

HARRODSBURG-MERCER COUNTY SUBDIVISION REGULATIONS



PREPARED FOR:
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ADOPTED ON
OCTOBER 5, 1998

2ND EDITION

**HARRODSBURG-MERCER COUNTY
SUBDIVISION REGULATIONS**

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HARRODSBURG-MERCER COUNTY SUBDIVISION REGULATIONS

ARTICLE 1. APPLICATION AND AUTHORITY OF REGULATIONS

BE IT RESOLVED, that the Greater Harrodsburg/Mercer County Planning and Zoning Commission, do hereby adopt the following regulations for establishing subdivision procedures for the submission and approval of preliminary plats, improvement plans, final plats and development plans; recording final plats; design standards and principles for the layout of subdivisions and for the surveying and platting requirements thereof; requiring the installation of certain improvements and providing for the necessary construction agreements and guarantees; providing for certain preliminary and final plat requirements; defining certain terms used herein; providing for the method of administration and enforcement and the penalties for violation thereof; providing for the means of adoption and amendment; repealing all regulations, resolutions, orders, ordinances and codes in conflict herewith.

Section 1.0 Short Title.

These regulations shall be known and may be cited as the "Subdivision Regulations of the City of Harrodsburg and Mercer County" (excluding the City of Burgin), Commonwealth of Kentucky.

Section 1.1 Applicability.

These Subdivision Regulations shall apply to the subdivision or resubdivision (as defined herein) of land (whether residential, commercial, industrial, etc.) or installation of street and utility improvements within the geographic boundaries of the City of Harrodsburg and Mercer County, Kentucky, but excluding the City of Burgin which has opted out of the Joint Planning Agreement. If the proposed subdivision is located within the City of Harrodsburg, then the City of Harrodsburg Commission shall be required to approve all proposed improvements and all references herein will be to the City Commission, and if the proposed subdivision is outside the City of Harrodsburg and City of Burgin municipal limits, but inside of the boundaries of Mercer County, Kentucky, then the Mercer Fiscal Court shall be required to approve all proposed improvements and all references herein will be to the Fiscal Court.

Section 1.2 Purpose and Authority.

- A. [Purpose:] This ordinance is adopted for the following purposes:
1. To insure sound, harmonious subdivision development and community growth and to safeguard the interests of the homeowner, the subdivider, the investor, the City of Harrodsburg and Mercer County;
 2. To provide permanent assets to the city, county and locality;
 3. To prevent excessive development costs;
 4. To assure the development of land for the highest possible use with all the necessary protection against deterioration and obsolescence;
 5. To provide common grounds of understanding and a sound working relationship between the City or County and the developer.
- B. [Authority]: These regulations are adopted in accordance with the Kentucky Revised Statutes 100.273-100.281.

Section 1.3 Separability Clause

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

Section 1.4 Conflict

All regulations, resolutions, orders, ordinance and/or codes in conflict herewith are hereby repealed on the effective date of these regulations: providing, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any such subdivision regulations, order, resolutions and/or amendments thereto, hereby repealed prior to the effective date of these regulations.

Section 1.5 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 general welfare. Whenever the requirements of these regulations conflict with the requirements of any other lawfully adopted rules, regulations, ordinance, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

Section 1.6 Planning Commission Approval Required for Subdivision of Land

The Harrodsburg-Mercer County Subdivision Regulations set forth a procedure for Planning Commission Approval for the subdivision of land. This procedure is stated in K.R.S. 100.277 and is as follows:

- A. All subdivision of land as defined in KRS 100.111 (22) as amended from time to time shall receive planning commission approval.
- B. No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary or other duly authorized officer of the commission.
- C. No person owning land composing a subdivision, or his agent, shall transfer or 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 the approval of 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 unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring the same shall not exempt the person attempting to transfer from penalties provided or deprive the

purchaser of any rights or remedies he may otherwise have.

- D. In accordance with KRS 100.277 (4), any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five days after inspection and final approval. Final approval shall not be given by the planning and zoning commission until the legislative body has approved all streets, utilities and other matters affecting that legislative body and endorsed the proposed final plat.

Section 1.7 General Responsibilities.

- A. **Subdivider and Developer:** The subdivider or developer shall prepare plats and plans consistent with the design standards; accomplish improvements consistent with the improvement requirements; and process said plats and plans in accordance with these regulations.
- B. **Planning Commission:** The planning commission, or its duly authorized representatives, is charged with the duty of making investigations and reports on the design and improvements of proposed subdivisions and developments and requiring conformance of such subdivisions and developments with the Comprehensive Plan and Zoning Ordinances for the City of Harrodsburg and Mercer County, the Kentucky Revised Statutes, Sections 100.111 to 100.991, and these Subdivision Regulations. The planning commission shall require such redesign of street patterns, lot layout, and such other information or plans as the circumstances may warrant as to ensure not only conformance to the aforementioned, but good traffic patterns, proper design and development of a particular area and appropriate consideration of abutting development.
- C. **Planning Commission Technical Review Committee:** The planning commission's technical review committee shall be responsible for the review of minor and major subdivision plats. The committee shall also be responsible for making recommendations to the full planning commission at their next regular meeting concerning such plats. In no case shall the technical review committee be authorized to approve subdivision plats or waive any of the subdivision regulation requirements.

Section 1.8 Submission of a Development Plan.

The planning commission may, as a condition to the granting of a zone change request, require the submission of a development plan. This plan shall include as a minimum the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening and buffering, utilities, existing, manmade and natural conditions. In addition, the development plan must conform to all requirements stated in the applicable zoning ordinance (Harrodsburg Zoning Ordinance or Mercer County Zoning Ordinance) as well as all subdivision

regulations. Any improvements installed must conform to the requirements stated in the Harrodsburg-Mercer County Subdivision Regulations.

The planning commission shall have the authority to request additional materials as deemed necessary for the review of a zone change. As a further condition to the granting of a change in zoning, the planning commission may require that substantial construction be initiated and approved within one year (1) of granting the map amendment.

Section 1.9 Schedule of Construction and Sale of Lots.

No lot, tract or parcel in a subdivision may be sold, transferred; no permit to erect, alter or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the planning commission and recorded with the county clerk, and until the construction of all improvements required in connection therewith have been completed, guaranteed or provided for in the manner prescribed herein.

Section 1.10 Schedule of Improvements.

The subdivider of any tract or parcel of land located within the City of Harrodsburg or Mercer County (except Burgin) shall not proceed with any construction work for: a street, sanitary sewer, storm sewer, water main (including grading thereof) or any other facilities in connection therewith until he has obtained conditional approval or final approval of his improvement plans by the planning commission.

ARTICLE 2. MAJOR AND MINOR CLASSES OF SUBDIVISIONS

Section 2.0 Purpose.

The purpose of this Article is to establish two classes of subdivisions on the basis of their relative importance to the community's overall development. The following articles apply to subdivisions or divisions of land which are used for commercial, industrial, residential, or other types of uses. For subdivisions of minor planning significance, this will permit quicker processing and fewer requirements.

Section 2.1 Minor Subdivisions

The subdivision of land can occur in two forms. The first form involves a minor division of land known as a minor subdivision or the transfer of one property using a conveyance plat. This minor division of land may be deemed as such by the planning commission when it meets one of the following criteria:

- A. Where a subdivision consists of three (3) or less lots in which no street or public facility improvements are to be constructed or extended.
- B. The transfer of property is between adjacent property owners who share at least one common boundary involved in the transfer. This type of transfer shall not involve the creation of any new lots or building sites but only represents a revision of the old lots and building sites. No consolidation may result in there being more separate transferable parcels after consolidation.
- C. Amendments to existing recorded plans for the purpose of correcting obvious errors of an engineering or drafting nature or other similar small discrepancies. Not included in this type amendment are changes that materially affect building lines, street requirements, easements or any other changes of a significant planning nature. Such changes shall be considered as major subdivisions.
- D. Minor easements amendments where changes for the purpose or release of modification of existing easements and the addition of new easements. The written approval of any beneficiary of the easement is required. Excluded from this class are any easements for the purpose of pedestrian or vehicular access among properties, or for the purpose of roadway improvements. These types of amendments shall follow the major subdivision procedures.

If an applicant or property owner originally used a conveyance plat or minor division of land procedure, but then decides to create four (4) or more buildable lots from the parent tract or construct improvements, then he or she shall be required to follow the major division of land procedure.

Section 2.2 Major Subdivisions

A major subdivision of land occurs when the subdivider or applicant divides a parcel of land into four (4) or more buildable lots from the parent tract and also includes the construction

of public streets and utilities. All subdivisions which do not conform to the definition established for a minor subdivision shall be considered as major subdivisions. Further, any subdivision proposing the creation of a new street shall automatically be considered as, and follow the requirements for, a major subdivision. The review procedure for a major subdivision, defined in greater detail in Article 4, involves a preliminary plat, improvement plan, and final plat. If, however, the division of land of four (4) or more buildable lots does not require any public utility or street improvements, the developer will only be required to submit a preliminary plat and final plat.

**TABLE 2-1
TYPES OF SUBDIVISIONS**

MINOR SUBDIVISION OF LAND	MAJOR SUBDIVISION OF LAND
Three (3) buildable lots or less from the parent tract with no street improvements or extensions and no public utility improvements.	Four (4) buildable lots or more from the parent tract including any street improvements and extensions and/or public utility improvements
	<input checked="" type="checkbox"/> Preliminary Plat
	<input checked="" type="checkbox"/> Improvement Plan
<input checked="" type="checkbox"/> Conveyance Plat	<input checked="" type="checkbox"/> Final Plat

Section 2.3 Applicability.

Each division created by any act of subdividing, whether actually shown in entirety on the plat or not, shall be required to meet the requirements of all city ordinances and regulations.

ARTICLE 3. MINOR SUBDIVISION PLAT PROCEDURES AND REQUIREMENTS

Section 3.0 Purpose

The purpose of this Article is to establish procedures and content requirements that must be met by minor subdivision plats.

Section 3.1 Minor Subdivision Review Procedures

The provisions for Conveyance Plat and Minor Subdivision Review and approval are intended to provide a convenient and expeditious process for the conveyance or transfer of three (3) or less lots from the parent tract with no street or public utility improvements as described in Section 2.2 in this document. Minor subdivision plats shall be submitted as follows:

- A. **Filing** - The developer shall file the following materials with the Zoning Administrative Officer (ZAO); four (4) blue or black line prints of the plan, and a filing fee in the amount determined by the Planning Commission's adopted fee schedule. In addition, the developer shall be responsible for paying the plat recording fees to the ZAO at the time of submittal. It is important to note that a separate check for the recording fees must be made out to the Mercer County Clerk's Office.

- B. **Review**- Once the plats are submitted and all fees (including the recording fee) are paid, the ZAO shall review the plat for compliance with all applicable requirements and ordinances. Upon determination that all requirements have been met, the Zoning Administrator shall schedule a meeting with the Planning Commission's Chairman to review and certify the plat (if approved). Once approved, the ZAO shall retain one copy of the plat for planning commission files and file one copy at the Mercer County Clerk's Office

If the minor subdivision plat is not approved the ZAO shall note the reasons on the minor subdivision plat application and return the comments to the developer for revision. Should the developer dispute the accuracy of these comments, the developer is entitled to a plat review conducted by the Technical Review Committee, the results of which will be brought before the full planning commission at their next regular meeting. Upon final determination that the plat is unacceptable, the ZAO shall return the check for recording fees to the developer.

- C. **Recording**- Upon certification of approval by the Planning Commission Chairman, the ZAO shall be responsible for recording the plat in the plat records of the Mercer County Clerk. Under Section 3.1 A of these regulations, the recording of the plat shall be done at the developer's expense. The plat shall be recorded within one (1) week of the certification of approval. Any plat that was approved but not recorded in the Mercer County Clerk's Office prior to the passage of these subdivision regulations shall have one (1) year from the certification date to file the plat, otherwise the approval is null and void.

Section 3.2 Required Content and Format for all Minor Subdivision Plats.

The minor subdivision plat shall conform to the following requirements and minimum standards as established in the Kentucky Revised Statutes (KRS 322.290, also 201 KAR 18:150) and those imposed by the Greater Harrodsburg/Mercer County Planning and Zoning Commission.

Section 3.3 Minor Subdivision Approval.

- A. Approval, approval with conditions, or disapproval shall occur within (10) working days from the date of submittal. If full planning commission approval is necessary, then approval or disapproval shall occur within sixty (60) days. Once reviewed and approved, the Planning Commission Chairman will sign the approved copies.
- B. Upon approval by the Planning Commission Chairman, a copy of the Minor Subdivision Plat will be retained by the Commission. The remaining copy will be filed by the ZAO in the Mercer County Clerk's Office.
- C. Approval of a Minor Subdivision Plat by the Planning Commission shall not constitute the acceptance or recording of the plat in the County Clerk's office.

ARTICLE 4. MAJOR SUBDIVISION PROCEDURES AND APPROVAL

Any developer desiring to subdivide any lot, tract or parcel of land or to change or rearrange any such lot, tract, or parcel of land within the City of Harrodsburg or Mercer County (excluding the City of Burgin) shall comply with the procedures established for major subdivisions in these Subdivision Regulations. Any developer wishing to install improvements to any lot, tract or parcel without the division of said property shall submit a Development Plan in accordance with these major subdivision plat procedures and adhere to all design requirements as delineated in Article 5, Article 6 and Appendix D of these regulations. A summary of subdivision review procedures is contained in Appendix A.

Section 4.0 Advisory meeting with planning commission.

In order to expedite the processing or review of each development plan or subdivision plat, the subdivider or applicant shall meet with the Harrodsburg-Mercer County Planning Commission's Technical Review Committee prior to the submittal of any plans or filing of an application. The meeting is intended to familiarize the developer/subdivider with current regulations and to ascertain the location of any planned projects that may affect the property being considered for subdivision. Although this step does not require formal application or filing of a plat with the planning commission, the subdivider shall notify the planning commission, or its duly authorized representative, in writing, of his intention to subdivide or install improvements on a property. Such notification shall also include a request for an advisory meeting with the planning commission and a "general development plan" of the property to be subdivided including:

- A. General lot layout and location of streets.
- B. Names and right-of-ways of adjacent streets.
- C. Present zoning of parcel or proposed subdivision and adjacent properties.

Within 30 days of receipt of the developers/subdividers notification, the planning commission shall meet with the developer/subdivider to ascertain the location of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision. The commission shall also inform the developer/subdivider of the minimum standards of design as specified in Article 5 and 6 of these regulations. Such informal notification should prevent unnecessary and costly revisions.

Section 4.1 Revision of Previously Approved Preliminary Plats and Improvement Plans.

A developer or applicant may find it necessary to make changes to the arrangement, size, number or location of individual lots, streets, or utilities. Based upon the changes, the Harrodsburg-Mercer County Planning Commission may request that a developer or applicant submit revised plans to the Planning Commission for approval and filing. It is the responsibility of any developer or property owner to submit any revised plats or plans to the Commission and affected utility company/organization or legislative body. Approval from the utility companies and affected legislative body is necessary prior to plat approval by the planning commission and prior to installation of any improvements.

Section 4.2 Revocation of Subdivision Plat.

Revocation of a previously approved subdivision plat shall be permitted only in accordance with KRS 100.285, summarized as follows:

1. Upon application of all persons owning land comprising a subdivision, the planning commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements and right-of-way.
2. Before any plat shall be revoked, all owners shall, as a part of their application for revocation, state under oath that no person has purchased a lot shown on the plat.
3. A revocation shall become effective only upon:
 - a. A notation on the margin of the recorded plat stating that such plat has been revoked and the date of such vote on revocation; such notation shall be signed by the chairman, secretary or other duly authorized officer of the commission; and
 - b. A written approval of such revocation filed with the commission, duly signed by each entity to which an offer of dedication of any public or private facility, easement or right-of-way was made on the plat.
4. The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the commission or any interested party from filing an application in circuit court for such relief as may be appropriate.

Section 4.3 Preliminary Plat Review.

- A. After meeting informally with the Planning Commission's Technical Review Committee as required in Section 4.0, the developer shall prepare a preliminary plat and improvement plans prior to the making of any improvements or installation of any utilities. The preliminary plat shall conform to all requirements set forth in Article 5 and 6.
- B. The subdivider shall file five (5) copies of the preliminary plat prepared in accordance with the requirements of Article 5 and 6, with the commission, or its duly authorized representative, at least twenty (20) consecutive working days prior to the next regular meeting of the planning commission.
- C. The preliminary plat, the application and all other required information shall be checked by the planning commission and shall meet the minimum acceptable design standards and the general applicable regulations for the construction of public improvements. The plat will also be reviewed to determine conformance with: (1) the requirements of the zoning ordinance; and (2) all other applicable city or county ordinances. Within seven (7) consecutive working days after the filing of the preliminary plat, the developer shall transmit the designated items to the agencies listed in Appendix A. Approval of these agencies must be complete prior to the planning commission approval of the plat. At this time two copies of the following material shall also be filed with the commission, or its duly authorized representative:
 1. **Application for preliminary plat approval:** An application (provided by the commission) shall be submitted (See Appendix B.) At the time of submission, the commission, or its duly authorized representative, shall indicate on the application the date of submission, fees required and paid and a signature of the commission's representative.

2. **Statement that zoning requirements will be met:** A statement shall be submitted declaring that all zoning requirements shall be met (including identification of zoning district, lot size and yard requirements and proof of any variances or special exceptions which may have been granted).
3. **Proposed deed restrictions or protective covenants:** A description of proposed deed restrictions or protective covenants shall also be submitted.
4. **Description of soil conditions:** Three (3) copies of a description of soil conditions-surface, subsurface and whether suitable for the type of development intended.
5. **Statement of water and sewer provisions:** A letter from the subdividers or developers stating that public water and sewer facilities will be provided prior to requesting a building permit (in the case where individual on-site disposal systems are to be used, as per Section 5.15 of these regulations and a letter from the county health department stating its approval of such proposal shall be required).
6. **Statement by appropriate public bodies ensuring water and sewer service:** In addition to preliminary approval of all the applicable utility companies and the legislative body, a letter is required from the water and sewer company/department. This letter will state that public water and sewer service will be provided to the subdivision prior to the time when the City Commission or Fiscal Court accept the improvements for maintenance. In the case where the developer/subdivider is proposing to have individual on-site disposal systems, a letter of preliminary approval from the Health Department is required.
7. **Any other information required:** Any other information required by the planning commission, or its duly authorized representative shall be furnished to the commission prior to plat approval.
8. **Preliminary Plat Fees:** Preliminary plat fees shall be submitted in accordance with Section 7.1 of these regulations.
9. **Engineer(s):** The Planning and Zoning Commission, or its authorized representative, may require the subdivider or developer to employ an engineer(s), at the expense of the subdivider or developer, at any point in the subdivision process to provide technical advice and assistance to the commission or either legislative body if reasonably necessary.

Section 4.4 Preliminary Plat Requirements

The Preliminary Plat shall meet the minimum acceptable design standards and the general applicable regulations for the construction of public improvements as set forth in this document and shall contain the following information.

- A. The proposed subdivision plat shall be drawn to a scale of not less than one inch equals one hundred (1"=100') feet. A graphic or written scale shall be noted on the plat along with the date of the plat and the north point or reference meridian and its basis, i.e. true north, magnetic north, grid, compass, record, state plane. If a magnetic meridian is used, this meridian shall be related to objects not affected by this survey.

- B. The proposed subdivision name and the names and addresses of the owner, developer and the name, address, seal and signature of a Kentucky Professional Engineer, or Registered Land Surveyor responsible for designing the plat.
- C. Statement indicating the method of survey used, i.e. parallel offsets, direct, on-line, radial, random traverse, etc.
- D. A vicinity map showing the proposed location of the subdivision in relation to major or minor roads in the area (in a tenths of a mile). The vicinity map shall have an approximate scale.
- E. Title block containing the following: title of the survey and location of the land to be platted.
- F. All proposed uses including the type of housing (e.g. single-family attached or detached, townhouse, duplexes, etc.) or other uses in the subdivision and any public dedication or reservation of land. In the case of residential subdivisions, the plat shall indicate if the entire subdivision or if specific sections of the subdivision will contain clustered housing.
- G. For subdivision containing Clustered Housing or Residential Subdivision, the plat shall clearly indicate clustered housing areas and provide a detailed account of developed land and non-developed land in terms of total site gross density and developed areas net densities. The ownership and maintenance responsibility for the non-development areas is required to be submitted as part of the review. It is the developer's responsibility to prove that the non-development areas meet the intent and requirements of Section 5.3. A description of the approximate type of unit planned and the anticipated building setback scheme shall be required for residential clustered housing or conservation subdivisions.
- H. Acreage (to the nearest thousandth) of land to be subdivided, the total number of lots, and if applicable, the approximate number of acres in open space or other public uses. Where lots are under one (1) acre in size, the square footage of each lot shall be given.
- I. Existing contours with intervals of not more than five (5) feet to reflect the current topography of the proposed subdivision elevations based on mean sea level (U.S.G.S. Datum). Also, the current elevations on adjoining streets or roads shall be required to determine proper access management.
- J. Deed references for platted as well as adjacent parcels.
- K. Description of all monumentation, including notation as whether found or set, and the type of monument used.
- L. Current zoning of the subject property.
- M. When a parcel adjoins either an existing or proposed arterial, collector, subcollector or local public street, one half of the right-of-way as prescribed by the Harrodsburg-Mercer County Subdivision Regulations shall be dedicated and shown on the plat. This right-of-way shall be measured from the centerline. A signed and notarized certificate of the owner (s) indicating the dedication of this right-of-way shall be on the plat. A statement of dedication shall also be shown on the plat.

- N. If any type of fence, brick wall, or earthen berm is being proposed to screen the proposed commercial, industrial, offices and residential subdivisions from a major/minor arterial or collector street, it shall be noted on the Preliminary Plat. Details such as height and type of screen shall be indicated on the Preliminary Plat. Identify all landscaped areas within a public street right-of-way along with the maintenance of such features. If landscaped islands are proposed, drainage facilities are required.
- O. Boundary lines of the land to be subdivided in heavy solid lines, including lengths and bearings, all existing buildings, cemeteries, historical landmarks or features, water courses, railroads, bridges, all private/public utility facilities and easements, the present zoning classification, both on the land to be subdivided and on the adjoining land, and the names and deed references of adjacent subdivisions within one hundred feet (100') of the subdivision boundary and of all unsubdivided properties. If the proposed subdivision is an additional section of an existing subdivision, the plat shall show the numbering of all adjoining sections and lots.
- P. Information pertaining to the proposed and existing public/private utility layouts (e.g. storm and sanitary sewer, water, gas, telephone, electric, cable, etc.) based upon existing and proposed service lines. If applicable, location of all detention/retention structures. The preliminary utility layout for the subdivision shall define the location and direction of flow of each stormwater and sanitary sewer, and the location of each water line. Telephone, electrical, and cable service should be noted as being installed underground or overhead.
- Q. Names, locations, and widths of proposed streets. Also any existing easements shall be shown along with other open spaces or reservation of land. Lots shall be numbered and the lot sizes shall be noted on the plat.
- R. Approximate boundaries of the 100 year floodplain using the National Flood Insurance Program (FEMA) maps. The plat shall show all flood prone areas. Also a sketch map using the current U.S. Geological Survey data shall be included to demonstrate the drainage basins upstream and downstream from the development.
- S. Reference to the existing soil types of the site or proposed subdivision. The location and identification of soil types can be found in the Soil Survey of Boyle and Mercer Counties, Kentucky. If other data is used, it shall be certified by a professional geotechnical engineer. The soil types shall be listed on the Preliminary Plat in order to determine any potential environmental impact as a result of building or public improvement construction on each soil type. The U.S. Soil Conservation Service and Harrodsburg-Mercer County Planning Commission will review this information.
- T. For subdivisions planned with individual sanitary septic tank systems or private collection/treatment facilities, the applicant must contact local and state health officials regarding the permit process and preliminary soil testing. A letter of preliminary plat approval from the Health Department or state is required prior to planning commission approval of the plat.
- U. Show the location and dimensions of a cemetery if it exists on the site.

- W. Certifications, as shown in Appendix C, shall be placed on the plat and shall be properly signed.

Section 4.5 Preliminary Plat Approval.

The commission shall review the preliminary plat including determination of its conformance to the requirements of these regulations, and shall consider the recommendations and/or comments of all City, County or State departments and/or agencies and shall then take one of the following actions: (1) approve the plat, (2) approve the plat subject to conditions or (3) disapprove the plat, within sixty (60) consecutive calendar days from the date of receipt, unless such time is extended by agreement between the planning commission and the subdivider or developer. If the commission finds that the preliminary plat does not meet the requirements of these regulations, it shall take on one the following actions: (1) disapprove the plat, or (2) conditionally approve the plat, subject to modification, within said time period. Approval of the preliminary plat by the planning commission does not constitute approval of the subdivision but is merely an authorization to proceed with the preparation of the improvement plans or final plat.

In the event of disapproval or conditional approval of the preliminary plat, a statement in writing by the planning commission setting forth the reasons for disapproval or the conditions of approval, shall be made to the subdivider or developer. Approval or conditional approval of a preliminary plat shall be valid for a period of twelve (12) consecutive calendar months only, except that if a portion of an approved preliminary plat is approved and accepted as a final plat, said approval or conditional approval of the remainder of the preliminary plat shall be valid for twelve (12) consecutive calendar months after the date of approval of said final plat, unless further extended by the commission.

Any deviation from or changes made to the Preliminary Plat shall be submitted to the planning commission for review and approval.

Section 4.6 Improvement Plan Review

- A. The applicant shall have a pre-application meeting with the Planning Commission's Technical Review Committee. After meeting informally with the Technical Review Committee, the subdivider or applicant shall, prior to the construction and installation of any utilities or roads or grading of any parcel, prepare and submit an Improvement Plan for review and action by the Harrodsburg-Mercer County Planning Commission. In general, the Improvement Plan shall be consistent with the approved Preliminary Plat.
- B. The property owner, developer, or applicant shall file an application and submit an Improvement Plan to the Harrodsburg-Mercer County Planning Commission Staff. The Staff will review the plan and make a recommendation to the Technical Review Committee. The Committee will then have thirty (30) days to make a recommendation to the full planning commission. If the planning commission approves the plan with or without conditions, then the applicant may proceed with construction. If the planning commission does not approve the submitted Improvement Plan, then the property owner, developer, or applicant may resubmit a new application or may appeal the decision.
- C. The applicant shall submit at least five (5) copies of an Improvement Plan of the proposed subdivision to the Harrodsburg-Mercer County Planning Commission's Staff. In accordance with Appendix A, the developer is then responsible for

public/private utility companies, legislative bodies, state or county highway/road department, soil conservation service or other pertinent body in order to seek input and coordinate reviews. Preliminary approval, if applicable, must be received from the above organizations prior to planning commission approval.

Section 4.7 Improvement Plan Requirements.

The Improvement Plan shall provide the minimum acceptable design and improvement standards which will be required as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in the subdivision. Based upon the information and design plans of the subdivision, the Harrodsburg-Mercer County Planning Commission may request additional information on any of the following requirements in order to clarify design issues. The Improvement Plan shall be designed by a Kentucky Registered Professional Engineer and installed in accordance with these and other applicable regulations, and shall contain the following information:

- A. The proposed name of the subdivision or development. In no case shall the name of a proposed subdivision duplicate or be similar to an existing subdivision in Mercer County unless it is an extension or expansion of an existing subdivision.
- B. Names and addresses of owner or developer of the subdivision and the Kentucky Registered Professional Engineer responsible for the design of all improvements. The plan shall be certified with the seal of the engineer.
- C. The plan shall be to a scale of one inch equals fifty feet (1"=50') and the submitted drawing shall be a 24" X 36" sheet size unless another scale is approved by the staff. A graphic or written scale shall be shown on each sheet of the plan.
- D. The date shall be on the cover of the first plan sheet and the north arrow shall appear on all sheets of the plan.
- E. The boundary line of the subdivision or section of subdivision under review shall be indicated by a heavy, solid line on one sheet of the plan at a standard scale to show the location of the section submitted for review with the other sections of the subdivision shown in a lighter or dashed line. All subdivision boundary lines shall be labeled with the bearing and distance. Deed references for the property to be subdivided and all adjacent properties.
- F. Acreage (to the nearest thousandth) of the land to be subdivided, the total number of lots, and if applicable, the approximate number of acres in open space or other public uses. Where lots are under one (1) acre in size, the square footage of each lot shall be given.
- G. Location, right-of-way width, and name and distance in tenths of a mile of all existing and recorded streets, railroads, public and private utility right-of-ways or easements (including drainage easements); public parks and open spaces; buildings (labeled as "to remain" or "to be removed"); corporation, county and state lines; cemeteries and other historical landmarks or features. Drainage easements not planned to be piped shall be labeled "surface drainage easement."
- H. Location and sizes of all existing utility facilities (public and private) within or adjacent to the subdivision or development area. Location and width of all public or private sidewalks, including ownership and maintenance of private sidewalks and

pathway systems.

- I. Location and identification of all existing zoning districts within or adjoining the subdivision or project area. If used for residential purposes, the type of housing shall be stated on the Improvement Plan.
- J. Existing contours with intervals of not more than five feet (5') shall be clearly marked with elevation based on mean sea level (U.S.G.S. Datum) and location and description of the benchmark used.
- K. Location, right-of-way and pavement width, and name of all proposed streets and other public utility right-of-ways or easements (in tenths of a mile). The striping of street lanes on roads with more than two lanes shall be shown. The location of streetlights and typical light fixture shall also be submitted. A typical detail drawing showing the classification of the proposed street shall be shown on the Improvement Plan. It is important to note that proposed street names shall not duplicate or too closely approximate phonetically, the name of any other street in Mercer County. Street stations shall be labeled on the centerline of proposed streets and correspond to profiles of said street.
- L. Proposed location and identification number of all lots with the approximate distance shown on each lot line. If a clustered or conservation subdivision is proposed, the design of lots shall follow Section 5.3 of this regulation. The proposed drainage of individual lots will be indicated by arrows showing the water flow off the lot.
- M. Profile of each proposed street with finish grades (including adequate extensions, where necessary, beyond the proposed subdivision or development of section) including all existing and proposed underground public utility crossings with catch basins, junction boxes, and manholes and existing private utility crossings including gas, electricity, and telephone. Horizontal scale shall be the same as the plan scale, and vertical scale not less than one inch equals ten feet (1"=10') unless approved by the Harrodsburg-Mercer County Planning Commission. Stationing shall be labeled and correspond to the plan view.
- N. Location of proposed sanitary sewer, storm water, and water resource systems, including all facilities relating thereto such as manholes, pump stations, sewerage plants, catch basins, junction boxes, headwalls, water valves and fire hydrants. Detention/retention areas or ponds shall be clearly identified with the maximum volume capacities labeled. All stormwater and sanitary sewer facilities (catch basins, junction boxes, headwalls, manholes) shall be numbered. Connections to existing facilities shall be shown and labeled. Responsibility of maintenance of any detention/retention areas shall be noted on the Improvement Plan.
- O. Location and identification of any drainage facility or natural features on the site or within one hundred feet (100') of the subdivision or development boundaries which has or could have a significant impact on drainage or siltation control.
- P. Profiles of all proposed stormwater and sanitary sewer pipelines, and facilities including percent grade, pipe diameters, pipe lengths, and invert elevations. Profiles shall also show all existing and proposed public utility (water, storm and sanitary sewer) crossings, and all existing private utility (gas, electric, telephone) crossings.

- The design velocity of stormwater flow shall be shown at the headwall and the re-entrance into the natural stream. Detail drawings of all detention/retention overflow and controlling facilities including valves shall be shown. Connections to existing pipelines or facilities shall be shown and labeled.
- Q. Design calculations for all drainage facilities including detention/retention basins, sediment basins, storm water pipelines and drainage channels. All calculations must be approved by a Kentucky Registered Professional Engineer.
 - R. Proposed finished contours with intervals of not more than five feet (5'), shall be clearly labeled and be related to the existing contours. Maximum grade for any excavated (cut or fill) slopes shall be 2 ½:1 (2 1/2 feet horizontal for each 1 foot vertical), and the design slope shall be labeled on the plan. Excavated slopes may be steeper upon a report by a geotechnical engineer approved by the planning commission. Disturbed limits shall be clearly identified on the submitted plan and in the field.
 - S. Names and deed references of adjacent property owners and any recorded subdivision (including the subdivision's section or phase number) within 100 feet of the site under review.
 - T. Reference to the type of street and a typical cross-section detail as noted in the current City, County or State Street Specifications.
 - U. The minimum building setback lines as stated in the current applicable zoning ordinance (i.e. Harrodsburg Zoning Ordinance or the Mercer County Zoning Ordinance.)
 - V. Lots in the proposed subdivision or development that are intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the subdivision, and the conditions (if any) of such dedication or reservation. The applicant shall provide information regarding any dedication of public lands, restrictive covenants on non-development areas, or conservation easements.
 - W. Details must be shown for the height and type of screening (e.g. brick wall, fence, or earthen berm), which will be used to buffer the proposed subdivisions and structures from public view from a major/minor arterial or collector street. Identify all landscaped areas within a proposed street right-of-way along with the maintenance of such features.
 - X. Location of all erosion and sediment control facilities shall be shown on the plan, with detail drawings of each type of facility being used. The detailed soil erosion techniques or features may be referenced on the plan in accordance with the Street and Storm Drainage Specifications as outlined in these regulations. All excavated slopes (4:1 or steeper) shall be seeded and mulched immediately upon completion of grading of that particular slope, and right-of-ways shall be seeded and mulched within 120 days of the planning commission's approval of the final plat of that section.
 - Y. A draft copy of any Homeowners Association Agreement document which details the future maintenance of sidewalks, streets, open areas, recreational lands, street lighting, private utilities, and other items. At a minimum, the Homeowners

Agreement document should include membership names, fee or dues structure, estimated cost for future maintenance items, a detailed list of maintenance items, a budget description and a description of ownership boundaries.

- Z. Additional documentation or information such as geotechnical studies may be required by the Harrodsburg-Mercer County Planning Commission if an applicant is proposing to make improvements on property located near or in areas considered developmentally sensitive.
- AA. For subdivisions planned with individual sanitary septic tank systems, the applicant must contact local and state health officials regarding the permit process and preliminary soil testing. A letter of approval is required.

Section 4.8 Improvement Plan Approval.

- A. Approval of the Improvement Plan by the Planning Commission shall not constitute acceptance of the Final Plat. Approval of the Improvement Plan also shall not be construed as acceptance or agreement to accept any proposed improvement intended to be dedicated to public use.
- B. The Improvement Plan shall become null and void after two (2) years from the date of approval, unless a substantial amount of construction of significant road improvements in the subdivision are installed including the following: utility installation, road construction, or extensive excavation.
- C. Any deviation from or changes made to the approved Improvement Plan shall be submitted to the Planning Commission for review and approval.

Section 4.9 Final Plat Review

- A. **General:** A final plat shall not be submitted together with the preliminary plat of the same land. The final plat shall only be submitted after the preliminary plat and/or the improvement plan has been approved, or conditionally approved subject to modifications, by the commission. The final plat shall conform to the approved or conditionally approved preliminary plat and shall include all changes, additions, deletions, or approvals as may be required on conditional approval by the commission, and shall be prepared in conformity with Article 5, Article 6 and other applicable sections of these regulations.
- B. **Preparation:** The subdivider or developer may cause, within twelve (12) consecutive calendar months after the approval or conditional approval of the Preliminary Plat or within twenty-four (24) consecutive months of Improvement Plan approval, the subdivision or any part thereof, to be surveyed and a Final Plat thereof to be prepared. The final plat shall contain only that portion of the approved or conditionally approved preliminary plat which the subdivider or developer wishes to have approved, recorded, and developed at that time. Final plats which are a portion of the approved or conditionally approved preliminary plat shall be named and listed as "Filing No. of (name of subdivision)". Final plats which are re-subdivisions of approved and recorded final plats shall be labeled as "RE-SUBDIVISION OF (appropriate listing title)". The subdivider or developer shall cause only a licensed land surveyor to prepare said final plat.

- C. **Filing:** The subdivider or developer shall submit to the planning commission, or its duly authorized representative, two original final plat drawings and five (5) copies of the final plat prepared in accordance with these regulations, at least thirty (30) working days prior to the next regular meeting of the planning commission. A Technical Review Committee meeting will be held at least seven (7) days prior to the regular commission meeting to review the Final Plat. At this time, two copies of the following material shall also be filed with the commission, or its duly authorized representative:
1. **Application for the final plat approval:** An application shall be submitted in duplicate (See Appendix B.) At the time of submission, the commission shall indicate on the application the date of submission and signature of commission's representative.
 2. **Traverse sheets:** Traverse calculations shall be furnished to the extent prescribed by the planning commission. The minimum traverse calculations required shall include a closed traverse of the subdivision boundaries and a closed traverse along the centerline of each street within the subdivision development.
 3. **Improvement drawings and plans:** The planning commission shall retain one copy of each of the following items:
 - a. Sanitary sewerage plans and profiles
 - b. Water system plans and profiles.
 - c. Street plans and profiles plus two (2) sets of pavement design computations
 4. **Drainage report including drainage study and computations:** Two (2) sets of drainage reports including computations.
 5. **Plans for the control of erosion and sedimentation:** Plans for the control of erosion and sedimentation
 6. **Deed restrictions or protective covenants:** Copies of all deed restrictions and protective covenants (may either be placed directly on the final plat or attached thereto in form for recording. If recorded separately, reference to the restrictions that shall be made on the final plat).
 7. **Final Plat and Recording Fees:** Final plat fees shall be submitted in accordance with Article 7, Section 7.1. In addition, the developer shall be responsible for paying the plat recording fees to the ZAO at the time of submittal. It is important to note that a separate check for the recording fees must be made payable to the Mercer County Clerk's Office.
 8. **Letter of Credit and Construction Agreement or . . .** a Surety bond, contract or land escrow agreement (whichever is applicable) for all improvements that have not been completed.

Section 4.10 Final Plat Requirements.

The planning commission, or its duly authorized representative, shall check the final plat as to description, certification, computations, lot area, and numbers, monuments, conformity

with approved preliminary plat and all other pertinent aspects as required in these subdivision regulations.

Within seven (7) consecutive working days after the filing of the final plat, the subdivider is responsible for transmitting the designated items (Appendix A) to the following city, county or state departments or agencies for review and comment. The city, county or state departments and/or other agencies shall forward their written comments to the planning commission within fifteen (15) consecutive calendar days from receipt of same. Once the final plat is approved the subdivider is responsible for obtaining each department's signature or stamp of approval on two (2) copies of the final plat. Once the signatures/stamps are contained on the final plat, the planning commission chairman will certify the plats. One plat will be kept for the planning commission's files. The ZAO will then be responsible for filing the final plat in the office of the Mercer County Clerk.

The Final Plat shall conform to the requirements as follow, and to the current minimum standards as stated by the Kentucky Revised Statutes (KRS 322.290, also 201 KAR 18:150) and those imposed by the Greater Harrodsburg/Mercer County Planning and Zoning Commission.

Section 4.11 Final Plat Approval.

The planning commission shall review the final plat, the improvement drawings and plans and all other pertinent information, including a determination of conformance to the requirements of these regulations and shall consider the recommendations and/or comments of all city, county or state departments and/or other agencies and shall take action on the final plat within sixty (60) consecutive calendar days after its submission, or a mutually agreed upon extension with the subdivider or developer, otherwise the plat shall be deemed to have been approved by the planning commission. One of the following actions shall be taken by the commission:

- A. **Conditional approval-Improvements to be constructed:** The planning commission may conditionally approve a plat provided that a letter of credit (or surety bond, etc.) and a construction agreement acceptable to the planning commission and other applicable requirements. In addition it is requested that a letter from the City Commission or Fiscal Court, indicating that they will accept the areas proposed to be dedicated after all improvements have been installed, is provided. Written notice of conditional approval shall constitute formal authorization to the subdivider or developer to construct and install all improvements and shall assure the subdivider that the plat will be fully approved and areas to be dedicated will be accepted upon satisfactory installation of the improvements herein.
- B. **Final approval-Final approval of a plat may be given in one of two ways:**
 1. **After construction of improvements:** After the subdivider has obtained conditional approval and has installed all required improvements, to the satisfaction of the planning commission, the commission shall certify that the improvements have been satisfactorily installed in compliance with the construction agreement. The City Commission or Fiscal Court, whichever is applicable, may give final approval and they may accept all areas to be dedicated and the commission shall indicate such approval and the date on the original drawing of the final plat.

2. **Before construction of improvements:** The planning commission, with approval of the City Commission or Fiscal Court, may give final approval before all required improvements are installed, provided that a construction agreement and a letter of credit, bond or escrow agreement, acceptable to the City or County's legal counsel and the planning commission are provided for the purpose of assuring installation of such improvements, in case for some reason, the subdivider or developer is unable to install the required improvements, based on an estimate made by the planning commission. Upon determination that all the requirements of these regulations have been met, the planning commission may give final approval and shall indicate such approval and date on the original drawing of the final plat.
- C. **Disapproval:** Should the planning commission decide to disapprove the final plat, written notice of such action, including reference to the regulation or regulations violated by the plat or the reasons for disapproval shall be delivered to the subdivider or developer by U.S. First Class Mail, postage prepaid to the subdivider's or developer's address as listed on his/her application for approval of the plat. The action shall be entered on the official records of the planning commission.
- D. **Encroachment Permit:** A permit from the Department of Transportation District 7 approving access of the subdivision to a State or Federal highway if applicable.

Section 4.12 Effect of Approval.

Final approval of a plat by the planning commission shall not be an acceptance by the public of the offer of dedication of any street, or public ways or open space upon the final plat unless such acceptance is endorsed by the City Commission or Fiscal Court, whichever is applicable, upon the original drawing of the final plat.

Section 4.13 Disposition of Approved Final Plat.

Prior to the recording of the approved final plat, the planning commission shall cause to have made at the expense of the subdivider or developer, 5 copies (2 copies with original signatures) of the final plat. The ZAO will record one of the copies in the Mercer County Clerk's Office and the other original copy shall be retained by the planning commission. The additional plats will be transmitted to the City Commission or Fiscal Court, Mercer County Health Department and other applicable agencies affected by the subdivision. Additional copies of the final plat may be required. In the event the final plat is disapproved, the original drawing shall be returned to the subdivider or developer accompanied by a letter from the planning commission stating the action taken and the reasons for disapproval of the final plat.

Section 4.14 Recording.

After approval of the final plat, the planning commission shall file the approved final plat in the office of the county clerk after which lots may be sold, leased, or transferred. The developer will pay all recording fees. Building permits, however, may not be issued until all required improvements are installed or provided for through a letter of credit (surety bond, etc.) and a construction agreement has been approved by the planning commission and the City Commission or Mercer Fiscal Court, whichever is applicable.

Section 4.15 Withdrawal or Modification.

Before approval of the final plat, the submitted plat may be withdrawn or modified. If modified, the review process shall be repeated. Modification of a plat shall automatically require the proper fee. The recording fee shall be refunded or credited to the modified plat as determined by the planning commission. In case of withdrawal, the filing fee shall not be

refunded.

Section 4.16 Modification of Improvement Drawings.

If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement drawings, the developer or subdivider shall submit the modified improvement drawings (which have not become as-built drawings) to the planning commission chairman who, if in agreement with such modifications, shall affix his/her signature to these drawings indicating approval of the modifications.

Section 4.17 Submission of As-Built Improvement Drawings.

After all improvements have been installed to the satisfaction of the planning commission the subdivider or developer shall submit to the planning commission the original and five (5) copies of as-built improvement drawings (showing how all improvements were actually installed).

Section 4.18 Acceptance of Improvements for Maintenance.

After all improvements have been installed in accordance with the construction agreement and these regulations, the City Commission or Fiscal Court, whichever is applicable, shall accept the improvements for maintenance in accordance with KRS 100.277 (4).

ARTICLE 5. GENERAL DESIGN STANDARDS AND PRINCIPLES FOR SUBDIVISION LAYOUT

Section 5.0. Introduction.

The following design standards are intended to assist the developer or property owner in creating a subdivision and meeting the purposes of the subdivision regulations. The purpose of Article 5 is to establish minimum design standards that will be required as a pre-condition to development. These standards are to be used in the preparation of a Development Plan, Minor Subdivision Plat, Preliminary Plat, Improvement Plan, and Final Plat. These design standards conform to the “Goals and Objectives” section of the Harrodsburg-Mercer County Comprehensive Plan.

In addition, these design standards also present an opportunity for a developer or property owner to choose between two types of residential subdivision layouts. These subdivision regulations continue to permit Conventional Subdivision Layouts as defined in Article 8, however, are also designed to encourage Cluster or Conservation Residential layouts (also defined in Article 8).

Section 5.1 Conventional Subdivisions. Conventional Subdivisions will continue to be permitted in accordance with the City of Harrodsburg and Mercer County Zoning Ordinances and within the requirements of the subdivision regulations.

Section 5.2 Clustered Subdivisions.

The purpose of the clustered subdivision is to encourage innovative and flexible subdivision design without compromising the duty of the planning commission to protect the health, safety and welfare of the residents in Mercer County. This type of subdivision assists the planning commission and developer to achieve the following planning objectives:

- Encourage a smoother, by-right subdivision review process for those developers who offer amenities and preserve open space in their developments.
- To reduce the costs of engineering and infrastructure improvements for the developer and legislative bodies.
- Increase the quality of life for the residents of Mercer County by requiring the preservation of open space/scenic areas and encouraging the development of passive or active recreational areas within residential developments.

Section 5.3 Conventional and Clustered Residential Subdivision Design.

- A. Subdivision names shall not duplicate or too closely resemble phonetically the name of any other subdivision or development in Mercer County unless it is an extension or expansion of an existing subdivision. The name of a subdivision should follow as closely as possible the same name during each subdivision review stage. Changes to subdivision names can only occur during the preliminary plat review phase. Changes to the name after this phase of review may only occur after the developer has secured the approval of the planning commission. If the name of an existing subdivision is proposed to be changed and the Final Plat for the subdivision has previously been recorded in the Mercer County Clerk’s Office, the developer or applicant shall follow the revocation requirements as set forth in KRS 100.285. All subdivision names must

be approved by the Harrodsburg-Mercer County Planning Commission.

B. Clustered Residential Subdivisions shall be permitted in accordance with the Harrodsburg and Mercer County Zoning Regulations.

1. These regulations are intended to provide for the option of developing residentially zoned property in a Conventional or Clustered manner. A Conventional Subdivision typically covers the entire buildable portion of a site with residential lots. These lots are equal to or greater than the minimum lot sizes required in the residential district and are designed to approximate the maximum permitted development density under the zoning regulations. A Cluster Subdivision has the same overall gross density of the total dwelling units per total acres and the same permitted uses under the existing zoning districts, however, lot dimensions and setback requirements are less restrictive. This permits greater unit per acre net densities on portions of the site while containing the same maximum number of dwelling units as would be permitted if it were designed as a Conventional Subdivision. The use of Clustered Subdivisions is not intended to allow increased density of undevelopable or unusable land due to steep slope, rough terrain, susceptibility to flooding, soil type, sinkholes, natural drainage systems or scenic views. This undevelopable land cannot be included in the overall gross density calculation of the site and is required to be left undeveloped. In addition, this land must serve the purpose of effective buffering, passive recreation, protection of significant vegetation, significant historic preservation or scenic qualities.
2. Gross density. Any residential subdivision shall be developed within the maximum permitted intensity of the total dwelling units per total acreage as regulated by the applicable zoning ordinance for the applicable zoning district(s).
3. Net Density. The maximum density of a portion of a Conventional or Clustered Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in the applicable zoning ordinance.
4. Minimum Size of Residential Cluster Subdivisions. Cluster Subdivision or cluster sections of a larger subdivision shall incorporate a minimum of four contiguous lots, which is consistent with the definition of a major division of land within these subdivision regulations.
5. Cluster Subdivision Design. In general, Residential Cluster Subdivisions shall consist of short, dead end, or circular streets connected to each other and to major roads by collector or subcollector streets that contain no lot frontages. All lots in a cluster subdivision shall be accessed by a local street, cul-de-sac, or court and not by subcollector, collector or arterial streets. In addition to the residential lots and units being clustered, the remaining permanent non development areas shall be clustered whenever feasible. It is the burden of the developer to prove that the non development areas are suitable for the purpose of buffering, passive recreation, open space, retention of significant vegetation, significant historical preservation or scenic qualities. Cluster Subdivisions shall be adequately buffered from adjacent Conventional Subdivisions and where feasible should include their open

space or public space adjacent to the conventional subdivision. When lots in a Cluster Subdivision abut property that is not developed as a Cluster Subdivision or Planned Development, the lots shall have a side or rear yard not less than the required side or rear yard required on the abutting property.

6. Non-Development Areas. All subdivisions are encouraged to provide non-development areas for the purpose of preserving open space and promoting areas for passive recreation. Residential Cluster Subdivisions shall be required to provide non-development areas that are equal in area to the total amount of area by which each lot was reduced below the minimum lot size required in a Conventional Subdivision for the applicable zoning district. The proposed non-development areas shall be treated as permanent open space and cannot be developed in the future. Non-development areas shall be functional in terms of providing realistic areas for passive recreation, scenic views, protection of significant vegetation, significant historic preservation or effective buffering. Undevelopable or undesirable areas shall not constitute non-development areas for Cluster Subdivisions if they do not serve a function. It is the burden of the developer to prove that the non-development areas can serve one of the required uses, and is not just an attempt to increase density by accounting for undevelopable or undesirable land. At a minimum, pedestrian access to the non-development areas, either private or public, shall be provided.
7. The non-development portions of any subdivision shall be clearly designated during subdivision review and referenced in a Certificate of Land Use Restriction filed at the Mercer County Clerk's Office. These areas cannot be developed when the site's maximum gross density is reached. They shall be protected from development by an appropriate restrictive covenant, scenic or conservation easement, or homeowner's agreement. The ownership and responsibility for continued maintenance of the non-development areas is also required. These documents shall be submitted at the Preliminary Plat Review and Referenced on the Final Plat.

Section 5.4 Physical Considerations.

Subdivisions shall be designed to take into consideration the topography of the site, to economize in the construction of drainage facilities, to reduce the amount of grading, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites for historic significance and other assets which, if preserved, will aesthetically enhance the area and add value to the subdivision and community.

Section 5.5 Flood Hazard Areas.

- A. **Prohibition of development in areas susceptible to flooding:** Land subject to flooding or otherwise uninhabitable shall not be platted for residential use or for any other use which may increase the danger of health, life, property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare (e.g., use as open space, extensive recreation use, conservation purposes). To insure that lots will be located on land

where they will provide flood-free sites, the planning commission may require the subdivider to provide base flood elevation and flood profiles sufficient to demonstrate that the sites will be free from the danger of flooding. All flood studies shall be required to show a minimum of two (2) feet above the 100 year flood level. Fill may be used in flood danger areas to render lots habitable if such fill does not inhibit the flow of the waters and thereby unduly increase flood heights in other areas and meets with the approval of the planning commission. Such information shall be prepared by a registered civil engineer and approved by the Kentucky Division of Water.

- B. **Stream easement:** If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream for a floodway of at least ten (10') feet. The subdivider shall prepare a flood study to show the boundary of the 100 year flood level. For the smaller streams, the plat shall provide for channel improvement to enable them to carry all reasonable floods within banks. The floodway easement shall be wide enough to provide for future enlargement of the stream channels as adjacent areas become more highly developed and run-off rates are increased.
- C. **Streets:** Approval shall not be given for streets within a subdivision that would be subject to inundation or flooding. All streets must be located at elevations that will make them flood free in order that no portion of the subdivision would become isolated by floods.

Section 5.6 Easements.

- A. **Utility easements:** Public utility easements at least ten (12') feet in total width may be required along the rear and sides of lots where needed for the accommodation of a public utility, drainage or sanitary structures or any combination of the foregoing. Where deemed necessary to meet utility requirements, the planning commission may require larger easement widths to be provided.
- B. **Watercourses:** The subdivider shall dedicate rights-of-way or provide easements for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream or creek. Such rights-of-way or easements shall be a width that will provide for the maintenance needs of the channel and incidental structures as determined by the planning commission.
- C. **Slope easement:** Where a cut or fill road slope is outside the normal right-of-way of the street, a slope easement shall be provided of sufficient width, as determined by the planning commission to permit maintenance of the slopes by the city.

Section 5.7 Street Design Standards

- A. **Street Names.** Proposed streets, which are in alignment with other existing streets, shall bear the names of existing streets. In no case shall the name of a proposed street duplicate an existing street name, irrespective of the use of the suffix street, avenue, boulevard, way, place, lane or court. Through an index list of street names, the 911 Coordinator can assist the developer or subdivider in avoiding duplication.

When a subdivider or applicant submits a Preliminary Plat or Preliminary Development Plan to the planning commission shall forward the plat to the 911 Coordinator for review, proposed street names will then added to a master list or index in order to reserve these names. Street names on Improvement Plans and Final Plats should follow the approve names listed on the Preliminary Plat or Development Plan. The subdivider/developer may change these names at a subsequent review but only after approval from the 911 Coordinator and the planning commission. If street names are changed in comparison with the approved Preliminary Plat and Development Plan, then a revised Plat or Plan shall be submitted within thirty days of the name changes reflecting the approved changes for the planning commission and legislative units file. Street names on previously recorded plats can be changed but only after the applicant formally requests it from the appropriate legislative body for a public street or from the Harrodsburg-Mercer County Planning Commission. The Final Plat shall be amended to reflect the new street name.

- B. **Building/House Addresses.** Addresses shall be assigned by the 911 Coordinator once a final plat has been approved by the planning commission and upon application for a zoning permit by the planning commission and a building permit by the appropriate building inspector.
- C. **Street Configuration in Relation to Topography.** Streets shall be designed to properly relate to the topography of the site and shall generally provide for the continuation of existing streets in adjoining developments and provide connection to adjoining undeveloped tracts. Public convenience and safety shall also be considered by the developer in determining street location.
- D. **Construction of Streets and Roads:** The developer or subdivider shall construct all streets and roads in accordance with the “Specifications for Road and Street Construction within the City of Harrodsburg and Mercer County, Kentucky” as set forth in Appendix D.
- E. **Conformity to the major street plan:** Whenever a tract of land to be subdivided or re-subdivided includes any part of a proposed arterial or collector street, as designed on the major street plan, such street right-of-way shall be platted by the subdivider in the location so designated and at the width indicated in these regulations. (See Appendix D).
- F. **Street extension.**
 - 1. **Existing street:** The arrangement of streets in new subdivisions shall make provisions for the proper continuation of existing streets in adjoining areas.
 - 2. **Adjacent property:** Where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provisions for the proper projection of streets to that adjoining area in a manner which shall provide for the practical development of the adjacent

property, permit a feasible extension of the street, and be in general conformity with a plan for the most advantageous development of the entire neighborhood. (See Appendix B for temporary cul-de-sac designs).

3. **Half or Partial Streets:** Half or partial streets shall be prohibited except where essential to the reasonable subdivision and where satisfactory assurance for dedication of the remaining part of the street can be secured. Whenever a proposed subdivision borders an existing half or partial street, the other part of the street shall generally be plotted within the proposed subdivision.

G. **Street classification and function:** The developer or subdivider is encouraged to meet with the Commission staff to determine the design requirements of proposed streets based upon the following classification of road networks. In addition, a property owner may be required to publicly dedicate land for street right-of-way in order to upgrade existing arterial, collector, subcollector, or local roads and bring them into conformance with the street design specifications.

1. **Major arterial streets:** Arterial streets should be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community or communities to another. Such arterial streets should traverse the entire community or communities and should be spaced approximately one (1) mile apart. Arterial streets should not bisect neighborhoods but should act as boundaries between them. Abutting properties should not face onto the roadway unless separated from it by a frontage or service road.
2. **Minor arterial streets:** Minor arterial streets are functionally similar to major arterial streets with the exception that minor arterials are designed to carry intra-city traffic only.
3. **Collector streets:** Collector streets should be designed to provide a traffic route from local streets to arterial streets. These streets should be designed to carry traffic that has an origin or destination within the neighborhood and should be designed to inhibit through traffic.
4. **Local streets:** Local streets shall provide direct and full access to each lot and shall be laid out so that their use by through traffic will be discouraged. Local streets should not intersect arterial streets.
5. **Frontage roads:** Frontage roads may be required along on existing or proposed arterial street to provide access to lots along such streets.
6. **Alleys:** Where alleys are necessary (e.g., in the case of certain commercial development), they shall be designed to provide only secondary access.

- H. **Street Rights-Of-Way:** Street right-of-way widths and grades shall conform to the minimum requirements as established in Appendix D, Exhibits D-1 and D-2.

NOTE: In general, signs other than street signs and traffic control signs, walls, fences, sprinkler systems and other obstructions shall not be located in public street right-of-ways. Specific permission shall be granted by the appropriate legislative body.

- I. **Additional Right-of-Way:** Subdivisions or developments that adjoin existing City and County street right-of-ways shall dedicate additional right-of-way to meet a 30 foot minimum right-of-way width if it does not exist and a 60 foot minimum right-of-way if it does not exist for state street right-of-ways. The entire right-of-way shall be provided where any part of the subdivision or development is on both sides of the existing street; one half of the right-of-way shall be provided where any part of the subdivision or development is on both sides of the existing street; and one half of the right-of-way shall be provided, as measured from the centerline for subdivisions or developments that are located only on one side of the existing street.
- J. **Street Geometrics.** All streets shall conform to the applicable geometric specifications as outlined in Appendix D, Exhibit D-1.
- K. **Pavement Width:** No public street shall be constructed except in conformance with the minimum pavement widths and construction methods as outlined in Appendix D. These minimum pavement widths are based upon typical needs of residential, commercial and industrial developments. The Commission may modify these standards where unusual topographic conditions or unusual residential demands exist. These demands must be documented and presented to the Commission.
- L. **Cul-de-sacs:** Proposed cul-de-sacs streets designed to have a permanently closed end shall not be more than twelve hundred feet (1200') long for industrial, commercial or Conventional Residential Subdivisions, as measured from the centerlines of the cul-de-sac and another existing street. Cul-de-sac streets in Clustered Residential Subdivisions shall not be more than five hundred feet (500') long. The maximum length may be increased by the Commission for reasons such as extreme topography. For residential Clustered Subdivisions where the maximum cul-de-sac length is exceeded, the required right-of-way and pavement width shall equal that for Conventional Subdivisions. The Commission may modify these standards where unusual topographic conditions or unusual residential demands exist. These demands must be documented and presented to the Commission.
- M. **Temporary Dead End Streets and Street Connections to Adjoining Tracts or Areas:** Dead-end streets of a temporary nature and street connections with adjoining undeveloped tracts may be required by the Commission and designed in accordance with specifications in Appendix D, Exhibit D-3. Reasons for this requirement include the following:
- overall subdivision layout,
 - the staging of development,

- the opportunity for reasonable access alternatives to adjoining tracts,
- the necessity of providing through connections between collector or arterial streets,
- to distribute traffic patterns by providing alternative routes, and
- to provide convenient and efficient access for emergency vehicles.

The Commission shall consider the following general criteria for determining requirements for temporary dead-end streets and street connections to adjoining property:

1. The compatibility of future development of adjoining land with the subject development as determined by the current zoning and/or future land use as specified in the current Harrodsburg-Mercer County Comprehensive Plan.
2. Limiting factors of topography, such as slope and drainage features, as they effect the subject property, as well as the potential for adequate access to adjoining properties.
3. Future desired transportation patterns as outlined by the Current Comprehensive Plan.
4. Planned transportation patterns of the subject development as determined by the number and type of lots to be served, and the functional classification of streets as defined in Article 8, "Definitions." Generally, subdivisions required to provide subcollector or collector streets shall be required to provide for connection of such streets to other collector or arterial streets or connection to adjoining lands for eventual connection to other collector or arterial streets.
5. Phasing of development of the site, or adjoining tracts or areas. Generally, unless a temporary dead-end street is specifically designed or intended to provide primary means of access to the adjacent tract (s) or areas (s), phasing of development of adjoining tracts or areas shall be required to provide for the continuation of existing temporary dead-end streets only after access to collector or arterial streets has been provided through previous phases of development.
6. Connection of local streets to adjoining tracts or areas may be required where necessary to prevent the local street from becoming a cul-de-sac street which exceeds the maximum length and number of lots permitted for a cul-de-sac street, and eventual connection to a subcollector or collector street is possible.
7. Existing conditions and design of adjoining streets.

N. Private streets and reserve strips:

1. New private streets, alleys, or ways shall not be created or extended and existing ones shall be brought into conformance, if at all feasible.

2. Reserve strips controlling the access to streets or other public rights-of-way shall not be approved unless such strips are deemed necessary for the protection of the public welfare as determined by the planning commission.
- O. **Street Lights:** When required by the applicable legislative body, the subdivider or developer of the subdivision will provide street lighting poles, accessories, and the necessary easements at the subdivider's expense and in accordance with the specifications required by the applicable legislative body and appropriate utility company. In general street lights shall be placed at strategic locations and distances to assure safe pedestrian and vehicular traffic. The ownership and maintenance of street lights may be given to the appropriate legislative body only after inspection has occurred and such dedication has taken place through final plat approval. Where street lighting is not required by the legislative body, a subdivider or developer may provide the necessary easements for future street lights with private ownership and maintenance in accordance or in agreement with the appropriate utility company.

Section 5.8 Intersections. The following guidelines shall be used as the basis for the determination of proper spacing for street intersections and driveway access for subdivisions. It is recognized that these guidelines will not be able to be adhered to in all cases, especially in areas where existing development is present. The Planning Commission shall attempt in all cases, however, to apply these guidelines to the greatest extent feasible in order to create safe and efficient traffic movement systems.

- A. **Angle of Intersection:** The centerline of all streets shall intersect as nearly at a ninety (90) degree angle as possible, but in no case shall the angle of intersection be less than eighty (80) degrees or greater than one hundred (100) degrees.
- B. **Spacing Measurement Definition:** Distance shall be defined as the distance between the center lines of intersecting streets and roads. However, in the case of interchange, distances shall be measured from the center line from any intersecting roadway to the closest near edge (projected) of the ramp roadway.
- C. **Access Standards by Functional Classification:**
 1. *Expressways:* Expressways shall have intersections with arterials and/or other expressways. There shall be no intersections with lower type facilities. All intersections shall be of the grade-separation interchange type. The spacing of interchanges on expressways within the City shall be determined jointly by the City Commission or Fiscal Court and the Kentucky Department of Highways.
 2. *Principal Arterials:* Principal arterials shall have intersections with expressways, other principal arterials, minor arterials, and collector streets. Intersections shall be signalized as warranted. Any access to a principal arterial must be located at a minimum of one thousand six hundred (1,600) feet from any other access along that principal arterial (i.e. principal arterials, minor arterials, collectors, major commercial or industrial driveway accesses). No new residential driveway access shall be allowed on a principal arterial.

Protected left and right turn lanes with ample storage space must be provided at all intersections. The Kentucky Department of Transportation will be consulted when state maintained roads are involved.

3. *Minor Arterials:* Minor Arterials shall have intersections with other arterials and collector streets. Intersections shall be signalized as warranted. No new residential driveway access shall be allowed on a minor arterial. Commercial or industrial driveways shall be treated according to the nonresidential spacing formula. Adequate provisions for left and right turn lanes shall be determined by the City Engineer and the Kentucky Department of Transportation for state maintained facilities. The spacing of intersections along a minor arterial shall be as follows:
 - a. Between an intersection with an expressway and an intersection with a principal or minor arterial, the distance shall be a minimum of one thousand six hundred (1,600) feet.
 - b. Between an expressway and a collector – minimum one thousand four hundred (1,400) feet.
 - c. Between one principal arterial and another – minimum one thousand four hundred (1,400) feet.
 - d. Between a principal or minor arterial and a collector – minimum one thousand two hundred (1,200) feet.
 - e. Between a collector and another collector – minimum one thousand (1,000) feet.
4. *Collector Streets:* Collector streets shall have intersections with arterials, collectors and local streets. Collector streets shall be designed for system continuity and traffic flow. The spacing of intersections along collectors shall be as follows:
 - a. Between a principal or minor arterial and another, the distances shall be a minimum of one thousand four hundred (1,400) feet.
 - b. Between a principal or minor arterial and a collector – minimum of one thousand (1,000) feet.
 - c. Between one collector and another – minimum eight hundred (800) feet.
 - d. Between one principal or minor arterial and a local – minimum five hundred (500) feet.
 - e. Between a collector and a local – minimum four hundred (400) feet.
 - f. Between a local and another local – minimum two hundred fifty (250) feet.
5. *Local Streets:* Local streets shall have intersections with collectors and other local streets. Some designs may warrant exceptions. The spacing of intersections on local streets shall be as follows:
 - a. Between one collector and another collector – minimum eight hundred (800) feet.

- b. Between a collector and a local – minimum two hundred fifty (250) feet.
 - c. Between a local and another local – minimum two hundred fifty (250) feet.
6. *Land Use Access:*
- a. Residential: All single family residential structures shall be allowed one (1) access per lot. An additional point of access may be permitted for corner lots, loop driveways, or other instances where public safety will not be impaired by utilizing a second point of access. Duplexes and four-plexes shall be permitted two accesses. Subdivisions shall be designed such that these uses have no direct driveway to either principal or minor arterials. Apartment complexes, condominium developments, as well as all other developments which are accessed through a common private drive or street system may be allowed access to arterials provided that the private driveways are allowed consistent with the access spacing standards governing the access of collector streets to arterial streets.
 - b. Non-residential: All non-residential land uses may have access to principal arterial streets via service roads. In addition, non-residential uses may also have access to minor arterials and to collector streets. However, non-residential uses shall generally not have access to residential local streets.

Section 5.9 Blocks.

- A. **Arrangement:** The arrangement of blocks shall be such as to provide for convenient access, circulation, control and safety of street traffic. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with space set aside for off-street parking and loading and/or unloading facilities as required by the zoning ordinance.
- B. **Length:** Blocks should not exceed twelve hundred feet (1200') or be less than six hundred feet (600') in length except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern.
- C. **Width:** The width of blocks should ordinarily be sufficient to allow for two (2) tiers of lots with rear easements as required, except where fronting on arterial streets or prevented by topography or size of property, in which case the Commission may approve a single tier of lots.

Section 5.10 Lots.

- A. **Arrangement and design:** The size, shape and arrangements of lots in proposed subdivisions or developments shall be such as set forward in the applicable Zoning Ordinances. Rectangular shaped lots shall be encouraged in all commercial, industrial, and residential zones. Extremely irregularly shaped lots shall be avoided. Consideration of additional lot depth should be made when lots adjoin railroads, major utility easements, commercial or industrial areas, or other conflicting land uses. In general, lot arrangement and design shall be such that lots will provide satisfactory sites for buildings and shall be properly related to topography. Side lot

lines shall be as close to right angles with the street centerline as possible, or radial to curve street centerlines. Lot lines of a subdivision should display an organized and uniform development pattern.

B. Lot size:

1. **Minimum size:** The minimum size of a lot in a proposed subdivision or development depends on the current zoning district that said subdivision or development lies in. All lots within cluster residential subdivisions shall be consistent in size.
2. **Conformance to zoning:** All lots shall conform to or exceed the requirements of the applicable zoning ordinance. Each lot shall front onto a publicly owned street, other than an alley.

C. Lot frontage and width:

1. **Arterial street frontage:** No access onto an arterial street shall be permitted from abutting properties.
2. **Lot width:** The lot width at the minimum building setback line shall not be less than that specified by the zoning ordinance controlling said lot.
3. **Corner lots:** Corner lots shall have extra width to permit conformance to the setback line on the side street. In no case shall a corner lot be so narrow that minimum zoning requirements of the zoning ordinance cannot be met.
4. **Double frontage lots:** Lots shall not be laid out so that they have frontage onto more than one (1) street except: (a) when the lots are adjacent to the intersection of two (2) streets; or (b) when the rear of the lot faces an arterial, freeway, expressway, railroad right-of-way, etc., and the front of the lot faces onto a local residential street.

D. Usable lots:

1. **Building lots:** All subdivisions shall result in the creation of lots that are developable and capable of being built upon. No subdivision shall create lots that are impractical to improve due to steepness of terrain, dangerous soil conditions, sinkholes, locations of water courses, or other natural physical limitations.
2. **Strips or parcels:** No remnants of property shall be left which do not conform to lot requirements, or which are not required for a private or public utility purpose, or which are not accepted by the city and/or any other appropriate public body for an appropriate use.
3. **Side lot lines:** The side lot lines of all lots so far as practicable, shall be at right angles to the street which the lot faces or radial to the center of curvature, if such street is curved. In the case of a cul-de-sac on which the lot faces, side lot lines shall be as nearly radial to the center of curvature of the cul-de-sac as practicable.

- E. Large lots:** When land is subdivided into very large parcels they should be of such shape and dimensions as to render possible the re-subdivision of any such parcels at

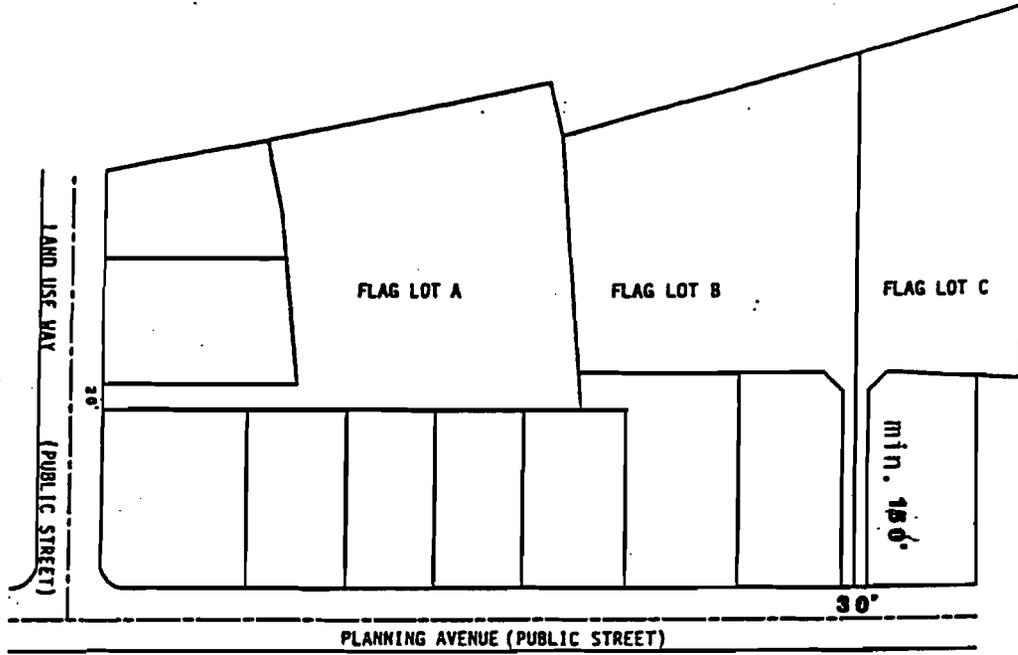
some later date into lots and streets which meet the requirements of these regulations and of the zoning ordinances.

- F. **Flag lots:** Flag lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot (see examples on the following pages). Single flag lots shall have twenty feet (20') of frontage on a publicly dedicated street. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. However, in the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded fifteen foot (15') strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.

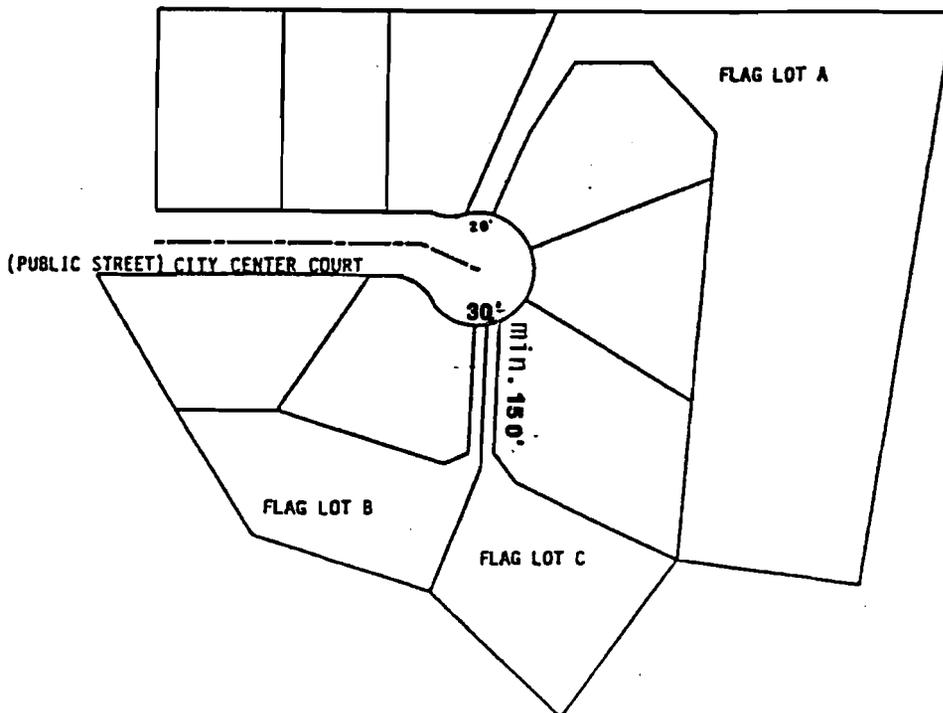
The maximum number of flag lots permitted for each phase of a subdivision shall not exceed 15%. The minimum building setback line for flag lots in residential zones is measured from the rear lot line of the adjoining lots fronting on the public road or from the other lot lines of each flag lot. A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a minimum of five feet (5') from each lot line, unless approved by the Harrodsburg-Mercer County Planning Commission. For two contiguous flag lots with a common driveway, the proper access easement shall be shown on the Final Plat. On the proceeding pages are two examples of flag lots and two examples of the improper use of a flag lot.

- H. **Lot division:** No lot shall be divided by a city or county boundary line.
- I. **Yard requirements:** Yard requirements for lots within a subdivision shall conform to the yard requirements set forth in the zoning ordinance for the zoning district in which they are located.
- J. **Cemeteries:** An applicant, property owner or developer has the option either to relocate an existing private family cemetery or preserve it by developing around it. In relocating a family cemetery, an applicant, property owner or developer shall be required to follow applicable local and state laws. In preserving a cemetery, while at the same time developing a parcel an applicant, property owner or developer has the following options:
1. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be left to the individual lot owner.
 2. Make the existing cemetery a separate lot. Ownership and maintenance of the cemetery would be assigned by written agreement with a Homeowners Association, the developer of the subdivision, a local legislative unit or a historical organization.

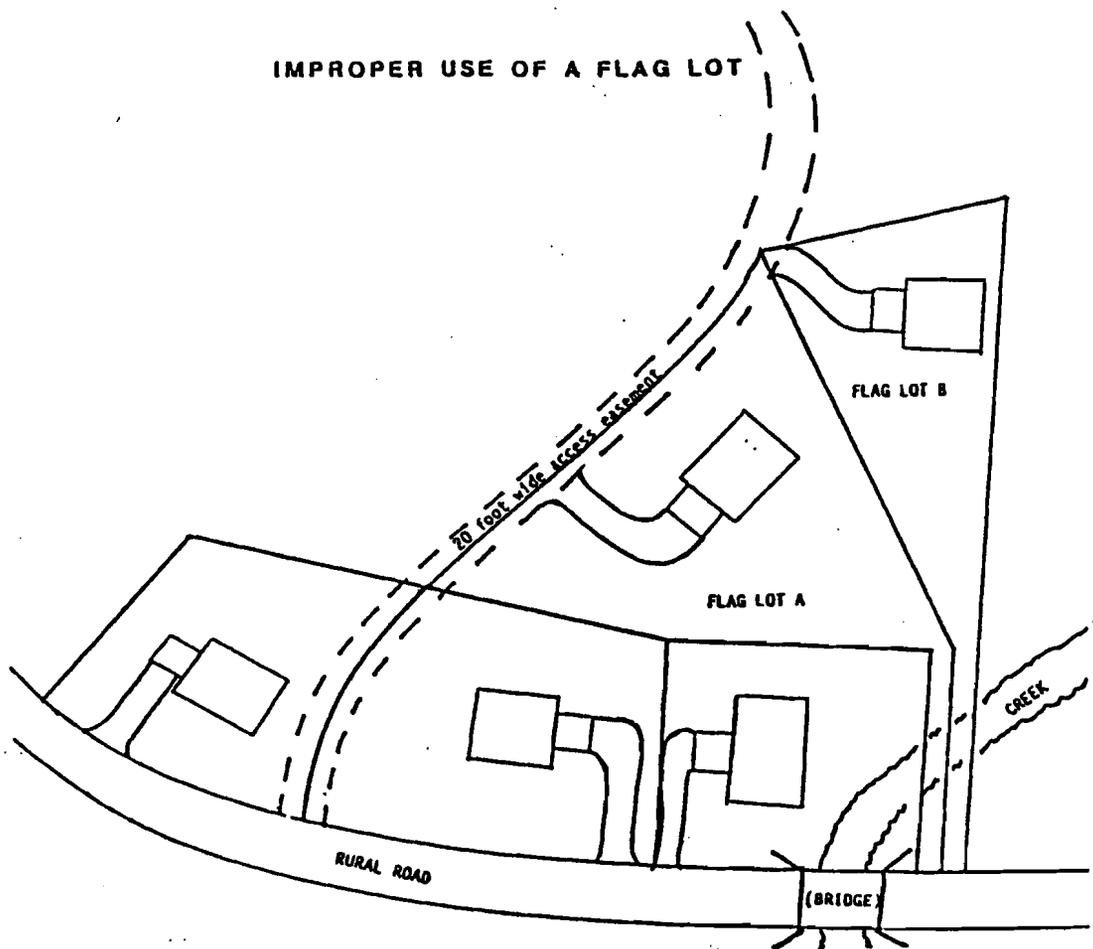
FLAG LOT EXAMPLE



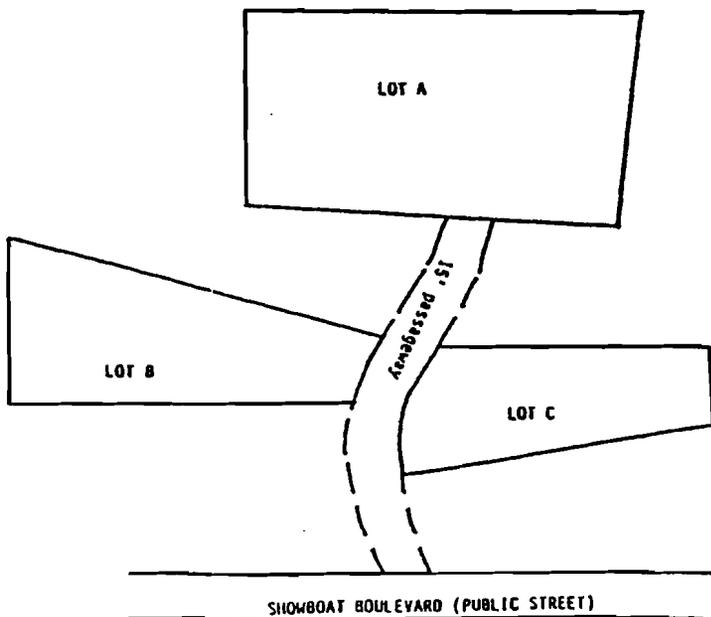
FLAG LOT EXAMPLE



IMPROPER USE OF A FLAG LOT



IMPROPER USE OF A FLAG LOT



Section 5.11 Pedestrian ways.

- A. **Location:** Pedestrian ways at least ten feet (10') in width may be required by the planning commission, or its duly authorized representative, as follows:
 - 1. Near the center and entirely across the block for blocks which are over nine hundred feet (900') in length;
 - 2. To connect dead-end streets; or
 - 3. To provide access to parks, schools, shopping centers, or similar facilities.
- B. **Grade:** No pedestrian way shall exceed a fifteen (15) percent grade unless steps of an acceptable design as determined by the planning commission, or its duly authorized representative, are to be constructed.

Section 5.12 Bikeways

When required by the planning commission or where conditions of high bicycle utilization exist or should be encouraged, the planning commission may require one of the following types of bicycle facilities to be provided by the developer to ensure the safety of the cyclists and encourage greater use of the bicycle as an alternative means of transportation.

- 1. Bicycle paths shall include only those bicycle facilities whereby a separate right-of-way is set aside for the exclusive use of cyclists to the exclusion of motorized vehicles and pedestrians. One-way bike paths shall be at least four feet (4') wide and paved with concrete or bituminous paving material. Two-way bike paths shall be at least eight feet (8') wide.
- 2. Bicycle lanes shall include those bicycle facilities where a portion of a street is designated by raised curb or painted lane strip for the exclusive use of cyclists. Bike lanes shall be prominently marked as such and be one way in direction on each side of the street and a minimum of four feet (4') wide.
- 3. Bicycle routes shall include those existing or proposed streets that are determined by specific analysis to be suitable for the safe operation of bicycles. Bike routes that do not provide for the exclusive use of bicycles but require sharing the street with other vehicles, and are designated by a map of public distribution.

Section 5.13 Landscaping Requirements

When a proposed commercial, residential, or industrial subdivision abuts a major/minor arterial or collector road, a 20 foot landscaping buffer area shall be located along the property line, which adjoins the major or minor arterial or collector road. The landscaped buffer area shall include any of the following items: fences, earthen berms, shrubs and trees. The Harrodsburg-Mercer County Planning Commission may also require additional landscaping in order to improve the public visual or aesthetic impact of conflicting land uses, reduce noise levels and to enhance the existing tree stand. Other buffer requirements for the By-Pass Overlay District and Historic Overlay District are included in the applicable zoning ordinances. These requirements are incorporated into the design of the subdivision or development by reference.

Street trees, when provided, shall be a species which are resistant to damage and disease and which do not cause interference with utilities, street lighting or visibility at street intersections. When required street trees shall be installed in accordance with the following provisions:

- A. *Type and Number:* Trees to be planted shall be of the deciduous type and shall be of a type of root growth pattern which minimizes potential damage to street and utility facilities. Trees shall be required at the standard of one (1) tree per forty-five (45) feet of street frontage for large trees, thirty-five (35) feet for medium sized trees and twenty-five (25) feet for small trees.
- B. *Locational Criteria:* Two options shall be permitted at the developer's discretion. The first option shall be to place trees within a planting easement with a minimum width of five (5) feet to be located immediately adjacent and parallel to the street right-of-way. The second option shall be to plant the trees within the street right-of-way between the street curb and the sidewalk in the area commonly called the "utility strip". The developer's choice shall be shown on the appropriate development plans or subdivision plat and shall be consistent on any given street. Trees shall not be planted where future growth will touch overhead utility lines.
- C. *Planting Requirement:* The cross section to be utilized and tree species shall be determined at the time of planning commission action on the preliminary subdivision plat and shall also be reflected on all subsequent plats. Tree species shall be consistent for any given street, and at least one (1) alternative species of the same genus shall be specified. The final plat will also indicate by symbol the number of trees required on each lot and its general location. The final subdivision plat shall also contain a note stating that the street trees required herein either within the right-of-way or designated easement shall be maintained by the property owner. A note stating that no tree may be removed without the approval of the ZAO shall also appear on the final plat.
- D. *Planting:* It shall be the responsibility of the developer to plant the street trees within one (1) year from the date of the recording of the final subdivision plat.
- E. *Maintenance:* The developer shall maintain all trees for a period of one (1) year from the date of the planting and shall replace any required tree which dies within one (1) year of its planting. Upon the expiration of one (1) year from the date of planting, the owner of the subject property shall be responsible for the continued proper maintenance of all street trees and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be permitted for the maintenance of trees required by this section.

Section 5.14 Public Sites and Open Space.

- A. Where a proposed park, playground, school or other public uses shown in an official plan adopted by the planning commission is located in whole or in part in a subdivision, the commission may require the reservation of such area up to a total of ten (10) percent of the gross area of the subdivision for a period of three (3) years from the date of approval of the final plat by the planning commission. The

commission may recommend acquisition of the reserved area to the appropriate public agency at this time. After the three (3) year period has elapsed, if the public agency affected has not begun negotiations for acquisition for the area, full rights shall revert to the original owner.

- B. If the city or county has adopted an official map and a short term capital improvement program (as provided in KRS 100.293-100.317) which includes such park or other recreational area, school site, or other public ground, then the planning commission may require a reservation, as a condition precedent to final plat approval, not to exceed five (5) years, for the purchase of such public ground by the appropriate public agency.
- C. Where deemed essential by the planning commission, upon consideration of the particular type of development proposed in the subdivision and especially in large scale neighborhood unit developments not anticipated in the city's or county's adopted plans, the commission may require reservation of such areas or sites of a character, extent and location suitable to the needs created by such development to schools, parks, and other neighborhood purposes. The reservation of such public land for purchase by the applicable public body shall not be in effect for a period in excess of three (3) years.
- D. In areas where recreational amenities are required, the planning commission shall establish minimum requirements of the area to be reserved for public use using the standards set by the national recreation association as guide lines.
- E. In the creation of recreational area or open space within the city or county, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and value to the area served.

ARTICLE 6. IMPROVEMENTS AND INSPECTIONS

Section 6.0 Introduction.

The improvements that are hereby required shall be prepared by a registered civil engineer and installed by the subdivider in accordance with the provisions of these regulations of the city, county or state. These improvements shall be installed before the final plat is approved (or conditionally approved) or in lieu thereof, a bond or an escrow agreement certified by the city's or county's legal counsel as valid and enforceable by the City of Harrodsburg or Mercer Fiscal Court may be accepted and shall be approved before approval of the final plat. Such bond would secure to the city or county the actual construction and installation of such improvements within a time required by the construction agreement and according to the approved improvement plans. Prior to the commencement of any project involving the planning commission, or its duly authorized representative, a preconstruction meeting will be held with the planning commission's Technical Review Committee to discuss the project in regard to procedure, materials, inspections, etc.

Section 6.1 Water System and Fire Hydrants.

- A. Connection into either an existing or planned public water supply system shall be strongly encouraged. Where appropriate, water supply lines shall be designed to loop back to existing or proposed systems. The subdivider shall construct a complete water distribution system which shall serve adequately all lots within the proposed subdivision plus lines adequate in size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service area. Within the City of Harrodsburg, the water distribution system shall include fire hydrants (with valves and other appurtenances if necessary) with a minimum spacing of 500 feet measured along the right-of-way and shall be no further than 250 feet from any building. Fire hydrants shall be installed which meet the current City of Harrodsburg specifications. No fire hydrants, valves or appurtenances shall be required if the subdivision is located in the County. Individual on site water supply systems (wells and cisterns) shall be constructed in accordance with the current standards of the state and/or local health department.
- B. **Plans required:** When the subdivider submits the improvement plans for approval, he/she shall submit plans and specifications prepared by a registered civil engineer showing the proposed water system. Said plans shall show line sizes, type of pipe, location of hydrants and valves and other appurtenances, if applicable, supply facilities, booster pumps, elevated or ground level storage tanks.
- C. **Design standards:** The design criteria for the water distribution system shall comply with the requirements of the applicable governmental agency (i.e., city waterworks department, water district, Kentucky Division of Water).

Section 6.2 Sanitary Sewer System.

Connection into either an existing or planned public sanitary sewer system is strongly encouraged if the system is sufficient or can be expanded in order to accommodate the additional flow from the proposed development. The subdivider shall construct a sanitary sewage collection system designed to serve adequately all lots in his subdivision plus lines adequate in

size to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area. If the subdivision is within the City of Harrodsburg, the collection system shall be connected to the City's public sewerage system. If the subdivision is in the County, then septic systems or other sewage treatment system complying with local health department and State Division of Water regulations shall be installed.

- A. **Plans required:** When the subdivider submits improvement plans for approval, he shall submit plans and specifications prepared by a registered civil engineer showing the proposed sanitary sewer system and facilities. Said plans shall show pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, the location, type and size of all lift or pumping stations and such other information as required by the planning commission.
- B. **Design standards:** The design criteria for the sanitary sewer system shall be based on the "Standards for Sewage Works" prepared by the Upper Mississippi River and Great Lakes Board of Public Health Engineers, but must meet all local Health Department and State Division of Water regulations. Where package treatment plants are proposed, the sewage collection system shall be designed for ultimate connection to the public system. Individual septic tank systems and package treatment plants shall be constructed in accordance with the current standards and specifications of the state and local health department/district. No sanitary sewage treatment plant for any subdivision shall be located nearer than two hundred (200) feet to any residence. In calculating this distance, the applicant can specify the location of any residence to be constructed on lots affected by the treatment plant or the commission shall calculate this distance based upon the minimum set back and side yard requirements of the particular zone district.

Section 6.3 Private Utilities

Private utilities such as electric, telephone, natural gas and cable television shall be placed underground if possible, in the street right-of-way, or within platted easements, and must be constructed per applicable standards and specifications, which includes inspections by the appropriate legislative units and utility provider. In addition, all permit and compaction requirements must be met.

Section 6.4 Streets.

- A. **Plans required:** When the subdivider submits the proposed improvement plans for approval, he shall submit plans and specifications prepared by a registered civil engineer showing the proposed street system. Said plans shall show the proposed right-of-way width, pavement width, location and the proposed alignment, grade, geometric details and cross sections of each proposed street, curbs and gutters (where applicable), sidewalks and driveways details. Said plans and specifications shall show for each proposed street, design criteria such as street classification, pavement classification and thickness and classification and thickness of base and subbase materials. In addition, the following information shall be required:
 - 1. The plans and profiles of all surrounding streets which are to connect to a street in the proposed subdivision (for a distance of one-hundred (100) feet back from

the boundary line of the proposed subdivision).

2. All profiles shall be drawn at a scale of: 1 inch = 100 feet horizontal or 1 inch = 50 feet horizontal, 1 inch = 10 feet vertical
3. Elevations shall be shown at all P.I.(s) and percent grade between P.I.
4. Elevations shall be tied to a benchmark (U.S.G.S. or city bench marks when available) when, within a reasonable distance (as determined by the planning commission) and shall be shown on profiles.
5. Details of curb and gutter, sidewalks, street section and paving shall be shown.

B. Pavement specifications for streets: The subdivider shall construct all streets and roads in accordance with the "Specifications for Road and Street Construction within the City of Harrodsburg and Mercer County, Ky.", as set forth in Appendix D.

C. Minimum pavement widths: Pavement widths shall be measured from back of curb to back of curb or if no curbs are required, then measurement shall include the entire paved surface. Minimum pavement widths for each street shall be as follows and laid out in the manner indicated by the typical street cross sections shown in Appendix "D" of these Regulations.

D. Street Curb and Gutter: The developer shall construct vertical curbs except in areas zoned to permit single family development with a minimum of one hundred fifty (150) feet of road frontage or greater or in any areas zoned for agricultural or conservation. The provision of curb and gutter in areas for commercial or industrial use shall be determined by the submitted storm water calculations. Curbs and gutter shall be constructed using 4000 psi, air entrained concrete containing state approved aggregates and materials and in accordance with the specifications in Appendix D of these regulations.

E. Curb Radii: The minimum curb radius at intersection shall be as follows:

Type of Street*	
<u>Intersection</u>	<u>Minimum curb radius</u>
Local-Local	20
Local-Collector	25
Collector-Collector	30
Collector-Arterial	35
Arterial-Arterial	50

In the case of local or collector streets located in commercial or industrial areas the minimum curb radii shall be increased to fifty (50) feet. To assure uniformity of curbs, all curbs shall be constructed using the same design unless otherwise approved by the Planning and Zoning Commission or Board of Adjustment and Appeals.

Section 6.5 Sidewalks.

All proposed residential subdivisions or developments within the city limits of Harrodsburg shall have sidewalks on each side of all proposed public streets, however, developments where every lot is a minimum of 15,000 square feet and has a minimum frontage of 100 feet, sidewalks shall not be required.

For proposed subdivisions or developments where pedestrian systems are planned for areas other than along streets, the Commission may waive the above requirements. The waiving of sidewalk location due to alternative pedestrian systems is especially applicable in Residential Clustered Subdivisions. Sidewalks in all subdivisions or developments shall not be less than four feet (4') feet in width. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed. Sidewalks shall be located 5.5 feet from the curb and be constructed of Portland cement concrete on compacted subgrade and have a minimum depth of four inches (4"), except at driveways. The minimum depth for sidewalks at driveways shall be five inches (5") in residential districts. All sidewalks shall be placed at a maximum of four inches (4") above or below the grade of the proposed or existing street. In commercial or industrial zones, driveways shall have the same depth as the road leading to the parking area (minimum five inches).

Prior to final approval, sidewalks shall be installed by the developer of the subdivision in accordance with approved subdivision plans and shall be subject to inspection by the appropriate legislative body.

Section 6.6 Street Signs, Street Lights and Traffic Control Devices.

The City or County, as the case may be, may install or cause to have installed street signs, street lights and/or traffic control devices.

Section 6.7 Monuments.

Monuments of record-Permanent control monuments: The subdivider or developer shall establish, or conform the prior establishment of a minimum of:

Three (3) permanent control monuments in each plat of ten (10) lots or less.

Four (4) permanent control monuments in each plat of over ten (10) lots.

Such permanent control monuments shall consist of a concrete monument at least eighteen (18) inches in length and four (4) inches in width or diameter having a brass or bronze cap marked with a point or cross at its precise center. All such monuments set in pavement shall be set in monument boxes. All permanent control monuments shall be clearly noted and described on the final plat.

Section 6.8 Storm Water Management and Drainage Systems

Storm sewer systems are designed to collect and convey storm water runoff from street inlets, runoff control structures, and other locations where the accumulation of storm water is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system. Generally, the amount of storm water runoff should be equal in terms of pre-development and post-development given the design of the storm water system. Storm water runoff from a site of subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall

be responsible for storm water drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a larger area before the storm water naturally drains properties, unless a large drainage basin exists or is being planned. Storm water drainage easements should be required if storm water is directly discharging from a pipe to an adjoining property and not being dispersed on the subject property. It is recommended that storm sewer construction not occur until permission has been granted by the appropriate utility.

- A. **Basic Design Criteria for a Storm Drainage System:** Degree of Protection Required: The storm drainage system shall be adequate to handle the runoff from storms having various frequencies of occurrence for various degrees of site development, in accordance with the following general categories.

Types of Development	Storm Frequency to be used
1. Conservation, agricultural and low density residential (2 acre lots or larger)	5 year frequency
2. All other residential and commercial development	25 year frequency
3. Industrial uses	25 year frequency
4. Concentrated high value areas	25 year frequency
5. For flood control facilities	100 year frequency

The runoff computed from these storm frequencies shall be from the area within the subdivision and all other areas draining thereto, with all areas considered as fully developed in accord with the developments planned in the Harrodsburg-Mercer County Comprehensive Plan.

- B. The minimum diameter of any pipe in a storm drainage system shall be 12 inches.
- C. **Retention/Drainage Basins.** Where required to be included in the subdivision design, retention/drainage basins shall be provided by the developer. The City or County Engineer shall approve all designs for such facilities. These facilities shall be designed and constructed so that no standing water will remain in the basin during dry weather, unless a permanent pond is to be constructed of sufficient size that standing water will not stagnate and present health hazards. These will be bonded in accordance with agreements and guarantees of this section.
- D. All storm water drainage structures shall be designed and constructed in accordance with the current Kentucky Transportation Cabinet (KYTC) Drainage Manual.

Section 6.9 Basic Design for Storm Water Drainage Channels, Water Courses and Erosion Control

Open channels provide many advantages in the management and control of storm water runoff. Such channels provide for natural infiltration of storm water into groundwater supply and extend the Time of Concentration (TC) helping to maintain the runoff rate nearer to that which existed prior to development. The objective of open channel flow design is: (a) to determine a channel slope and size that will have sufficient capacity to prevent undue flooding

damage during the anticipated peak runoff period; and (b) to determine the degree of protection based on stream velocity to prevent erosion in the drainage channel. Existing drainage channels, which will remain undisturbed, shall not be required to be reconstructed unless additional capacity and erosion control is required.

- A. Degree of Protection: Storm water drainage channels and water courses shall be adequate to handle runoff from storms of the frequencies of occurrence shown for the degrees of site development as follows:
 - 1. For all residential, commercial and industrial developments with drainage areas of less than 1 square mile (640) acres – 25 year frequency.
 - 2. For concentrated high value areas and for all areas providing drainage flows in excess of the capacity of an 84 inch diameter sewer pipe – 25 year frequency.
 - 3. For main flood control channels – 100 year frequency. The runoff computed from these storms shall be that from the area within the subdivision and from all other areas considered as fully developed in accord with development planned in the County’s Comprehensive Plan.
- B. Determination of Quantity of Runoff: Each portion of the storm water system of drainage channels and water courses shall be capable of handling the peak flows as determined by the “Rational Method” previously described.
- C. Drainage Channel Capabilities: Drainage channels shall be designed to carry peak flows as determined by the methods previously described. Channel cross-section areas shall be determined by Manning’s formula, using a value of $n = 0.0030$ for earth sections, $n = 0.020-0.025$ for aggregate linings and $n = 0.015$ for paved sections.

When open drainage channels require various lining types to attain ultimate design capacity, the earth sections of the drainage channel and its structure shall be designed and constructed to the ultimate design required. Lining will not be required in the initial construction and may be delayed until development of the area produces runoff quantities large enough to result in erosive channel flows, unless drainage channel velocities are excessive initially.

- D. Erosion Control for Drainage Channels: Runoff flows in open channels may cause accelerated erosion, Such erosion can be controlled by limiting velocities, changing the channel lining, and reshaping the channel to spread the flow of runoff. Methods of controlling erosion in open channels include the following; (1) grass covers, (2) stone rip-rap, coarse aggregate and/or dumped rock channel lining; and (3) reinforced concrete or precast paving. Erosion control for drainage channels shall be provided as follows:
 - 1. Velocities of less than one and one half (1.5) feet per second (fps). Design velocities should generally be greater than 1.5 fps to avoid excessive deposition

of sediments. When flat slopes are unavoidable, concrete pavement should be used to accelerate runoff.

2. Velocities of between one and one-half (1.5) and four (4) feet per second. The bottom and sides of the earth channel shall be seeded, mulched and fertilized to an elevation of three feet above the design water surface. Seeding shall be a perennial or annual mixture of grass seeds dispersed at a rate of 100 pounds per acre. Acceptable fertilizer shall be applied at a rate of 75 pounds per one thousand feet. On slopes over five (5) percent, the bottom and sides of the earth channel shall be sodded and pegged to remain in place. Where seeding or sodding is required and the soil is not capable of supporting vegetation (such as, sandy soil or other clay types), appropriate action shall be taken to bring the soil to an acceptable condition which will support the growth of the seed or sod.
 3. Velocities over four (4) feet per second. The bottom and sides of the earth channel shall be protected from erosion with an application of stone rip-rap, coarse aggregate and/or dumped rock channel linings. The type of application thickness and quantities shall be designed by the engineer to ensure maintenance free permanent stabilization. Reinforced concrete pavement at least four (4) inches thick may also be used at bends, changes in alignment, junctions with other ditches, and at other locations where erosion is likely to occur. On slopes over ten percent (10%), consideration should be given to the construction of larger sized channel linings, gabions (wire boxes or paved channels with energy blocks or dissipaters to reduce excessive velocities and damage to receiving streams.
 4. Consideration shall be given for the construction of other methods of lining for erosion control including check dams, drop structures, gabions, etc. subject to approval of the Planning Commission's duly authorized representative.
- E. Drainage Channel or Water Course Relocations: In order to minimize hillside slippage near relocated drainage channels or water courses due to the drainage channel depth or character of the earth in the drainage channel fill and side slopes, precautions shall be taken to compact the fill and side slopes, provision of under drainage, bank protection or reinforcing other measures. Additional easement width shall be provided at such possible slide areas.
- F. Erosion Control: All graded areas are to be maintained at all times to prevent erosion and excessive runoff.
- G. Mud and Debris. Until lot and street improvements in the subdivision have been completed, the subdivider shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers or onto adjoining land.
- H. Specifications for Construction and Materials. In all other respects, the design, materials and construction shall be specified in Sections 206, 212, 601, 610, 703, 710 of the State of Kentucky Standard Specifications for Road and Bridge

Construction and in accordance with current city/county specifications.

Section 6.10 Plans for Future Expansion-Extra Size and Off-Site Improvements.

All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.

- A. **Extra-sized improvement:** Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he is required to install to serve his subdivision plus the additional costs which result from the extra size improvement required as determined by the planning commission. Thus when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch utility.
- B. **Off-site extensions:** When streets or utilities are not available at the boundary of a proposed subdivision, the commission shall require, as a prerequisite to approval of a preliminary and final plat, assurances that such improvement extensions shall be provided as follows:
 - 1. Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
 - 2. The developer shall be required, if he wishes to proceed with the development to obtain necessary easements or rights-of-way and construct and pay for such extensions.

Section 6.11 Construction Inspections

Inspections relative to the construction and the installation of public improvements shall be made by the appropriate utility company, water and sewer department or district, legislative body or other representative. The City/County Engineer shall coordinate the final inspection with the appropriate legislative bodies and verify the final inspections of all improvements. An owner/developer of a subdivision and/or general contractor shall contact the City/County Engineer by written application when final and/or interim inspections are desired. Within fourteen (14) days the inspection shall be scheduled and a written record of all applications, inspections, acceptances and/or deficiencies with remedial plans (punch lists) shall be maintained and copies provided to all concerned parties.

Construction acceptance and inspections shall be limited to issues and matters that are a part of the original development plan as established in previous proceedings and agreements with the Greater Harrodsburg/Mercer County Planning and Zoning Commission. The various utility inspectors and/or City/County Engineer shall not accept less, nor impose different standards for approval than those previously set by the Commission.

Upon compliance with the final inspections, and the completion of any remedial plans, the owner/developer shall notify the City/County Engineer, who shall coordinate final approval

and confirmation within forty-five (45) days of such notice. This shall include approvals under section 1.6 (D) and commences the forty-five (45) day final approval dedication set forth in KRS 100.277 (4).

In the event that the City/County Engineer position is vacant, then the design engineer of the subdivision shall provide certified "as built" plans and certification that the public improvements installed meet or exceed the standards set by the appropriate Legislative Body and the Commission.

Section 6.12 Road Inspections

All roads constructed in Mercer County and the City of Harrodsburg shall meet or exceed the standards established by Mercer County Road Ordinance No. 42. Said ordinance is recorded in the County Ordinance Book No. 1 Page No. 552. Roads shall be inspected in accordance with the provisions provided in this ordinance. The City/County Engineer shall perform inspections, or if the City/County Engineer position is vacant, inspections shall be performed by the designee of the appropriate governing body at the developer's expense.

Section 6.13 Final Cleanup of Site

Upon completion of the work and before acceptance, the subdivider and/or contractor shall clean up all ground occupied or affected by him/her in connection with the work. The entire area shall be kept in a neat and presentable condition during the entire duration of the project and left in a neat and presentable condition satisfactory to the inspector. The subdivider, developer, and/or contractor shall remove all debris or excess fill in connection with the completed work within two (2) months of building occupancy or when a certificate of occupancy permit is issued.

Section 6.14 Maintenance of Improvements.

The subdivider shall be responsible for the maintenance of the improvements installed and shall be responsible for providing the services necessary to guarantee access to all the occupied lots, including plowing snow, until the final acceptance for maintenance by the City Commission or Fiscal Court, whichever is applicable. The subdivider shall be given adequate and appropriate notice by the planning commission of the need for said maintenance or service. If the subdivider fails to perform such necessary maintenance or service within an appropriate time, the planning commission may perform said service and bill the subdivider for said service. Payment shall be guaranteed by the performance bond.

Section 6.15 Written Agreements and Guarantees

A subdivision developer/subdivider may execute and file a written agreement or guarantee with the City of Harrodsburg, Mercer County Fiscal Court in lieu of actual installation or completion of the required public improvements when requesting approval of the final plat in accordance with specific criteria. Such agreements or guarantees shall be an amount for the required public improvements, as estimated by the subdivider's engineer and approved by the appropriate legislative unit or water or sewer commission or district. The cost estimate shall have supporting written data and be based upon the amount determined to be reasonably necessary to complete all of the public improvements as required for construction by the subdivider as

specified in the approved Improvement Plan drawings and specifications, including a ten (10) percent contingency plus fee for plan review and field inspections if appropriate.

A. **Agreements:** All bonds and insurance required under this section shall be secured from companies authorized to do business in the Commonwealth of Kentucky and shall be deposited and remain at all times with the City of Harrodsburg Clerk or Mercer County Judge Executive, whichever is applicable.

1. **Construction agreement:** To assure construction and installation of improvements and control of erosion and sedimentation (when necessary) required by these regulations, the subdivider shall execute a construction agreement with the City Commission or Fiscal Court, whichever is applicable, in form and substance approved by the city's or county's legal counsel. This agreement shall provide that all such improvements (as specified in this agreement) shall be constructed and installed at the subdivider's expense in compliance with the standards and specifications for each of the various types of improvements; (including, when applicable, measures needed to control erosion and sedimentation); such improvements shall be available to and for the benefit of the lands within such subdivision and surrounding land which is in the same service or drainage area; that such improvements (as specified in this agreement) will be completed and installed within twenty-four (24) months of the date of conditional or final approval of the final plat or within a mutually agreed upon extension (but never to exceed twelve (12) consecutive calendar months). Any further provisions that the city's or county's legal counsel may deem necessary, in the public interest, may be added. The construction agreement shall further provide that, in the case where approval of the final plat has been given before construction of improvements and a performance guarantee has been provided, and if the improvements are not completed within the specified time, the city or county, upon proper notice, may complete the improvements and recover full costs and expenses thereof from the subdivider and may appropriate such portion of money or bonds posted for the faithful performance of said works.

2. **Commencement of improvements:** No construction of any improvements or clearing, grubbing and grading shall be commenced prior to the approval of the construction agreement by the City Commission or Fiscal Court.

B. **Guarantees:** The subdivider may execute and file guarantees with the city or county in lieu of actual installation or completion of the required improvements when requesting approval of the final plat. The written agreement or guarantee shall typically be in the form of sureties (e.g. bond payments or performance bond from an insurance company or a financial institution), a cash deposit (e.g. escrow agreement or certified check from a financial institution), or an instrument of agreement from one or more financial institutions (e.g. letter of credit) or such other form of surety as may be agreed between the developer and appropriate legislative body. The written agreement or guarantee must be made payable to the appropriate legislative body.

The agreement or guarantee shall be pursued by the subdivider and developed by an insurance company or financial institution. The agreement or guarantee shall be an assurance of faithful performance of any and all work and the construction and installation of all public improvements required to be completed by the subdivider, as specified in the approved Improvement Plan drawings and specifications, together with all engineering and inspection fees as required.

The agreement or guarantee may be renewable only upon written consent and approval of the Mercer County Fiscal Court or City of Harrodsburg or the appropriate water or sewer district to whom the agreement or guarantee is made payable. The bond shall remain in full force and effect and all premiums (if applicable) paid by the developer until the final inspection pursuant to the Construction Inspections/Acceptance requirements of this section and released upon formal acceptance by the City/County Engineer.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Section 7.0 Administration.

It shall be the responsibility of the planning commission to administer these regulations except where specific authority is given to some other city or county office as set forth in these regulations.

Section 7.1 Fees.

- A. Fees for the review of a Development Plan, Preliminary Plat, Improvement Plan, Final Plat, Minor Subdivision shall be required
- B. **Fees for recording final plat:** The subdivider or developer shall pay the current recording fee of the Mercer County Clerk. This check shall be made payable to the Mercer County Clerk's Office.
- C. **Payment of fees:** Fees for the review of Development Plans, Minor Subdivision Plats, Preliminary Plats, Improvement Plans, Final Plats and Recording fees shall be paid in full at the time of submitting same for approval.
- D. **Method of payment:** Development Plan, Minor Subdivision Plats, Preliminary Plat, Improvement Plan, Final Plat and recording fees shall be paid by check or money order only and be made payable to the "Greater Harrodsburg/Mercer County Planning and Zoning Commission" and submitted to the planning commission at the time as specified under payment of fees. All checks found to be backed by insufficient funds will be turned over to the proper authorities within twenty-four (24) hours for prosecution. All fee payments will be triple receipted on pre-numbered receipts with the original going to the payee, one (1) copy attached to the application and the third remaining in the receipt book.

Section 7.2 Modifications.

The planning commission may grant a modification to these regulations, as specified herein, where unusual or exceptional factors or conditions require such modification provided that the planning commission shall:

- A. Find that unusual topographic or exceptional physical conditions exist.
- B. Find that strict compliance with these regulations would create an extraordinary hardship in the face of the exceptional conditions.
- C. Permit any modification to depart from these regulations only to the extent necessary to remove the extraordinary hardship.
- D. Find that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations.
- E. Require such other conditions to be met by the proposed plat as the planning

commission may find necessary to accomplish the purposes of these regulations when modified.

Section 7.3 Enforcement.

- A. **Admission to county record:** No plat or plan of a subdivision of land located within the city or county shall be filed for recording in the Office of the Mercer County Clerk, nor shall the Mercer County Clerk receive or accept for recording, any plat or plan of a subdivision until said plat or plan has received final approval by the planning commission and areas to be dedicated have sufficiently bonded and a construction agreement has been agreed to by the planning commission, and the City Commission or Fiscal Court, whichever is applicable.
- B. **Revision of plat after approval:** No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the planning commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the change approved by the planning commission.
- C. **Improvements in official streets only:** No board, public officer, or authority shall accept layout, improve or authorize utilities to be laid in any street unless the street has received the legal status of a public map; unless the street corresponds with a street shown on 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 and accepted by the City Commission if the subdivision is located within the City of Harrodsburg, or the Mercer Fiscal Court if the subdivision is located outside the City of Harrodsburg and Burgin, but within Mercer County.

Section 7.4 Penalties.

Any person, owner or agent who violates these regulations shall upon conviction be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Section 7.5 Appeals from the Planning Commission.

Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal in accordance with KRS 100.347 from the action to the circuit court of the county in which the property, which is the subject of the action by the commission, lies. Such appeal shall be taken within thirty (30) days after the final action of the planning commission. Final action shall not include the commission's recommendation made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The Greater Harrodsburg/Mercer County Planning and Zoning Commission shall be a party to any such appeal. The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

ARTICLE 8. DEFINITIONS

Section 8.0 Words and phrases.

For the purpose of these regulations, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;
Words used in the present tense include the future;
Words used in the singular include the plural;
Words used in the plural include the singular;
Words used in the masculine include the feminine;
Words used in the feminine include the masculine;

The word "**shall**" is mandatory; The word "**may**" is permissive.

Access Management: Refers to regulations set forth in the Harrodsburg-Mercer County Zoning Regulations which promote safe and reasonable access between public and private roads and adjacent land in Mercer County.

Alley: A strip of land dedicated for public use, located at the side or rear of lots providing secondary access to abutting property.

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

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

Certificate: Refers to the required certificates for Minor Subdivision and Final Plat Review in the appendix section of this document.

City: The City of Harrodsburg Commission and/or all property, streets or other improvements or appurtenances located with the municipal limits of the City of Harrodsburg, Ky.

City Commission: The City of Harrodsburg Mayor and Commissioners.

Commission (or Planning & Zoning Commission): The Greater Harrodsburg/Mercer County (joint) Planning and Zoning Commission, or its duly authorized representative.

Comprehensive Plan: The adopted comprehensive plan of the City of Harrodsburg and Mercer County, Commonwealth of Kentucky.

Conservation or Cluster Subdivision: Refers to a residential subdivision design where half or more of the buildable land area is designated as undivided, permanent open space.

Conventional Subdivision: Refers to residential developments where all land is divided into house lots and streets, with the only open space being undevelopable wetlands, steep slopes, floodplains and stormwater management areas.

Corner Lot: A lot situated at the intersection of two (2) streets or on a curved street on which the interior angle of such intersection or curved streets does not exceed 135 (degrees).

County: Mercer Fiscal Court and/or all property, streets or other improvements or appurtenances located within Mercer County (excluding the City of Burgin), Ky.

Covenant: A written promise or pledge.

Culvert: A transverse drain that channels under a bridge, street or driveway.

Detention Basin: A dry stormwater detention area that is used to detain stormwater runoff a specified length of time to keep the flow of water from the subject area to that of the predevelopment flow.

Developer: Any individual, firm, association, syndicate, partnership, corporation, government agency, trust or any other legal entity commencing proceedings under these regulations to affect a development of land as defined herein for himself or for another.

Development Plan: Means written or graphic material for the provision of a development usually reviewed during the zoning map amendment process or where one parcel of land (zoned properly) is being improved in accordance with standards established in the subdivision regulations.

Double Frontage Lots: A lot other than a corner lot that has frontage on more than one (1) street.

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

Engineer: A registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors. The Engineer responsible for designing the public and private improvements on each plat shall be retained by the applicant or property owner to assure that the improvements are made in accordance with the plans approved by the Harrodsburg-Mercer County Planning Commission and the Harrodsburg-Mercer County Subdivision Regulations.

Fiscal Court (or Mercer Fiscal Court): The Mercer County Magistrates and County Judge Executive.

Final Plat: A subdivision plat proposed in accordance with the provisions herein in which said plat is designed to be placed on record with the county clerk after approval by the Planning Commission and acceptance by the City of Harrodsburg Commission or Mercer Fiscal Court.

Flag lot: An irregularly shaped lot which adjoins a public street where access is through an unobstructed easement with a minimum width for one lot is twenty (20) feet.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from: 9a) the overflow of inland water; (b) the unusual and rapid accumulation of the runoff of surface waters from any source; and, (c) mud slides which are caused or precipitated by accumulations of water on or underground.

Flood - 100 Year Frequency: The highest level of flooding that, on average, has a one percent (1%) probability of occurring in any given year.

Floodplain or Flood Prone Areas: Any normally dry land area that is susceptible to being inundated with water from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas 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.

Frontage: All the property abutting on one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the lot lines as extended to intersect said right-of-way line of said street. In no case shall the line along an alley be considered as acceptable for frontage.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

Legislative Body(ies): The City of Harrodsburg Commission and/or the Mercer County Fiscal Court.

Lot: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group as permitted in the zoning ordinance, together with their accessory buildings or uses and such access, yards and other open spaces required in these regulations and in the zoning ordinance.

Lot of Record: A designated fractional part or subdivision of a block according to a specific recorded plat or survey, the map of which has been officially approved by the planning commission and recorded in the office of the county clerk.

Minor Division of Land: A minor division of land is a procedure which involves the division of land in three (3) buildable lots or less from the parent tract, and where there is no need for

either public or private street and utility improvements. A minor subdivision plat is required for this type of procedure.

Major Division of Land: A major division of land is a procedure, which involves the division of land in four (4) or more buildable lots from the parent tract or where there is a need for public street and utility improvements. A Preliminary Plat, Improvement Plan, and Final Plat are required for this type of development.

Minimum Lot Width: The width of a lot as measured along the front property line.

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 zoning ordinance, to provide the required minimum yard space.

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.

Official Map: The adopted official zoning map of the City of Harrodsburg and Mercer County (excluding the City of Burgin), Commonwealth of Kentucky, as provided for in Kentucky Revised Statutes 100.293.

Parcel: Synonymous with the term "lot".

Parent Tract: Refers to any existing parcel of land shown as a unit or contiguous units, in common ownership dating back to the date of the adoption of the KRS 100 (1966). The parent tract may be subdivided in accordance with the requirements of a minor and major subdivision of land.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the appropriate city or county government or water and sewer district having jurisdiction for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Plat: A map of a tract, parcel, or subdivision of land.

Standard Specifications: Any specifications stated in an ordinance, resolution, or regulations adopted by the Planning Commission, City of Harrodsburg Commission or Mercer Fiscal Court. The appendices of these regulations are standard specifications.

Streets: Any vehicular ways except alleys.

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

(B) The following shall be used to classify all streets:

Freeways-A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

Expressways-A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at major intersections as shown in the duly adopted revised transportation plan for the city or county.

Arterial streets-Public thoroughfares which serve the major movements of traffic within and through the community as shown on the duly adopted revised transportation plan for the city.

Collector streets-Public thoroughfares which serve to collect and distribute traffic primarily from local residential streets.

Local streets-Facilities which are designed to be used primarily for direct access to abutting properties and leading into the collector street system.

Frontage road or service road-A street adjacent to a freeway, expressway, or an arterial street separated therefrom by a dividing strip and providing ingress and egress from abutting property.

Cul-de-sac-A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

Dead-end street-A street having an outlet at one end only and terminated at the other end by underdeveloped property. It may or may not have facilities permitting vehicles to turn around.

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

Subdivision: The division of a parcel of land into three (3) or more lots, tracts or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land into tracts of five (5) acres or more for agricultural use not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

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

Tract: A parcel of land identified by letter or number, the boundaries of which are shown on the recorded subdivision or development plat. A tract need not be buildable.

Zoning Ordinance: The official adopted zoning ordinance of the City of Harrodsburg, Ky., if the property to be subdivided is located within the City of Harrodsburg, or the official adopted zoning ordinance of Mercer County, Ky., if the property to be subdivided is located outside of the City of Harrodsburg and Burgin, Ky., but within Mercer County, Ky.

ARTICLE 9. ADOPTION, AMENDMENT AND EFFECTIVE DATE

SECTION 9.0 Adoption.

These Subdivision Regulations shall be adopted by a simple majority vote of a lawfully constituted quorum of the Greater Harrodsburg/Mercer County Planning and Zoning Commission. A public hearing shall not be required.

Section 9.1 Amendment.

These Subdivision Regulations may be amended at any time by a simple majority vote of a lawfully constituted quorum of the Greater Harrodsburg/Mercer County Planning and Zoning Commission.

Section 9.2 Effective Date.

These subdivision regulations shall take effect and be in force immediately upon their adoption in accordance with Section 9.0 above.

CERTIFICATE OF ADOPTION

PLANNING AND ZONING COMMISSION

The foregoing "Subdivision Regulations for the City of Harrodsburg and Mercer County" and specifications contained in all appendices thereto are hereby adopted by the Greater Harrodsburg/Mercer County Planning and Zoning Commission, Harrodsburg, Mercer County, Commonwealth of Kentucky, on this the _____ day of _____, 19____.

CHAIRPERSON

SECRETARY/TREASURER

Appendix A

Standard Operating Procedures

These standard operating procedures are established for the Greater Harrodsburg – Mercer County Planning Commission in order to define the subdivision review process for staff conducting plat review and developers wishing to subdivide their land. The following paragraphs define responsibilities for both the staff and developers in order to ensure that the review process is consistent and completed in a timely manner.

Minor Subdivisions

The Zoning Administrative Officer (ZAO) for the Harrodsburg – Mercer County Planning Commission shall ensure that the developer submit four (4) blue or black line prints of the minor subdivision plans and the appropriate filing fee as determined by the planning commission's adopted fee schedule.

Once the fee has been collected, the ZAO shall review the plat for compliance with all applicable requirements and ordinances. The surveyor shall certify on the plat the number of prior land divisions. Upon determination that all requirements have been met, the ZAO shall schedule a meeting with the Planning Commission's Chairman to review and certify the plat (if approved). Once approved, the ZAO shall retain one copy of the plat for planning commission files, return two (2) copies of the plat to the developer and record the original copy in the Mercer County Clerk's Office. This process should be completed within ten (10) days of submittal by the developer. The developer or his/her agent shall be responsible for all fees pertaining to the recording of the minor subdivision plat within the Mercer County Clerk's Office. The recording fees shall be submitted to the ZAO at the time of application. The ZAO shall be responsible for the filing of the plat in Mercer County Clerk's Office within one (1) week of the certification of approval. For minor plats approved prior to the implementation of these subdivision regulations, any minor subdivision plat which has not been recorded within one (1) year of the certification of approval is null and void.

If the minor subdivision plat is not approved, the ZAO shall note the reasons on the minor subdivision plat application and return the comments to the developer for revision. Should the developer dispute the accuracy of these comments, the developer is entitled to a plat review conducted by the full Planning Commission's Technical Review Committee, the results of which will be brought before the full planning commission at their next regular meeting. The ZAO shall be responsible for scheduling the plat review committee meeting and putting the minor subdivision plat review report on the agenda of the next regular meeting.

Major Subdivisions

The Zoning Administrative Officer (ZAO) for the Harrodsburg – Mercer County Planning Commission shall ensure that the developer submit five (5) blue or black line prints of the major subdivision plats and improvement plans along with the appropriate filing fee as determined by the planning commission's adopted fee schedule. In the case of the submittal of the final plat, the developer shall submit the proper recording fees (as determined by the Mercer County Clerk's Office) at the time of application for final plat approval.

Once the fees have been collected, the ZAO shall review the plat for compliance with all applicable requirements and ordinances. Upon determination that all requirements have been met, the ZAO shall schedule a meeting with the Planning Commission's Technical Review Committee to review the plat and make recommendations to the full planning commission at the next regular planning commission meeting. The ZAO will then be responsible for coordinating any modifications to the submitted plat and scheduling the plat review on the agenda of the regular planning commission meeting. The following paragraphs specifically address the proper procedure to follow for each type of major subdivision plat.

Preliminary Plat – Once five (5) copies of the preliminary plat are submitted to the Planning Commission, the ZAO shall schedule a meeting with the Technical Review Committee. Prior to the meeting with the full planning commission the developer shall be responsible for making any necessary modifications to the plat in accordance with the Technical Review Committee's recommendations. In addition, the developer is responsible for distributing plats to and obtaining approval from the following agencies:

- A. City/County Engineer: one (1) copy of the preliminary plat and one (1) copy of the description of soil conditions
- B. South Central Bell Telephone Company: one (1) copy
- C. Kentucky Utilities Company: one (1) copy
- D. Western Kentucky Gas Company: one (1) copy
- E. Kentucky State Highway District Office No. 7: one (1) copy
- F. City Waterworks Department: one (1) copy
- G. Mercer County Health Department: one (1) copy

Approval from these agencies may be presented in the form of a letter or signature on the plat. In the case where the developer allows each agency to sign the plat, one master copy of the plat shall be made containing all signatures. A copy of the plat, with signatures, shall be filed with the planning commission prior to plat approval.

The commission shall review the preliminary plat for compliance with all regulations, and consider the recommendations and/or comments of all city departments and/or other agencies before approving the plat, approving the plat with conditions, or disapproving the plat. This process should be completed within 60 days of receipt of the preliminary plat.

If the subdivision is approved, or conditionally approved, the approval is valid for one (1) year. The developer then submits the improvement plans to the planning commission. In the case where no improvements are to be installed, the developer will then submit the final plat to the planning commission.

If the subdivision is not approved, or conditionally approved, the planning commission shall note the reasons on the subdivision plat application and return the comments to the developer for revision.

Improvement Plan Review – The applicant should have a pre-application meeting with the Planning Commission's Technical Review Committee. The developer must submit five (5) copies of the Improvement Plans after Preliminary Plat approval.

Again, the developer will be responsible for submitting and obtaining the approval of each of the following agencies, if applicable:

- A. City/County Engineer– one (1) copy
- B. South Central Bell Telephone Company – one (1) copy
- C. Kentucky Utilities – one (1) copy
- D. Western Kentucky Gas Company – one (1) copy
- E. Kentucky State Highway District Office No. 7 – one (1) copy
- F. City Waterworks Department – one (1) copy
- G. Mercer County Health Department – one (1) copy
- H. Soil Conservation Service – one (1) copy
- I. State Water Pollution Control Commission – one (1) copy
- J. Other applicable city departments and agencies affected by the subdivision

Approval from these agencies may be presented in the form of a letter or signature on the improvement plans. In the case where the developer allows each agency to sign the plans, one master copy of the plan shall be made containing all signatures. A copy of the plan, with signatures, shall be filed with the planning commission prior to plat approval.

It is important to note that approval of the Improvement Plan is not Final Plat approval or acceptance of dedicated areas. Approval of the Improvement Plan is null and void after two (2) years from date of approval unless substantial construction (at least 50% of all improvements) have been installed.

Final Plat – In order to obtain final plat approval, the developer must submit the following items to the planning commission:

- 1. Two (2) originals and five (5) copies of the final plat
- 2. Two (2) copies of the application for final plat approval
- 3. One (1) copy of the traverse sheets
- 4. One (1) copy of the sanitary sewerage system plans
- 5. One (1) copy of the water system plans and profiles
- 6. One (1) copy of street plans and profiles
- 7. One (1) set of pavement design computations
- 8. One (1) set of drainage reports including computations
- 9. One (1) set of plans for the control of erosion and sedimentation
- 10. Two (2) copies of all deed restrictions and protective covenants
- 11. Final plat fees as determined by the planning commission's adopted fee schedule
- 12. Recording fees as established by the Mercer County Clerk's Office.

In addition, the developer must, within three (3) consecutive working days after the filing of the final plat, distribute the following:

- A. City/County Engineer:
 - 1. one (1) copy of the final plat
 - 2. one (1) copy of traverse closure computations
 - 3. one (1) copy of the drainage report and computations
 - 4. one (1) copy of the proposed street plan and profiles

5. one (1) set of pavement design computations
 6. one (1) copy of sanitary sewerage system plan
 7. one (1) copy of the water system plan
 8. one (1) set of plans for the control of erosion and sedimentation
- B. South Central Bell Telephone Company: one (1) copy of the final plat
 - C. Kentucky Utilities Company: one (1) copy of the final plat
 - D. Western Kentucky Gas Company: one (1) copy of the final plat
 - E. Kentucky State Highway District #7: one (1) copy of the final plat
 - F. City Water Department:
 1. one (1) copy of the final plat
 2. one (1) copy of the water system plan
 - G. Soil Conservation Service:
 1. one (1) copy of the final plat
 2. one (1) set of plans for the control of erosion and sedimentation
 - H. Mercer County Health Department:
 1. one (1) copy of the final plat
 2. one (1) copy of the sanitary sewerage plan
 3. one (1) copy of the water system plan
 - I. Mercer County 911 Coordinator: one (1) copy of the final plat
 - J. Kentucky Division of Water
 1. one (1) copy of the final plat
 2. one (1) copy of the sanitary sewerage system plan
 3. one (1) copy of the water system plan
 - K. United States Post Office: one (1) copy of the final plat
 - L. Other applicable city departments and agencies affected by the subdivision

Approval from these agencies must be presented in the form of a stamp or signature of approval on the final plat. Two copies of the plat with original signatures must be submitted to the planning commission prior to final plat certification by the planning commission chairman. One of these copies will be retained by the planning commission for their files while it will be the responsibility of the ZAO to file the other copy in the Mercer County Clerk's Office within one (1) week of final approval.

The planning commission shall review the final plat, final inspection reports for the installation of improvements, all pertinent information for conformance with all regulations and consider the recommendations and/or comments of all city departments and/or agencies. This process should be completed within 60 days of receipt of the final plat.

Final approval may be given either before or after construction of all improvements. After construction, the planning commission shall certify that the improvements have been installed in compliance with the approved plans, subdivision regulations and construction agreement (if applicable). The city then accepts all areas to be dedicated within forty-five (45) days in accordance with KRS 100.277 (4).

A conditional approval may be given provided that a construction contract and letter of acceptance by the fiscal court or board of commissioners has been made. Written notice of conditional approval shall constitute formal authorization to the developer to construct and make improvements and shall assure the developer that the

plat will be fully approved and dedicated areas will be accepted upon satisfactory installation of improvements.

If the plat is disapproved, written notice including regulations violated by the plat and/or reasons for disapproval shall be delivered to the developer by registered mail. The action should be entered in the official records of the planning commission.

*HARRODSBURG-MERCER COUNTY
PLANNING COMMISSION*

APPLICATION FOR
LAND SUBDIVISION AND DEVELOPMENT PLANS



Date Submitted: _____

Application for: _____ Minor Subdivision _____ Development Plan
 _____ Major Subdivision

If Major Subdivision: _____ Preliminary Plat
 _____ Improvement Plans
 _____ Final Plat

Subdivision/Project Name: _____

Subdivision/Project Location: _____ (Please attach a copy of the legal description)

Jurisdiction of Subdivision/Project: _____ City of Harrodsburg _____ Mercer County

Number of Lots (Including Parent Tract): _____ Acreage of Site: _____

Number of previous parcels divided from parent tract: _____

Deed Book/Page Number of Project Area: _____ / _____

Current Zoning of the Property: _____

Project Description/Proposed Use:

Utility Providers:

Water: _____

Electric: _____

Sewer: _____

Gas: _____

Other: _____

Are deed restrictions proposed? Yes _____ No _____ (If yes, please attach a copy)

List any variances requested from plat or design requirements.

Section Number:

Item

1. _____

1. _____

2. _____

2. _____

3. _____

3. _____

If submitting a final plat, have all required improvements been installed? Yes _____ No _____

If no, state your intention to install or post a guarantee (letter of credit) prior to actual installation of the unfinished improvements. In addition, please attach a detailed estimate of cost and a statement relative to the method of improvement guarantee. All estimates must be approved by the responsible municipal official prior to final plat approval.

Have all applicable utility departments signed off on the final plat? Yes _____ No _____ (Note: this must be completed prior to planning commission certification of the final plat).

Contact Person/Applicant: _____

Address: _____

Phone Number: _____

Property Owner: _____

Address: _____

Phone Number: _____

Required Fee: _____ Recording Fee: _____ Date Fee Paid: _____

FOR PLANNING COMMISSION USE ONLY:

Date of Technical Review Committee Meeting: _____

Technical Review Committee Recommendations:

Date of Planning Commission Meeting: _____

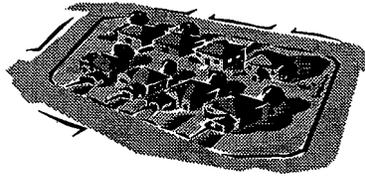
Planning Commission Action: Approved _____ Approved with Conditions _____ Denied _____

Conditions of Approval (if applicable):

If Final Plat approval:

Date plat filed with the Mercer County Clerk's Office: _____ Plat Cabinet _____ Page _____

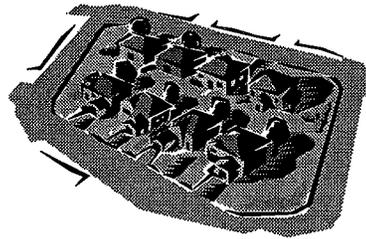
**HARRODSBURG-MERCER COUNTY
PLANNING COMMISSION
PRELIMINARY SUBDIVISION/DEVELOPMENT PLAN REVIEW
CHECKLIST**



Name of site: _____
 Location: _____
 Date submitted for review: _____

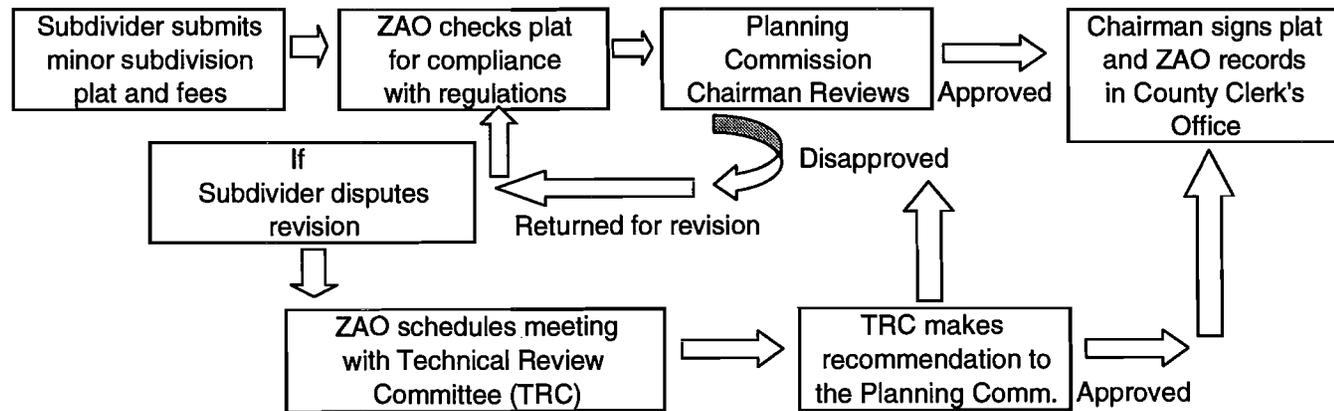
	NOTES
_____ Filing & Recording (if applicable) Fee Received	_____
_____ Five Copies of plans submitted	_____
_____ Major Subdivision	_____
_____ Minor Subdivision	_____
_____ Development Plan	_____
_____ Conventional Subdivision or	_____
_____ Cluster Subdivision	_____
_____ Preliminary Plat	_____
_____ Improvement Plan	_____
_____ Final Plat	_____
_____ TITLE BLOCK	_____
_____ Name of Subdivision	_____
_____ Address of Property	_____
_____ Graphic and Written Scale, North Arrow	_____
_____ Number of lots	_____
_____ Minimum lot size	_____
_____ Name and Address of Owner	_____
_____ Developer's Name	_____
_____ Engineer's Name, Seal and Certification	_____
_____ Date of preparation	_____
_____ VICINITY SKETCH	_____

HARRODSBURG-MERCER COUNTY PLANNING COMMISSION

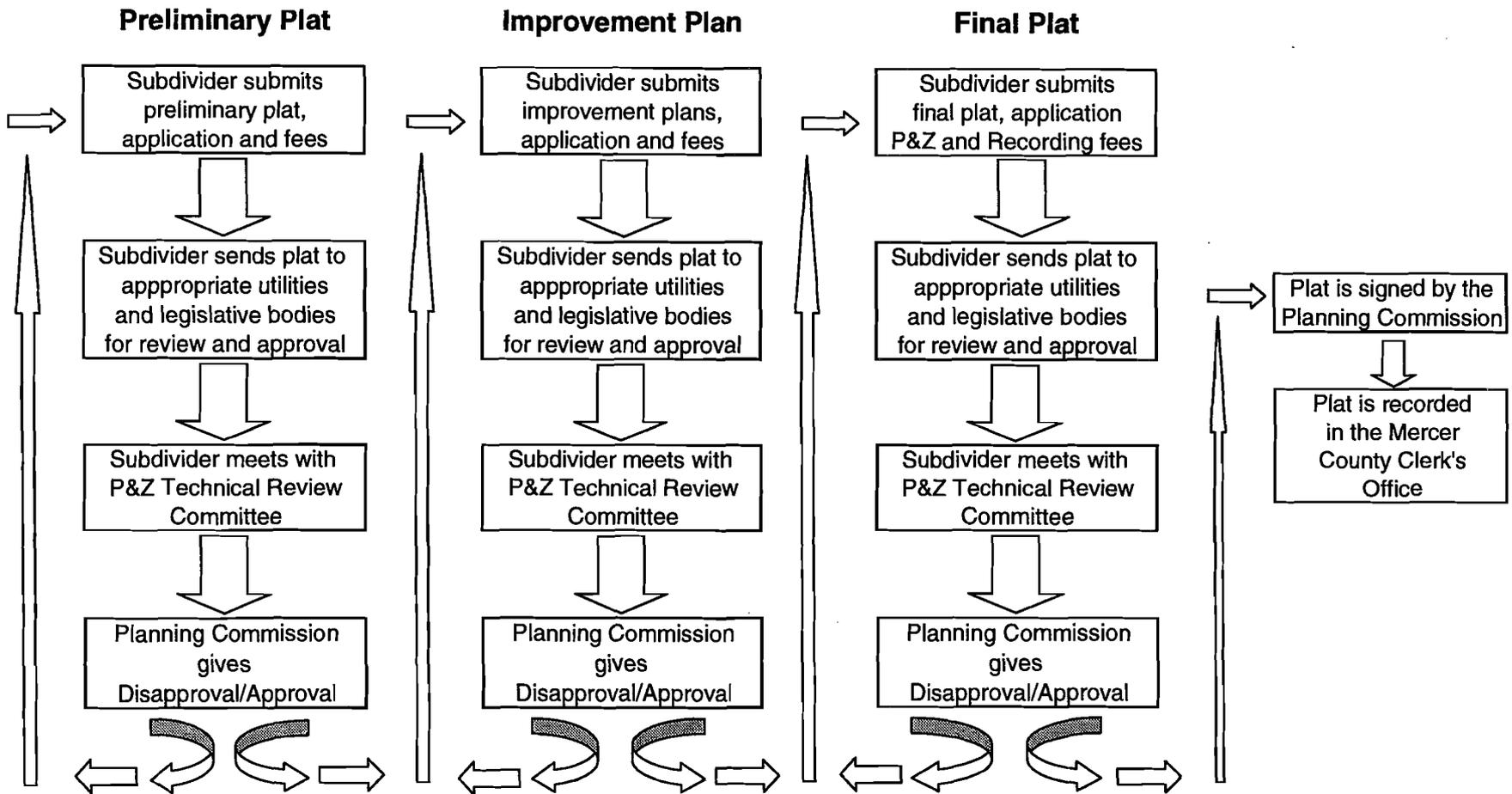


SUBDIVISION PLAT REVIEW PROCESS

Minor Subdivision



Major Subdivision Plat Process



CERTIFICATES FOR MAJOR SUBDIVISION FINAL PLATS

In addition, to the land surveyor’s certificate, the following certificates shall appear on all Final Subdivision Plats presented to the Harrodsburg-Mercer County Planning Commission for approval. The certificate shall be clearly legible, lettering shall not be less than 3/32 inch in height and shall be dated and signed.

Certificate of Ownership and Dedication

(I)/(We) hereby certify that (I am)/(We are) the owner(s) of the property described hereon and that (I)/(We) hereby adopt this subdivision plat with (my/(our) free consent, establish the minimum building restriction line, and dedicate all easements and rights-of-way for public or private use as noted.

Date

Owner’s Signature

*This statement is to be notarized

Harrodsburg-Mercer County Planning Commission Final Approval Certificate

This plat has been found to be in compliance with the Harrodsburg-Mercer County Zoning and Subdivision Regulations and is being submitted for recording in the office of the Mercer County Clerk.

Date

Chairman’s Signature

EXHIBIT D-1 STREET GEOMETRICS

Legend:

- (*1) As approved by the planning commission
- (*2) Intersection spacing shall apply as described in Section 5.8 (V)
- (*3) Alternative dimensions 23' (back or curb to back of curb) roadway width may be utilized as described in Exhibit D-2
- (*4) On collector streets, grades from 6-8% may be approved for short distances provided that no crest sight distance problem exists. Steeper grade may be approved by the planning commission on a case-by-case basis.

LOCAL STREETS

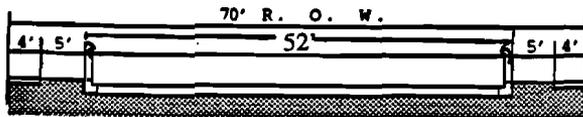
	Collector Street	Continuing	Loop/ Cul-De-Sac	Service Road	Local Residential (*1)
STREET DIMENSIONS					
Road Right-Of-Way Width	60' or 70'	50'	50' (*3)	50'	30'
Roadway Width (back/back)	41' or 52'	31'	28' or 31'	28' or 31'	23'
Curbs and Gutters	Yes	Yes	Yes	Yes	Yes
Sidewalks (width and sides)	4' (both)	4' (both)	4' (both, out- side of loop)	4' (one- outside)	4' (both)
Street Grade, Maximum *(4)	7%	8%	8%	7%	7%
Street Grade, Minimum	.8%	.8%	.8%	.8%	.8%
STREET ALIGNMENT					
Horizontal Curve Radius	500'	250'	100'	150'	300'
Stopping Sight Distance	250'	200'	200'	200'	200'
Crest Vertical Curve Formula	L=45A	L=22A	L=22A	L=22A	L=22A
Crest Vertical Curve Minimum	100'	100'	100'	100'	100'
Sag Vertical Curve Formula	L=60A	L=35A	L=35A	L=35A	L=35A
Sag Vertical Curve Minimum	100'	100'	100'	100'	100'
STREET INTERSECTIONS					
Maximum Street Legs	4	4	4	4	4
Intersection Angle (Preferred and Minimum)	90-80 °	90-80°	90-80°	90-80°	90-80°
Intersection Spacing	(*2)	(*2)	(*2)	(*2)	(*2)
Curb Radius Along Street	(*1)	20' 20'	20' 20'-40'		
Maximum Grade within 50' of intersecting gutter	3%	3%	3%	3%	3%
Maximum tangent offset within 100' of intersecting gutter	8.3'	11.3'	11.3'	11.3'	11.3'

EXHIBIT D-2 TYPICAL STREET CROSS SECTIONS

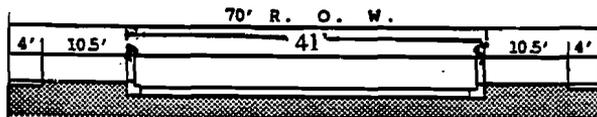
Note: The following cross-sections shall be considered typical for the situations listed. Other cross sections may be required by the Planning Commission upon advice from the City Engineer based upon the design of the actual situation encountered. Cross sections for arterial or other roadways larger than those shown in this exhibit shall be designed by the Kentucky Department of Transportation, as appropriate.

CROSS SECTIONS

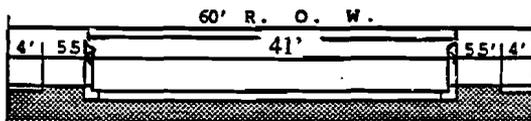
APPLICATION



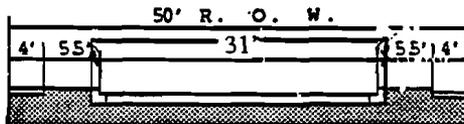
Collector street in non-residential areas; intersection with an arterial street for at least 250'. A transition section is required to the normal collector street cross section.



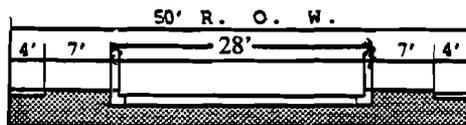
Collector street in non-residential areas; industrial area collectors and locals. (note: sidewalk may be eliminated on one side when street is completely contained within an industrial area)



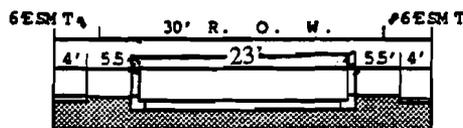
Residential collector street, industrial area locals and cul-de-sacs. (Note: sidewalk may be eliminated on one side when street is completely contained within an industrial area)



Continuous residential local street, long (over 1000') residential cul-de-sacs where density is very low; shorter cul-de-sacs in very high density areas; also commercial service roads.



Residential cul-de-sac; loop street under 1000' in length. Commercial service road with off-street parking.



Residential local, where 15 units or less have access or the average lot width is greater or equal 100' (single family only) and where two parking spaces are provided behind the building line each having independent access to the street. Easement are for sidewalks and utilities required. **(NOTE: This option to only be approved by the planning and zoning commission in special circumstances or in the case of Clustered Subdivisions).**

EXHIBIT D-3 CUL-DE-SAC DESIGNS

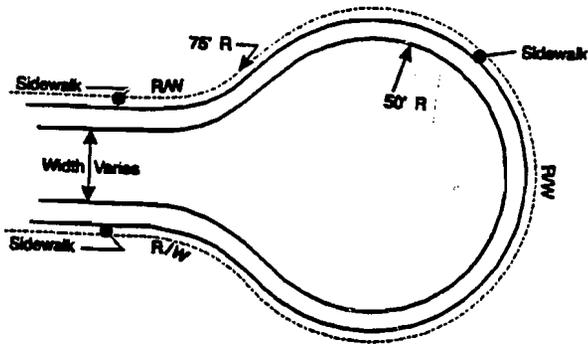


Figure 1: TYPICAL CUL-DE-SAC

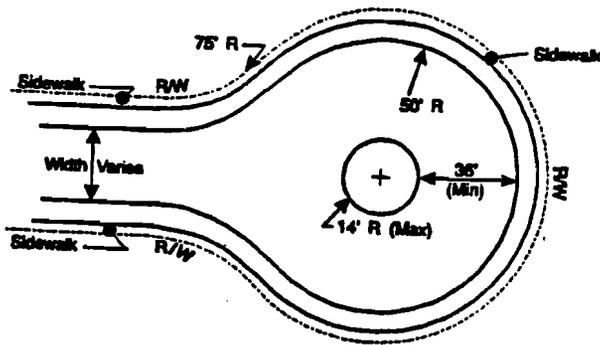


Figure 2: CUL-DE-SAC WITH MEDIAN

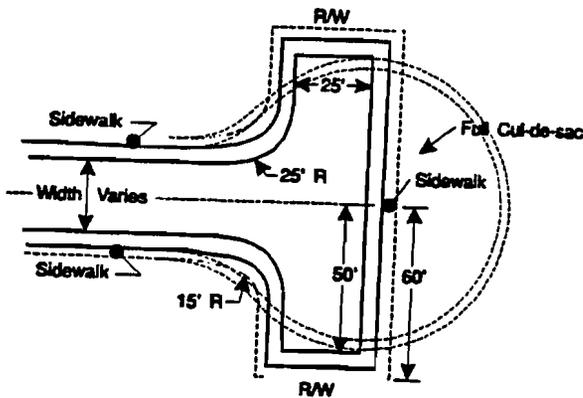


Figure 3: HAMMERHEAD This design is to be used for temporary purposes ONLY. Developers may use this cul-de-sac design in a phased development where the new street will be expected to continue or connect with other streets in the future.

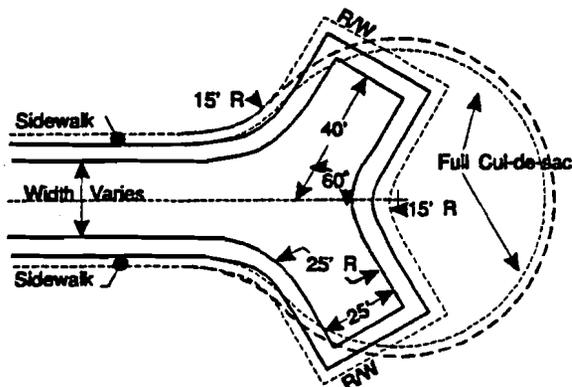
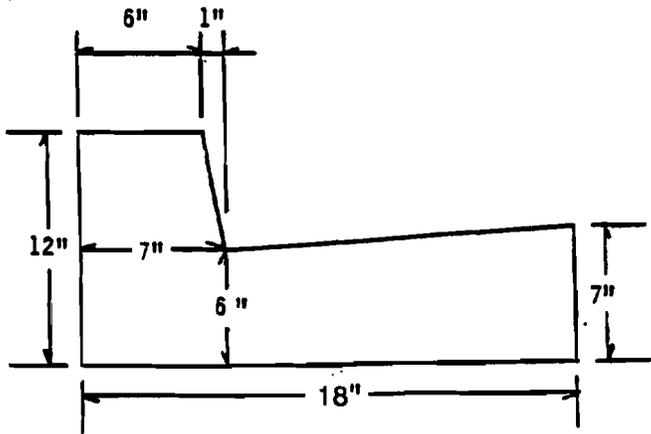


Figure 4: "Y" This design is to be used for temporary purposes ONLY. Developers may use this cul-de-sac design in a phased development where the new street will be expected to continue or connect with other streets in the future.

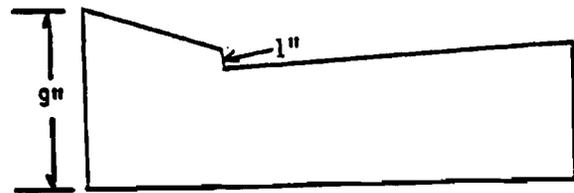
EXHIBIT D-4 CURB AND GUTTER DETAIL

CONCRETE BOX CURB AND GUTTER

The following detail shall be the standard design of all curb and gutters within the City of Harrodsburg and in Mercer County (with the exception of Burgin). The concrete box curb and gutter shall measure eighteen (18) inches from back of curb to the outer edge of gutter. The back of curb form shall be a full six (6) inches in thickness for its entire width. The gutter shall slope one (1) inch toward the curb. Subgrade for curb and gutter shall be thoroughly compacted. Compaction shall be either by approved type of self-propelled roller, or by approved type mechanical tamper. Concrete shall meet requirements for Class "A", Kentucky Department of Transportation, Bureau of highways, Standard Specifications, Current Edition.



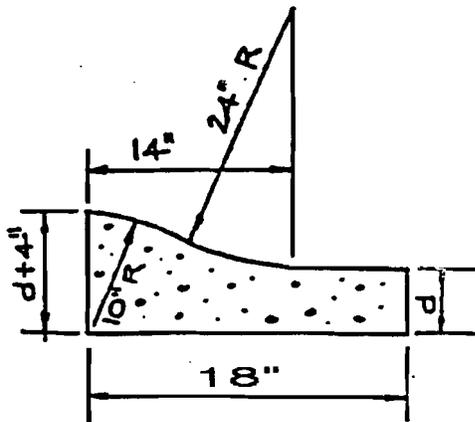
Standard Box Curb and Gutter



Entrance, Exit and Sidewalk Cut
(Dimensions other than shown remain as above)

ROLLED CONCRETE CURB (optional)

As an option, the planning commission may approve a rolled concrete curb. This option may be used where requested by the subdivider or where this type of curb is necessary to ensure compatibility with existing curbing.



APPENDIX E **PRIVATE STREETS**

Private streets may be permitted by the Commission in any Mercer County zone, but only in R-1 zones within the City of Harrodsburg. In addition to the requirements listed below, subdivision plans containing private streets shall conform to all other subdivision regulations:

1. **No Disruption to Through Movement.** Private streets may be permitted only if they meet the definition of “minor” streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and, if adjoining properties and the general area already have, or are capable of providing a proper, efficient and safe street system that will in no way depend upon the private streets.
2. **Rights-of-way and Setback.** Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.
3. **Street Improvement Standards.** Any permitted private street also shall conform to, at a minimum, the requirements for public streets and a cross section shall be drawn on the plan. A bond shall be required for the private streets and all improvements. All private street improvements shall be constructed in compliance with the approved subdivision plan and shall be inspected and approved by the City/County Engineer and the Zoning Administrative Officer (ZAO) before the bond is released.
4. **Future Acceptance by Government.** Any plan containing permitted private streets shall have such streets so labeled and shall contain the following signed certification by the owner:

“Private Street Responsibilities of Owners- The owners of this property and any successors in title hereby agree to assume full liability and responsibility for any construction, maintenance, reconstruction, snow removal, cleaning or other needs

related to the private streets so designated on this plan, and do hereby fully relieve the City and/or County from any such responsibility. The owners understand that the private streets will not result in any reduction in taxes required by and payable to the City or the County.

Furthermore, if the owners in the future should request that the private street (s) be changed to public streets, the owners do fully agree that, before acceptance of such private streets by the City or County, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets prior to dedication and acceptance. Finally, The owners also agree that these streets conform to the requirements applicable at that time for public streets, if at some future date, the City of County Government requests.” (Signed and dated by owners).

5. **Government and Utility Access.** Any plan containing permitted private streets shall show and label all other easements normally required; shall conform to all other applicable sections of these Subdivision Regulations and other local Ordinances; and shall contain the owners signed certification:

“Government and Utility Access – The owners of this property hereby agree to grant full rights of access to this property over the designated streets, utility and other easements for governmental and utility agencies to perform their normal responsibilities.” (Signed and dated by owners).

6. **Maintenance Responsibility.** A homeowners’ association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer’s responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

The homeowners’ association or other such mechanism shall own the private streets. However, police, fire, and emergency vehicles shall have immediate access to the private streets.