

SUBDIVISION REGULATIONS

FOR

EDDYVILLE, KUTTAWA,

AND

LYON COUNTY

ADOPTED: February 2, 2006

**BY: Eddyville, Kuttawa, Lyon County
Joint
Planning Commission
Eddyville, Kentucky 42038**

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**SUBDIVISION REGULATIONS
Of
Eddyville, Kuttawa, and Lyon County, Kentucky**

**ARTICLE I
PURPOSE, AUTHORITY AND JURISDICTION**

SECTION 10. PURPOSE

Land subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well the county's needs for residence, business, and industry will be met. It also determines to a great extent how well it will be able to meet the demand for home sites and how efficiently and economically it will be able to provide the many services demanded of it.

After land has been subdivided and publicly recorded, it is costly and difficult to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire county is thereby affected in many important respects. The guidance of land development in harmony with county objectives is, therefore, a matter of serious public concern and it is in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards.

These Subdivision Regulations, certified copies of which are filed in the office of the County Clerk of Lyon County, Kentucky, are designed to provide for the harmonious development of the subdivided areas; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open spaces, for traffic, utilities, recreation, light, air, and access of fire fighting equipment and for adequate provision of water, drainage, sewer, and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

SECTION 11. AUTHORITY AND ADMINISTRATIVE AGENCY

These Subdivision Regulations were prepared and approved by the Eddyville-Kuttawa-Lyon County Joint Planning Commission pursuant to the authority of Chapter 100, of the Kentucky Revised Statutes. It shall be administered by the Eddyville-Kuttawa-Lyon County Joint County Planning Commission. The Eddyville-Kuttawa-Lyon County Joint County Planning Commission, established in accordance with Kentucky Revised Statutes, Chapter 100, has fulfilled the requirements set forth in the applicable sections of the KRS as prerequisite for the adoption of such regulations. The Planning Commission

shall assume all powers and duties of a Board of Adjustment for the unincorporated areas of Lyon County; however, the Cities of Eddyville and Kuttawa shall retain their own Boards of Adjustment. (KRS 100.202)

SECTION 12. AREA OF JURISDICTION

The Eddyville-Kuttawa-Lyon County Joint County Planning Commission, through these Subdivision Regulations shall have jurisdiction and control over the subdivision of all land within the incorporated and unincorporated area of Lyon County.

SECTION 13. TITLE

These regulations shall be known and may be cited as the “Subdivision Regulations of Eddyville, Kuttawa and Lyon County County, Kentucky.”

ARTICLE II. DEFINITIONS

SECTION 20. PURPOSE

The purpose of this Article is to define certain words and phrases commonly used in subdivision development. The words and terms expressed in the present tense include the future tense. Singular words and phrases include the plural. The word “may” is permissive, while “shall” and “will” are mandatory.

SECTION 21. DEFINITIONS

The following words and/or phrases are used herein and shall be defined and interpreted as follows:

Access Easement: All lots in a major or minor subdivision will have access to a public street. Private driveways may be shared by two (2) or more lots provided that each lot served by such driveway also abuts a public road and each affected lot owner has an irrevocable easement to use the multiple lot private driveways.

Agricultural use: Means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public. See KRS 100.111-2 for additional provisions for small wineries licensed under KRS 243.156 and activities involving horses.

Construction Plan: The grading and drainage plans to include one (1) to five (5) foot contour lines, as required to show clarity for finished grades for all street and road designs and plans for the installation of all utilities.

Developer: A developer is an individual, partnership, corporation, or other legal entity or agent thereof, which undertakes the activities covered by these regulations. The term “developer” includes subdivider, owner, builder, or applicant.

Improvements: Improvements are physical changes made to land, including structures on or under the land surface, in order to make the land more usable for man’s activities. Typical improvements in these regulations include grading, street paving, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs and property number signs.

Lot: A lot is a portion of a subdivision plan or the basic unit thereof, intended for transfer of ownership or for building development.

Private Street: Any street that is privately owned and maintained and is not dedicated and accepted as a public right-of-way. Private streets are not allowed under these regulations except as provided for in Section 33.11.

Streets: Streets shall mean a right-of way set aside for vehicular traffic, regardless of size or designation. All plats must show that streets are dedicated public rights-of-ways.

Arterial Streets: Those roadways that are intended primarily for high vehicular speeds and/or a heavy volume of traffic.

Collector Streets: Those roadways that are intended primarily to carry traffic from local streets to arterial streets.

Local Streets: Those roadways that are intended primarily for providing access to abutting properties and carry a limited volume of traffic.

Marginal Access Streets: Those roadways that are located adjacent to arterial streets and are intended to reduce the number of access points onto the arterial street to maximize safety.

Alleys: Those roadways that are intended primarily for limited vehicular service traffic and provide access to the back or side of properties that otherwise abut a street.

Structure: Means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs.

Subdivision: Means the division of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease of building, development, or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural use and not involving a new street shall not be deemed to be a subdivision. The term “subdivision” includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Major Subdivision: All subdivisions not classified as a minor subdivision including but not limited to the subdivision of more than five (5) parcels of any size, subdivisions requiring any new streets or extension of streets, or the creation of any public improvements other than extension of existing utilities.

Minor Subdivision: Any subdivision containing not more than five (5) lots or parcels and not involving any new streets or roads or the extension of a street or municipal facilities, and not adversely effecting the remainder of the master parcel, and not in conflict with any provision or portion of the Comprehensive Plan or these guidelines.

The following are also classified as a Minor Subdivision: A subdivision for the purpose of the transfer of land between adjacent property owners including the dividing of an adjacent lot; the consolidation of up to five (5) lots of record to create a lesser number of lots or parcels of land and involving no new public improvements; and technical revisions to a recorded plat of an engineering or drafting nature, which corrects a small discrepancy, but not including the altering of any property lines or public improvement requirements.

Technical Review Committee: A committee consisting of two designated members of the Planning Commission, Planning Commission Consulting Engineer, representatives of effected utilities, Road Department, Health Department, 911 Coordinator, Lyon County Soil Conservation Service, and the applicable City Engineer. This Committee meets at the call of the Planning Commission Chairman to review subdivision plats and related documents.

**ARTICLE III.
MAJOR SUBDIVISION APPROVAL PROCEDURES**

All Major Subdivision Plats shall receive both Preliminary Plat and Final Plat approval according to the procedures described in this Article.

SECTION 30. OPTIONAL INITIAL STEP:

Before preparing a Preliminary Plat and submitting it to the Planning Commission for approval, the Subdivider should meet with the Planning Commission Chairman for the purpose of ascertaining the locations of proposed major streets and other planned projects which may affect the property being considered for subdivision and to ensure a thorough understanding of these regulations. This review should prevent unnecessary and costly revisions in the layout and development of the subdivision.

Formal application or filing of a plat with the Planning Commission is not required for this informal advisory meeting.

SECTION 31. PRELIMINARY PLAT APPROVAL

After meeting informally with the Planning Commission or the Commission Engineer or Commission Chairman, the subdivider shall prepare a Preliminary Plat prior to the making of any construction, street improvements or the installation of any utilities.

31.10. Preliminary Plat Data

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

- a. Must be drawn to scale
- b. Name of subdivision, names and addresses of the owners, the land surveyor, source of title and the owners of adjacent property.
- c. Date, approximate north point, and graphic scale.
- d. Total acreage of land to be subdivided.
- e. Boundary lines of area to be subdivided and their bearings and distances and locations to nearest existing intersecting street.

- f. Existing and proposed easements and their locations, widths and distances.
- g. Streets on and adjacent to the tracts and their names, widths, and other dimensions shall be required.
- h. Utilities on and adjacent to the tract showing proposed connections to existing utility systems.
- i. A vicinity or key map.
- j. Purpose and intent of the subdivision such as for residential, commercial or industrial purposes.
- k. Contour lines of not more than five (5) feet intervals. Data from USGS Quadrangles may be used.
- l. Flood Areas as determined by Federal Emergency Management Act (FEMA) and classification, as per FEMA codes.
- m. Location, size, direction of flow of storm drainage structures and systems.
- n. Lot lines and lot numbers.
- o. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses.
- p. Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plat.
- q. Profiles of proposed grade lines of all streets and improvements, unless waived by Commission Engineer or Commission Chairman.
- r. Plats shall be submitted no larger than twenty-four inches (24") by thirty-six inches (36") in size.

31.11. Procedure for Preliminary Plat Approval

- a. Ten (10) copies of the Preliminary Plat, construction plans and supplementary materials specified shall be submitted with the required fee to the Planning Commission with an application for review by the first working day of the month (excluding Saturdays, Sundays, and Holidays). All applicants shall meet with the staff and members of the Technical Review Committee (TRC) at the scheduled meeting.

- b. Following the meeting with the TRC, six (6) full size copies and one (1) 8" x 11" copy of the revised Preliminary Plat, as well as two (2) sets of the construction plans and supplementary materials specified shall be submitted for approval to the Planning Commission no later than 14 days after the Technical Review Committee meeting.
- c. Formal staff review of the preliminary plat will be mailed to Planning Commission members seven (7) days prior to the regularly scheduled meeting.
- d. The Planning Commission shall approve, disapprove or approve subject to modification. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
- e. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. The approval of the Preliminary Plat shall lapse unless a Final Plat based thereon is submitted within one (1) year from the date of such approval. An extension of time may be applied for by the subdivider and may be granted by the Planning Commission.
- f. No installation of improvements shall begin until the Construction Plans have been approved and signed by the Commission Engineer or Commission Chairman.

31.12. Subdivision of a Portion of a Larger Tract

Whenever a part of a tract is proposed to be subdivided and it is intended that additional parts of the tract be subdivided in the future, a Preliminary Development Plan for the entire tract shall be submitted to the Planning Commission at the same time the Preliminary Plat for the first part of the tract to be platted is submitted.

31.13. Construction Plans and Specifications for Subdivision Plat Approval

Construction Plans shall contain the following on documents of identical size and scale as the Preliminary Plat. The subdivider must provide ten (10) sets of the construction plans with the preliminary plat for the Commission Engineer or Commission Chairman and members of the

Technical Review Committee with the initial application. Construction Plans shall contain the following:

- a. Erosion control plan pursuant to the standards listed in these regulations.
- b. Grading plan pursuant to the standards listed in these regulations.
- c. Stormwater management plan pursuant to the standards listed in these regulations. All drainage ways shall be protected by a drainage easement and all stormwater retention ponds shall be “dry” and be a part of a buildable lot protected by an easement - not an independent out-lot.
- d. Utilities plans, including profiles with detail, showing the proposed location of water, sanitary sewer, electric, gas, and etc. lines.
- e. Grade profiles of all street plans pursuant to the standards listed in these regulations.
- f. All construction plans must be designed by an Engineer licensed in the State of Kentucky, and all construction plans in Section 31.13 (a-e) must have a Licensed Engineer’s stamp affixed to all plans.
- g. All Preliminary and Final Plats must have a Licensed Land Surveyor’s stamp on the Plat.

One or more of these construction plan elements may be on the same document. No improvements can be installed nor can any construction begin on the subdivision until the aforementioned construction plans have been approved in writing by the Commission Engineer or Commission Chairman signing the **CERTIFICATION OF THE REVIEW AND APPROVAL OF STREETS AND DRAINAGE CONSTRUCTION PLANS** affixed to the construction plans. An example of this Certification is in the Appendix C.

SECTION 32. FINAL PLAT APPROVAL

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

32.10. Final Plat Data

The Final Plat shall give the following information:

- a. The plat must be drawn to scale.
- b. Date, title, name and location of subdivision, graphic scale, and truenorth line.
- c. Locations and descriptions of said control points shall be given. All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points, lot lines or lot corners.
- d. Tract boundary lines, right-of-way lines of streets, easements and other right-of-ways and property lines of residential lots and other sides with accurate dimensions to the nearest one hundredth of a foot; bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute. The subdivision shall be tied to the centerline of the nearest street intersection, monument or permanent physical boundary.
- e. Name and right-of-way width of each street, easement or other right-of-ways. Streets must have notations indicating whether they are private streets or publicly dedicated right-of-ways.
- f. Lot numbers, lot lines and lot areas.
- g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- h. Location and description of existing and set monuments. As a minimum, concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or square shall be set at all four corners of the property. The top of the monuments shall be flat and shall have an indented cross to property identify the location. These monuments shall be described on the Final Plat in relation to the section corners of the Coordinate System of the Commonwealth of Kentucky. The lot lines of each lot shall be marked with iron pins as specified in Section 32.12.
- i. Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the names and addresses of the owners of adjoining unplatted properties.

- j. Notarized on plat of title showing that the applicant(s) are all the property owner(s) and a statement by such owner(s) dedicating streets, easements, rights-of-way and any other sites for public use. (Appendix C)
- k. Certification on plat by land surveyor as to the accuracy of survey and plat (Appendix C).
- l. Certification that the subdivider has complied with one of the following alternatives (Appendix C).
 - 1) All the improvements have been installed in accordance with the requirements of these regulations, or
 - 2) At its option the Planning Commission may accept a Corporate Surety, Cash or Irrevocable Letter of Credit that has been posted and approved by Lyon County Judge Executive, or the Mayor of the city in which the subdivision is located, in the amount sufficient to assure such completion of all required improvements plus twenty-five (25) percent to cover contingencies.
- m. Protective covenants shall be shown on the Final Plat or recorded in the office of the Lyon County Clerk at the same time of final plat recording. A certificate of recording shall be placed on plat.
- n. Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the Office of the County Clerk. (Appendix C).
- o. Certification on plat by the Chairman of the Eddyville-Kuttawa-Lyon County Joint Planning Commission, or his designee, that all streets or other public improvements have been completed or secured with a bond or Irrevocable Letter of Credit. (Appendix C).
- p. Certification by the Commission Engineer or Commission Chairman that the streets and drainage have been installed in an acceptable manner and according to the county specifications, or that a security bond or letter of credit in the appropriate amount has been posted with the Lyon County Judge Executive, or the applicable city mayor and that the construction plans have been officially approved.
- q. The plat shall be submitted no larger than 24" x 36" in size.
- r. Final Plat shall meet or exceed all Kentucky State Board of Restrictions for professional Land Surveyor plat requirements.

- s. The following paragraphs shall be contained in all protective covenant Documents filed in the Lyon County Clerks office. A note on the Final Plat that states as follows under “deed restrictions”:

Any filling, grading or otherwise altering a roadside drainage ditch or other drainage improvement required and constructed as part of the Street and Drainage Plans approved by the Planning Commission or Commission Engineer or Commission Chairman is prohibited. Any property owner(s) that has altered the approved drainage improvements must reconstruct the drainage improvements at the owner(s) expense to conform to the approved Street and Drainage Plans.

Upon written notice from the Lyon County Road Foreman or City Engineer or Commission Chairman, a property owner must reconstruct the property as per the drainage improvements indicated in the approved street and/or Drainage Plans within 60 days. If the property owner(s) does not reconstruct the approved drainage improvements within the 60-day deadline, the County Road Department or City Street Department shall have free and unrestrained access to the property for the purpose of reconstructing the drainage improvements. The property owner(s) will be responsible for reimbursing the County Road Department or the City for all expenses involved in the reconstruction of the drainage improvements.

32.11. Final Subdivision Plat Approval Procedures

All applicants for Major Subdivision plat approval must obtain Final Plat approval pursuant to the procedures outlined below:

- a. Prior to the submission of the final plat for approval and signatures, applicant must:
- 1) Install, file as-built plans for, and have a field inspection by the Commission Engineer or Commission Chairman, all water quality protection measures followed by stormwater management installations, street sanitary sewers and other improvements; and file a maintenance bond or Irrevocable Letter of Credit for 25 percent of the total cost of the improvements for one (1) year to insure the quality and workmanship of the improvements. The secured improvements include those indicated in the water quality protection plan.

OR

- 2) File a security bond, cash or Irrevocable Letter of Credit for 125 percent of the cost of the proposed improvements which are not completed, except for the required improvements (see Section 32.12), which must be completed and inspected. The secured

improvements include those indicated in the water quality protection plan.

- b. Applicants must file with the Planning Commission two (2) copies of the Final Plat with original signatures for approval. All required fees must be paid at the time of this submission. Final Plats must be submitted within one (1) year of Preliminary Plat approval unless an extension of time has been approved by the Planning Commission.
- c. Final Plats must be in conformity with the data and design standards listed in these Subdivision Regulations and all changes from the Preliminary Plat must be noted.
- d. Any significant change(s) will be reviewed by the full Planning Commission according to the adopted Filing Deadline and Review Schedule and considered by the Planning Commission at a regularly scheduled meeting for its approval or disapproval.
- e. If the submitted Final Plat substantially conforms to the approved Preliminary Plat, and if all certificates have been signed and the requirements of Section 32.11 (a) have been met, the staff shall recommend approval of the Final Plat in writing within 30 days of filing, or a determination that a significant change requiring Planning Commission Review shall be made within 30 days.
- f. Final Plats recommended for approval by the Planning Commission staff shall be certified as approved by the Planning Commission Chair or designee on one (1) reproducible copy and two (2) other copies of the Final Plat. The Planning Commission shall retain the reproducible copy and one of the other copies. The third copy shall be returned to the applicant as the “owners copy,” which needs to be recorded in the Office of the County Clerk.

32.12. Required Improvements Prerequisite to Final Plat Approval

Iron pin made of rebar or wrought or galvanized iron pipe not less than one-half (1/2) inch in diameter and eighteen inches in length with the licensed Surveyor’s ID Cap affixed to it must be set at the following locations as a minimum and their locations and pertinent data shown on the Final Plat:

- a. At the intersection of all property lines not marked by a concrete monument.

- b. At the intersection of all street property lines.
- c. At the beginning and ending of all curves where street and alleys are also surveyed.
- d. At all angles or change in direction of property lines, street lines, and alley lines.

32.13. Dedication of Rights-of-way

Once all road construction has been completed and final approval has been given for acceptance by the applicable city council or the Lyon County Fiscal court, the developer shall prepare a fee simple deed transferring ownership of all dedicated rights-of-way to the applicable government entity.

SECTION 33 VARIANCES

33.10. Exceptional Conditions

The Planning Commission may grant a variance to these regulations where by reason of the unusual shape of a specific piece of property, or where by reason of exceptional topographical or other physical conditions not usually found in Lyon County, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations.

33.11. Group Housing, Office and Business Complex Developments

Comprehensive group housing, office and business developments, together with necessary drives and ways of access, including drives and ways of access privately maintained but dedicated for public use may be approved by the Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements, provided that departure from the standards of these regulations can be made without destroying their intent. If the drives and ways of access are to be privately maintained, the plat of the subdivision shall specifically indicate that said drives and ways are dedicated for public use and that they will be developed and maintained at the expense of the owners; and that any owner of a lot in the subdivision shall have the right to enforce the

development or maintenance of said drives and ways by proceeding in law or in equity against all other owners of lots in the subdivision.

33.12. Procedural Variance for Preliminary Plat Requirement for Major Subdivision

Where a proposed subdivision would contain no new streets and all parcels are five (5) acres or larger, the procedure of preparing a preliminary plat may be waived by the Planning Commission Chairman. The Final Plat submitted for approval must be in compliance with all Sections of this Regulation. After the Planning Commission's approval, the Commission Chairman or his Designee shall approve the plat for recording in the office of the County Court Clerk.

ARTICLE IV.
GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

SECTION 40. STREETS SPECIFICATIONS AND STANDARDS

40.10. Conformity

All streets in a proposed subdivision shall conform to the Lyon County Transportation Plan.

40.11. Right-of-Ways for New Streets

- a. The dedication of right-of-ways for new streets measured from lot line to lot line shall be as shown on both the Preliminary and Final Plats and shall meet the following minimum standards:

<i>Minimum Dedicated</i>	
<u>Street Type</u>	<u>Right-of-Way Width</u>
Local Streets	50 feet
Cul-de-sacs	70 foot Radius
Alley ways	30 feet

- b. All points of access shall be as approved by the Planning Commission. Marginal access streets may be required by the Planning Commission for subdivisions fronting on arterial streets.
- c. The entire length of the right-of-way shall be cleared of trees and brush. All root balls of trees shall be entirely removed from the right-of-way.
- d. All graded areas shall be left smooth and thickly sown with a mixture of certified grass seed at a rate of not less than eighty-seven (87) pounds per acre. The mixture shall consist of sixty (60) percent Kentucky Fescue Thirty-one (31) and forty (40) percent perennial rye. When the final grading has been completed, the entire seeded area of the right-of-way shall be fertilized with Triple Twelve (12-12-12) fertilizer at a rate of one thousand (1,000) pounds per acre. Agriculture limestone shall be added at a rate of eighty-eight hundred (8,800) pounds per acre. The seed, fertilizer, and lime shall be incorporated into the soil. The seeded area shall be covered with straw to a depth of one and one-half (1&1/2) inches. The developer shall be responsible for reseeded as necessary to ensure a satisfactory stand of grass to prevent erosion of the soil.

- e. Dedication of right-of-ways for existing streets
 - 1. Subdivisions platted along existing roads or streets shall dedicate additional right-of-ways if necessary to meet the minimum street width requirements set forth in Section 40 of this Article.
 - 2. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of the existing street. When the subdivision is located on only one side of an existing street, one-half (1/2) of the right-of-way width, measured from the centerline of the existing roadway, shall be dedicated.
 - 3. Dedication of one-half (1/2) of the right-of-way for proposed streets along the boundaries of land proposed for subdivisions shall be prohibited.
 - 4. The Planning Commission can require developers to upgrade right-of-way widths and surfacing of existing roads/streets to meet existing standards.

40.12. Minimum Standards for Street Construction

- a. The Construction Plan submitted with the Preliminary Plat shall assure that all proposed streets are designed to carry the expected traffic loads and are to be constructed so as to meet or exceed the standards set forth herein.
- b. When there are existing streets, whether dedicated or not, within the boundaries of the proposed subdivision or abutting it such that the existing streets are to be used for egress into and out of the subdivision lots the developer shall be responsible for bringing such streets up to the current standard as specified in these Subdivision Regulations for such streets as if they were new streets and they shall be dedicated accordingly.
- c. The minimum gravel base on all streets shall be of crushed (dense grade aggregate) limestone of such quality, and quantity as to furnish a stable base that is eight (8) inches thick and twenty-four (24) feet in width.
- d. The finished surface of all streets/roads shall be crowned with 1/4" slope per foot of width from the center line of the paved surface.

- e. The driving surface of all streets shall have a base of Class II bituminous material two (2) inches thick and twenty (20) feet wide and a top surface of Class I bituminous material one (1) inch thick and twenty (20) feet wide. See Section 40.12k for restrictions on laying the bituminous surfaces.
- f. The shoulders of all streets shall be at least three (3) feet wide and shall have a minimum slope away from the pavement of three quarter (3/4) inches per foot of width.
- g. Drainage and erosion control shall be provided, and maintained during construction, according to good engineering practices and subject to approval of other competent engineers. See Section 41 Storm Water Management for more details on drainage requirements.
- h. Drainage pipe used in construction of streets shall meet proper industry standards. All pipes shall be of properly engineer size and in accordance with the Storm Water Management Plan to be submitted with the Preliminary Plat. All drainage pipes shall be at least eighteen (18) inches in diameter and extend a minimum of two (2) feet beyond the toe of the slope in each instance. All metal corrugated drainage pipe shall be coated with a bituminous surface.
- i. Driveway entrance pipes shall be of sufficient size to carry the expected water runoff but in no case less than fifteen (15) inches in diameter and twenty-four (24) feet in length.
- j. Side slopes along roadways shall not exceed a ratio of 3:1 and preferably not greater than 4:1. All slopes of greater than 4:1 shall be riprapped with rip rap of proper size for the situation.
- k. Restrictions on Construction:
 - 1) All streets, roads, and alleys shall be excavated to final grade with all top soil removed and prepared according to the applicable approved Construction Plan. Centerline grades shall be established and staked by the developer's engineer or surveyor. The finished grade must be inspected and approved by the Lyon County Road Foreman or the applicable City Engineer or the Planning Commission Engineer or Chairman before the gravel base is placed on the road. It is the developer's responsibility to notify the Commission Chairman or Engineer for all inspections and obtain a written release to proceed with the next phase of construction such as laying of the base gravel.

- 2) The developer shall not lay any asphalt on the roadways until he has notified the Planning Commission Chairman that the roadway base and the roadway drainage are completed and are ready for inspection and the Lyon County Road Foreman or the applicable City Engineer or the Commission Engineer or Chairman has granted approval in writing to lay the base coat of Class II bituminous.
- 3) The developer shall not lay the final coat of Class I bituminous until he has notified the Planning Commission Chairman that eighty (80) percent of the homes/lots are developed within each section or phase of the Final Plat or four (4) years of time has elapsed since the base layer of asphalt has been laid, which ever comes first. The final layer of Class I bituminous asphalt must be laid within four (4) years of laying the base layer of Class II bituminous asphalt. The developer must maintain a performance bond or Irrevocable Letter of Credit in the amount of one hundred and twenty five (125) percent of the cost of laying the final layer of asphalt during this interim period.

40.13. Street Extensions

- a. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
- b. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turn-around having a radius of at least sixty (60) feet.
- c. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

40.14. Street Intersections

- a. Streets shall intersect as nearly as possible at right angles.

- b. New street intersections must be located directly across from any existing intersection on the opposite side of the road or offset by a minimum of 125 feet.

40.15. Curves in Streets — Horizontal and Vertical

- a. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- b. Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The Minimum radii shall be:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Local	100 feet

- c. All changes in grade for streets shall be connected by a vertical curve of a minimum length necessary to provide adequate sight distance and other safety factors. To calculate the minimum length for the curve connecting changes in grade, calculate the algebraic difference in grades.

40.16. Street Grades and Elevations

- a. Street grades shall conform to the following:

<u>Street Type</u>	<u>Percent Grade Allowable Maximum</u>
Local Streets	12
Arterial Streets	5
Collector Streets	7

- b. The Planning Commission shall not approve streets that will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. The Planning Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.
- c. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase flood heights. Drainage

openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

- d. Common example of street profile plans will be required as part of the construction plans unless otherwise waived by the Commission Engineer or Commission Chairman.
- e. All excavated road banks and ditches shall have established grass growing. Ditch lines with greater than 14 percent grade will be ripped.

40.17. Marginal Access Streets

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission may require that marginal access streets be provided in order that no lots will front on such existing or proposed arterial street or highway.

40.18. Street Jogs

Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be made.

40.19. Dead-end Streets (Cul-de-sacs)

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall be provide at the closed end with a turn-around having a radius at the outside of the right-of-way of at least seventy (70) feet. The paved area of the cul-de-sac shall have a minimum radius of no less than sixty (60) feet.

40.20. Street Names

- a. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.
- b. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street within Lyon County, regardless of the use of the suffix or prefix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix or prefix.

- c. Before final plat approval, the names of streets shall be approved by the Lyon County E 911 Coordinator.

40.21. Street Signs

- a. The Planning Commission shall require the installation of durable street name signs at all intersections. The design of the signs must be in accordance with the standards established by the Lyon County Road Department, or the City of Kuttawa, or the City of Eddyville as appropriate
- b. In residential areas at least one (1) street name sign post with double mounts shall be mounted at each intersection. All street signage must be approved by the Lyon County Road Foreman or applicable City Engineer.
- c. If not installed prior to Final Plat approval, the cost of purchasing and installing the signs shall be included in the Performance Bond or Irrevocable Letter of Credit posted by the developer for completion of the roads.

40.22. Private Streets and Reserve Strips

- a. Existing private streets within the boundaries of the proposed subdivision or abutting it and used for egress into and out of it, that do not meet public street standards as specified in these Subdivision Regulations shall be upgraded by the developer to the standards specified in these Subdivision Regulations and dedicated as public right-of-ways.
- b. Before final plat approval, the names of streets shall be approved by the Lyon County E 911 Coordinator.

40.23. Alleys

Alleys shall be provided to give access to the rear of all lots used for business and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the developer produces evidence of the need for alleys that is satisfactory to the Planning Commission.

40.24. Off-site Street Improvements

- a. Where the Planning Commission determines that a proposed subdivision will have a substantial impact on adjacent streets or where the Commission determines that the proposed subdivision warrants significant improvements to adjacent streets in order to provide safe access to said subdivision, it may require the developer to make such improvements as may be required to ensure that such streets meet the right-of-way and construction standards specified in these Subdivision Regulations for the anticipated traffic load.
- b. In order to make the above determination, the Planning Commission must find that the benefits stemming from such road improvements accrue primarily to the developer's subdivision. Where the Commission determines that such road improvements made pursuant to this section benefit other adjacent or nearby property owners, or the traveling public in general, the cost of making such improvements shall be apportioned according to benefit conferred.
- c. In lieu of the developer making such off-site road improvements to existing streets pursuant to the above requirements, the Planning Commission may permit the developer, at his/her sole discretion, to make a cash contribution to a dedicated road improvements fund, the amount to be determined by the Commission upon the advice of the County Road Engineer, or applicable City Engineer. An agreement creating such a fund must be established between the developer and the County Fiscal Court or applicable City Council.

SECTION 41 UTILITY REQUIREMENTS

41.10 General Requirements

- a. General Requirements for Installation of Utilities: Utilities shall be provided in real lot easements wherever possible. When it is necessary to install utilities in street right-of-ways, the following requirements shall apply:
 - 1) After grading is completed and approved and before any pavement base is applied, all of the in-street underground work – water mains, gas mains, sewer mains etc. – shall be completely installed and approved throughout the length of the street and across the flat section. In cases where underground utilities must be provided within the right-of-way of streets, they shall not be installed under the paved portions of such streets except where they cross under the street.

- 2) All water and sewer lines crossing underneath a road shall be incased in a conduit that is at least four (4) inches in diameter larger than the utility pipe being incased. Under state roads the conduit shall be made of steel. Under county and city roads the conduit may be steel or schedule eighty PVC. All such conduits shall be buried at least thirty-six (36) inches deep

41.11 Water Supply System

- a. It is the express desire of the Officials of Lyon County, and the cities of Eddyville and Kuttawa that every resident be provided with access to a public water system. Therefore, every proposed subdivision must include a water distribution system and trunk lines from the proposed property to an existing public water system.
- b. The developer, working through the appropriate local water system manager, shall be responsibility for submitting detailed waterline construction plans to, and obtaining approval of, the Division of Water, Kentucky Environmental and Public Protection Cabinet, Department For Environmental Protection. The developer shall be responsible for the installation of the approved system. A copy of such plans and approval thereof shall be submitted to the Planning Commission as part of the Final Plat submission packet.

41.12 Sanitary Sewer System

- a. Where, in the opinion of the Planning Commission, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the developer shall submit a sewer system construction plan to, and seek approval of, the Division of Water, Kentucky Environment and Public Protection Cabinet, Department for Environmental Protection. The developer shall be responsible for the installation of the approved system. A copy of such plans and the approval thereof shall be submitted to the Planning Commission as a part of the Final Plat packet.
- b. Where lots cannot be served by the extension of an existing public sanitary sewer, the developer shall obtain approval of lot sizes for individual septic tanks and disposal fields from the Health Department and Planning Commission.
- c. In cases that involve the sanitary sewer system of the City of Eddyville or Kuttawa, annexation by the City is required before access is provided to these sewer systems. Any developer desiring to have his proposed subdivision having access to the either city's sewer system

must apply for annexation and request appropriate zoning prior to submitting the Preliminary Plat for approval by the Planning Commission.

41.13 Electric and Phone Lines

Where ever practical both electrical and phone lines shall be buried underground and within the dedicated easements.

SECTION 42. STORMWATER MANAGEMENT

All of the major subdivisions shall be designed to insure that stormwater that falling on the site shall be absorbed or detained on-site to the extent that the controlled release rate of stormwater runoff shall not exceed the pre-development stormwater runoff rate for a 100-year, 24 hour storm and a 10-year, 1-hour storm, demonstrated by an accepted engineering method in a Stormwater Management Plan.

42.10. Stormwater Management Plan Format, Contents and Standards:

The required Stormwater Management Plan shall contain the following information unless specifically excluded by the Commission Engineer or Commission Chairman.

- a. A topographic map of the project site and adjacent areas, of the same scale as the Preliminary Plat, unless the Commission Engineer or Commission Chairman requires a greater scale because of unusual site characteristics. This map shall show the location of all existing:
 - 1) Streams, flood plains and calculated high water elevations;
 - 2) Any C-1 zones;
 - 3) The shoreline of lakes, ponds and wetlands;
 - 4) Sinkholes and their surface drainage areas;
 - 5) Retention basins including their inflow and outflow structures, invert elevations of culverts, etc., if any;
 - 6) Any existing storm sewers.
- b. The proposed stormwater management system shall be drawn on a topographic map similar to that required by Article 3, which shall

identify the location of all drainage structures including the following information:

- 1) Flowline, elevation, slope, type and size of storm sewer and waterways discharging onto the site and receiving storm sewers and waterways at the points into which stormwater from the site will drain;
 - 2) Where existing channels or open drainage facilities will be changed either by construction or by increasing the volume therein, show a profile on one or more cross sections of the existing or proposed channels or other open drainage facilities, showing the existing conditions.
- c. For all detention basins and inflow and outflow structures:
- 1) A plot or tabulation of storage volumes with corresponding water surface elevations, which shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one (1) foot of freeboard above the water surface of overflow in the emergency spillway in a 100-year, 24 –hour storm or as required by State law.
 - 2) Design hydrographs of inflow and outflow for the 100-year, 24-hour and 10-year, one hour events for the site under existing and developed conditions;
 - 3) Demonstration that the floor of the basin will be constructed and compacted to provide at least a 2 percent minimum slope to the outlet pipe to insure that detained water fully drains and does not create a health and safety hazard or visual nuisance.
 - 4) Demonstrate that overflow for a storm in excess of the design capacity will be provided and designed to function without specific attention as part of the excess stormwater passage.

SECTION 43. LOT REQUIREMENTS

43.10. Relationship to Streets

All lots shall front on a public dedicated street or road for a minimum distance of sixty (60) feet or as required by the applicable zoning ordinances which ever is greater.

43.11. Arrangement

Each lot in a subdivision shall contain a building site free from the danger of flooding. Except where unfeasible, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

43.12. Dimensions

Lot dimensions shall conform to the requirements of the zoning ordinances except that all lots not served by a public sewer shall be at least seventeen thousand (17,000) square feet in area, with no less than twelve thousand (12,000) above the three hundred seventy-eight (378) foot elevation line. A greater area and/or wider street frontage may be required for compliance with the standard established by the Lyon County Health Department. If there is a conflict between these two regulations, the greater of the two shall be required.

SECTION 44. OFF STREET LOADING AND PARKING FACILITIES

In commercial and industrial subdivisions and in the portions of residential subdivisions reserved for commercial or industrial uses, the lots or parcels platted for commercial or industrial sites shall be large enough to provide for off-street loading and unloading facilities and off-street parking facilities.

SECTION 45. UTILITY AND DRAINAGE EASEMENTS

45.10. Easements

- a. Utility easements shall be provided along all streets and roadways within the proposed subdivision. This easement shall be at least fifteen (15) feet wide measured from the lot line and shall be shown on all plats submitted for approval.
- b. If the Planning Commission deems it necessary for proper drainage within or through a subdivision, it shall require that a stormwater easement or drainage right-of-way be provided by the subdivider and maintained by the property owners or abutting property owners.
- c. All roads with required roadside drainage ditches shall have restrictions placed on the Final Plat requiring property owners to maintain the grade and integrity of the ditches in compliance of the Final Plat and approved drainage plan.

**ARTICLE V.
MINOR SUBDIVISION PLAT APPROVAL PROCEDURE**

SECTION 50. PROCEDURES FOR MINOR SUBDIVISION PLAT APPROVAL

50.10. Procedures

If a subdivision conforms to the definition of a Minor Subdivision in Article II, applicants shall obtain approval pursuant to the following procedure.

- a. Plan preparation
 - 1) Prior to submitting any documentation, the developer shall meet with the Planning Commission Chairman to determine if the proposed subdivision qualifies as a Minor Subdivision.
 - 2) If it is determined that the proposed subdivision qualifies as a Minor Subdivision, the developer may skip the Preliminary Plat submission and submit a Final Plat for approval by the Planning Commission. The Final Plat shall conform to all of the provisions set forth in these regulations for Final Plat approval unless the proposed subdivision involves only the consolidation or splitting of lots within a previously approved platted subdivision. In the latter case the Final Plat shall conform to the requirements set forth in Section 50.10a.3 below.
 - 3) Final Plat for Minor Subdivisions involving only the consolidation or splitting of lots within a previously approved platted subdivision shall conform to the following requirements:
 - a) Plat submitted shall be 18 inches by 24 inches in size.
 - b) The title block shall include the name of the subdivision, the graphic scale, north arrow and date of preparation.
 - c) A Minor Plat shall contain all information required in the minimum surveying standards for a property boundary survey under State Statute for subdivision plats to include the signature and ID number of the Surveyor.
 - d) Existing lots lines to be eliminated shall be shown in subdued ink and new lots lines and all existing lot lines to be retained as is shall be shown in a standard shade of ink.

- e) When a lot is being split between two adjacent property owners the lot number of the lot being split will be perpetuated and a suffix such as “A” or “B” will be added. For example, lot number 2 would be split into two partials and renamed lots 2A and 2B. The plat shall show that these new lots are not buildable and therefore must be sold in conjunction with the adjacent lot and cannot be sold separately. The deeds for such property shall also contain this restriction.
 - f) When the Minor Subdivision involves the consolidation of up to five (5) lots to create a lesser number of lots the existing lot lines shall be shown in subdued ink and the new lot lines and existing lot lines to be retained shall be shown in a standard shade of ink. The new lots shall be numbered using the lowest of the numbers of the lots being combined and adding the suffix “Revised” to the new lot. For example, if lots 1,2,3,4, and 5 are consolidated into one lot, the newly created lot shall be numbered “Lot 1-Revised”.
 - g) The locations of all buildings, ponds, lakes, rivers, streams, marshes and other waterways shall be shown on the plat.
- 4) If new utility facilities are required for the proposed subdivision, the developer shall meet with the appropriate utility authorities to determine what infrastructure and easements are required prior to the informal meeting with the Planning Commission and they must also be shown on the Final Plat.

b. Submission of Final Plat for Minor Subdivisions

The developer or property owner(s) shall submit sufficient copies of the Final Plat such that there will be a copy for each property owner involved, a copy for recording with the County Clerk, and a copy for retention by the Planning Commission.

50.20. Review and Approval of Final Plats for Minor Subdivisions

The Planning Commission Chairman or his designated representatives shall review the Final Plat for conformity with these regulations and if found to be in conformity the Chairman shall sign all three copies of the Final Plat. One copy is to be retained by the Commission and two copies are to be returned to the property owners. The property owners are responsible for submitting the approved plat to the County Clerk for recording.

ARTICLE VI.
ENFORCEMENT AND PENALTIES FOR VIOLATIONS

SECTION 60. ENFORCEMENT

- 60.10.** No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of Lyon County or received or recorded by the County Court Clerk until said plat has received final approval in writing by the Planning Commission as provided in the KRS, Chapter 100. Admission to the records shall not be construed as approval.
- 60.11.** No board, public officer or authority shall accept, layout, improve, or authorize utilities to be laid in any street within the territory for which the Planning Commission has adopted a Major Thoroughfare Plan unless the street has received the legal status of a public street prior to the adoption of the Major Street Plan, or unless the street is shown on a subdivision plat or a street plat which has been approved by the Planning Commission as provided in KRS, Chapter 100.
- 60.12** The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by the subdivider or landowner where a subdivision's regulations, approved Final Plat, or approved construction plans have been violated.

SECTION 61. PENALTIES

- a. Any person or entity who violates any of the provisions of these regulations for which no other penalty is provided shall, upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- b. Any person, owner, or agent who violates these regulations shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or partial which was the subject of sale or transfer, or a contract for sale or transfer.
- c. Any person who intentionally violates any provision of these regulations shall be guilty of a misdemeanor and punishable by a fine

of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

- d. The Planning Commission Chairman shall have the authority under the provisions of KRS Chapter 100.991(4) to issue citations for violations of the regulations and direct the defendant to appear at a designated time and place pursuant to such citation.

SECTION 62. FEE SCHEDULES

Interpretation & Plan Review	No Fee	
Initial Filing Major Preliminary Plat		\$250.00 Plus \$10 a lot
Final Filing Major Final Plat	\$150.00	
Minor Plats		\$20.00 per lot, up to (5) lots per plat
Inspections Costs		All costs as billed by Consulting Licensed Engineer for review/approval of plans & site inspections

**ARTICLE VII.
ADOPTION, AMENDMENT AND EFFECTIVE DATE**

SECTION 70. ADOPTION

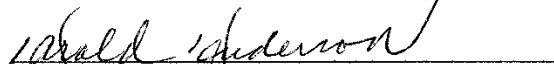
- 70.10** Before the adoption of these Subdivision Regulations or any amendment thereto, a public hearing shall be held by the Planning Commission. A public notice of time and place of the public hearing shall be published in a newspaper of general circulation in the city and county in accordance with the KRS. Chapter 100.
- 70.11** These Subdivision Regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption by the Eddyville-Kuttawa-Lyon County Joint Planning Commission. Upon adoption of these Subdivision Regulations, all previous subdivision regulations are rescinded.

Approved by the
Eddyville-Kuttawa-Lyon County Joint Planning Commission

On Feb 2, 2006


Tom McManamay, Chairman.

Attested by:


Harold Henderson, Secretary/Treasurer

Official Copy Recorded by: Sarah DeFew Date 2-3-2006
Lyon County Clerk

STATE OF KENTUCKY, COUNTY OF LYON

I, SARAH DEFEW, Clerk of Lyon County do certify that the foregoing instrument was on the day 3 of Feb 2006 at 8:30 A.M. lodged in my office for record, and that it has been duly recorded in my said office together with this and the certificate thereon endorsed. Given under my hand this 3 day of Feb 2006.

SARAH DEFEW, Lyon Co. Clerk By S DeFew D.C.

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Misc 20 pa 150

APPENDIX A

PRELIMINARY PLAT REQUIREMENTS CHECK LIST

PRELIMINARY PLAT REQUIREMENTS CHECK LIST

This checklist is provided to assist the developer in the preparation and submission of the Preliminary Plat for approval by the Planning Commission. It is not a substitute for a careful review and compliance with the pertinent sections of these regulations.

	<u>YES</u>	<u>NO</u>
A. Ten sets of uniform size sheets, 24" x 36", including an index of the same size, if warranted.	_____	_____
B. Title block:		
• Name of the proposed development, city name, county name;	_____	_____
• Names, addresses, phone numbers of landowner(s) and developer(s);	_____	_____
• Name, address, phone number, and seal and/or stamp of the licensed engineer and/or registration number of land surveyor responsible for the plat.	_____	_____
• Labeled as "Preliminary Plat".	_____	_____
C. Legend:		
• North arrow	_____	_____
• Graphic scale (not more than 1" = 200 ft.)	_____	_____
• Date of original and revisions	_____	_____
• Acreage of land to be subdivided/developed	_____	_____
D. Vicinity map	_____	_____
E. Information Block:		
• Zoning classification of land to be developed; Proposed zoning (if applicable)	_____	_____
• Typical and minimum lot acreage	_____	_____

	<u>YES</u>	<u>NO</u>
• Typical and minimum lot frontage	_____	_____
• Total gross acreage	_____	_____
• Acreage in R.O.W.	_____	_____
• Other	_____	_____
• Acreage of remaining property	_____	_____
F. Contours, not more than ten (10) foot vertical intervals.	_____	_____

PRELIMINARY PLAT SUPPLEMENTARY INFORMATION

The following items of supplementary information shall be required, unless otherwise waived by the Planning Commission, and are considered part of the preliminary subdivision plat submittal as specified in Articles III and IV.

	<u>YES</u>	<u>NO</u>
1. Copy of completed application form and payment for subdivision plat processing fee.	_____	_____
2. Legal description of the tract to be developed.	_____	_____
3. Bearings and distances of original property lines, streets, street names, easements, buildings, water courses (including flood plains, streams, sinkholes), significant individual trees or stands of trees, and other existing physical features; on-site and off-site sinkholes.	_____	_____
4. Proposed location and width of all new streets, alleys, lots, building lines and easements (scale of 1" = 200 ft.); including typical sections of each existing and proposed street keyed to plat.	_____	_____
5. Location of existing sewers, water mains, fire hydrants, storm drains, power transmission lines, and other underground structures.	_____	_____
6. Layout of proposed lots, including dimensions of lot lines, lot numbers, building setback line, and side and rear yard setbacks.	_____	_____

	<u>YES</u>	<u>NO</u>
7. Acreage of each lot; Acreage in streets; Other pertinent acreages; Lot number and area in square feet of the smallest lot in the development.	____	____
8. Location, acreage, and lot number of all areas to be used for non-residential purposes, including lots reserved or dedicated for public use and utility installations.	____	____
9. Location and type of monuments and pins.	____	____
10. Industrial or commercial plats; access points, building masses, proposed entrances, loading areas, number of establishments.	____	____
11. Proposal for accomplishing the installation of improvements.	____	____
12. Location, right-of-way, and pavement width of new streets (sections and plans to be attached);	____	____
Radii, points of curvature, lengths of arcs for proposed streets;	____	____
Proposed changes to existing streets;	____	____
Street names selected so as not to duplicate any other within the County;	____	____
13. Proposed utility and other <u>easements</u> (plans and profiles for utilities to be attached):	____	____
• Location, size and type of sanitary sewer or other sewer disposal facilities;	____	____
• Water mains and other utilities;	____	____
• Facilities for stormwater drainage;	____	____
• Other proposed improvements such as sidewalks, planting and parking, parks and any grading of individual lots.	____	____

		<u>YES</u>	<u>NO</u>
14.	Statement of deed restrictions and protective covenants and homeowner's association requirements, if any.	_____	_____
15.	A plan showing the provisions for stormwater management.	_____	_____
17.	Plans showing the provisions for domestic water supply.	_____	_____
18.	A water quality plan.	_____	_____
19.	Request for modification, variance of waiver of preliminary plat requirements or design standard. (Optional)	_____	_____
20.	Certification by the Planning Commission Engineer.	_____	_____
21.	Septic system availability and/or approval certificate.	_____	_____
22.	Certification of Ownership.	_____	_____
23.	Certification by the developer's registered Land Surveyor.	_____	_____
24.	Certifications of the Utility Companies.	_____	_____
25.	Certification of approval by the Planning Commission.	_____	_____
26.	Notation on streets that indicate whether they are dedicated public R.O.W.'s or private streets. If private streets, a street maintenance agreement should be attached as a deed restriction.	_____	_____

CONSTRUCTION PLANS REQUIRED FOR PRELIMINARY PLATS

1	Certification by the Planning Commission Engineer	_____	_____
2.	Certification by the developer's registered Engineer.	_____	_____

APPLICATION FOR PRELIMINARY PLAT APPROVAL

Date _____

Application No. _____ (This will be filled in at the Planning Commission)

1. Name of Applicant _____

Address _____

Phone _____

2. Name of Surveyor or Engineer _____

Address _____

Phone _____

3. Name of Development _____

4. The Application Fee is \$ _____

5. Waivers and/or variances requested for plat or design standards.

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
e.	_____	_____

10. List other materials submitted with the application.

	Item	Number
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____

APPENDIX B

SUBDIVISION PLAT CERTIFICATION BLOCKS

PRELIMINARY PLAT CERTIFICATIONS

When applicable utilities or other construction elements (e.g., sanitary sewer, municipal water, on site septic systems, etc.) are being planned for any proposed subdivision, the following Certification Blocks are required that relate to each of the applicable elements.

LOCAL HEALTH DEPARTMENT CERTIFICATION

This subdivision has been tentatively approved for on-site sewage disposal systems. Each individual lot shall stand on its own merit as to approval or disapproval or type, size, or design of the system to be installed pursuant to the Kentucky Department of Public Health On-Site Sewage Disposal Systems Regulation 902 KAR 10:081 and 902 KAR 10:085.

DATE

Environmental Supervisor, Lyon County Health Department

CERTIFICATION OF AVAILABLE CAPACITY FOR WATER SERVICE

I hereby certify that _____ (*name of water utility*) has the capacity within the water distribution system to supply the _____ Subdivision with adequate water services. Providing of such water service will be contingent upon the developer’s satisfactory construction/installation of a water distribution system that has been approved by the Division of Water, Kentucky Environment and Public Protection Cabinet, Department of Environmental Protection and the above mentioned water utility. All costs associated with such construction are to be borne by the developer.

DATE

GENERAL MANAGER

CERTIFICATION OF AVAILABLE CAPACITY FOR SEWAGE SERVICE

I hereby certify that _____ (*name of sewer utility*) has the capacity within the sanitary sewer disposal system to supply _____ Subdivision with sanitary sewage disposal. Providing of such sewer service will be contingent upon the developer’s satisfactory construction/installation of a sanitary sewer collection system that has been approved by the Division of Water, Kentucky Environment and Public Protection Cabinet, Department of Environmental Protection and the above mentioned sewer utility. All costs associated with such construction are to be borne by the developer.

DATE

GENERAL MANAGER

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owners(s) of the property shown and described hereon and that I (we) hereby adopt the plat of the development with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public or private use as shown, in accordance with the Eddyville-Kuttawa-Lyon County Subdivision Regulations, unless otherwise noted.

DATE (signature above line & name of owner typed below line)

Note: Add an additional signature and date line as shown above for each co-owner of the property in question.

CERTIFICATION OF PRELIMINARY PLAT APPROVAL

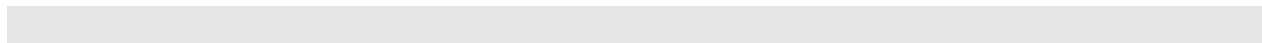
I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Eddyville, Kuttawa, Lyon County, Kentucky, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission meeting on _____ and is therefore approved with such exceptions as may be shown hereon or in a separate letter to the developer dated _____ and attached hereto.

DATE Chairman, Eddyville, Kuttawa, Lyon County
Planning Commission

CERTIFICATION OF ACCURACY

I hereby certify that the plat shown and described hereon is a true and correct survey of the property depicted hereon to the accuracy required by the Survey Standards for the State of Kentucky and the Eddyville, Kuttawa, Lyon County Subdivision Regulations. (Note: Must also show stamp of the Surveyor.)

DATE (signature of registered surveyor)



CONSTRUCTION PLAN CERTIFICATION

=====

CERTIFICATION OF THE ACCURACY, COMPLETENESS, AND COMFORMITY

I hereby certify that the construction plans and profiles for the streets, utilities, storm-water management, and all other improvement submitted for _____ Subdivision have been reviewed and in my opinion they meet or exceed the general engineering standards for such plans and they are in accordance with the Eddyville, Kuttawa, Lyon County Subdivision Regulations.(Note: Must also show stamp of the Civil Engineer.)

DATE

Commission Engineer

FINAL PLAT CERTIFICATIONS

When applicable utilities or other construction elements (e.g., sanitary sewer, municipal water, on site septic systems, etc.) are being planned for any proposed subdivision, the following Certification Blocks are required that relate to each of the applicable elements.

LOCAL HEALTH DEPARTMENT CERTIFICATION

This subdivision has been tentatively approved for on-site sewage disposal systems. Each individual lot shall stand on its own merit as to approval or disapproval or type, size, or design of the system to be installed pursuant to the Kentucky Department of Public Health On-Site Sewage Disposal Systems Regulation 902 KAR 10:081 and 902 KAR 10:085.

DATE

Environmental Supervisor, Lyon County Health Department

CERTIFICATION OF THE REVIEW OF STREET AND DRAINAGE

I hereby certify: (1) that all streets and roadways, storm-water management facilities, all utilities, and all other improvements required by the approved construction plans for this subdivision have been installed in accordance with the approved construction plans and the specifications of the Eddyville, Kuttawa, Lyon County Subdivision Regulations; and, have been inspected and approved by the appropriate agency; Or, (2) the Construction Plans have been approved by the appropriate agency and that a security bond in the amount of \$ _____ in the name of the applicable legislative body (Lyon County Fiscal Court or applicable city council) has been posted with the Judge Executive, or applicable city mayor to assure completion of all required improvements in case of default.

DATE

Commission Engineer

CERTIFICATION OF PROVISION FOR WATER SERVICE

I hereby certify that _____ (*name of water utility*) (1) has inspected and approved the construction/installation of all aspects of the water distribution system for the _____ Subdivision and certify that the system has been installed in accordance with the approved Construction Plans; or (2) the Construction Plans for the Water Distribution System have been approved by the appropriate agency and a Surety Bond in the amount of _____ has been posted in the name of the applicable legislative body (Lyon County Fiscal Court or Applicable City Council) has been posted with the Judge Executive, or applicable city mayor to assure completion of all required improvements in case of default.

DATE

GENERAL MANAGER

CERTIFICATION OF PROVISION FOR SEWAGE

I hereby certify that _____ (*name of water utility*) (1) has inspected and approved the construction/installation of all aspects of the sanitary sewer system for the _____ Subdivision and certify that the system has been installed in accordance with the approved Construction Plans; or (2) the Construction Plans for the Sanitary Sewer System have been approved by the appropriate agency and a Surety Bond in the amount of _____ has been posted in the name of the applicable legislative body (Lyon County Fiscal Court or Applicable City Council) has been posted with the Judge Executive, or applicable city mayor to assure completion of all required improvements in case of default.

DATE

GENERAL MANAGER

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owners(s) of the property shown and described hereon and that I (we) hereby adopt the plat of the development with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open space to public or private use as shown, in accordance with the Eddyville, Kuttawa, Lyon County Subdivision Regulations, unless otherwise noted.

DATE

(*signature(s) above line & name(s) of owner(s) typed below*)

NOTICE TO ALL PROPERTY PURCHASERS:

Any filling, grading, or otherwise altering a roadside drainage ditch or other drainage improvement required and constructed as part of the Street and/or Storm-water Management Plans approved by the Planning Commission is prohibited. Any property owner(s) that alters the approved drainage improvements shall be required to reconstruct the drainage improvements at the owner(s) expense to conform to the approved Street and Drainage Plans.

Upon written notice from the Lyon County Road Foreman or City Engineer or Commission Chairman, a property owner must reconstruct the property as per the drainage improvements indicated in the approved street and/or Drainage Plans within 60 days. If the property owner(s) does not reconstruct the approved drainage improvements within the 60-day deadline, the County Road Department or City Street Department shall have free and unrestrained access to the property for the purpose of reconstructing the drainage improvements. The property owner(s) will be responsible for reimbursing the County Road Department or the City for all expenses involved in the reconstruction of the drainage improvements.

CERTIFICATION OF ACCURACY

I hereby certify that the plat shown and described hereon is a true and correct survey to the accuracy required by the Eddyville, Kuttawa, Lyon County Subdivision Regulations and that the monuments have been placed as shown herein.

DATE

(signature of registered surveyor)

CERTIFICATION OF AVAILABILITY OF UTILITY SERVICES

I hereby certify that _____(name of agency or company) shall supply the _____(name of subdivision) with _____(electric/gas/telephone) services and the proposed utility easements of said development meet the requirements of this agency and all other applicable requirements.

DATE

Company representative (title)

CERTIFICATION OF FINAL SUBDIVISION PLAT APPROVAL

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

DATE

Chairman, Eddyville, Kuttawa, Lyon County Joint
Planning Commission

DRAINAGE EASEMENT DESCRIPTION

Drainage easements contain stormwater channels, stormwater storage areas/facilities and access rights for maintenance of such facilities. No channel alteration or construction that would obstruct the flow of stormwater is allowed.

UTILITY EASEMENT DESCRIPTION

Easements grant and convey to the appropriate utility companies, their successors, assigns, and lessees, the right to trim any and all trees, and remove any structures and obstacles in the easements, which might interfere with the maintenance of their facilities. No building shall be erected, and no excavation or other change in grade shall be performed, upon the easements after installation of facilities. The right of ingress and egress is hereby granted to users of the utility easement as require to construct, operate, and maintain the facilities within the easements.

APPENDIX C

EXAMPLE MINOR PLAT

EXHIBIT C-1 SAMPLE PLAT OF SURVEY

