

Spencer County, Kentucky
ORDINANCE NO. 4
Fiscal Year 2021-2022 Series

AN ORDINANCE REPEALING ANY EXISTING SUBDIVISION
ORDINANCE/REGULATIONS OR PART THEREOF AND
CREATING NEW SUBDIVISION REGULATIONS FOR
TAYLORSVILLE SPENCER COUNTY JOINT PLANNING AND ZONING
PERTAINING TO SPENCER COUNTY

WHEREAS, a public hearing was held before the Taylorsville-Spencer County
Joint Planning and Zoning Commission on the 18th day of November, 2021 after appropriate
legal notice and,

WHEREAS, pursuant to KRS 100.277, the Taylorsville-Spencer County Joint Planning and
Zoning Commission took the following action which was to recommend the proposed changes,

WHEREAS, the Spencer County Fiscal Court held a hearing on the 20th day of
December, 2021, after appropriate legal notice, in regard to the proposed changes
and,

THEREFORE, BE IT ORDAINED by the Spencer County Fiscal Court (or the
County of Spencer) that the Revised Subdivision Ordinance of 1992 and amendments thereto are
hereby repealed;
and,

BE IT FURTHER ORDAINED by the Spencer County Fiscal Court (or the County of Spencer)
that the Subdivision Regulations are adopted to read as follows:

Received in
CC office
on 1-5-2022
Returned to
CJE office on
1-6-2022

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ARTICLE I

TITLE, PURPOSES, INTERPRETATION, AND SEVERABILITY

Section 100. Title.

These Regulations shall be known, cited, and referred to as the Taylorsville-Spencer County Subdivision Regulations.

Section 101. Purposes.

These Regulations are enacted in order to promote the orderly development of Taylorsville-Spencer County: to improve the present health, safety, convenience and welfare of its citizens and to plan for the future development of the area to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surroundings for family life: and that the growth of the community is commensurate with and primitive of the efficient and economical use of public funds.

Section 102. Interpretation.

The provisions of these Regulations shall be held to be minimum requirement to meet the above stated purposes. Where the provisions of these Regulations impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of these Regulations shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of these Regulations, the provisions of such statute, ordinance or regulation shall prevail.

These regulations shall be used in concert with the current edition of the Kentucky Transportation Cabinet (KYTC) Standards and Specifications for the design and construction of streets and bridges.

Section 103. Severability.

The provisions of these Regulations shall be severable, and if any section, clause, sentence, part or provision thereof shall be held to be unconstitutional, illegal, or invalid by any court of competent jurisdiction, such decision of court shall not affect the validity of any of the remaining sections clauses, sentences, parts or provisions of these Regulations.

Section 104. Subdivision Control.

No subdivision of any lot, tract or parcel of land shall be affected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out constructed, opened, or dedicated of public use or

travel, or for the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these Regulations.

ARTICLE II

DEFINITION OF TERMS

Section 200. General

Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of these Regulations the meanings given in the following clauses.

Section 201. Inclusions

1. For the purposes of these Regulations, words and terms used herein shall be interpreted as follows;
 - (a) Words used in the present tense include the future.
 - (b) The singular includes the plural.
 - (c) The plural includes the singular.
 - (d) The word "person" includes a corporation, unincorporated association, or a partnership as well as the individual.
 - (e) The word "lot" includes the word "plot" or "parcel"
 - (f) The term "shall" is always mandatory.
 - (g) The word "building" includes the word "structure" and shall be construed as if followed by the phrase "or part thereof".
 - (h) The word commission and the word Planning Commission always mean the Taylorsville-Spencer County Joint Planning and Zoning commission.
 - (i) The word "street" means a way for vehicular traffic, whether designated as a court, boulevard, avenue, cul-de-sac, expressway, highway, lane, and road, or however otherwise designated.
 - (j) The word city always means the city of Taylorsville, including all the land area of Spencer County.
 - (k) The word "waterhouse" includes channel, creek, ditch, drain, dry run, spring and stream.

Section 202. Subdivision.

1. The word "subdivision" shall mean the division of a tract of parcel of land into three (3) or more parcels for the purpose, whether immediate or future, of sale or of building development provided, however, that a division of land for agricultural purposes into parcels of five (5) acres or more and which does not involve a new street shall not be deemed a subdivision. The term "subdivision" shall refer to the land subdivided or to the process of subdividing according to the context.

Section 203.

Streets.

1. A public or private open way used or intended to be used for passage or travel by vehicular traffic. If private, such way must be used or intended to be used as the principal means of access to abutting lot or lots or to more than two (2) dwellings on a lot on which a private way is exclusively located. Streets are further classified as herein provided below.
2. Street Types
 - a. Arterial - Highways that are designated or utilized primarily for high vehicular speeds or for heavy volumes of traffic.
 - b. Collector – Those that carry intermediate volumes of traffic from minor streets to arterial streets.
 - c. Minor - Those that are used or will be used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.
 - d. Marginal Access - Are minor streets which are parallel to and adjacent to arterial streets and highways and which serve to reduce the number of access points to the arterial streets and thereby increase traffic safety.
 - e. Cul-de-sac - A minor street with only one vehicular outlet to another street at one end, and with a vehicular turn-around facility at the other end.

Section 204.

Other Terms.

1. Block: An area bounded by streets.
2. Building setback Line: The line parallel to the street line at a distance therefrom equal to the depth of the minimum required front yard.
3. Lot: A parcel of land used or set aside and available for use as the site of one or more buildings and building accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which said lot abuts, even if the fee to such way is in the owner of the lot. A lot for the purposes of these Regulations or may not coincide with a lot of record.
4. Plat, Final: A. complete and exact subdivision plan, prepared for official recording as required by statute, to define property rights, proposed streets, rights-of-way, easements and physical improvements or and in the land.

5. Plat, Preliminary: A tentative subdivision plat showing the approximate location and size of proposed streets, lots and improvements as a basis for consideration by the Planning commission and others prior to preparation of a final plat.
6. Right-of-Way Line: The dividing line between a street or road and a lot. The right-of-way line is the same as the street line.
7. Subdivider: A person who is the owner, or authorized agent of the owner, of land to be subdivided.
8. Yard, Front: An open space extending across the full width of the lot and lying between the street line at the nearest point of the building.
9. Zoning Ordinance: The Ordinance adopted by the Taylorsville-Spencer County Joint Planning and Zoning Commission.

ARTICLE III
PROCEDURE

Section 300. Introduction.

The procedures hereinafter specified provide for a pre-application procedure, for conditional approval of a preliminary plat, and for the approval of a final plat. The pre-application procedure and the conditional approval of the preliminary plat are optional to the applicant and are not a prerequisite to the approval of the final plat. However, these optional procedures are strongly recommended in that they provide the Subdivider with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing as final plat.

PRE-APPLICATION PROCEDURE

Section 301. Purpose.

1. The purpose of the "Pre-application Procedure" is to afford the Subdivider the opportunity to avail himself of the advice and assistance of the Planning Commission and to consult early and informally before preparation of the Preliminary Plat and before formal application for its approval.
2. During the "Pre-application Procedure", the Subdivider can advantageously make use of the services of the Planning Commission to help him analyze the problems of the development and plan more adequately for its sound coordination with the community. This preliminary discussion also affords the Planning Commission the opportunity to give informal guidance to the development at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

Section 302. Procedure

When pre-application is used, the following procedure shall apply:

1. Prior to the filing of an application for Conditional Approval of the Preliminary Plat, the Subdivider shall submit, at least ten (10) days prior to the meeting of the commission, three (3) copies of the plats and data specified in Article VI, Sections 600 through 602, to the Planning Commission.
2. This step in the procedure does not require formal application, fee, or filing of a formal plat with the Planning Commission.

Section 303. Objections shall be expressed.

1. Within thirty (30) days of the receipt of pre-application plat and data the Commission shall inform the Subdivider that the plats and data as submitted or modified do or do not meet the objectives and requirements of these Regulations.
2. When the Commission finds plats and data do not meet the objectives or requirements of these Regulations, it shall express its reasons therefore in writing and provide the Subdivider with a copy of same.

PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT

Section 304. Preliminary plat required.

On reaching conclusions informally as recommended or required in Section 312 above regarding his general program and objectives, the Subdivider may submit, at least ten (10) days prior to the Secretary of the commission, three (3) copies of the plats and data specified in the Article VI, Sections 603 through 605, to the Planning Commission.

Section 305. State Department of Highways and Soil Conservation Service Review.

If the State Department of Highways had filed with the Planning Commission a map of the territory within one mile on either or both sides of any existing or proposed highway, no Preliminary Layout shall be approved by the Planning Commission until one (1) copy of such Preliminary Layout has been referred to the designated office of the Department of Highways desires to make any recommendations on the plat, it shall communicate such to the Planning Commission within fifteen (15) days from the receipt of the plat.

The Soil Conservation Service shall review, at the request of the Planning Commission, all preliminary plats for recommendations concerning the effects the proposed development would have upon the natural environment.

Section 306. Conditional approval of the Preliminary Plat by the Planning Commission.

1. Following review of the Preliminary Plat and other material submitted for conformity thereof to these Regulations and negotiations with the Subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Commission shall, within thirty (30) days, act thereon as submitted, or modified. If approved, the Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore.
2. The action of the Commission including any conditions determined shall be noted on two (2) copies of the Preliminary Plat. One (1) copy of the action and the plat shall be returned to the Subdivider, and the other retained by the Planning Commission.

Section 307. Preliminary Plat A Guide For Preparation of Final Plat.

Conditional approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat which will be submitted for final approval of the Planning Commission.

PROCEDURE FOR APPROVAL OF FINAL PLAT

Section 308. Approval of Final Plat.

A plat of a subdivision within the jurisdiction of the Planning Commission shall not be recorded by the County Clerk unless and until it has first been approved by the Planning Commission. The filing and recording of a plat involving the subdivision of lands covered by these Regulations shall be without legal effect unless approved by the Commission: provided, however, that failure to comply with this section shall not invalidate or affect the title to any land within the area of such plat: And provided further,

that if such plat shall bear the seal of the Commission, it shall be presumed to have been approved thereby.

1. Application for Final Plat Approval. A person desiring the approval of a plat shall submit a written application for a certificate together with three (3) copies of the proposed plat as prescribed in Article VI hereof to the Planning Commission. Upon receipt of the application, the Commission if it tentatively approves the application, shall set a date for a hearing, notify the Subdivider Applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat.
2. General Requirements Prerequisite to Approval of Plats. In determining whether an application for approval shall be granted, the Commission shall determine if the plat provides for:
 - a. Coordination of subdivision streets with existing arid planned streets or highways.
 - b. Coordination with an extension of facilities included in the Comprehensive Plan.
 - c. Establishment of minimum width, depth, and area of lots within the projected subdivision.
 - d. Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the city or county.
 - e. Fair allocations of areas for streets, parks, schools public and semi-public buildings, homes, utilities, business and industry.

As a further condition of approval of a plat the Commission shall specify:

- f. The manner in which streets shall be laid out, graded and improved.
 - g. Provision for water, sewage, and other utility services.
 - h. Provision for schools.
 - i. Provision for essential municipal services.
 - j. Provision for recreational facilities.
3. Improvements or Guarantee thereof. Before approving any subdivision plan for recording, the Planning Commission shall either require that all facilities specified in Article IV and V hereof shall have been installed in strict accordance with the standards and specifications of the Commission., or that the Commission be assured by means a proper contract and completion guarantee, as set forth in subsections and of section 33 hereof, that the improvements will subsequently be installed by the Subdivider.

Agreement to Complete Improvements. In all cases where the necessary grading, paving and other street improvements required herein shall not have been installed prior to final approval in strict accordance with the standards and specifications of the commission, the Applicant shall enter into a written agreement with the City and/or County in the manner and form approved by the City's or County's Attorney, wherein Applicant shall agree, to the extent applicable.

 - a. To construct, or cause to be constructed, at his own expense, all streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, monuments, sanitary

- sewerage, street shade trees and parks and other improvements shown on said subdivision plan, all in strict accordance with standards and specifications of the Commission or other appropriate public authority and within the time specified in said Agreement.
- b. To make adequate provision with the appropriate authority for the inspection of the construction of the aforesaid improvements to assure strict compliance with the County/City standards and specifications.
 - c. To maintain at his own cost the said streets, bridges, culverts, curbs, gutters, sidewalks, crosswalks, water systems, drainage facilities, street lighting facilities, street signs, monuments, sanitary sewerage, street shade trees, parks and other improvements until the same are accepted or condemned for public use by the County/City or other appropriate public authority, and for a period of one year thereafter to repair and reconstruct the same or any part or one of them when such repair or reconstruction shall be specified by the Planning Commission as necessary by reason of faulty construction, workmanship, or materials.
4. Conditional Approval of Final Plats. The Commission may approve a plat for a subdivision in which the improvements and installations have not been completed by the Applicant as required by these Regulations provided that the Subdivider enters into the Agreement described heretofore and provides a "Letter of Credit" from a bank or a bond which shall:
- a. Run to the City of the subdivision if located within the corporate limits of Taylorsville or to the County if located outside the corporate limits of Taylorsville.
 - b. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with these Regulations; to reimburse the City or County; for reasonable legal, engineering and inspection fees, and to obtain the easements required by section 409 thereof.
 - c. Be with surety satisfactory to the Commission.
 - d. Specify the time for the completion of the improvements and installations.
 - e. Letters of Credit or Bonds shall be posted for an initial period of three (3) years. If roads have not been completed within this three (3) year time period, the City or County may, at its discretion, call the letter of credit or bond or may enter into another agreement with the Developer and require another letter of credit or bond. Each phase of the project will be reviewed individually. If the development for a specific phase is under 90% (Obtained certificates of occupancy) complete at the three (3) year mark after the start of construction, the developer will provide a new estimate of construction costs of the phase in question incorporating the fuel and asphalt adjustment from the KYTC standard specifications. After receiving the submission of a new construction estimate, the Spencer County Road Foreman and Spencer County Engineer will meet and approve the revised bond amount. If any of the said streets are to be utilized for future construction phases of the subdivision, the bond will not be released until their completion.
 - f. One year after asphalt surface has been placed, the developer may contact Spencer County Road Foreman and County Engineer to review the site. If the

Spencer County Road Foreman/ County Engineer deem the site to be accepted, the developer may apply to release the bond.

- g. If a subdivision is proposed such that its only access points will be through one or more existing residential subdivisions, then the subdivider shall submit to the Spencer Road Foreman and Spencer County Engineer for its review and approval a method for compensating any private or county road maintenance authority for damage that occurs to subdivision/county roads under its jurisdiction from construction of new roads and structures in the proposed subdivision. Once the fee has been established by the County Engineer, that amount will be posted as part of the performance surety at the time of record plat approval.

Any funds received from these bonds or letter of credit shall be used by the City or County only for completion of the improvements and installations for which they were provided, and without prior appropriation. Please reference Section 313 for further bond details.

Section 309. Commission Action on Plat Approval or Disapproval

After hearing and within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

DEDICATION OF IMPROVEMENTS

Section 310. Offer Of Dedication May Be Noted in Record Plan

Streets, parks, and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the City or an appropriate governmental agency by notation thereof on the plan, or the subdivider may note on the plan that such improvements have not been offered for dedication to the City or an appropriate governmental agency.

Section 311. Improvements Private Until Dedicated. Condemned or Acquired.

Every street, park or other improvement shown on a subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the County/City and accepted, by resolution, and recorded in the office of the County Clerk, or until it has been condemned for use as a public street, park or other improvement; or until purchased by a governmental agency.

DEVELOPMENT OF SUBDIVISION IN SECTION

Section 312. Submission in Sections

The Planning Commission may permit submission of the Final plat in sections provided that such sections conform to all the requirements of these Regulations.

SURETY REQUIREMENTS

Section 313. This section generally outlines procedures and guidelines for surety requirements for completing public improvements. Specific criteria for administration of these guidelines are to be adopted by the administering authority, that person or entity responsible for administration of the surety requirements as appointed by the appropriate legislative body. A subdivider may begin construction of public improvements after the preliminary plat and construction plan have been fully approved. If such public improvements have not been fully constructed at the time of appropriate staff review and consideration of the record plat, the plat may be approved for recording prior to completion of such public improvements. For any such case, an acceptable surety shall be posted by the subdivider to cover the full cost of completing the public improvements. The following requirements and procedure shall apply:

- A. Acceptable Sureties - (1) An irrevocable letter of credit in favor of the appropriate legislative body from a bank with offices in the Commonwealth of Kentucky, (2) a performance bond in favor of the appropriate legislative body from a reputable bonding company acceptable to the administering authority, or (3) a cash security in favor of the appropriate legislative body may be presented to the administering authority as an acceptable surety. For the purposes of these regulations, the term "bonding" shall be construed to also include the posting of a letter of credit or cash as surety.
- B. Posting of Surety with Record Plat - The acceptable surety shall be presented to the administering authority at the time the subdivider applies for record plat approval. The amount of the surety needed shall be based upon the project engineer's estimated cost of completing the required public improvements. The final amount of surety will be established by The Spencer County Road Foreman and County Engineer. The surety shall be accompanied by a performance agreement that establishes a completion date, after which the legislative body may contact the subdivider's bank or bonding company and cause the work to be completed.
- C. Reduction of Surety - Once road construction has been completed through the base course of asphalt and utilities have been installed, the subdivider may request one reduction in the amount of surety upon approval of the legislative body. The amount of the reduction shall be based upon a certification by the project engineer of the estimated cost of road and public improvements that remain to be completed and as authorized by the Spencer County Road Foreman and Engineer, however the surety shall not be reduced to less than the estimated cost to complete road construction plus an additional 50 percent, plus the costs to complete public improvements.
- D. Release of Surety - When the subdivider has completed all required improvements and has submitted a revised construction plan, the subdivider shall submit to the appropriate legislative body a written request for release of the surety. Upon inspection and determination by the Spencer County Road Foreman

and Engineer that all improvements have been properly constructed in conformance with these regulations, the legislative body shall release the surety. The legislative body may require certification from the project engineer concerning proper completion of the improvements. The legislative body may withhold partial surety for one year following completion of the required public improvements.

- E. Each phase of the project will be reviewed individually. If the development for a specific phase is under 90% complete at the three (3) year mark after the start of construction, the developer will provide a new estimate of construction costs of the phase in question incorporating the fuel and asphalt adjustment from the KYTC standard specifications. After receiving the submission of a new construction estimate, the Spencer County Road Foreman and Engineer will meet and approve the revised bond amount.
- F. Engineer's Certification - Whenever a project engineer's certification is required as stated above, one of the Certifications contained in the Appendices (Appendix C or Appendix D) shall be used.

APPENDICES

APPENDIX A: PRIVATE ROAD MAINTENANCE RESPONSIBILITIES

The owners of this property and any successors in title do hereby agree to assume complete liability and responsibility for any construction, reconstruction, cleaning, snow removal, or any other needs related to the maintenance of the private roads designated on this recorded plat. The owners of this property do hereby fully relieve local government from any maintenance responsibilities and fully understand that the private roads will not result in any reduction or reimbursement of taxes required and payable to local government. If the owners of this property should ever request local government to accept maintenance responsibility of these roads, the owners do fully agree to upgrade the private roads to public streets in conformity with all applicable standards and provisions specified in the current governmental regulations.

OWNERS: (Signature) (Date)

APPENDIX B: GOVERNMENT AND EMERGENCY ACCESS

The owners of this property and any successors in title do hereby agree to grant for government and emergency access purposes continuous rights of access to properties on this recorded plat over all designated road, utility, and access easements for purposes of government and emergency access.

OWNERS: (Signature) (Date)

APPENDIX C: CERTIFICATION OF PARTIAL COMPLETION

I hereby certify to the best of my knowledge and belief that the required public improvements that have been constructed meet or exceed the construction standards approved for this subdivision under local regulations, and I estimate that the cost to complete the remainder of the required public

improvements according to specifications should not exceed
\$ _____ as itemized below.
(Engineer's signature) (Date) (Seal)

APPENDIX D: CERTIFICATION OF COMPLETION

I hereby certify to the best of my knowledge and belief that all required
public improvements have been constructed, and that they meet or exceed
the construction standards approved for this subdivision under local
regulations.
(Engineer's signature) (Date) (Seal)

ARTICLE IV
DESIGN STANDARDS

Section 400. Location and Arrangement of Streets.

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan for the County as adopted or amended, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Where such is not indicated in the Comprehensive Plan the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
3. Local streets shall be so laid out that their use by through traffic will be discouraged.
4. “Dead-end streets (cul-de-sac), designed to be so permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet so the Planning Commission may approve an alternate design such as a T or Y back-around. Such street shall not be longer than 700 feet measured from its intersecting R. O.W. line to the outer edge of the turnaround except where topographical or other conditions make this limitation impractical. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet”.

Section 401. Access to Streets.

1. Where a subdivision abuts or contains a present or proposed arterial street, the Planning Commission may require reverse frontage with screen planting contained in a non-access easement along the rear property line, marginal access street, or such other treatment as may be necessary for adequate protection of residential properties and other abutting properties and to afford separation of through and local traffic.

2. Reserve strips controlling access to streets shall be prohibited except where control thereof is vested in the County under conditions approved by the Planning Commission. When the subdivision adjoins unsubdivided acreage, new streets shall be provided through to the boundary lines of the development with temporary easements for turn-around.

Section 402. Street Intersections.

1. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall be avoided where practicable.
2. Streets shall be laid out so as to intersect at right angles wherever possible.
3. Right-of-way lines at street intersections shall be rounded with a radius of twenty-five (25) feet, or of a greater radius where the Planning Commission may permit comparable cut-offs or chords in place of rounded corners.
4. No cross intersections of centerlines of other than minor, marginal access, or cul-de-sac streets shall be closer than 800 feet apart, unless the Commission deems otherwise.
5. Multiple intersections involving the junction of more than two streets shall be avoided, and where such avoidance is impossible such intersections shall be designed with extreme care for both vehicular and pedestrian safety.
6. Grades at intersections shall be in conformance with Section 405, Subsection 3 following.
7. Proper sight lines shall be maintained at all intersections of streets. Measured from the intersecting street lines, these shall be a clear sight triangle from the point of intersection indicated on the plan and maintained free and clear of shrubs, structures, signs and other visual obstructions.
8. The intersection should be designed and graded to allow for proper drainage.

Section 403. Street Widths And Building setback Lines.

1. Street right-of-way and pavement widths shall be not less than as follows where practicable.

<u>Street Type</u>	<u>Right-of-way</u> (in feet)	<u>Paving Width</u> (in feet)
Arterial	80	40
Collector	60	36
Minor	50	20
Marginal Access	50	20
Cul-de-sac	50	20

2. The developer will provide a ROW landscaping plan to the Spencer County Planning and Zoning prior to approval of the planned development. The Spencer County Planning Commission and Planning & Zoning will review this plan for verification of proper sight distance and ease of ROW maintenance.
3. Additional rights-of-way and paving widths than those specified in this or other Ordinances may be required by the planning commission in order to lessen traffic congestion, to secure safety from fire, panic and other dangers, to facilitate the adequate provision for transportation and other public requirements or to promote the general welfare
4. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these Regulations. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the Subdivider. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
5. Where a subdivision abuts or contains an existing street if inadequate right-of-way width, additional right-of-way width shall be dedicated to conforming to the standards established in section 403, Subsection 1.
6. The width of the streets shall be at least 24 feet wide with at least 20 feet of which shall consist of at least 6 inches of #3 stone and 4 inches of gravel base compacted in accordance with the subdivision street requirement of these regulations. All new county roads shall have curbing.
7. It is the responsibility of the developer to widen the existing county roads that provide access to the subdivision along its physical boundary with said subdivision. This work will be phased as outlined above and include, at the owner's expense, the relocation/reconstruction of any utilities,

drainage structures, roadside ditches, entrances, and miscellaneous appurtenances disturbed by said construction. The existing county road will be widened from centerline of said road to provide a 20' (minimum) paved width with 2' shoulders. The road widening shall be constructed as follows:

- A. A 12" wide, 1" milled depth edge key will be constructed along the existing pavement edges.
- B. The widened paved roadway shall consist of KYTC Type II Geotextile Fabric, 6" lift of #3 stone, 4" lift of dense graded aggregate, and 3" compacted depth bituminous base. The shoulders shall be 2' wide and 4.5" deep.
- C. A tack coat and a 1 ½" compacted depth bituminous surface shall thence be applied over the entire roadway.
- D. The new pavement section shall thence be tapered back to the existing pavement and shoulder width 50' from the terminus of the widened areas. KYTC Type II Geotextile Fabric, 6" lift of #3 stone, and 4" lift of dense graded aggregate will be used in construction of the taper.

Maintenance of traffic during widening of said road shall be the responsibility of the developer. The plans for existing county road widening including maintenance of traffic plan will be provided during the design phase and a be a condition of approval of the subdivision plat. All plans will be designed to meet Kentucky Transportation Cabinet (KYTC) Standards and Specifications. Additionally, the developer will provide the Spencer County Fiscal Court with a bond for this work.

Section 404. Street Alignment.

- 1. Except for collector and minor, marginal access and cul—de-sac streets, there shall be a tangent of at least one hundred (100) feet measured at the centerline between curves.
- 2. The minimum radius at the centerline shall be four hundred (400) feet for arterial streets, three hundred feet for minor streets. Proper superelevation shall be provided on essential arterial streets where necessary.

Section 405. Street Grades.

1. Street grades, where feasible, shall not exceed the following:

<u>Street Type</u>	<u>Desirable</u>	<u>Maximum</u>
Arterial	4%	5%
Collector	5%	7%
Minor	8%	8%
Marginal Access	8%	8%
Cul-de-sac	8%	8%

Any road over an 8% grade must be reviewed and approved by the County Road Foreman and County Engineer prior to submitting a development plan.

2. Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed in relation to the extent of grade change and to provide the following minimum lengths of curves where practicable:
 - a. For over crests (summits), for each four (4) percent difference in gradients, one hundred and twenty-five (125) feet in length of curve, shall be provided.
 - b. For under crests (sags), for each four (4) percent difference in gradients, one hundred (100) feet in length of curve.
3. Where practicable, the grade of any street at the approach to an intersection should not exceed seven (7) percent. In those cases where the natural grade exceeds seven (7) percent as indicated hereinbefore, a leveling area shall be provided having a minimum length of fifty (50) feet measured back from the street line within which no grade shall exceed a maximum of seven (7) percent. Furthermore, the maximum grade within an intersection, shall not exceed three percent.
4. No Street grade shall be less than one-half (0.5) percent.

Section 406. Street Names.

No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission.

Section 407. Private Streets and Reserve Strips.

1. There shall be no private streets platted in a subdivision with any lot less than five (5) acres and every subdivision with any lot of less than five (5) acres shall be served by a public dedicated street, which shall be constructed in accordance of Article V, Section 503 the subdivision street requirements and other appropriate provisions of these regulations.

2. Subdivisions which have all of its lots containing at least five (5) acres or more may have privately maintained gravel streets provided each and every of the following conditions are met:
 - a. The subdivision is located in the county.
 - b. The total number of lots in the subdivision which the private streets serve, shall not exceed six (6) in number, each of which shall contain five (5) acres or more.
 - c. The private streets within a subdivision shall have a combined maximum length of all private streets within that division of 1 mile (5,280 feet), which shall connect to each other, but must connect to a public road (county or state).
 - d. The width of the private streets shall be at least 24 feet wide with at least 20 feet of which shall consist of at least 6 inches of #3 stone and 4 inches of gravel base compacted in accordance with the subdivision street requirement of these regulations and said private streets shall have at least a 2 feet shoulder, and includes roadside ditching where feasible on each side of the gravel base. The road(s) shall be inspected by the County Road Foreman or an Engineer if the County Road Foreman deems necessary. Building Permits for such developments are not to be issued until the inspections are complete and approval is granted.
 - e. Prior to approval by the Planning Commission, the subdivision plat shall show the gravel road or roads and shall be inscribed “PRIVATE ROAD(S), NOT MAINTAINED WITH PUBLIC FUNDS”.
 - f. As private gravel streets, the county will not provide any maintenance for said streets, nor provide public transportation. The following shall be shown on the Record Plat and Deed.

“The streets serving this subdivision are designated as private streets, the maintenance for which is the sole responsibility of the owners of the lots served by said streets and under no circumstances shall the local legislative body be obligated at anytime to provide any maintenance for said street or streets” nor to provide public transportation.
 - g. The maintenance agreement, after approval by the Commission, shall be recorded with the plat in the Spencer County Clerk’s office.

- h. A sign shall be placed at the entranceway of said development, inscribed "PRIVATE ROAD, NOT MAINTAINED WITH PUBLIC FUNDS," as soon as the entrance is constructed sign is to be erected.
3. The county shall not maintain the private street or streets, unless the street or streets are blacktopped and conformed to all the requirements of Article V, Section 503, the street requirements of these regulations and the street or streets are accepted as a public street by the county.
4. The definition of private street or streets and private road are synonymous for the purpose of these regulations and shall mean a thoroughfare for the use of vehicular traffic, which may be graveled rather than blacktopped as required by Article V, Section 503 of these regulations.
5. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the County under conditions approved by the Planning Commission and accepted by the appropriate legislative body.

Section 408. Alleys.

1. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
2. The width of an alley shall not be less than fifteen (15) feet.
3. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

Section 409. Easements.

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for both present and future drainage needs.

Section 410. Blocks.

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Needs for convenient access, circulation, control, and safety of street traffic.
 - (d) Limitations and opportunities of topography.
2. To the extent possible, block length shall not exceed sixteen hundred (1600) feet, or be less than five hundred (500) feet.
3. Where possible, residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a street are used.
4. Pedestrian cross walks, with a minimum pavement width of three (3) feet, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 411. Lots.

1. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
2. The subdividing of the land shall be such as to provide, by means of public street, each lot with satisfactory access to an existing public street.
3. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
4. Side lot lines shall be substantially at right angles or radial to street lines.
5. In residential zones, lot depths shall not be less than one (1), nor more than three (3) times the average width. Pursuant to KRS 100.281 subsection six (6), the Planning Commission may hear and finally decide applications for variances when a proposed development requires a subdivision and one (1) or more variances.
 - a. With regard to variances in subdivisions, the Planning Commission shall assume all powers and duties otherwise exercised by the

Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.243, 100.247 and 100.251.

- b. The applicant of the subdivision at the time of the filing of the application for the subdivision may elect to have any variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Adjustment as otherwise provided for in this chapter.
6. The size, depth, and width of parcels laid out or reserved for nonresidential use shall be in conformance with all the provisions of the Zoning Ordinance.

Section 412. Storm Drainage.

- 1. Drainage facilities shall be provided:
 - (a) to permit unimpeded flow of natural watercourses; and
 - (b) to ensure adequate drainage of all points along the line of streets.
- 2. Storm sewers, where required by the Planning Commission, shall be placed in back of the curb when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than ten (10) feet wide.
- 3. In some cases, storm water must travel in original stream beds or in open channels. Where necessary concreted or rip rapped channels shall be required. Open channels, whether concreted or not, shall generally be straightened and widened to conform to drainage requirements.
- 4. Inlets and manhole covers and frames shall conform to County standards. At street intersections, inlets shall be placed in the tangent and not in the curved portion of the curbing.
- 5. Bridges and culverts shall have ample water way to carry expected flows. Culverts shall be provided with wing walls and constructed for the full width of the right-of-way. Bridges shall be provided with a paved flow line and with deep aprons and wing walls at each end. Bridges shall be constructed no narrower than the paved width plus (2) feet on each side of pavement.

Section 413. Community Facilities/ Public Improvements.

- 1. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation of such area within the

subdivision in those cases which the Commission deems consistent with the Comprehensive Plan.

2. Where deemed essential by the Planning Commission upon consideration of the particular type of development proposed in the subdivision, the commission may require the reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.
3. The following standards shall apply to the provision of recreation space:
 - (a) Areas set aside for recreational purposes shall be reasonably compact parcels, placed to serve all parts of the subdivision, accessible from a public street, and not excessively irregular in terrain.
 - (b) Playgrounds for active sports shall be not less than two and threequarters (2-3/4) acres.
 - (c) In subdivisions which provide or are intended to provide housing facilities for more than fifty (50) families suitable open areas may be required for recreation. Standards to be used by the Planning Commission in testing the adequacy of space provided shall be as follows:

50 to 300 families – 1-1 1/2 acres per hundred families

Section 414. Land Subject To Flooding.

1. Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans.
2. Such land within the subdivision shall be set aside on the plat for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
3. Where flooding is known to have occurred within an area shown on the plat, such area shall be clearly marked “subject to periodic flooding” and shall not be platted in streets and lots.

Section 415. Preservation of Natural Resources.

1. Wherever possible, Subdivider shall preserve trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.

2. Subdivisions shall be laid out so as to avoid the necessity for excessive cut or fill.
3. Top soil shall not be stripped, covered or removed from the subdivision site.

Section 416. Overhead Utilities/ Public Improvements.

Wherever practicable, telephone and electric service lines shall be placed at the rear of all lots or underground, and all transformer boxes and other equipment located so as not to be unsightly or hazardous to the public.

Section 417. Requirement for Utilities/ Public Improvements.

The planning Commission may require the subdivider to furnish all necessary public utilities in and to the proposed subdivision. Water supply and sewage disposal must be furnished in accordance with the plan approved by the appropriate State and County officials.

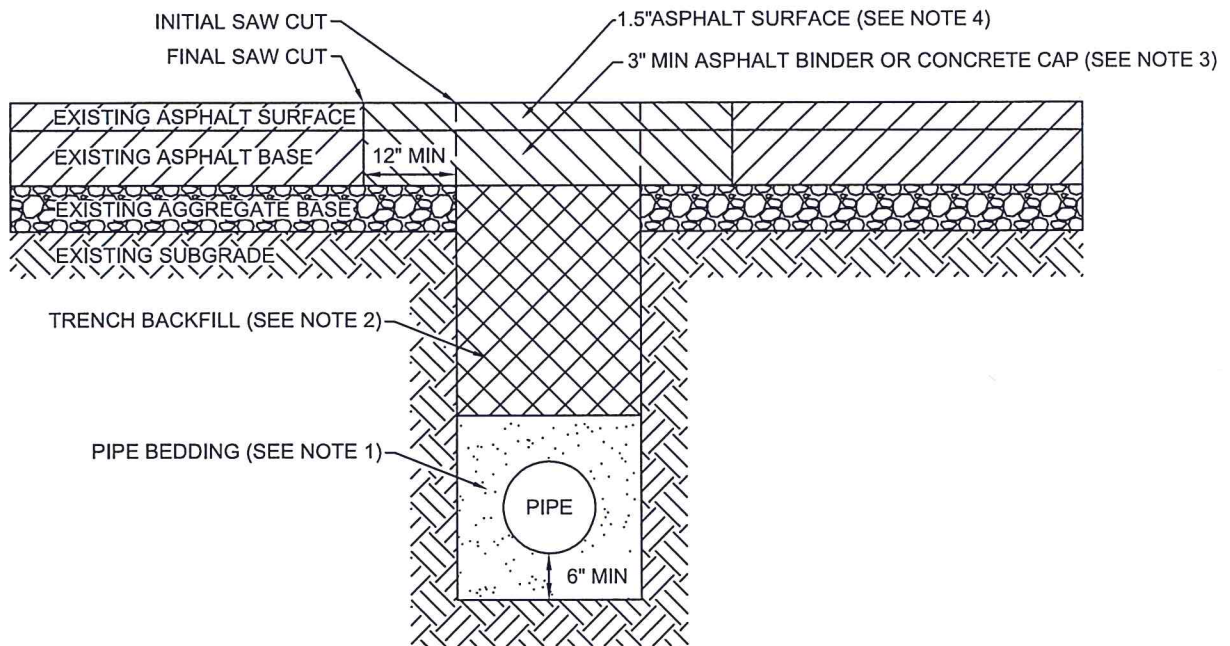
This phase shall consist of placement of all underground utilities including service laterals and encasements within the proposed right-of-way. The plan for plantings/screening will be provided during the design phase and be a condition of approval of the final subdivision plat. It is the responsibility of the developer to coordinate this with the appropriate utility companies, Spencer County Planning & Zoning, County Road Foreman and County Engineer. The plan for plantings/screening will be provided during the design phase and be a condition of approval of the final subdivision plat.

Section 418. Utility Trench Restoration.

Please reference attached Trench Restoration drawings for concrete pavement and asphalt pavement.

Section 419. Building Permits

Placement of a 12' wide, 4" deep stone construction access pad from the edge of pavement to the edge of proposed right-of-way, including placement of an entrance pipe, as directed by the County Road Foreman, where applicable is required before any incidental lot grading or construction permit is issued. It shall be the responsibility of the owner to maintain the construction entrance until the final entrance is complete.



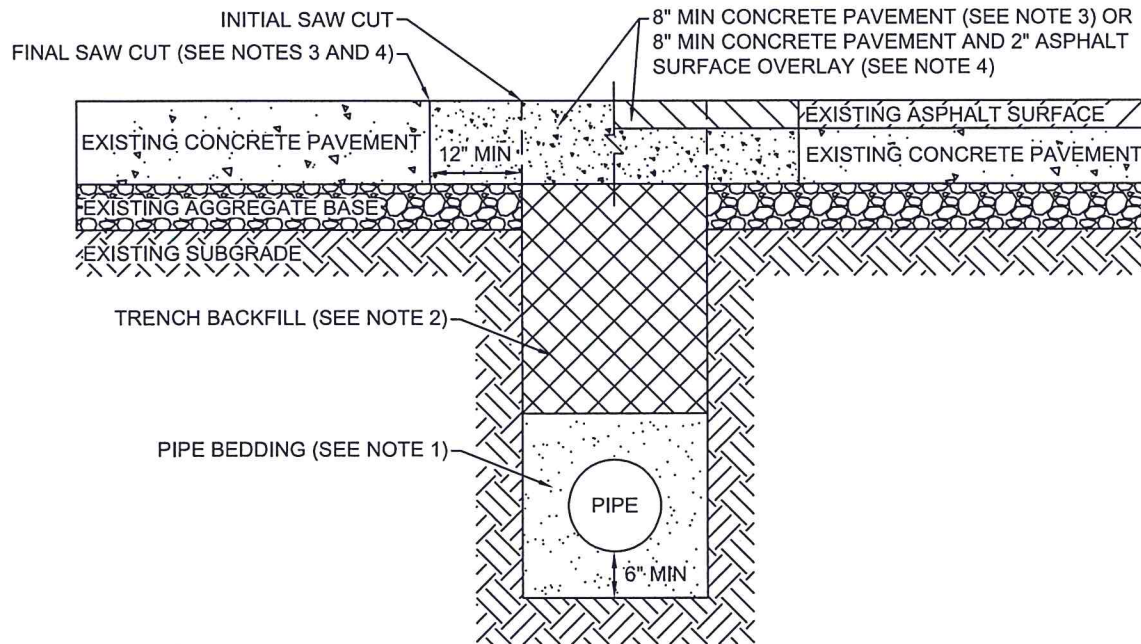
TRENCH RESTORATION - ASPHALT PAVEMENT

NOTES

1. PIPE BEDDING MATERIAL PER UTILITY OWNER AND AS APPROVED BY THE SPENCER COUNTY ROAD DEPARTMENT. HAUNCH BEDDING MATERIAL UNDER THE PIPE.
2. TRENCH BACKFILL MATERIAL APPROVED BY THE SPENCER COUNTY ROAD DEPARTMENT:
 - A. DGA - PER KYTC SECTION 805 PLACED IN MAXIMUM 6 INCH COMPACTED LIFTS.
 - B. FLOWABLE FILL - MAXIMUM 200 PSI COMPRESSIVE STRENGTH.

TRENCH BACKFILL MATERIAL REQUIRING APPROVAL FROM THE SPENCER COUNTY ROAD DEPARTMENT ON A CASE BY CASE BASIS:

 - C. STONE NO. 57 - PER KYTC SECTION 805 PLACED IN 12 INCH LOOSE LIFTS AND MECHANICALLY COMPACTED. INSTALL GEOTEXTILE FABRIC, TYPE IV PER KYTC SECTION 843 BETWEEN SUBGRADE AND BEDDING OR BACKFILL MATERIAL.
 - D. SAND - PER KYTC SECTION 804 FLUSHED AND JETTED.
 - E. EARTH - PER KYTC SECTION 206 PLACED IN 6 INCH LOOSE LIFTS AND MECHANICALLY COMPACTED.
3. ASPHALT PAVEMENT BINDER PER KYTC SECTION 401, 402, AND 403 OR CONCRETE CAP WITH 1,000 PSI LEAN CONCRETE. MATCH EXISTING PAVEMENT THICKNESS OR 3" THICK MINIMUM, WHICHEVER IS GREATER. INSTALL TACK COAT PER KYTC SECTION 406 ON THE CONCRETE CAP PRIOR TO PLACEMENT OF THE ASPHALT PAVEMENT SURFACE.
4. ASPHALT PAVEMENT SURFACE PER KYTC SECTION 401, 402, AND 403, MILL AND RESURFACE EXISTING ROADWAY TO A MINIMUM DEPTH OF 1.5 INCHES TO A FULL LANE WIDTH OR AS DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT. PAVEMENT JOINTS SHALL BE SEALED WITH A JOINT SEALANT PER KYTC SECTION 403 AFTER PLACEMENT OF THE ASPHALT PAVEMENT SURFACE.
5. FINAL SAW CUT SHALL BE MADE AFTER TRENCH EXCAVATION AND BACKFILL ARE COMPLETE AND IMMEDIATELY PRIOR TO PAVEMENT RESTORATION. UNLESS OTHERWISE DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT, A FINAL SAW CUT IS NOT REQUIRED WHEN FLOWABLE FILL IS USED AS TRENCH BACKFILL MATERIAL.
6. ROADWAYS WHICH HAVE BEEN RECENTLY RESURFACED WILL REQUIRE MORE EXTENSIVE OVERLAY AS DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT.



TRENCH RESTORATION - CONCRETE PAVEMENT

NOTES

1. PIPE BEDDING MATERIAL PER UTILITY OWNER AND AS APPROVED BY THE SPENCER COUNTY ROAD DEPARTMENT. HAUNCH BEDDING MATERIAL UNDER THE PIPE.
2. TRENCH BACKFILL MATERIAL APPROVED BY THE SPENCER COUNTY ROAD DEPARTMENT:
 - A. DGA - PER KYTC SECTION 805 PLACED IN MAXIMUM 6 INCH COMPACTED LIFTS.
 - B. FLOWABLE FILL - MAXIMUM 200 PSI COMPRESSIVE STRENGTH.

TRENCH BACKFILL MATERIAL REQUIRING APPROVAL FROM THE SPENCER COUNTY ROAD DEPARTMENT ON A CASE BY CASE BASIS:

 - C. STONE NO. 57 - PER KYTC SECTION 805 PLACED IN 12 INCH LOOSE LIFTS AND MECHANICALLY COMPACTED. INSTALL GEOTEXTILE FABRIC, TYPE IV PER KYTC SECTION 843 BETWEEN SUBGRADE AND BEDDING OR BACKFILL MATERIAL.
 - D. SAND - PER KYTC SECTION 804 FLUSHED AND JETTED.
 - E. EARTH - PER KYTC SECTION 206 PLACED IN 6 INCH LOOSE LIFTS AND MECHANICALLY COMPACTED.
3. CONCRETE PAVEMENT, CLASS A PER KYTC SECTION 501. MATCH EXISTING PAVEMENT THICKNESS OR 8" THICK MINIMUM, WHICHEVER IS GREATER. IF FINAL SAW CUT IS WITHIN 4 FEET OF AN EXISTING PAVEMENT JOINT, EXTEND CONCRETE PAVEMENT REPLACEMENT TO THE EXISTING JOINT. INSTALL TIE BARS ON LONGITUDINAL JOINTS AND DOWEL BARS ON TRANSVERSE JOINTS PER KYTC SECTION 811. MATCH EXISTING JOINT PATTERN AS DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT.
4. ASPHALT PAVEMENT SURFACE OVERLAY PER KYTC SECTION 401, 402, AND 403 AND CONCRETE PAVEMENT PER KYTC SECTION 501. MATCH EXISTING CONCRETE PAVEMENT THICKNESS OR 8 INCHES THICK MINIMUM, WHICHEVER IS GREATER. INSTALL TIE BARS ON LONGITUDINAL JOINTS AND DOWEL BARS ON TRANSVERSE JOINTS PER KYTC SECTION 811. INSTALL TACK COAT PER KYTC SECTION 406 ON CONCRETE PAVEMENT PRIOR TO PLACEMENT OF THE ASPHALT PAVEMENT SURFACE. PAVEMENT JOINTS SHALL BE SEALED WITH A JOINT SEALANT PER KYTC SECTION 403 AFTER PLACEMENT OF THE ASPHALT PAVEMENT SURFACE.
5. FINAL SAW CUT SHALL BE MADE AFTER TRENCH EXCAVATION AND BACKFILL ARE COMPLETE AND IMMEDIATELY PRIOR TO PAVEMENT RESTORATION. UNLESS OTHERWISE DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT, A FINAL SAW CUT IS NOT REQUIRED WHEN FLOWABLE FILL IS USED AS TRENCH BACKFILL MATERIAL. WHEN FLOWABLE FILL IS USED, IF INITIAL SAW CUT IS WITHIN 4 FEET OF AN EXISTING PAVEMENT JOINT, EXTEND CONCRETE PAVEMENT REPLACEMENT TO THE EXISTING JOINT.
6. ROADWAYS WHICH HAVE BEEN RECENTLY RESURFACED WILL REQUIRE MORE EXTENSIVE OVERLAY AS DIRECTED BY THE SPENCER COUNTY ROAD DEPARTMENT.

ARTICLE V
REQUIRED IMPROVEMENTS

Section 500. Purpose.

1. The purpose of this article is:
 - (a) to establish and define the public improvements which will be required to be construct by the subdivider as conditions for final plat approval; and
 - (b) to establish procedures for assuring compliance to these requirements.
2. Every subdivider shall be required to install the public and other improvements listed in Sections 502 through 509 in accordance with the public intent and the conditions and specifications noted.

Section 501. Responsibility For Plans.

It shall be the responsibility of the Owner of every proposed subdivision, to have prepared by a registered engineer, or registered land surveyor, a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for the hereinafter required public streets, utilities and other facilities. All construction plans shall be prepared in accordance with the following public improvement standards or specifications as approved by the appropriate officials. Prior to construction, the developer will submit the following plans for approval by the County Engineer and Spencer County Planning & Zoning:

1. Construction
2. Erosion Control
3. Landscape within Right-of-Way
4. Hydraulic Study
5. Traffic Impact Study
6. KDOW Permit

If any portion of construction has not been completed within 6 years after plan approval, the developer will be required to resubmit all plans that impact the phase of construction that has not been completed at that date for review and approval.

Section 502. Monuments and Pins.

1. Concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or four (4) inches square shall be set at all corners on the plat. The top of the Monument shall be flat and shall have an indented cross to properly identify the location. Except in cases where it is deemed clearly unreasonable or infeasible by the Planning commission, these monuments shall be described on the Final Plat in relation to the located section corners of the Coordinate system of the commonwealth of Kentucky.

2. Iron pin or iron pipe monuments not less than three-fourths inch in diameter and not less than twenty-four (24) inches in length shall be set at all lot corners.

Section 503. Street Requirements.

1. Grading: All streets, roads and alleys shall be graded by the Subdivider so that pavements, ditches, and sidewalks can be constructed to the required cross section. Deviation from the above due to special topographical conditions will be allowed only with special approval of the County Road Foreman, County Engineer, and Planning commission. Where streets are constructed under or adjacent to existing electric transmission lines, or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.
 - a. Preparation: Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
 - b. Cuts: All tree stumps, boulders and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.
 - c. Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in 6" layers and compacted. After the subgrade has been uniformly compacted, the developer will contact the County Road Foreman to perform a proof roll. Similarly, when the dense graded aggregate has been uniformly compacted, the developer will contact the County Road Foreman again to perform a separate second proof roll. The contractor will be responsible for an established centerline of roadway prior to both proof rolls. The proof roll will be performed with a fully loaded triaxle truck with a minimum load of 20 tons to be proven with a quarry weight ticket.
2. Pavement Base: All right-of-way areas will be seeded at this point. The developer is to place stone base and base asphalt prior to any lots sold. Please reference the attached Pavement Typical Section. KYTC Type II Geotextile Fabric will be placed on subgrade with a minimum overlap of two (2) feet. A compacted graveled base course, consisting of 2

individually compacted lifts, 6” lift of #3 stone and 4” lift of dense graded aggregate shall be installed on all streets, including cul-de-sacs, temporary turnarounds and access streets to adjoining properties, according to the method specified in Division GOT, Standard Specifications for Road and Bridge Construction, Kentucky Department of Highways and Public Works – Edition of 1965 and late revision thereto. Wetting of the stone before compacting may be done at a point of origin or on the job site at the option of the contractor. In all cases the centerline of a road shall coincide with the centerline of the right-of way dedicated for such road or street.

3. Prime Coat and Wearing Surface:

- a. At a minimum of 90% completion of lots built (Certificate of occupancy has been achieved), the developer will be allowed to contact the Spencer County Road Foreman and County Engineer to schedule a final walkthrough. Spencer County Road Foreman/County Engineer will then provide the developer a punch list to complete. Once the developer has finished the punch list and it has been reviewed and approved by the Spencer County Road Foreman/County Engineer, the developer may begin to place surface asphalt.
- b. After a thoroughly compacted base has been established, a three (3) inch Bituminous Concrete Base and one and one-half (1 ½) inch Bituminous Concrete Surface shall be applied as specified on the attached Pavement Typical Section. The wearing surface shall consist of the bituminous material composed of between 50 and 60 pounds per square yard of mineral aggregates bonded with bituminous materials. Any equivalent or higher standard of surface treatment approved by the County Road Officer may also be accepted. All paving materials shall be equivalent to or exceed Kentucky State Specifications.
- c. Through the use of “letters of credit or bonds”, the prime coat and Wearing Surface may be delayed until the gravel base has gone through a winter season to allow compaction.
- d. The prime Coat and wearing Surface may be waived by the planning commission on Private streets that have fulfilled all other requirements of these Regulations.

4. Dedication of Subdivision Streets: Subdivision streets should be dedicated to the County or City provided the streets are:

- a. At a minimum of a month prior to construction, a pre-construction conference will be held to go over construction guidelines between the developer, County Road Foreman, and County Engineer. The developer will provide a copy of the KDOW Permit at the conference.

- b. Constructed and paved to subdivision regulations and requirements;
- c. Inspected and approved during construction by the County Road Foreman and County Engineer:
 - 1. Before clearing
 - 2. After clearing and removal of top soil and obstructions, and before any fill is made
 - 3. After rough grading and compaction, and after finish grading and before gravel
 - 4. During placement of KYTC Type II Geotextile Fabric with a minimum overlap of two (2) feet
 - 5. During placement and compaction of first six (6) inches of #3 stone
 - 6. During placement and compaction of four (4) inches of dense grade aggregate
 - 7. During all paving operations
- d. Completion of the bonding period and 90% of the dwellings in the approved subdivision or approved section of the subdivision have received a certificate of occupancy.

Section 504. Storm and Surface Drainage.

All drainage facilities shall be installed and the land graded for adequate drainage as shown on the final plan. A detailed plan of storm drainage, roadside ditches, culverts, drains, and inlets shall be required when deemed necessary by the County Road Foreman, County Engineer, and Planning Commission.

Drainage is the responsibility of the neighborhood. The developer or property owner will install driveway entrances pipe. Once inspected and accepted by the County Road Foreman, the entrance pipes will be maintained by the Spencer County Road Department.

Underdrains are required along all roadways. They should be implemented on both sides of the roadway at every low point and then staggered in 50' intervals. Please reference current KYTC Standard Drawings.

Section 505. Sewage.

- 1. The subdivider shall provide the highest type of sewage disposal facility consistent with existing physical, geographical and geological conditions. The following types of sanitary sewage disposal facilities are listed in order of desirability.
 - (a) Public sanitary sewer and treatment plant system.
 - (b) Community sanitary sewer and temporary sewage treatment plant.
 - (c) Capped sewers with temporary on-lot facilities.

- (d) Septic tank with tile field or septic tank with seepage pit, depending on results of soil tests and sub-soil investigation.
2. Where an approved sanitary sewer is accessible to the development, all necessary mains and laterals for connection from the lots to the system, as shown on the preliminary plat, shall be installed by the subdivider.
 3. If a sanitary sewage system is not accessible to the development, the subdivider shall provide for sewage disposal on an individual lot basis according to the rules, regulations, terms, definitions and conditions set forth by the Planning commission.
 4. In all cases wherein trunkline sanitary sewer facilities are available, owner shall be required to install sanitary sewers and connect the same to trunkline sewer, irrespective of the size of the lots included on said subdivision plan.
 5. Soil percolation tests to determine the suitability of the soil for on-lot sewage disposal facilities must be performed for all new subdivisions where buildings are not to be connected to public or community sanitary sewers at the time of construction. The commission may waive this requirement in whole or part for subdivision which the individual lots are to be two (2) acres or larger in area.
 - (a) Such tests shall be supervised and certified by a Registered Professional Engineer, land surveyor, or persons certified to perform tests by the Health Department. Where the approval of the county Department of Health is required, a copy of their report of investigations, and approval of the proposed sewage disposal system may be submitted in lieu of certification by an engineer.
 - (b) The results of such tests shall be accompanied by a description of sub-soil strata to a depth of four (4) feet greater than the proposed effluent disposal field or seepage pit. These data shall be obtained from test borings at or near the site of each percolation test hole.
 - (c) Where possible such tests shall be performed at or near the site of the proposed sewage disposal facility for each lot according to the specifications of the county Health Officer or as outlined in the Manual of Septic Tank Practice, U.S. Department of Health, Education and Welfare.
 - (d) The results of such tests shall be evaluated individually for each lot in the light of information from test borings and topographic features at each respective test hole location.
 6. All lots in any new subdivision that cannot be connected to a public or

community sanitary sewer system at the time of building construction shall be provided with an on-site sewage disposal system consisting of a septic tank or tanks connected with one or both of the following

- (a) Tile disposal field - Wherever test results indicate that this is a desirable system.
- (b) The design of proposed on-site sewage disposal facilities shall as a minimum requirement meet the standards set up by the Department of Health for the conditions found at each individual site.

Section 506. Water.

- 1. All water mains and lines and required fire hydrants as indicated on the approved Preliminary Plat shall be installed from each lot in the subdivision to and connected with the public water system.
- 2. Where no public water is accessible, water must be furnished by the developer on an individual lot basis. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the well shall be of the drilled type cased and grout sealed into bedrock. The well will be required to have a production of not less than five (5) gallons per minute as established by bailer tests, certified by the well driller. Before being placed in consumer use it will be disinfected by the use of sodium hypochlorite, or other acceptable solution and a sample collected for bacteriologic examination by an approved State Laboratory. A copy of the analysis shall be submitted to the Planning commission certifying that the water is safe for domestic use.

Section 507. Street Signs.

Street name signs conforming to city or county specifications shall be erected and painted in accordance with said specifications at all street intersections or junctions in all subdivisions at the expense of the subdivider.

Section 508. Street Lighting.

The subdivider shall install, or cause to be installed, at the subdivider's expense such street lighting facilities as may be deemed adequate by the Planning commission and as may be prescribed at the time the subdivision plan is approved, and the subdivider shall pay the cost of operating said street lights until such time as the street lighting facilities shall be accepted by resolution of the City or county or other appropriate public authority.

Section 509. Street Trees.

Wherever the site is not naturally wooded the subdivider may be required to plant street trees of not less than two (2) inches caliper as measured chest high above the ground and at not more than fifty (50) feet apart as measured along each side of the street.

Section 510. Stop Work Order.

Spencer County Road Department and/or Spencer County Engineer have the authority to stop work at any time of construction until a proper resolution is achieved. The Developer will be charged a liquidated damages fee of \$2,000 per day, if deemed necessary by the County Road Foreman, as outlined in Article 7 until resolution is achieved.

Section 511. Curbs, gutters, sidewalks and street lightings in all residential commercial and industrial developments within the city limits of the City of Taylorsville or regarding such developments outside the city before the property will be annexed.

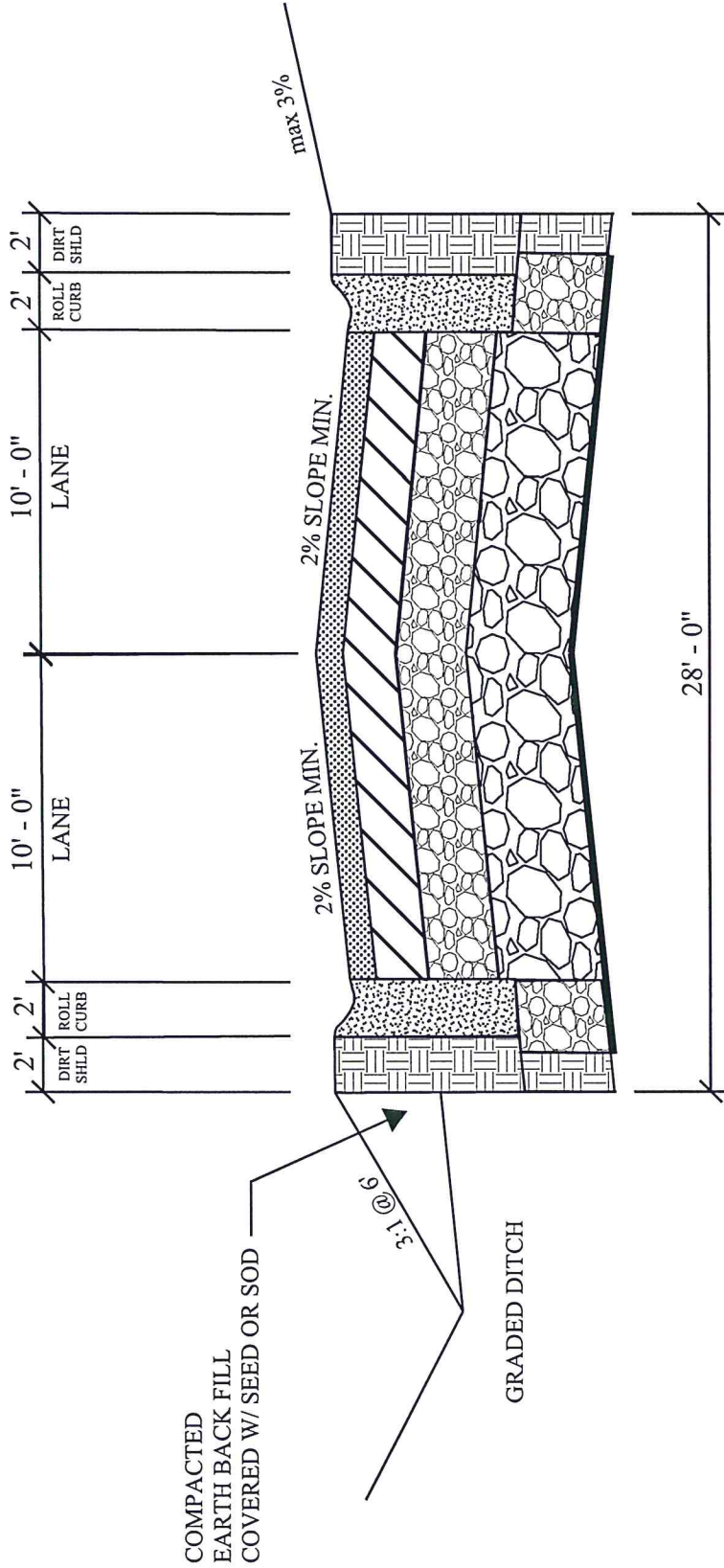
All subdivision developments within the City of Taylorsville, whether residential, commercial or industrial shall have curbing, guttering, sidewalks, and street lighting as more particularly set forth in specifications established by the City.

All new county roads shall have curbing.

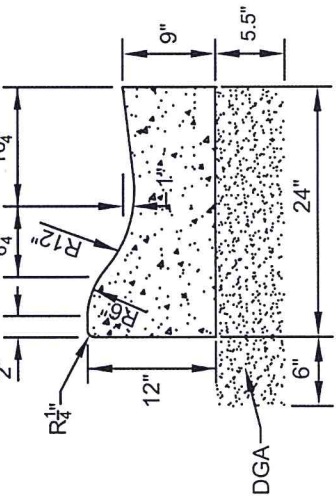
Section 512. No subdivision, commercial or industrial development outside the City limits of Taylorsville, shall be accepted for Annexation unless it complies with Section 511 and all other Planning and Zoning Regulations.

It is the discretion of the Commission and/or the City, exceptions may be made for any existing subdivision which has completed infrastructure and it is determined by the Commission and/or the City it would not be economically feasible to redo the subdivision to comply with providing the infrastructure set forth in Section 511.

TYPICAL CROSS SECTION



COMPACTED
EARTH BACK FILL
COVERED W/ SEED OR SOD



STANDARD ROLL CURB

PAVEMENT DESIGN

- 1.5" ASPHALT SURFACE
- 3" ASPHALT BASE
- 4" DENSE GRADED AGGREGATE
- 6" #3 STONE
- KYTC TYPE II GEOTEXTILE FABRIC

Notes

1. Developer may use cement stabilization or lime stabilization to remediate subgrade if necessary.
2. Geotextile Fabric will be placed under the 2.5' of DGA on each side of the roadway in addition to under the 20' of #3 Stone.
3. The concrete mix used for curbing shall be 4,000 psi.

ARTICLE VI

PLAT AND DATA

Section 600. General subdivision Information.

General subdivision information shall describe or outline the existing conditions of the site and the proposed developments as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and other public areas, protective covenants and proposed utilities and street improvements.

Section 601. Location Map.

The location map shall show the relationship or the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds principal places of employment; other community features such as railroad stations; airports; hospitals and churches; title; graphic scale; north point; and date.

Section 602. Sketch Plan.

The Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include the existing topographic data listed in section 603 below or such of these data as the Planning commission determines is necessary for its consideration of the proposed sketch plan.

Section 603. Topographic Data.

1. Topographic data required as a basis for the Preliminary Plat, in Section 604 below, shall include existing conditions as follows except when otherwise specified by the Planning commission.
 - (a) Boundary lines: bearings and distances.
 - (b) Easements: location, width and purpose.

- (c) Streets on, adjacent to, and within four hundred (400) feet of any part of the tract: name and right-of-way width and location; type, width and elevation of surf acing; and legally established centerline elevation; walks, curbs, gutters, culverts, etc.
- (d) Utilities on and adjacent to the tract: Location, size, and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines; fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
- (e) Ground elevations on the tract, based on a datum plane approved by the City or County Engineer for land that slopes less than approximately two (2) percent show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two (2) percent either show contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
- (f) Subsurface conditions on the tract, if required by the Planning Commission location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (g) Other conditions on the tract: water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, and other significant features and structures.
- (h) Key map showing location of the tract.
- (i) Title and certificates: present tract designation according to official records in the county Office for the recording of

deeds; title under which proposed subdivision is to be recorded, with names and addresses of owners, a list of all encumbrances, notation stating acreage, graphic scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.

Section 604.

Preliminary Plat.

1. The Preliminary flat shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show all existing conditions required above in Section 603, Topographic Data, and shall show all proposals including the following:
 - (a) Street names: right-of-way and roadway widths; approximate grades and gradients; length of new street proposed; similar data for alleys, if any.
 - (b) Other rights-of-way or easements; location, width and purpose.
 - (c) Location of utilities, if not shown on other exhibits.
 - (d) Lot lines, lot numbers and block numbers.
 - (e) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
 - (f) Sites, if any, for multiple family dwellings, shopping center, churches, industry or other nonpublic uses exclusive of one-family dwellings.
 - (g) Minimum building setback lines based on the zoning ordinance.
 - (h) Site data, including number of residential lots, typical lot size, minimum lot size, and acres in parks, etc.
 - (i) Where the preliminary plan includes a portion of a tract of land in single and separate ownership, the prospective street layout for the entire tract shall be submitted.
 - (j) Proposed subdivision name or identifying title, scale, north point and date.
 - (k) Names of record owners of all adjoining parcels.

Section 605. Draft of Protective Covenants.

When required by the planning Commission, the Preliminary Plat shall be accompanied by drafts of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

Section 606. Final Plat.

1. The Final Plat shall be drawn in ink on tracing cloth or equally durable material that is eighteen by twenty-two (18 x 22) inches or thirty-six by forty-four (36 x 44) inches and shall be at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the Final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission. The Final flat shall show the following:
 - (a) Primary control points, approved by the city or county Engineer, or descriptions and “ties” to such control points, to which all dimensions, angles, bearing, and similar data on the plat shall be referred.
 - (b) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites; with dimensions in feet and hundredths of a foot, bearings of deflection angles, and radii, arcs, and central angles of all curves.
 - (c) Location, size, and invert elevation of all sanitary, storm, and combined sewers and the location of all manholes, inlets, and culverts.
 - (d) Name and right-of-way width of each street or other right-of-way.
 - (e) Location, dimensions and purpose of any easements.
 - (f) Number to identify each lot or site.
 - (g) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (h) Minimum building setback line on all lots and other sites.
 - (i) Location and description of monuments: One to be placed at each corner and at each change in direction of the boundary two to

be placed at each street intersection; and one at the beginning and end of curves on one side of the street.

- (j) Names of record owners of adjoining unplatted land.
- (k) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (l) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- (m) Name and address of the owner; certification of title showing that applicant is the land Owner or his authorized agent.
- (n) Statement by Owner dedicating streets, right-of-way and any sites for public use.
- (o) Notation stating title, acreage, number of lots and key map showing the location of tract, graphic scale, north point and date.
- (p) Signature blocks for
 - (1) the City or county Engineer;
 - (2) the chairman of the Planning commission
 - (3) Health Officer

Section 607.

Cross Sections and Profiles.

Cross sections and profiles of streets, as approved by the City or County Engineer, including existing and proposed grades and culvert locations with invert elevations and sizes. The profiles shall be drawn to City or County standard scales and elevations, and shall be based on a datum approved by the City Engineer.

Section 608.

A certificate by the City or County Engineer.

1. A certificate by the City or County Engineer certifying that the subdivider has complied with one of the following alternatives:
 - (a) all improvements have been installed in accord with the requirements of these Regulations, or
 - (b) a bond or certified check has been posted, which is available to the City or County, and in sufficient amount to assure such completion of all required improvements.

Section 609. Protective Covenants.

A copy of any protective covenants that will be imposed as a condition of sale by the present owner.

Section 610. Certification of Water and Sewer Facilities.

1. When connection to public water or sewer facilities is proposed, assurance of the availability of such service must be presented to the planning Commission before approval of the final plan. This assurance may be in the form of a letter, or a statement on the final plan, signed by a responsible officer or authority concerned indicating its ability and willingness to make such service available.
2. When on-lot sewage disposal facilities are proposed, a satisfactory County Health Department feasibility report from the County Health Officer must be received by the Planning Commission before approval of the final plan except as follows.
 - (a) When the subdivision contains no lots under two (2) acres in area.
 - (b) When on-lot sewage disposal systems are already installed and operating in a satisfactory manner on all lots under two (2) acres in area shown on the plan.

Section 611. Certification of Highway Entrances.

1. When an entrance on a public highway is proposed, assurance of the approval from Spencer County Highway Department and/or Kentucky Department of Transportation must be presented to the Planning Commission before approval of the final plat. This assurance must be placed on the plat and signed by a responsible officer or authority of the Spencer County Highway Department and/or the Kentucky Department of Transportation

Section 612. Other Data.

Such other certificates, affidavits, or endorsements as may be required by the Planning Commission in the enforcement of this Ordinance.

ARTICLE VII

FEEES, VARIANCES AND PENALTIES

Section 700.

Hardship.

Where, owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, the planning Commission may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

Section 701.

Conditions.

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

Section 702.

Fees.

1. The owner shall reimburse the City or County for all reasonable engineering and legal expenses incurred by the county for services rendered by the County Engineer and the county's (or City's) Attorney pursuant to the provisions of this ordinance.
2. The owner shall pay the commission a Subdivision Review Fee in the amount of Twenty-five dollars (\$25.00) per final plan or section thereof plus five dollars (\$5.00) per lot in a subdivision or per dwelling unit in a multiple-family structure or per individual establishment in a commercial or industrial structure. This fee shall accompany the submission of the final plan for review.

Section 703.

Enforcement and Penalties for Violations.

Enforcement

1. No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of county or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission as provided in the Kentucky Revised statutes, Chapter 100.277. Admission to the records shall not be construed as approval.
2. If any section, clause, paragraph, provision, or portion of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these Regulations.

Penalties

1. Any person or entity who violates any of the provisions of KRS 100.201 through 100.347 and 100.991 (2) or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
2. If the Spencer County Road Department and/or Spencer County Engineer stop work, and/or it is deemed necessary to charge the Developer a liquidated damages fee of \$2000 per day until resolution is achieved, the Developer may appeal this decision to the Spencer District Court within thirty (30) days for any and all relief for which the Developer/Entity, may appear entitled to under the terms of this ordinance.

Section 704.

Conflict with other Laws.

Whenever the regulations made under authority of this article require higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article, shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose other higher standards than are required by the regulations of this Ordinance the provision of such statute or local ordinance or regulation shall govern.

Section 705.

General Repealer.

All acts or parts of acts inconsistent with the provisions of this act are, to the extent of their inconsistency, repealed, except as provided in Section 704.


ARTICLE VIII

ADOPTION, AMENDMENT, AND EFFECTIVE DATE

1. Before adoption of these subdivision Regulations or any amendment thereto, a public hearing shall be held by the Planning Commission. A public notice of the time and place of the Public hearing shall be published in a newspaper of general circulation in the city and county in accordance with the Kentucky Revised Statutes.
2. These subdivision Regulations shall take effect and be in force immediately upon their adoption and publication of a notice of such adoption.

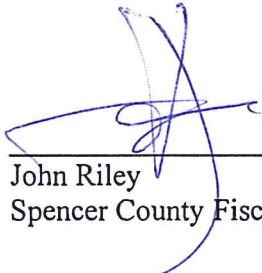
Adopted by the Taylorsville-Spencer County
Joint Planning and Zoning Commission

Date 11/10/2022

Chairman 

Given first reading and approval December 20th 2021

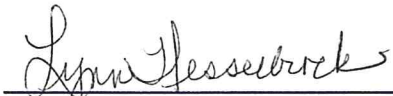
Given Second reading and adoption on January 3rd 2022 .


1-4-22

John Riley
Spencer County Fiscal Court

22JAN 6 8:33AM

Attest:


1-6-2022

Lynn Hesselbrock
Spencer County Fiscal Court Clerk