watercourse on adjoining properties. Where stormwater runoff from a public street or other public area traverses private property, there shall be provided, across the private property, a stormwater easement.

(D) Storm Drainage

(1) A written report shall be prepared by a state engineer as part of the preliminary plat application as to the ability of existing water course channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision, to handle the additional runoff that would be generated by the planned future development of the land within the area. Additional information shall be submitted to indicate that a provision has been made for the disposal of surface water without any damage to the developed or undeveloped land downstream or below the subdivision. This report shall also include the following:

(a) Estimates of the quantity of stormwater entering the subdivision

naturally from an area outside the subdivision on each inlet.

(b) Quantities of flow at each pickup point (inlet).

(c) Location, size and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) This information shall be filed with the preliminary plat as well as the detailed design calculations.

(E) Drainage requirements (grading). The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(1) Road grading. The grading of a road shall extend the full width of the right-of way. Planting strips shall be graded at a gradient of not less than 2% upward from the curb to the sidewalk or property line.

(2) Block grading. Block grading shall be accomplished in one or more of the following methods: A ridge constructed along the rear lot lines providing for drainage into the streets; parts of all lots draining to a sidewalk or ditch along the rear lot lines; draining across rear or side lot lines, provided it is done in a controlled manner.

(3) Lot grading. Lots shall be graded so that water drains away from each building at a minimum grade of 2%. Surface drainage swales shall meet the standards and specifications of the Mason County Conservation District and shall be designed so that the surface water will drain into a driveway, street gutter, storm sewer, drain inlet, or natural drainage way.

(4) Top soil. Top soil shall not be removed from a site and shall be spread uniformly over the lots as grading work is completed.

(5) Trees. When feasible, trees shall be retained and the grading of a site adjusted to the existing grade of the trees where practicable.

(F) Drainage design requirements. Storm drainage systems shall be designed in accordance with current Kentucky Department of Highways standards.

(G) Road drainage system. All roadways shall be provided with an adequate storm drainage system. The road storm sewer shall serve as the primary drainage system and shall be designed to carry roadway, adjacent land and building storm water drainage.

(H) Off-road drainage systems. The design of the off-road drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. This includes a provision of easements and maintenance of such easements. The size and location of all off-street watercourses or ditches running through the subdivision shall be approved by the Planning Commission. This may include the provision of a fence and a ditch wide enough for the operation of maintenance equipment. The side slopes of the ditch shall not be greater than 3:1.

(I) Protection of drainage systems. The subdivider shall protect adequately all ditches from interference. Ditches and open channels shall be seeded, sodded, or paved depending on grades (slopes) and types of soils and based upon recommendations from the County Conservation District. Generally, ditches and channels with grades up to 1% shall be seeded, with grades from 1% to 4% to be sodded, and grades over 4% shall be paved.

(J) Erosion and sedimentation control. If grading work is conducted on a site, provisions shall be made to control erosion and sedimentation. The Planning Commission shall review these measures as part of the preliminary plat application procedure. All erosion control measures shall meet the requirements of the State of Kentucky Best Management Practices. These measures shall be shown on the submitted preliminary plat.

## PROCEDURES AND REQUIREMENTS FOR SUBDIVISION INSPECTIONS AND VIOLATIONS

### 290.065 CONSTRUCTION INSPECTIONS

(A) Inspections relative to the construction and installation of public

improvements

such as sanitary sewer. Storm sewer, water, streets, driveway aprons, street lights and sidewalks shall be made by the city or county or utility agency. This inspection also includes soil erosion as it relates to public improvement construction. Inspectors are authorized to inspect all work done and all materials furnished. Such inspection may extend to all or part of the work and to fabrication, preparation, or the manufacture of the materials used. This inspection does not relieve the developer/subdivider or contractor of any liability associated with failure to meet the Specifications and standards. All permits and plats that have been approved shall be posted on the job site.

(B) The contractors shall notify the inspector in advance of the intended construction schedule and no work shall commence prior to notification of the inspection. Any work determined by the inspector not to conform with the approved improvement plans or specifications shall be suspended and corrected prior to proceeding with that phase of the project. The inspector may require independent testing to determine if the specifications have been met. Any question at issue which cannot be determined to conform with the approved drawings (plat) or specifications, shall be referred to the design engineer for revision and approved by the Planning Commission. Final inspection reports shall be forwarded to the Planning Commission to assure compliance with the approved drawings and specifications in order to meet city or county standards for public acceptance and maintenance. This also includes the submittal of "as-built" drawings.

#### 290.066 RESPONSIBILITIES OF SUBDIVIDER.

The subdivider and/or contractor shall have available on the project site a copy of the approved improvement plans and specifications at all times. The subdivider and/or contractor shall thoroughly understand these drawings and be able to discuss them with the inspector. A superintendent shall be present at the site at all

times. The contractor shall keep the job site clean and free of loose debris and trash.

#### 290.067 COMPLETION OF CONSTRUCTION WORK.

Upon completion of construction work in a subdivision or on an individual lot, the subdivider, developer, or contractor shall remove all debris or excess fill in connection with the completed work within two months of building occupancy or when a certificate of occupancy permit is issued,

#### 290.068 VIOLATIONS AND PENALTIES.

Violations of any of the requirements in these regulations will result in written notification to the subdivider or developer of the subdivision. The subdivider or developer shall be given a sufficient amount of time (dependent upon the severity of the violation and the damage or potential damage to the public) to correct the violation(s). If noncompliance occurs, the inspector and/or administrative officer shall file a criminal complaint in Mason County District Court in accordance with KRS 100.991 and the appropriate city/county ordinance(s).

#### 290.069 GUARANTEES AND BONDS.

(A) A subdivision developer or subdivider may execute and file a performance bond with the city or county in lieu of the actual installation or completion of the required public improvements when requesting record plat approval in accordance with specific criteria mentioned in 290.022. Such performance bonds shall be in

an amount of 100% of the estimated cost of the required public improvements, to include water lines, soil erosion controls, sanitary sewer, storm sewer, streets, and other items.

(B) The performance bond or guarantee shall be in the form of sureties (bond payment or performance bond from an insurance company or financial institution), a cash deposit (escrow agreement or certified check from a financial institution), or an instrument of agreement from one or more financial institutions (irrevocable letter of credit) payable to the city or county. The bond shall be a joint bond and severally obligates faithful performance of any and all work and the construction and installation of all improvements required to be done by the developer together with all engineering and inspection fees and costs incurred by the city or county. The bond shall contain the further condition that should the developer fail to complete all required work and improvements within a specified time (as determined by the Planning Commission), the city or county at its option may call the bond or guarantee in order to insure that all improvements are completed.

(C) At such time as the developer has completed such improvements specified in the bond guarantee, he shall notify the county engineer (or delegated representative) who will inspect the improvements, and if all are in conformance with the specified requirements, shall notify the county in writing, and recommend release of seventy-five (75%) of the bond. The remaining twenty-five (25) percent shall be retained as a guarantee of the improvements against the use of faulty materials or poor workmanship for a period of one year after the date the construction was accepted. The city will not accept dedication of any public street or utility until completed to city specifications as certified by the City Engineer, and until the dedicator shall have posted with the City Engineer a warranty agreement as required by Chapter 176.01 and satisfied all requirements of the City Code of Ordinances and K.R.S. 82.400(1).

(D) The developer shall be responsible for the maintenance and repair of the improvements being installed, and for damage done to the improvements as a result of construction traffic, local traffic, or by any other means. Upon completion of the work, and before public acceptance, the developer shall be responsible for cleaning all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding

subsequent units of the subdivision or the billing of the developer for such services performed by the city or county. Payment shall be guaranteed by the performance bond or other means of surety.

(E) The developer shall furnish such insurance as deemed necessary by the city or county, which shall indemnify and save harmless the city or county from any and all liability which may result from the construction or installation of improvements.

#### 290.070 REVIEW AND INSPECTION FEES

Fees for the various types of reviews in this document, as well as inspection fees for assuring completion of all public improvements may be required by the Planning Commission.

#### 290.080 DEFINITIONS

(A) For the purpose of these regulations certain words, phrases, and their derivatives are defined as follows:

(1) The words **person** or **subdivider** includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

(2) Words used in the future tense include the present; words used in the present include the future; words used in the singular form include the plural form; words use in the plural form include words used in the singular form; words used in the masculine form include the feminine form; words used in The feminine form include the masculine form.

(3) The word **shall** is a mandatory requirement; the word **may** is a permissive requirement, and the word **should** is a preferred requirement.

(B) For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ACCESS MANAGEMENT**. Refers to regulations stated in this document which promote the safe and reasonable access between public

and private roads and adjacent land.

(2) **ADMINISTRATIVE OFFICER.** An individual designated by the Planning Commission to act on the Commission's behalf in implementing the provisions of these regulations.

(3) **AGRICULTURAL USE.** The use of a tract of land 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 provisions for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

(4) **ALLEY.** A strip of land dedicated for public use at the rear or side of lots, providing secondary access.

(5) **BLOCK.** A parcel of land within a subdivision that is bounded by streets and the exterior boundary of the subdivision.

(6) **BUILDABLE LOTS.** Lots which meet all design criteria in these regulations and the Land Use Management Ordinance. The intent of this type of lot is to construct buildings on it. Non-buildable lots cannot be used for building purposes, but can be platted for transfer purposes only.

(7) **CERTIFICATE.** Refers to required certifications for minor and record plat reviews as noted in 290.035 through 290.038, and 290.90 through 290.036.

(8) **COMPREHENSIVE PLAN.** Refers to the Maysville-Mason County Comprehensive Plan, or any subsequent adopted plan.

(9) **COVENANT.** A written promise or pledge placing a restriction on the use of the land. Sometimes referred to as a Restrictive Covenant or Deed Restrictions.

(10) **CULVERT.** A transverse drain that channels water under a bridge, street, or driveway.

(11) **DETENTION BASIN (POND).** A facility for the temporary storage of stormwater runoff, designed to slow down or retard its release.

(12) **EASEMENT.** A right or privilege granted by the property owner to use a parcel of land for specified purposes not inconsistent with the general property rights of the owner (for example, for utilities, drainage, access, and the like).

(13) **FLAG LOT.** An irregularly-shaped lot which has a narrow panhandle- a protrusion which fronts on a public street, but widens considerably some distance from the front lot line.

(14) **FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland water; the usual and rapid accumulation of runoff or surface waters from any source and mud slides which are caused or precipitated by accumulation of water on the surface or underground.

(15) **FLOOD, 100 YEAR- FREQUENCY.** The highest level of flooding that is likely to occur on an average of once every 100 years.

(16) **FLOOD PLAIN OR FLOOD PRONE AREA.** Any normally dry land area that is susceptible to being inundated by water from any source.

(17) **FLOODWAY.** The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

(18) **FRONTAGE.** All the property abutting on one side of the street right-of-way measured along the right-of-way line of the street between the lot lines as extended to intersect the right-of-way line of that street. In no case shall the line along an alley be considered as acceptable frontage.

(19) **HOMEOWNERS AGREEMENT.** A legal document involving agreement among property owners for certain rights and privileges for the use of land. Agreements usually involve the joint use or open space,

common areas, sidewalks, recreational facilities, streets, utilities, driveways, and the like. Typically, such agreements address such items as a legal description of the land, identifying members of the agreement, explanation of rights and privileges, purpose of the agreement (for example, access), assessments, maintenance, construction materials, utility crossovers, and the like.

(20) **IMPROVEMENT PLAN.** A professionally prepared design document and specifications of the proposed construction of improvements and infra-structure (for example, streets, sidewalks, storm drainage, sanitary sewers, sewage disposal, and the like) which will be dedicated for public use and public maintenance upon completion.

(21) **INSPECTOR.** An individual or group of individuals representing either the legislative body, utility, or Planning Commission, whose sole duty is to inspect the construction and installation of public improvements.

(22) **JUNCTION BOX.** A stormwater manhole that connects two or more drainage pipes. It is used where there is a change in direction, elevation, or size of the pipes.

(23) **KENTUCKY REGISTERED ENGINEER ENGAGED IN THE PRACTICE OF CIVIL ENGINEERING.** A registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors, who is proficient in the discipline of civil engineering as related to subdivision development and design of public improvements and infrastructure. The engineer responsible for designing the public and private improvements on each plat shall retained by the subdivider to insure that the improvements are made in accordance with the approved plat and drawings by the Mason County Joint Planning Commission and these regulations.

(24) **KENTUCKY REGISTERED LAND SURVEYOR.** A registered land surveyor in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors. The land surveyor shall be responsible for meeting the survey and plat preparation requirements of these regulations.

(25) **LOT.** A parcel of land under ownership of at least sufficient size to meet minimum requirements for width, depth, and area.

(a) **CORNER LOT.** A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, and where in either case the interior angle formed by the intersection of the street lines does not exceed 135 degrees.

(b) **DOUBLE FRONTAGE LOT.** Any lot other than a corner lot and reverse frontage lot that abuts two streets.

(c) **INTERIOR LOT.** Any lot other than a corner lot.

(d) **REVERSE FRONTAGE LOTS.** Lots whose rear lot lines abut arterial roads or other barriers, rather than other rear lot lines.

(26) **LOT AREA.** The amount of surface land area contained within the proposed lines of a lot including land with easements on the lot, lakes, ponds, but excluding the street right-of-way.

(27) **LOT LINE.**

(a) **FRONT.** The front lot line is measured from the location of the primary entrance to a house, to a street right-of-way line.

(b) **REAR.** The rear lot line is the opposite of the front lot line.

(c) **SIDE.** The side lot line is the boundary line that connects the the front lot line with the rear lot line.

(28) **LOT OF RECORD.** A lot which legally existed on the date of adoption of these regulations, either by being a lot within a platted recorded subdivision, or which was a tract or parcel for which a recorded legal description existed.

(29) **LOT WIDTH.** The distance generally parallel to the front lot line measured between side lot lines at the building line.

(30) **MAINTENANCE ACCEPTANCE.** Maintenance acceptance follows public dedication whereby a legislative unit accepts a public improvement such as roads or utilities for maintenance.

(31) **MAJOR SUBDIVISION.** A major division of land of six or more buildable lots from the parent tract and where there is a need to construct public street and utility improvements. A preliminary plat with an improvement plan is required for this type of subdivision.

(32) **MINIMUM BUILDING SETBACK LINE.** A line parallel to the front, side, and/or rear lot line, and set back from the lot lines a sufficient distance as specified in the Land Use Management Ordinance.

(33) **MINOR SUBDIVISION.** A minor division of land of five or fewer buildable lots (excluding the remnant parcel) from the parent tract and where there is no need to construct a public street and utility improvements. A minor plat is required for this type of subdivision.

(34) **MONUMENTS.** Permanent man-made markers used to mark corners of property boundaries or points of change in street alignment. Monuments must conform to the minimum standards of practice for land surveying in the Commonwealth of Kentucky.

(35) **PERFORMANCE BOND.** An agreement by a subdivider with the appropriate legislative unit or utility having jurisdiction, for the amount of the estimated construction cost guaranteeing the completion of the public improvements according to the approved plans and drawings within the time prescribed by the subdivider's agreement.

(36) **PARCEL.** This term is synonymous with **LOT**.

(37) **PARENT TRACT.** Refers to any existing parcel of land shown as a unit or continuous units in common ownership dating back to 1/5/95. The parent tract may be subdivided in accordance with the requirements of a minor subdivision and major subdivision.

(38) **PLAT.**

(a) **MINOR PLAT.** A professionally prepared drawing to an appropriate scale of a proposed lot(s) or parcel(s) of land as required in these regulations.

(b) **PRELIMINARY PLAT.** A professionally prepared drawing of a proposed subdivision that is part of the major subdivision procedure containing detailed surveying and engineering information as required in these regulations.

(c ) **RECORD PLAT.** A professionally prepared drawing of a proposed subdivision as required in these regulations which will be recorded in the County Clerk's office. Sometimes referred to as the Final Plat.

(39) **PUBLIC DEDICATION.** Public dedication involves a property voluntarily transferring land for public uses (streets, utilities, open space). Public dedication does not imply acceptance by the legislative body for public maintenance.

(40) **PUBLIC IMPROVEMENT.** Any physical improvement that will become the responsibility of the local governing body for maintenance purposes upon completion of construction, dedication, and acceptance. This includes streets and utilities.

(41) **RETENTION BASIN.** A pond, pool, or basin used for the permanent storage of water runoff. Unlike detention basins, retention basins have the potential for water recreation and water-oriented landscaping since water remains in the structure.

(42) **RIGHT-OF-WAY.** A term denoting land, property, or interest therein usually acquired by dedication, prescription, or condemnation, and intended to be used for a street, sidewalk, railroad, or some similar use. In the case of a street right-of-way, this strip of land includes the roadway itself and additional land for ditches, sidewalks, utilities, and future expansion of the roadway.

(43) **SETBACK LINE.** A line established by these regulations generally parallel with and measured from the lot line, defining the limits of a yard, in which no building other than an accessory building may be located.

(44) **STREET**. A street is an area of land dedicated for public use in order to provide for vehicular and pedestrian movement. The right-of-way limits for a street may provide for other uses (see **RIGHT-OF-WAY**). Streets in the county are classified as follows:

(a) **ARTERIAL**. Arterial streets provide the linkage between expressways and collector streets and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits. The primary function of an arterial street is to move vehicles from one area to another.

(b) **COLLECTORS**. Collector streets are used primarily for vehicular movement and secondarily for access control.

(c) **COURTS**. Court streets are short and have an outlet at only one end.

(d) **EXPRESSWAY**. A divided arterial highway for through traffic with full or partial control or access and generally with grade separations.

(e) **MINOR STREETS**. Minor streets are primarily used to provide access to properties abutting the minor street. Vehicular movement on minor streets have an origin and destination approach and are not intended to be used for through traffic. There are five types:

1. **ALLEYS**. These streets have two open ends which connect to different streets, and provide service and access to the rear of properties.

2. **CONTINUING STREETS**. These streets have two open ends, with 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 this street.

3. **CUL-DE-SACS**. These streets have only one open end

which provides access to another street and a closed end with a turn-around adequate for service vehicles.

4. **LOOP STREETS.** These streets have two open ends and generally connect with the same street.

5. **MARGINAL ACCESS STREETS.** These streets have two or more access points leading to the major street system and are sometimes called access or frontage roads.

(f) **SUB-COLLECTOR.** Sub-collector streets are primarily used for vehicular movements and link collector streets with minor streets.

(45) **STREET, PRIVATE.** A private street is a street that is not publicly maintained but privately maintained by owners of property abutting the street. Private streets have a minimum of crushed aggregate or a dust free durable surface such as asphalt, concrete, or tar and chip, which affords access to adjoining property for private use of such property.

(46) **STREET, PUBLIC.** A public roadway constructed within a dedicated public right-of-way which affords the principal means of access to adjoining property . For the purpose of density calculations, a public street shall constitute all of the area within the public right-of-way.

(47) **SUBDIVIDER.** Any individual, firm, association, syndicate, partnership, trust, corporation, governmental agency, or other legal entity as mentioned in these regulations so as to create a subdivision of land.

(48) **SUBDIVISION.** The division of land into two or more parcels for the purpose, whether immediate or future, or sale, or lease, or building development, or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural purposes into lots or parcels of five acres or more, and not involving a new street, shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. A division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same

land shall be deemed a subdivision. For further clarification, see the definition of **AGRICULTURAL USE**, and Section 290.006 (C).

(49) **TRACT**. A parcel or lot identified by letter or number of which the boundaries are shown on a recorded plat or in a deed.

(50) **VARIANCE**. A departure from dimensional terms of the Land Use Management Ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247.

(51) **WAIVER**. Permission granted by the Planning Commission to waive or eliminate, upon written request from a subdivider, any requirement or standard in these regulations, when the applicant has presented written justification or data that the intent of these regulations can be met while waiving the requirement.

(52) **WATERCOURSE**. A natural or man-made channel through which water flows. Drainage from lots and small minor swales are not considered to be watercourses.

## **CERTIFICATES**

### **290.090 CERTIFICATES USED ON MINOR PLATS AND RECORD PLATS.**

The following certificate shall appear on all minor plats, preliminary plats and record plats presented to the Planning Commission for approval. The certificates shall be dated,

signed, and stamped or sealed by a state registered land surveyor. The certificate shall be clearly legible. All signatures shall be accompanied by typed or legibly printed name(s).

### Land Surveyor's Certificate

“I certify that this plat depicts a survey made by me or under my supervision; that all monuments indicated exist and their locations, size, and material are correct; and that the plat meets the Kentucky minimum surveying standards and complies with all the surveying requirements of the Maysville/Mason County Subdivision Regulations; and that dedicated areas including any public ways or streets are currently owned by the property owner(s).”

\_\_\_\_\_  
Date:                      Registered Land Surveyor's Name                      KY RLS No.

### 290.091 ENGINEER'S CERTIFICATE

The following certificate shall appear on all preliminary plats, improvement plans, record plats, and if applicable, minor plats presented to the County Joint Planning Commission for approval. The certificate shall be dated, signed, and stamped or sealed by a state registered professional engineer engaged in the practice of civil engineering. The certificate shall be clearly legible. All signatures shall be accompanied by typed or legibly printed name(s).

“I certify that the engineering design of this (plat) (improvement plan) was performed by me, and meets the minimum standards of all applicable regulations and ordinances, including the Maysville-Mason County Subdivision Regulations.”

\_\_\_\_\_  
Date                      Professional Engineer's Name                      PE No.

### 290.092 OWNER'S CERTIFICATE

The following certificate shall appear on all record plats and minor plats (as required by the Planning Commission) presented to the County Joint Planning Commission. The certificate shall be clearly legible and shall be dated, signed, and notarized before





















