

Subdivision Regulations

Boyle County
Danville
Junction City
Perryville



JUNE 6, 2018

***Danville - Boyle County
Planning & Zoning Commission***

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Danville, KY 40422

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ARTICLE 1

GENERAL PROVISIONS

SECTION 1.1 Title

The full title of these regulations shall be the Subdivision Regulations of Boyle County, Kentucky. As a short title, these regulations shall be known and cited as the Subdivision Regulations.

SECTION 1.2 Authority and Administrative Agency

The Danville-Boyle County Planning and Zoning Commission has been empowered to prepare rules and regulations governing the subdivision of land within Boyle County and the cities of Danville, Junction City and Perryville under the authority of Section 100.273 of the Kentucky Revised Statutes. The Planning Commission shall be the administering agency for the Subdivision Regulations. The Planning Commission delegates the power to review and approve Preliminary Subdivision Plats to the Danville-Boyle County Planning and Zoning Commission Technical Review Committee and the Director or his designee in accordance with these regulations. (KRS Section 100.281)

SECTION 1.3 Area of Jurisdiction

All persons, firms, or corporations laying out, subdividing, or platting lands within Boyle County and the cities of Danville, Junction City and Perryville shall comply with these Subdivision Regulations.

SECTION 1.4 Purpose

The Subdivision Regulations of Boyle County, Kentucky are the adopted rules and regulations relating to the Subdivision of property within all applicable jurisdictions as stated in Section 1.3. These regulations are designed for the following purposes:

- A. To guide the development of aesthetic, and economically stable residential, commercial, and industrial areas;
- B. To provide safe and efficient traffic flow;
- C. To coordinate developments and provide for efficient provision of adequate public services;
- D. To protect environmentally and geological, sensitive areas;
- E. To maximize fire and police protection;
- F. To minimize flooding hazards; and,
- G. To comply with the Zoning Ordinance(s) of Boyle County and the cities of Danville, Junction City and Perryville in order to promote the public health, safety and general welfare of the citizens of all applicable jurisdictions.

SECTION 1.5 Exceptions

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

SECTION 1.6 Amendments

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

SECTION 1.7 Separability and Previous Regulations

Should any section, subsection, paragraph, or provisions of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations. It is the intention of the Danville-Boyle County Planning and Zoning Commission to adopt each provision of these regulations separately. Any previous Subdivision regulations adopted by the Danville-Boyle County Planning and Zoning Commission are hereby repealed.

SECTION 1.8 Effective Date

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

SECTION 1.9 Relationship to Zoning Ordinance and other Ordinances

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

jurisdictions or the whole or part of any existing or future private Covenants or deeds, the most restrictive shall apply in all cases.

SECTION 1.10 Land Sold in Violation of Subdivision Regulations

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

SECTION 1.11 Penalties (KRS 100.991)

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

ARTICLE 2

CLASSIFICATION OF SUBDIVISIONS

SECTION 2.1 Classification

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

SECTION 2.2 Subdivisions

Before any owner or his agent contracts for the sale of or offers to sell any land or lot within a proposed subdivision, he shall apply in writing to the Planning Commission for the approval of said subdivision. The application for subdivision shall be accompanied by the necessary prints, maps, and information prepared in accordance with these Subdivision Regulations. Such fees as are established by the Planning Commission shall also accompany the application. Further, no sale of such subdivided land shall be completed until the Final Plat of said Subdivision shall have been accepted and approved by the Planning Commission or its designee and shall have been recorded in the Boyle County Clerk's office. The division of agriculturally zoned land in parcels of more than twenty (20) acres not involving a new street or easement of access shall not require Planning Commission approval. The platting of agricultural tracts of at least twenty (20) acres is voluntary.

No lot shall be created and land subdivided which is determined to contain areas both within and without the Flood Plain District until a Topographic Survey, submitted as defined in Section 4, has been approved by the Planning Commission. After review of the Topographic Survey, the Planning Commission may request a Drainage Plan if areas of concern are identified.

SECTION 2.3 Non-Conforming Lots of Record

The Planning Commission is vested with the authority to approve the recordation of non-conforming lots of record for information purposes only and under the following conditions:

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

NOTICE

NOTICE

NOTICE

“This Plat is being filed for informational purposes only; and the non-conforming status of the lots shown thereon are not altered. No additional development of this property shall be allowed except as set forth in Article 6 (Non-Conforming Lots of Record), in the Zoning Ordinance as of the date of this recording.”

SECTION 2.4 Farm Plats

The owner of property consisting of at least 20 acres that is zoned agriculture may voluntarily request the recordation of a plat of the property for information and financing purposes. Procedures for the filing of Farm Plats will be listed in Article 3 and 4. All Plats to be recorded under this section shall contain the following statement conspicuously placed thereon:

FARM PLAT NOTICE

“This Plat is being filed for informational purposes only. The Planning Commission has reviewed this Plat solely to determine that the property is currently zoned agricultural and contains a minimum of twenty (20) acres. All other information contained on this plat is the sole responsibility of the surveyor.”

ARTICLE 3

PROCEDURES AND REQUIREMENTS

SECTION 3.1 Subdivisions

The purpose of this section is to set forth procedures for the preparation, review, and approval of subdivisions classified under these regulations. A Topographic Survey shall be required for all Subdivisions (except Farm Plats and subdivision revisions that will not create additional lots). Any subdivision of land in an agricultural zoning district shall only require a Topographic Survey if special circumstances require a full Drainage Plan.

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

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

2. **CONDITIONAL FINAL PLAT APPROVAL** - The developer must make all corrections to the Preliminary Lot Layout and Drainage Plan as requested by the Planning Commission, the Planning Commission Director or an assigned subdivision Technical Review Committee.
 3. **DISAPPROVAL** - The Preliminary Lot Layout and Drainage Plans are not acceptable. For further action, the developer must make all changes and resubmit the application, Preliminary Lot Layout, Drainage Plan, and fees.
- F. **PLAT REVIEW, RECORDATION AND ACTION** – The Plat will be reviewed for compliance with the approved preliminary plan review and Planning Commission approval. The Plat of record containing such information as is necessary for the public recording and transfer of land including but not limited to required signatures, lot lines, easements, any recorded conditions and other restrictions.
1. **RECORDING PLAT** - The Recording Plat shall be prepared in accordance with Article 4 of these regulations. The Planning Commission Staff shall record the Subdivision Plat at the Boyle County Clerk's office (which authorizes the property owner or developer to offer lots for sale). A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.
- G. **CONSTRUCTION PLANS** – Within three years (3) after preliminary plat approval, the developer may submit Construction Plans to the Planning Commission for the entire project depicted on the preliminary plat. The Planning Commission will distribute the preliminary lot layout and topographic survey or drainage plan (if required) to relevant agencies, such as the utility companies, health department, responding fire department and city or county engineer, and will solicit comments on the proposed subdivision containing public infrastructure. The appropriate local government will determine through approval of these plans and recordation of the plat if dedications of any public lands, streets, alleys, etc. would be beneficial to the public interest and suitable future acceptance if constructed to current standards. All Construction Plans shall be prepared in accordance with Article 4 of these regulations.

The Construction Plan consists of a Utility Plan Sheet and any other supporting drawings that show the location and general construction details for all public improvements. The plan must contain completed signoff blocks for all affected utilities (public and private) that will be using easements on the property. The Construction Plans shall include detailed improvements to be developed within the subdivision, such as streets (private or public), storm drainage, erosion control, gas,

sanitary sewers or septic systems, water supply, electrical distribution, communications and any other public facilities.

All construction sections shall substantially agree with the filed preliminary plat and shall function within the original concept of the subdivision or a new preliminary approval must be obtained.

- H. **CONSTRUCTION PLAN REVIEW AND ACTION** - The Construction Plans will be reviewed by the Planning Commission Staff and the appropriate local government engineer for compliance with the approved preliminary plat and all applicable standards and requirements. Within thirty (30) days the Planning Commission Staff shall in writing take one of the following actions on the Construction Plans:
1. **FINAL APPROVAL** - The developer is permitted to proceed with the construction process after complying with items I, J, K and L (listed below).
 2. **CONDITIONAL FINAL APPROVAL** - The developer must make all corrections to the Construction Plans as requested by the Planning Commission Director or assigned staff. After corrections are made then final approval to proceed shall be granted as outlined above.
 3. **DISAPPROVAL** - The Construction Plans are not acceptable. For further action, the developer must make all changes and resubmit the Construction Plans.
- I. **PRE-CONSTRUCTION CONFERENCE** - After Preliminary Plat Approval, Construction Plan Approval, the developer and his contractor shall be required to schedule and attend a mandatory pre-construction conference with the Planning Commission and the appropriate local government engineer. The developer or contractor shall be prepared to outline all proposed construction operations and procedures as presented on the plat and in the Construction Plans. If the Construction Plans were given conditional final approval, the developer must show that the conditions have either already been met. The developer will be informed of other regulations applicable to the proposed subdivision.
- J. **NOTICE TO PROCEED** - After attending the required pre-construction conference, the developer is permitted to proceed with the construction process after complying with items K and L (listed below) and receiving a "Notice to Proceed" from the Planning Commission.
- K. **CONTRACT** - The contract, signed by the developer and property owner shall specify a surety in an amount that will be sufficient to pay the entire cost of installing the public improvements set forth in the Construction Plans and related documents as determined by the Planning Commission. All required Planning Commission Construction Review Fees shall be paid prior to commencement of construction.
- L. **ACCEPTABLE SURETIES** - To secure the proper completion of all public improvements shown on the approved construction plans, the developer shall provide, subject to the approval of the Planning Commission, one of the following sureties in an amount equal to the cost of the public improvements plus ten (10) percent, as set forth in the construction contract.

1. **CORPORATE SURETY BOND (PERFORMANCE BOND)** - If the developer chooses to provide a Corporate Surety Bond, then it shall be submitted from an insurance company authorized to do business in the Commonwealth of Kentucky. The bond shall be in the form of a payment and performance bond, subdivision bond, or such other form as shall be satisfactory to the Planning Commission. If the developer has employed a contractor to construct all Improvements as provided herein, the Planning Commission may accept the payment and performance bond of such contractor as surety for the performance of the construction contract.

The Corporate Surety Bond shall provide the Planning Commission as a named obligee. The bond should clearly establish that it acts as a surety for the construction contract, signed by the developer or property owner. The payment and performance bond shall specifically name the Improvements set forth in the construction contract. The Corporate Surety Bond shall state that the amount is equivalent to the contract amount. The Corporate Surety Bond shall also state, that upon the failure by the developer to complete the Improvements within the required time period, the insurance company shall pay the Planning Commission, immediately, and without further action, such funds as are represented, in the Corporate Surety Bond. The original a Corporate Surety Bond will be for a three-year period, reviewed and renewed annually. If requested the Corporate Surety Bond may have two extensions, for a minimum period of one year. This will allow three years for the completion of the public improvements in the recorded subdivision. The Commission will provide one, non-certified notice of intent to call the Corporate Surety Bond to the developer and to the insurance company which issued the Corporate Surety Bond. Any a Corporate Surety Bond which has not been released nor had documentation submitted for an extension prior to the morning of the expiration date shall be called and converted to a cash surety.

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

represented, in the Letter of Credit. The original Letter of Credit will be for a one-year period.

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

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

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

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

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

- O. **ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS** - Any street or other public land dedicated by plat shall be accepted for maintenance by the appropriate Legislative Body after it has received approval by the Planning Commission and formally adopted for acceptance by the Legislative Body. Any street built in accordance with specific standards set forth in these regulations or by ordinance shall only be accepted for maintenance by the appropriate Legislative Body after inspection, final approval, submission of "As-Built" plans and adoption of an ordinance to accept public improvements.
- P. **WARRANTY** - As a material part of the developer's duty to construct in accordance with the plat, plans and specifications, as set forth above, the developer shall warranty, for a period of twelve (12) months following the appropriate Legislative Body's acceptance of the work, that the work performed and the products installed under these regulations, have been performed in accordance with said plans, plat and specifications, in a good and workmanlike manner and are free from defects. In the event the developer breaches its warranty, the appropriate Legislative Body shall be entitled to recover its damages, costs, including reasonable attorney's fees, from the developer and/or his surety.
- Q. **RELEASE** - Upon completion of the improvements as provided in these regulations, the Planning Commission shall terminate the construction contract and release its surety.

SECTION 3.2 NON-CONFORMING LOTS OF RECORD

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

- A. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The Recording Plat shall conform to the content requirements set forth in Article 4 of these regulations.
- B. **REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission shall be defined in items 1 and 2 below.
 - 1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.
 - 2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable.

- C. **RECORDATION OF PLAT** - After approval by the Planning Commission, the Recording Plat shall be recorded in the Boyle County Clerk's office at the developer's expense.

SECTION 3.3 FARM PLATS

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

- A. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The Recording Plat shall conform to the content requirements set forth in Article 4 of these regulations.
- B. **REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission shall be defined in items 1 and 2 below.
 - 1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director.
 - 2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the Developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable.
- C. **RECORDATION OF PLAT** - After approval by the Planning Commission, the Recording Plat shall be recorded in the Boyle County Clerk's office at the developer's expense.

ARTICLE 4

CONTENT REQUIREMENTS FOR SUBDIVISION PLATS & PLANS

SECTION 4.1 PURPOSE

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

SECTION 4.2 SKETCH PLAN REQUIREMENTS

- A. **TITLE BLOCK** - The title block shall contain the proposed name of the subdivision; the date and scale; north arrow; names and addresses of the owner(s); person preparing plans, and any other appropriate information.
- B. **VICINITY MAP** - The vicinity map shall show the area sufficient to locate the subdivision in all directions. The vicinity map shall be at an appropriate scale.
- C. **PURPOSE STATEMENT** - A purpose statement located directly below the vicinity map shall describe the type of plat and general intent of the plat being filed for review
- D. **BOUNDARY LINES** - The layout, names and widths of proposed streets, alleys, and any existing or proposed easements and the proposed lots. Also, the names of adjacent subdivisions or names of recorded owners of adjacent land shall be shown on the plan. Current zoning shall be shown.

SECTION 4.3 TOPOGRAPHIC SURVEY

- A. **AUTHORIZATION TO PREPARE PLANS** – Topographic Surveys shall be submitted either by a Kentucky Licensed Professional Land Surveyor, Licensed Professional Engineer, Registered Landscape Architect, or to a limited degree an Architect. The division of work to be performed by each profession shall be governed by state statutes and regulations, which regulate each profession. If a Topographic Survey cannot be performed, the Planning Commission will accept a copy of a USGS Topo Map, if necessary.
- B. **NUMBER AND TYPE OF COPIES** - Each application for the approval of subdivision shall be accompanied by two (2) sets of the Topographic Survey. The scale of drawings included shall be two hundred (200) feet to the inch or less.
- C. A Topographic Survey should include the following elements:

1. Contours of the project at a minimum ten-foot interval, including the source of the data.
2. Location and description of all existing drainage structures and related features.

SECTION 4.4 PRELIMINARY LOT LAYOUT REQUIREMENTS

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

- A. **AUTHORIZATION TO PREPARE PLANS** - Preliminary Lot layouts shall be prepared by a Kentucky Licensed Professional Land Surveyor. The division of work to be performed by each profession shall be governed by state statute and regulations, which regulate each profession.
- B. **EXPIRATION OF PRELIMINARY LOT LAYOUT** – A letter will be issued to the applicant stating that preliminary approval has been issued and that this approval will expire three (3) years from that date.
- C. **NUMBER AND TYPE OF COPIES** - Each application for the approval of subdivision shall be accompanied by the following:
 1. Two (2) sets of 18" X 24" drawings and two (2) sets of 11" x 17" size drawings
 2. The scale of these lot layouts shall be two hundred (200) feet to the inch or less.
- D. **TITLE BLOCK** - The title block shall contain the name of the subdivision; the date and scale; the names and addresses of the owner(s); name, address, and phone number of the person or firm preparing the plans; and, any other appropriate information.
- E. **VICINITY MAP** - The vicinity map shall show the area sufficient to locate the Subdivision in all directions. The vicinity map shall be at an appropriate scale.
- F. **PURPOSE STATEMENT** - A purpose statement located directly below the vicinity map shall describe the type of plat and general intent of the plat being filed for review
- G. **BOUNDARY LINES** - The layout, names and widths of proposed streets, alleys, and easements and the proposed lots, numbered and dimensioned with existing and proposed building setback lines, shall be shown. Also, the names of adjacent subdivisions or names of recorded owners of adjacent

land shall be shown on the Preliminary Lot Layout. Current zoning shall be shown.

- H. **UTILITIES** - The Preliminary Lot Layout shall show all existing utilities across or adjacent to the subdivision. The Preliminary Lot Layout shall show the following: location of gas lines; location of electrical distribution lines or transformer stations; location of public water supply; fire hydrants; and, location of any storm or sanitary sewers.
- I. **OPEN SPACE/COMMON RECREATIONAL SPACE/OPTIONAL PUBLIC PARKLAND** - All parcels to be dedicated to open space, common recreational space or optional public parkland use within the subdivision shall be shown on the Preliminary Lot Layout.
- J. **OTHER PERTINENT INFORMATION** - The Preliminary Lot Layout shall contain the names, location, and width of all existing platted streets or other public ways within or adjacent to the subdivision. The Preliminary Lot layout shall show any existing permanent buildings, railroad right-of-ways, existing utility easements, cemeteries and may include other important features, such as political subdivision, incorporation boundaries, within or adjacent to the tract to be subdivided.
- K. **RESTRICTIONS** - The Preliminary Lot Layout shall be accompanied by a copy of or made reference to all restrictions upon use of the land or type of construction that will be allowed by the owner and/or developer.
 - 1. **PRIVATE/ DEED** – Refer to and are included in the deed at the time of sale or transfer of the property or a restriction placed on a piece of property without a plat.
 - 2. **PLAT NOTE** – Refer to restrictions placed on a particular plat of land voluntarily by the owner and/or developer,
 - 3. **DEVELOPMENT CONDITIONS** – Refer to adopted land use restrictions that are agreed upon at the time of a zone change.
- L. **NORTH ARROW** - The Preliminary Lot Layout shall show the north arrow.
- M. **RECORDING OR FINAL PLAT** - The following information and terms required for the Recording/ Final Plat are listed in Item 4.5 (below).

SECTION 4.5 RECORDING PLAT

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

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

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

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

LAND SURVEYOR'S CERTIFICATION - Shall be as follows:

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

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

EASEMENT AND DEDICATION - Shall be as follows:

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

(Signature of Owner(s) and Date)

CERTIFICATE OF OWNERSHIP AND DEDICATION - Shall be as follows:

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

(Signature of Owner(s) and Date)

DRAINAGE EASEMENT - Shall be as follows:

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

(Signature of Owner(s) and Date)

Additional Notes: _____

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

ACCESS CERTIFICATION – Shall be as follows:

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

Additional Notes: _____

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

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

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

Additional Notes: _____

(Signature of Utility(s) and Date)

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

_____ Public sewer connection may be required.

_____ On existing public sewer (if can be determined).

_____ Has existing private sewer or septic system.

_____ On-Site Septic system required.

_____ On-site sewage private disposal system to service any proposed construction/residence shall be pursuant to the current State Sub-Surface Sewage Disposal Regulations and shall be permitted through this office prior to installation of said system.

Additional Notes: _____

(Signature of Boyle County Health Department representative and Date).

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

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

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

(Signature Planning Commission Director's and Date).

SECTION 4.6 DRAINAGE PLAN

- A. **AUTHORIZATION TO PREPARE PLANS** – Drainage Plans shall be prepared by a Licensed Professional Engineer or, to a limited degree, an Architect or Landscape Architect. The division of work to be performed by each profession shall be governed by state statutes and regulations, which regulate each profession.
- B. **NUMBER AND TYPE OF COPIES** - Each application for the approval of Subdivision shall be accompanied by two (2) sets of the Drainage Plan. The scale of drawings included shall be one hundred (100) feet to the inch or less.
- C. **OTHER PERTINENT INFORMATION** - A Drainage Plan for all developments shall comply with federal, state, and local laws including:
1. Boyle County Fiscal Court Ordinances and Resolutions;
 2. City of Danville, Junction City or Perryville Code of Ordinance;
 3. Storm Water Management Manual, Storm Water Criteria in the applicable jurisdiction;
 4. Subdivision Regulations of Boyle County, Kentucky, as from time to time amended;
 5. Kentucky Building Code as from time to time amended;
 6. Kentucky Revised Statutes, Chapter 151, Geology and Water Resources; and,

7. Federal Flood Disaster Protection Act of 1963, or as from time to time amended.

D. DRAINAGE PLAN ELEMENTS - A Drainage Plan should include the following elements:

1. Contours of the project at a minimum one (1) foot interval, including the source of the data.
2. Street horizontal and vertical alignment and street names.
3. Typical street cross-sections, including street paving, pavement drainage, rights-of-way data, and proposed slopes.
4. Lot pattern with lot numbers.
5. Location of all drainage structures including stationing when connected to roadway structures or right-of-way or numbered in a logical pattern when not connected with the roadway.
6. Statement of the criteria used in the drainage design, including the following:
 - a. Rate of precipitation
 - b. Formulas used in sizing Drainage Structures
 - c. All constants or factors involved
7. Size, invert elevations and percent of Grade of all storm drains, catch basins, and inlets and indicate the pipe materials used.
8. Location of easements for access to drainage structures and details of access for maintenance of structures.
9. Total drainage area contributory to each drainage pipe, including off-site area.
10. Design and velocity of drainage ditches and method of erosion control to be used on banks and bottoms.
11. Address potential for surcharge from on-site and off-site areas. Note relation of the on-site area to potential recharge areas.
12. Maximum flood stage elevations on any stream flowing through or adjacent to the property, or whose proximity may affect drainage or access to the property.

13. Establish minimum finished floor elevations (FFE) on all building lots on plans with public improvements. Special consideration will be made in calculating the minimum FFE in relationship to utility requirements, site characteristics and 3-hour 100-year flood levels. For building lots adjacent to drainage basins or easements, minimum finished floor elevations (FFE) shall be set at 1.5' above the high-water elevation of the basin or easement. Elevations based on National Geodetic Vertical Datum of 1988 (NGVD 88).

SECTION 4.7 CONSTRUCTION PLANS

CONSTRUCTION PLAN REQUIREMENTS - The Construction Plans shall be sufficient to show the proposed locations, sizes, types, grades, and general design features of each facility. The plan shall be based upon reliable field data; use the number of sheets and sheet size as required; contain the title block information as for the Preliminary Lot Layout; and meet the following minimum requirements:

- A. **AUTHORIZATION TO PREPARE PLANS** - All Construction Plan materials shall be prepared by licensed Professional Engineer. The division of work to be performed by each profession shall be governed by state statute and regulations, which regulate each profession.
- B. **EXPIRATION OF CONSTRUCTION APPROVAL** – The construction plans should receive approval within 30 days after the receipt of drawings. A letter will be issued to the applicant stating whether or not approval has been issued. Once approval has been issued, it is valid for three (3) years from that date of the approval letter.
- C. **NUMBER AND TYPE OF COPIES** – Each application for the approval of subdivision shall be accompanied by two (2) sets of the construction plans.
- D. **PHASING** – If the improvements require completing in stages, the area and boundaries of each improvement shall be shown as a separate Phase on the preliminary plat. Phases shall be designated with numbers, i.e. Phase 1, 2, 3, 4, etc. If a phase is required to be separated even further, then section letters shall be assigned, i.e., Section A, B, C, D, etc.
- E. **STREET DESIGN** – The street design plans shall include the following information:
 1. **STREET PROFILES** - The plan and profile of each proposed street (with elevations and distances for the existing and proposed ground and street grade surface on, and one hundred (100) feet beyond the tract, or at the beginning of a vertical curve) shall be prepared at a horizontal scale the same as for the approved preliminary plat and a vertical scale of one-tenth (1/10) of the horizontal scale.

2. **STREET CROSS SECTIONS** - A typical cross section of each proposed street or other construction item, at a scale of ten (10) feet or less to the inch, showing the width and slope of pavement, the location, width and slope of sidewalks, curb and gutter, ditches, and rights-of-way shall be submitted.
 3. **STREET CONTINUITY** – All streets shall be designed so that they will create continuity with connecting streets.
 4. **TURN AROUNDS** – All turn-arounds shall be paved and located at the end of all stub streets.
 5. **SIGHT DISTANCE TRIANGLE** – The sight distance triangle at intersections shall be determined as a straight line on unobstructed view between two points.
 6. **STOPPING SIGHT DISTANCE** – Based on design speed, stopping sight distance is the distance needed for a vehicle traveling at or near the designed street speed to stop before reaching a stationary object in its path.
 7. **ACCESS ENVELOPES** – The Street Design Plans shall show all proposed Access Envelopes on all corner lots that designate areas where driveway entrances are to be located on each street frontage. The driveway edge must be no closer to an adjacent property line than five (5) feet and shall not be closer to the intersecting street (edge of pavement) than specified per applicable city or county standard.
- F. **EROSION PREVENTION AND SEDIMENT CONTROL PLAN (EPSC)** - Erosion Prevention and Sediment Control Plans shall be considered as a part of the required construction plan set.
- G. **STORM WATER DRAINAGE** - The plans and profiles of proposed storm water drainage system shall be prepared at a horizontal scale the same as the approved Preliminary Lot Layout, and at a vertical scale of one-tenth (1/10) of the horizontal scale, with grades and sizes indicated. If a piped system of sewers is not proposed, then an alternate system shall be properly illustrated.
- H. **UTILITIES** – The design plans shall include the following information:
1. **SEWER** - The plans and profiles of proposed sanitary sewer drainage system shall be prepared at a horizontal scale the same as the approved Preliminary Lot Layout, and at a vertical scale of one-tenth (1/10) of the horizontal scale, with Grades and sizes indicated.
 2. **WATER** - The plans and profiles of proposed water lines shall be submitted, along with adequate fire hydrants to provide fire protection as required by city or county ordinances. The local supplying utility and the Kentucky Division of Water shall approve the plans.

- 3. **GAS** - The plans and profiles of proposed gas lines shall be submitted, to provide natural gas as required by city or county ordinances. The plans shall show the proposed alignment and elevation at critical points such as ditches and pipe crossings to provide proper clearance and separation. The local supplying utility shall approve the plans.
- 4. **ELECTRICAL** - The plans and profiles of proposed lines shall be submitted, to provide electrical service as required by city or county ordinances. The plans shall show the proposed alignment and elevation at critical points such as ditches and pipe crossings to provide proper clearance and separation. The local supplying utility shall approve the plans.
- 5. **COMMUNICATION/ MEDIA** - The plans and profiles of proposed lines shall be submitted, to provide communication and/ or media services. The plans shall show the proposed alignment and elevation at critical points such as ditches and pipe crossings to provide proper clearance and separation. The local supplying utility shall approve the plans.

- I. **JOINT UTILITY PLAN** - A plan showing the location of all utilities and their relationship with streets and drainage shall be submitted. The locations of all appurtenances including street lighting shall be coordinated with all utilities to assure that no major conflicts will exist. Typical cross-sections will be shown for utility trenches and their relation to drainage and transportation structures. A note describing the intended land use should be included.
- J. **JOINT UTILITY CERTIFICATION** - A representative of the applicable utility company must sign and date the Joint Utility Plan. These utilities shall include applicable providers of: Water, Sewer, Gas, Electric, Communications/ Media

The Certification shall state the following:

The utility design represented on this Joint Utility Plan sheet has been developed concurrently with the utility companies and engineer of record for the Construction Plans. The undersigned utility representatives are in agreement with the general layout and concepts shown. All utility companies reserve the right to submit revisions to the engineer if changes in the design, or as a result of field conditions, make it necessary to deviate from what is shown on this Plan.

<u>Utility</u>	<u>Agent</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____

- K. **CURB AND GUTTER** – Curb and gutter is required along some roadways to be accepted into the City/County road inventory system.
- L. **SIDEWALKS** – Sidewalks shall be shown and noted on the plan view and detail street sections. Sidewalks shall be constructed or bonded as outlined in Article 3 of these regulations. All sidewalks, drive entrances and handicap ramps shall comply with ADA standards as well as other City/ County standards. Grading for sidewalks as shown on typical sections shall occur as part of the subdivision construction.
- M. **CONSTRUCTION DETAILS** – The Construction Plans shall include detail sheets for all sinkhole/drywells, headwalls, curb or yard inlets, curbs, utilities, ADA ramps, pavement thickness and ditches.
- N. **CONSTRUCTION QUANTITIES** – Construction Plans shall include quantities for the following:
1. Grading in cubic yards for mass and final grading.
 2. Dense Grade Aggregate in tons
 3. Asphalt Base in tons
 4. Asphalt Surface in tons or concrete in cubic yards
 5. Linear feet of curbing
 6. Linear feet of sidewalk
 7. Linear feet of storm piping and type
 8. Sod, blankets and/or seeding in square yards
 9. Channel lining in tons
 10. Headwall/ concrete structure summary in cubic yards or each
 11. Signage as each
 12. Crosswalks in linear feet
 13. Landscape buffers in linear feet
 14. ADA ramps as each

SECTION 4.8 HORIZONTAL PROPERTY

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

ARTICLE 5

DESIGN & CONSTRUCTION STANDARDS/PRIVATE STREETS

SECTION 5.1 Appendix B and D, 1990

The Planning Commission in the adoption of the revised Boyle County Subdivision Regulation approved on June 8, 2018, repealed the contents of Article 5 and re-titled Article 5 as Design and Construction Standards/ Private Streets. The contents of this Article were unchanged and previously titled as Appendix B and D in the Boyle County Subdivision Regulations of 1990, as amended.

SECTION 5.2 Design and Construction Standards

1. Design Speeds

- Minor – 35 MPH
- Collector – 45 MPH
- Arterial – 55 MPH

2. Traffic Counts (100 EADT Minimum)

Minor – (Actual Units Lot Numbers) X (EADT)

- R1 Zoning EADT = 7 VTD per lot
- R2 Zoning EADT = 5 VTD per unit (Assume Maximum Allowable Units/Lots)
- R3 Zoning EADT = 4 VTD per unit
- C1 Zoning EADT = 100 VTD per lot
- HC Zoning EADT = 190 VTD per acre
- I Zoning EADT = 90 VTD per acre

Collector – (Actual Units Lot Numbers) X (EADT) + Maximum Number of (Units Lots) for adjoining land developments) X (EADT) for recommended zoning

Arterials – Estimated traffic counts at 20 years.

3. Conformity to Major Street Plan

All collector and arterial streets must conform to the major street plan as contained in the Comprehensive Plan. The Planning and Zoning Commission may allow movement of the alignment of the street by 250 feet at its entrance/exit of the development. Provided: (1) the change does not cause serious problems for the alignment of present or future development; (2) the integrity of the master street plan remains intact; (3) the change does not reduce the location of an entrance closer than 1000 feet to another entrance on any arterial.

4. Pavement Design and Soils Conditions for Roads

If deemed necessary by either City or County Engineer, as appropriate, a soil test must be run on each soil type for a development as shown on the soil survey of Boyle and Mercer Counties, Kentucky. The subgrade must be compacted to 95% of maximum density as determined by a certified independent laboratory, paid for by the developer. Test must be run for each soil type with one additional test for each 1000 feet of street constructed on that soil. Test results must be sent to the governing body before acceptance for maintenance. The pavement design will be based on the soils bearing strength, based on tests for each soil, the wheel loads and the VTD data. The soil bearing strength test will conform to the Kentucky CBR (California Bearing Ratio) Method Procedure.

5. Minimum Pavement Design

Minimum pavement design shall be 8 inches compacted DGA, 2 inches bituminous Class I Base and 1-inch Class I surface or material of equal strength. All underground utilities must be in place prior to placement of surface course.

6. Alignment and Grades

Alignment and grades must conform to the basic geometric design criteria for rolling terrain and EADT numbers as contained in the Design Manual for the Commonwealth of Kentucky, Department of Transportation, Drawing No. 61-07.090 (a) (Sheets 1 and 2).

Centerline grades will show and match typical cross slopes at all intersections. Centerline line grades for minor streets intersecting at major streets will match cross slope grades of major streets for a 50-foot minimum tangent, with a 100-foot vertical curve. All vertical alignment curves shall conform to minimum stopping sight distances for vertical alignment, Commonwealth of Kentucky, Department of Transportation, Drawing No. 61-04.0200 (a). For horizontal alignments the minimum radius shall be for:

Arterial	300'	D Max = 19.1
Collector	300'	D Max = 19.1
Minor	100'	D Max = 57.3

D Max – Maximum Degree of Curvature

7. Typical Sections

Typical sections will consist of the complete right-of-way. They will include pavement width, cross slopes, curb and gutter or ditch sections grading slopes and sidewalk (if required). Pavement width minimums will not include gutter section, i.e. feet width is 23 feet curb to curb. .

8. Superelevation and Curve Widening

Superelevation and curve widening will be constructed on all major arterial streets, and on collector streets where the degree of curve exceeds 10 degrees. Maximum rates will conform to Table 61-05.0200 (a).

9. Grading/Drainage Plan

The developer shall submit a grading plan, which contains the same information as the preliminary plat including existing and proposed final contours, to the Drainage Review Committee for subdivisions in the City of Danville or the County Engineer for all others, for further review and approval.

The grading/drainage plan shall include such items as are deemed necessary for review and approval. These items are as follows, but not limited to (1) original and final contours, (2) silt and erosion control measures, (3) flood plain protection, and (4) retention basin details.

10. Grading and Fills

The developer will grade the entire right-of-way section of the street in order to remove topsoil, trees, stumps and other debris. All fills will conform to subgrade requirements and to standard construction practices for the Department of Highways. In areas where fill widths exceed the right-of-way width topsoil and all other suitable materials will be removed before filling operations begin.

11. Roadway Ditches and Culverts or Curb and Gutter and Storm Sewers (applicable to all areas of Boyle County including Perryville and Junction City, excluding Danville)

Roadway ditches and culverts will be designed to handle a ten (10) year, one (1) hour return storm for this area. Roadway ditches will be required to handle only surface water from the pavement and adjoining lot. Roadway ditches will not be used to transfer off-site water. All off-site water will be piped to at least the building line. Also, all culverts will be piped to the building line, except for bridges where the diameter of the pipe is equal to or exceeds four (4) feet. All roadway culverts will have concrete headwalls constructed at each end of the pipe. Bridges will be piped to the right-of-way or as required to maintain uniform typical sections.

Curb and gutter sections must meet typical section geometry. Curb and gutter design shall include drop box inlet designed spacing to drain pavement and adjoining lots only. Inlet spacing and storm sewers will be designed for a 10 year, 1 hour storm. Discharge of all storm sewers will be at least at the building line with headwalls. All bridges will be as required to maintain standard sections.

Driveway culvert pipes must be designed on a 10-year, 1-hour storm for pipes, where required, including sloped headwall on both ends. Driveway culvert pipes must be corrugated metal or concrete and have a diameter of fifteen (15) inches or more. The pipe length shall have twenty (20) feet for a single car width driveway and thirty (30) feet for a double car width (joint entrance) driveway.

All drainage calculations will conform to existing conditions at the time of design. Elevations for minimum floor will be set based on the 100 years, 1-hour storm water elevation. These elevations will be listed on all plats including the grading plan for lots subject to flooding. All hydrologic calculations shall conform to generally accepted engineering principles and the Department of Highway Drainage Design Manual.

Storm sewer materials will conform to the requirements for Department of Highways SSRBC, Section 611. All corrugated metal pipes will be fully coated. Drop box inlets shall conform to LPULG Type "A" or Type "B" depending on design flow and spacing.

Retention basins will be designed where necessary due to constraints in downstream structures or where the 100 years, 1-hour storm cause flood damage downstream. All retention basins will be designed to hold the change in water flow created by the new development for the design storm.

The discharge structure for the retention basin will be designed to improve any flooding occurring at the time of design. This is done by multiple staged discharges, which will reduce discharge below existing conditions prior to development. This will cause the retention basins to fill prior to the design storm, and thereby reduce flooding on storms less than the 100-year design. In order to do this, it will be necessary to determine the flood potential and specifically the return period storm which causes this flooding of the capacity of the structure(s) causing the flooding whichever is less. Retention basins will be protected by easements specified on the final plat. The agency responsible for street maintenance will be responsible for a program of maintenance of the integrity of the drainage structure of the basin. The property owner will be responsible for maintenance of vegetation (i.e. mowing) and removal of trash on that part of the drainage structure, which exists on their lot.

Channels, Culverts, Curbs, Gutters and other Stormwater Facilities (applicable in the City of Danville)

Channels, culverts, curbs, gutters and other stormwater facilities shall be provided by the developer as public improvements in each subdivision in conformance with the requirements of the adopted Stormwater Manual. All easements for the stormwater drainage system, including access to stormwater best management practices shall be shown on the final record plat. Special notes, in conformance with the Stormwater Manual, related to the maintenance of such easements may be required by the Planning Commission. Final subdivision plats which are approved by the Planning Commission and recorded, but not constructed, shall comply with all requirements for channels, culverts, curbs, gutters and other stormwater facilities which are required by law at the time of construction. However, where incorporation of such features would entail complete redesign of the subdivision of site, the Planning Commission may waive the requirements for permanent stormwater features provided the subdivision plat was approved, or the site plan was approved by the Planning Commission not more than three (3) years from the date of the adoption of this ordinance.

12. Materials

Dense Grade Aggregate Base shall conform to requirement of Section 303 KYDOT Standard Specifications for Road and Bridge Construction (SSRBC). Bituminous concrete materials shall conform to Sections 402, 403, 404, 804, 805 and 806 KYDOT SSRBC.

Portland Cement Concrete Materials shall conform to Sections 501, 502, 601, 713, 714, 712 and 901 KYDOT SSRBC.

Steel Materials shall conform to Sections 602, 811 and 812 KYDOT SSRBC.

Pipe and drainage materials shall conform to Sections 610, 611, 612, 703, 705, 706, 707, 708, 709, 710, 711, 712 and 714 KYDOT SSRBC.

13. Sidewalks

Sidewalks shall conform to the geometric of the typical sections. At all times they shall be set one (1) foot from the right-of-way line and shall drain toward the centerline of the street. The minimum width shall be four (4) feet. All sidewalks will have handicap ramps with maximum grade of 1:12.

SECTION 5.3 Subdivisions – Private Streets

Private streets may be permitted by the Commission in AR-1 or R-1 zones only. Subdivision plans containing private streets shall conform to all other subdivision regulations, unless different requirements are listed in the following:

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. Right-of-Way and Setback

Private street right-of-ways 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 or County Engineer and the Planning and Zoning Enforcement Officer 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 County.

Furthermore, if the owners in the future should request that the private streets 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 shall be dedicated to public use without compensation to the owners of the expense incurred in making such streets conform to the requirements applicable at that time for public streets, if at some future date, the City or County Government so 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 on other such similar mechanism shall own the private streets. However, police, fire and emergency vehicles shall have immediate access to the private streets.

ARTICLE 6

GENERAL DESIGN STANDARDS

SECTION 6.1 General Design Standards, 1990

The Planning Commission in the adoption of the revised Boyle County Subdivision Regulation approved on June 8, 2018, re-titled Article 6 as General Design Standards. The contents of this Article were unchanged from the previously titled as Article 6 in the Boyle County Subdivision Regulations of 1990, as amended.

SECTION 6.2 Purpose

The purpose of this article is to establish the basic and minimum design and improvement standards to which every subdivision plat shall comply. These standards apply to both major and minor (as required) subdivision plats. These standards are established as the minimum and developers are encouraged to exceed these requirements. This Article is intended to promote developments, which are harmonious with the existing environment and surrounding properties, and to protect the public health, safety and welfare.

SECTION 6.3 Streets

STREETS

Conformity with Major Street Plan: The width and general alignment of all arterial or collector streets shall conform to the Major Street Plan as included and developed as a part of the Comprehensive Plan for Danville and Boyle County (Junction City and Perryville included in this document).

6.3.1 Street Extensions

Streets shall be related to topography and the proposed street layout shall provide for the continuation or projection of existing streets to the property line of surrounding undeveloped property(s). Street access to adjoining property shall be to the boundary of such property.

6.3.2 Street Names

Streets, which are in obvious alignment with existing streets, shall bear the name of the existing street. Other street names, including cul-de-sacs shall not duplicate or closely approximate the names of other streets in the community. Approval of all street and subdivision names is within the preview of the Planning Commission.

Durable street signs shall be installed at all intersections. The signs must conform to the specifications for street signs applicable to the County or City in which the subdivision is located. Surety shall not be released until the signs are installed and approved by the City or County Engineer and Administrative Official.

6.3.3 Dedication of Right-of-Way – New Streets

The dedication of right-of-way from lot line to lot line for new streets shall be as shown in the Major Street Plan or if not shown thereon shall meet the following standards:

<u>Street Type</u>	<u>Dedicated Right-of-Way Width</u>		<u>Pavement Width</u>	
	<u>City</u>	<u>County</u>	<u>City</u>	<u>County</u>
Collector – Urban	60		24	
Collector – Rural		60		24
Minor – Urban	50		20	
Minor – Rural		50		20
Marginal Access	40	50	20	20
Arterial	80	80	24*	24*
Alleys	20	20	18	18

(*each side of median)

All streets classified as arterial by the Major Street Plan may be considered limited access in the meaning of Kentucky Revised Statutes Chapter 177 and, as such, points of access to arterial streets shall be approved by the Planning Commission. For subdivisions fronting on arterial streets, marginal access streets may be required.

Dedication of one-half (1/2) of a right-of-way for proposed streets along the boundary of land proposed for subdivision shall be prohibited.

6.3.4 Dedication of Right-of-Way – Existing Streets

Owners of subdivisions platted along existing street(s) or road(s) shall dedicate additional right-of-way along the entire length of any and all street frontage(s), if necessary, to meet minimum width requirements above, i.e.:

- a. The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of the street or road.
- b. When the subdivision is located on only one side of an existing street or road, one-half (1/2) of the required right-of-way measured from the center line of the existing roadway shall be dedicated on all street frontages. In no case shall the resulting total right-of-way be less than forty (40) feet.

6.3.5 Residential Land Use Access

All single-family residential lots shall be allowed one access per lot. Additional points of access shall be allowed for corner lots or loop driveways or other instances where the public safety will not be impaired by allowing the second point of access.

6.3.6 Non-Residential

Non-residential land uses shall generally not have access through local residential streets. It is desirable that non-residential land uses have access to arterials by marginal access streets or collector streets.

6.3.7 Planning for Conflicting Traffic

Whenever the proposed subdivision contains, or is adjacent to a railroad right-of-way, arterial or expressway rights-of-way, or conflicting changes in land uses, the Planning Commission shall require marginal access streets, reverse frontage lots, lot with rear service alleys, lots with additional depth, or other such treatment as may be necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use. Such marginal access streets shall be constructed to the same specifications as minor streets excepting width.

6.3.8 Dead-End-Streets

Dead-end streets, designed to be so permanently, shall not be longer than 1000 feet including the turn-around, which shall be provided at the closed-end with a full cul-de-sac right-of-way radius of fifty (50) feet, curb radius of forty (40) feet.

Temporary turn-arounds shall be required at the end of "stub" streets, if the street serves more than one (1) lot on each side. See Figure 6 for alternate designs of temporary turn-arounds. Alternate designs will not be acceptable if serving more than six (6) lots.

6.3.9 Private Streets

Private streets shall only be permitted in AR-1 and R-1 zones. Private streets must conform to standard requirements set forth in Article 5.

6.3.10 Reserve Strips

There shall be NO reserve strips except where their control is definitely vested in the City or County under conditions approved by the Planning Commission and said governing body by resolution accepts the terms of the reserve strip(s).

6.3.11 Street Signs

The subdivider shall provide street name signs at all intersections. Signs and posts used shall have approval of City or County Engineer, as appropriate.

6.3.12 Curbs and Gutters

Curbs and gutters shall be required in ALL major subdivisions creating a new street or road within the city limits of Danville, Junction City and Perryville and the unincorporated areas of the County. Curbs and gutters shall be designed and constructed in accordance with the standards described in Article 5. Curbs and gutters are also required in commercial and industrial developments.

SECTION 6.4 Blocks/Lots

BLOCKS/LOTS

6.4.1 General Lot Layout

6.4.1.1 All lots shall front on a public street for a minimum of forty (40) feet except in radius of curves.

6.4.1.2 Each separate principal use building shall be situated on a separate and single subdivided lot of record.

6.4.1.3 All sidelines of lots should be at right angles to straight street lines and radial to curved street lines.

6.4.1.4 Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages.

6.4.1.5 If any portion of a subdivision is within the 1 ½ mile radius of the City of Perryville or Junction City or within the Danville Urban Service Area, the entire subdivision shall be “treated” as if it were within the 1 ½ mile limit or Urban Service Area, for the purpose of these Subdivision Regulations.

6.4.2 Length

Residential block lengths shall not exceed twelve hundred (1200) feet, nor be less than four hundred (400) feet, except when comprised of the sides of two standard lots located back-to-back.

Non-residential blocks shall be of such length, width, and design as the Planning Commission finds necessary for the prospective use and to accommodate screening, parking, and loading.

6.4.3 Width

Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a single tier of lots of minimum depth.

6.4.4 Arrangement in Relation to Street

The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot, and in providing access to buildings on such lots from an approved, constructed or bonded street. All lots shall front on a public street and, without invalidating any of the provisions of the Zoning Ordinance, such frontage will extend a minimum of forty (40) feet, except for lots which front on turn-arounds for permanent dead-end streets or on curves of a minimum radius of one hundred (100) feet, which shall be allowed a minimum of thirty (30) feet.

6.4.5 Lot Dimensions and Area

For lots created by a major or minor subdivision plat, lot dimensions and area shall conform to the applicable requirements of the Zoning Ordinance.

6.4.6 Side and Rear Lot Lines

Side lot lines shall be at approximate right angles to straight street centerlines, and radial to curved street centerlines. Rear lot lines shall consist of straight lines with a minimum number of deflections.

6.4.7 Guidelines for Intersections and Access to Lots

The following guidelines shall be the basis for the determination of proper spacing for street intersections and driveways. It is recognized that these guidelines will not be able to be adhered to in all cases, especially where existing development is present. The Commission will apply these guidelines to the greatest extent possible to create safe and efficient traffic movement.

All lots shall have their primary access only from a street platted on an approved final plat in accordance with these regulations. All points of access from an arterial street shall be approved by the Planning Commission, which may require that several such lots be served by a combined marginal access street in order to limit possible traffic hazards on such arterial streets.

In no case shall access to a lot be closer than one hundred and twenty-five (125) feet from an intersection with an arterial street. If access to a lot is from a collector or a marginal access street, a distance of no less than seventy-five (75) feet from any intersection shall be free from such access. If access to a lot is from a minor street, a distance of not less than fifty (50) feet shall be free from such access. In all cases, if a lot abuts an intersection of two classes of streets, access shall be from the lower class of street. Alleys shall not be deemed as streets to provide primary access to any use.

Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the engineer or authorized person designated by the Commission.

Streets shall intersect as nearly as practicable at right angles. Street curb intersections shall be rounded by radius of at least twenty (20) feet. When the smallest angle of the

intersection is less than sixty (60) degrees the above minimum radii shall be increased. (See Figure 5)

6.4.8 Building Lines

6.4.8.1 Building Setback Lines

As a minimum, the building setback line shall comply with the requirements of the Zoning Ordinance. Greater building setbacks may be platted.

6.4.8.2 Yard Requirements Platted

Yard requirements for subdivisions or portions thereof, shall be in accordance with the requirement of the Zoning Ordinance.

6.4.9 Off-Street Loading and Parking Facilities

Platting of individual lots for commercial and industrial purposes should be avoided in favor of a Development Plan showing an over-all design of the land to be used for such purposes, but in any case, provision shall be required for convenient and adequate off-street parking and loading. The area of land reserved for off-street service and parking facilities in commercial or industrial zones shall be in compliance with the Zoning Ordinance. Where deemed necessary by the Planning Commission, alleys shall be provided for service access. Parking shall not be located within screening easements.

SECTION 6.5 Sidewalks

SIDEWALKS

Sidewalks shall be required on both sides of the street in all subdivisions where curbs and gutters are required within the cities of Danville, Junction City and Perryville and 1 ½ mile radius of Danville and all development outside these limits where lots are less than one acre and where new street(s) are constructed. The only exception being on marginal access streets where no development occurs between the access street and the arterial. In this case, sidewalks will be required on the developed side of the street only.

Sidewalks on public streets constructed in Industrial zones may not be required at the final plat stage, but the Planning Commission may at that time reserve the right to require sidewalk construction by owner along the right-of-way at the time of development if the Planning Commission deems it necessary for the safe and orderly flow of pedestrian traffic.

SECTION 6.6 Utility Standards/ Easements

UTILITY STANDARDS

The following shall be the minimum standards for utilities such as telephone supply, electric supply, gas supply, water supply or other utilities:

Generally, utilities should be provided in or near lot easements whenever practicable. In cases where underground utilities are provided within the right-of-way of streets, main supply lines

should not be installed under the pavement. All of the in-street work (i.e. service connection lines) including mains and service connections to the lot lines shall be completely installed and approved by the authorized engineer or agent after grading, but before any pavement base is applied.

Telephone, Natural Gas, and Electric Supply

Every subdivision shall be provided with a proper telephone and electric system. Natural gas supply systems shall be provided at the option of the developer, dependent upon the ability of the local gas supplier to meet the demands of new development.

Water Supply

Every lot on a major subdivision plat shall be provided with a complete water distribution system adequate to serve the area being developed with pipelines, valves, fire hydrants, and other water facilities. In the layout or design of the water system, the following factors will be considered: (a) piping characteristics; (b) ground elevations; (c) type of building construction; (d) hydraulic capability of adjacent inter-connected piping; (e) fire flow requirements; and (f) any unusual requirements peculiar to the specific development. In general, the distribution system will be able to supply peak demands and fire flows without reducing pressures below desirable limits. No pipe smaller than 6-inch nominal diameter will be used where water flow is to a fire hydrant. The standards of the American Insurance Association, applicable state or local fire insurance rating association and/or local ordinance will be used as a guide in the matter of fire flow requirements and the spacing of fire hydrants. Each residence or business will be provided with a separate service line and meter. Fire hydrants will be of such construction as will conform to applicable specifications of the American Standards Association and local ordinances. The water system shall be designed and constructed of materials, which will meet the approval of the Health Department and Planning Commission. Fire hydrants shall be located no more than one-thousand (1000) feet apart unless a more restrictive standard applies. All proposed residential subdivisions in the County shall be serviced by a 6-inch water main.

Sanitary Sewer

Any subdivision of land proposing the creation of six (6) or more lots within a calendar year, shall be connected to a public sanitary sewer system when the subdivision or any part of it is within 1 ½ miles of the city limits (measured in a straight line from the nearest point) of Danville, Perryville, and Junction City (within Boyle County). In areas outside the 1 ½ mile, where public sewer is available within the following distances, based on number of housing units in the residential subdivision, the subdivider or developer shall construct a system of sanitary sewers in accordance with the design and construction standards of the jurisdiction to which the proposed sewers will connect.

<u>Size of Development</u>	<u>Distance</u>
6 – 15 lots	1500'
more than 15	3000'

The subdivider or developer will also provide the connection of the said subdivision system to the public system at a point designated by the public system after the authorized engineer or agent of the public system has approved the subdivision system.

Where a public sanitary sewer is not reasonably accessible, as defined above, individual subsurface sewage disposal plan for each lot complying with the current Boyle County Health Department Regulations must be approved by the Health Department prior to issuance of a building permit.

Storm Drainage

The subdivider or developer shall be responsible for adequate and safe disposal of all surface waters in the subdivision and shall provide for that purpose a drainage system including the necessary retention basins, open ditches, curb and gutter, pipes, culverts, intersection drains, drop inlets, bridges, etc. The design and construction of these facilities shall have the approval of the City or County Engineer, as appropriate. All drainage provisions shall be bonded.

Retention/Drainage Basins

Where required to be included in the subdivision design, retention/drainage basins shall be provided by the developer. City or County Engineer shall approve all designs for such facilities. These facilities shall be designed/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. As above, these shall be bonded.

Utility Easements

Easements for new, or the continuation of existing, utilities shall be provided for all subdivisions with the width or other characteristics as required by the Planning Commission based upon recommendations from the various utility companies. Generally, easements may run completely through one lot, or split along side or rear lot lines. Where the placement of any utility easement would conflict with locations of existing or proposed trees or significant esthetic features, every effort shall be made to locate easement lines in such a fashion that the utility facilities within the easement do not result in the destruction of those features. Any easement labeled as a "utility easement" obtained through the subdivision process shall be for the provision of utility services by franchised local electric supply company, water supply company, natural gas supply company, telephone service provider, and cable television franchise. The governing jurisdiction (i.e. City or County) shall also have the right to utilize such easements for the provision of street light and sanitary sewer services. Release or other modification of utility easements shall require the expressed approval of all such parties holding the right to use the easement.

Further, the City or County may fully dictate standards for and restrictions of use and installation of utility services within any general or specifically labeled utility easement for the purposes of settling disputes between utilities, coordination for major capital improvement projects, and other cases involving the health, safety, and general welfare of residents of Boyle County (including incorporated areas).

Easements Across Lots

Easements across lots or centered on rear or side lot lines shall be provided where necessary for utilities and shall be at least ten (10) feet wide. Above ground utilities shall be located within such easements where possible. No construction shall be undertaken within said easement.

EASEMENTS

The following shall be the minimum standards for other easements:

Storm water/Drainage Easements

A storm water easement or drainage right-of-way may be required by the Planning Commission where necessary for proper drainage within or through a subdivision. Special notes relating to the maintenance of such easements shall be placed on the final subdivision plat. Drainage easements may be combined with utility easement if sufficient widths are provided. No storm water drainage system may be designed, constructed, or connected so as to flow into any public or private sanitary sewer system. Removal or modification of storm drainage easements requires Commission approval.

Easements for Pedestrian Access

The Planning Commission may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, a perpetual unobstructed easement of at least twenty (20) feet in width.

Scenic Easements

The Planning Commission may request for the applicant to provide scenic easements, which are shown on the plat. The easements shall be drawn in such a manner to protect the character of the natural environment of the land to be subdivided and may include trees, general vegetation, water courses and bodies, sinkholes, stone fences, rock formations and topography. In all subdivisions, due regard shall be shown for natural features such as large trees, water courses, historical spots, and similar community assets such as stone fences which, if preserved, will add attractiveness and value to the property. The Planning Commission may list all such natural features within the area of subdivision jurisdiction, which it wishes to preserve.

Screening Easements

A planting screen easement not less than (10) feet in width, shall be located along all lot lines separating an industrial or commercial lot or development from residential development and other locations as required by the Zoning Ordinance. Such planting screen easement is not required on lot lines bordering a street. A planted screen determined by the Planning Commission to be of height and density sufficient to adequately protect residences from higher density residential, industrial or commercial use shall be placed within such easement at the time of installation of other improvements prior to final plat approval. In lieu of this, the surety for the subdivision shall include sufficient amounts to assure planting of this screening.

Existing landscape material, which is proposed to be used to fulfill requirements for landscape screening, shall be nursery stock and identified on the subdivision plat. Cars or other objects shall not overhang or otherwise intrude into the required screening/landscaping easement more than 2 ½ feet and wheel stops or curbs will be required. Owner of the property shall be responsible for the proper maintenance of the screening buffer. The required screening buffer may be combined with a utility easement or other easement if planting material is approved by the utility, and Planning Commission. Plant material to be used in screening easements shall be identified on the final subdivision plat.

Street and Sidewalk Lighting and Easements

In Danville, Junction City, and Perryville, all streets, sidewalks and walkways shall be properly lighted. Such lighting shall be installed at the direction and expense of the City. Easements necessary for provision of such lighting shall be provided and may be labeled as “street light easement”. Release or modifications of street light easements shall require the expressed approval of the City Commission/Council and require a final plat amendment. Encroachments and provision of street light facilities shall be by the approval of the City Engineer. If it is the desire of the developer to install street lighting other than to City specifications, the developer will be responsible for securing City approval and additional costs involved.

Reservation of Land for Parks and Open Space

It is recognized that reservation of land pending acquisition by the Fiscal Court, City Commission or City Councils will be necessary in certain instances. The developer in the design of the subdivision plan and the Planning Commission in its review of the plan, shall consider the adequate provision of sites for public parks and open space, as indicated on the Comprehensive Plan. Where such areas are shown and located in the Comprehensive Plan or where the Planning Commission otherwise determines that a portion of the plan is required for such uses, the developer may be required to reserve such sites for a period not to exceed two (2) years after preliminary subdivision plan approval, after which time the Fiscal Court, City Commission, or City Council shall either acquire the property or release the reservation.

SECTION 6.7 Environmentally Sensitive Areas

This term applies to any area, which due to its natural or physical setting may have environmental problems with regard to development. Sites of this nature, in the determination of the Planning Commission, may require more detailed site planning and additional safeguards to overcome the physical limitations of the land. Such lands include, but are not limited to floodplains, areas of steep slope (in excess of 12%), areas with numerous sinkholes, fill areas, areas of significant tree stands and stone fences. The location of such sensitive areas may be found in the Comprehensive Plan or identified by the USASCS office or upon field inspection by Commission staff. Adequate provision shall be taken to prevent any surface waters from damaging areas of excavation or fill. The Planning Commission shall require safeguards to assure said protection and sediment control. Watercourses shall be protected from the effects of sedimentation and erosion at all times during and after construction.

ARTICLE 7

DEFINITIONS

SECTION 7.1 Use of Terms

All words herein used in the present tense shall include the future tense, the singular shall include the plural, and plural the singular.

The word “shall” is mandatory, not permissive or directory.

The word “used” includes arranged, designed or intended to be used.

SECTION 7.2 Defined Terms

Unless otherwise provided, the following words and phrases are defined as follows.

ADA: Americans with Disabilities Act

ALLEY: A Public or private way permanently reserved as a secondary means of vehicular service access to abutting property.

AS-BUILT PLANS: Documents that depict the actual configuration of installed Improvements.

AVERAGE DAILY TRAFFIC (ADT): The number of vehicles that pass a certain point during a 24-hour period.

BACKGROUND TRAFFIC: The existing traffic levels without the proposed development for current conditions or projected traffic excluding the proposed development and including surrounding developments at built-out conditions.

BLOCK: A surface of land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

BORDER STRIP: A strip of land that is of insufficient width/depth to be considered a buildable Lot that only serves to separate a dedicated public way from lands that would otherwise be adjacent. Border strips have no effect on otherwise adjacent properties with respect to access.

BOUNDARY DESCRIPTION: The metes and bounds text that traces the outer perimeter of the property.

BUFFER STRIP: Grassed or landscaped area between the curb and gutter or the shoulder and the sidewalk.

BUILDING: A structure built or constructed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

BUILDING SETBACK LINE: A line across a lot beyond which no building may extend, as established by Ordinance. A building setback line in some instances may coincide with the property line.

BUILT-OUT: The fully developed condition of the property.

CASH SURETY: Cash used as the guarantee that Improvements outlined in a Subdivision plan or development plan will be completed.

CORPORATE SURETY BOND: A performance bond provided by an insurance company that guarantees that improvements outlined in a subdivision plan or development plan will be completed.

COMMISSION: Means the Danville- Boyle County Planning and Zoning Commission, KY.

COMMON RECREATIONAL SPACE: The area of a subdivision open and unobstructed to the sky and which is legally accessible to and usable by all residents of the development. Common Recreational Space may include, but not be limited to, wooded areas, watercourses, greenway trails, recreational facilities (i.e. swimming pools, golf courses, playgrounds, soccer practice fields, picnic or passive play areas. These areas are not to be part of any drainage areas.

COMPACTION: The state of the soil matrix measured by the density relative to a standard determined by laboratory analysis.

CONSTRUCTION PLANS: All drawings standards and specifications needed to complete Improvements.

CONTROL MONUMENTS: Survey markers set in accordance with 201 KAR 18.150 used to locate boundaries and installed Improvements.

COVENANTS: Rules that are agreed to by owners that govern the subject property.

CULVERTS: Underground conduits used to convey storm water runoff flows.

DEED RESTRICTIONS: Requirements stated in the property deed that governs activity on that property.

DENSE GRADE (DGA): Crushed aggregate containing a graded mix that will stabilize when compacted.

DETENTION BASIN: A drainage storage structure that will delay the discharge of accumulated storm water runoff.

DEVELOPER: An individual, partnership, corporation, or other legal entity or agent thereof, which undertakes the activities covered by these regulations. In as much as, the subdivision plan drawings are merely a necessary means to the end of assuring development, the term Developer includes subdivider, owner, builder, etc. although the persons and their precise interests may vary at different project stages.

DRAINAGE PLAN: A detailed study and design of the storm water flow and control within a designated area that minimizes erosion, sedimentation, and flooding.

DRAINAGE STRUCTURE: Physical elements of the Drainage Plan. These include but are not limited to ditches, pipes, basins and discharge equipment.

EASEMENT: The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

ENGINEER: A qualified person registered and currently licensed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

EROSION PROTECTION: Stabilization measures used to prevent natural elements from disturbing soil.

FARM PLAT: The record document that may be used to define large farm properties.

FILL: Imported material used to raise the elevation of land.

FINAL PLAT: The drawing containing all required information incorporating all changes necessary for recording.

FINISHED FLOOR ELEVATION (FFE): The minimum elevation that can be used for construction of an occupied level of a structure.

FLOOD, 100-YEAR: A flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD, BASE: A flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

FLOOD HAZARD AREA OR SPECIAL FLOOD HAZARD AREA: Any area inundated by the 100-year flood as delineated by the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Hazard Boundary map and the water surface elevation of the base flood.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODWAY: The channel of a river or other watercourse or the depressed area of a sink and the adjacent land area that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than an elevated height.

FLOOR AREA RATIO (FAR): The ratio of gross floor area of all structures on a lot to total lot area.

FRONTAGE: The length of the front lot line measured at the street right-of-way line. A property line that abuts a fully controlled access street and which permanently has no access to that street shall be deemed to not have frontage.

GRADE: The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed as a ratio of the vertical rise to the horizontal distance.

HEADWALL: The structure used to stabilize the inlet or outlet of a culvert.

HORIZONTAL PROPERTY: Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 et. seq. (Also referred to as condominiums)

HOMEOWNERS ASSOCIATION: A chartered organization representing property owners in a defined area.

IMPROVEMENTS: Physical changes made to raw land, and structures placed on or under the land surface, to make the land more usable for man's activities. Typical improvements in these regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, trees, etc.

LANDSCAPE ARCHITECT: A qualified person currently licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky.

LEGISLATIVE BODY: The governing organization that has jurisdiction and responsibility for accepting the public facilities constructed on the Property.

LETTER OF CREDIT: A financial instrument that guarantees the fulfillment of the Developer's construction contract obligations.

LEVEL OF SERVICE: A scale that measures the amount of traffic that a Roadway or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.

LOT: A portion or parcel of land considered as a unit, in single ownership and not divided by a street. The lot does not include any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the name of the owner of the lot.

MEDIAN: The element that divides traffic lanes and prevents traffic from crossing.

MONUMENTS: Survey markers set to 201 KAR 18.150 used to locate boundaries and installed Improvements. Intended to be located in an undisturbed area and used to establish reliable control for the area during construction and for future use.

NON-BUILDABLE AREA: The portion of a lot rendered unsuitable for location of a structure due to easements or physical restrictions.

NON-CONFORMING LOT OF RECORD: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment the Zoning Ordinance and these regulations, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

OPEN SPACE: The area of a lot open and unobstructed to the sky. Open space may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Open space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

OPEN SPACE, COMMON: The area of a lot open and unobstructed to the sky. Common Open Space is legally accessible to and usable by all residents of the development and may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Common Open Space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

PAVEMENT WIDTH: The dimension from face of curb to face of curb for curb and gutter roads or the dimension from edge to edge of hard surface for other roadways.

PEAK HOUR: The traffic count that represents the highest volume of traffic in a one-hour period.

PLANNING COMMISSION: The Danville-Boyle County Planning and Zoning Commission, Kentucky.

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

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

PRELIMINARY LOT LAYOUT: The initial plan drawing of the lots and road layout.

PRIVATE EASEMENTS: Noted grants of access or exclusion of use that are placed on property.

PUBLIC IMPROVEMENTS: Facilities that are necessary for access or use which are installed for the benefit of the general population.

PUBLIC PARKLAND: Open lands developed for the use of the general population and shall be defined as the area of a subdivision open and unobstructed to the sky and which is owned by the local municipality or government and is legally accessible to all citizens of Boyle County. These lands may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenway trails, recreational facilities such as public swimming pools, public golf courses, playgrounds, picnic and passive play areas.

RECORDING PLAT: Original Plat to be recorded in the Boyle County Clerk's office.

RETENTION BASIN: A drainage storage structure that prevents surface runoff from passing to other surface structures or facilities.

RIGHT-OF-WAY: A strip of land dedicated to the public to accommodate access and/or utilities to lots or tracts. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY: That portion of a street intended for vehicular traffic.

SKETCH PLAN: The basic concept outline for a proposed subdivision.

SLOPE: The inclined portion of land. The degree of slope is normally expressed in terms of the amount of vertical change for a certain amount of horizontal change.

SOIL EROSION AND SEDIMENT CONTROL PLAN: Documents that show the means that will be employed to stabilize the surface soils and to prevent any eroded soil from leaving the property.

STREET, ARTERIAL: A street primarily for moving vehicles safely and efficiently, providing direct connection with major state, federal, and interstate Roadways, and providing connection between points of heavy traffic generation and neighborhoods at moderate speeds. Arterial streets contain directional flow separated by mountable, non-mountable, or barrier medians and served by one (1) to three (3) lanes in each direction.

STREET, CIRCLE: A Loop street where both ends terminate at the same intersection.

STREET, COLLECTOR: A street that functions to conduct traffic between major Arterial streets, minor activity centers, and Local streets and provides access to adjacent property. Collector streets contain a directional flow served by one (1) or two (2) lanes in each direction and may or may not permits on-street parking.

STREET, COMMERCIAL-INDUSTRIAL: A Local street with two (2) ends open to vehicular traffic or a Cul-De-Sac which serves to conduct commercial traffic to and from place of business or industrial establishments and constructed to sustain the weight and safety requirements imposed by commercial-oriented traffic.

STREET, CUL-DE-SAC: A Local street with only one (1) end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround. The length of a cul-de-sac is measured along the centerline of the street from the centerline intersection of a through street to the center of the cul-de-sac bulb radius.

STREET, DEAD-END: A street similar to a Cul-De-Sac except that it provides no turnaround circle at the closed end. Dead end streets are not allowed in any proposed Subdivision.

STREET, EXPRESSWAY: A highway for through traffic, with full control of access and Grade separations at intersections. Arterials are the only class of street that generally should be connected with expressways at interchange points.

STREET, FRONTAGE ROAD: A street used for the exclusive purpose of providing access to properties adjacent to Arterial streets, limited access highways, or railroad rights-of-way. Frontage Road may include the terms Backage Road, rear Frontage Road or Reverse Frontage Road. Frontage Roads provide for two (2) way traffic at a slow rate of speed and parallel to the Arterial street, limited access highway, or railroad right-of-way.

STREET GEOMETRICS: All dimensions describing the physical requirements or characteristics of a Roadway.

STREET, HALF: A partial street constructed on the boundary of a property typically only on one side of a centerline.

STREET, LOCAL: Streets providing vehicular access and services to abutting property. A local street has a directional flow served by one (1) lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic.

STREET, LOOP: A Local street where both ends terminate at an intersection with the same street.

STREET, PRIVATE: A means of access within a planned developed project that gives access to a public street and is owned and maintained by the property owners.

STREET, PUBLIC: A publicly maintained roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords a primary means of access to abutting property. The word “public street” may include the words road, highway, Thoroughfare, avenue, drive, circle, parkway, place, court, way or similar term.

STREET, RESIDENTIAL: A Local street with two (2) ends open to vehicular traffic and serving to conduct traffic to and from dwelling units to other streets within the street system.

STREET, STUB: A Local street used only as a temporary turnaround and constructed as part of a continuing street plan. If the Stub street is more than one lot in length, then a turnaround must be installed.

STREET, THOROUGHFARE: A street that serves to move traffic through an area or neighborhood.

STREET, THROUGH: A local street where both ends terminate at intersections with another street(s).

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, Plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

SUBGRADE: The supporting material immediately below the design pavement or foundation section.

SURVEYOR: A person licensed as a Land Surveyor by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

TANDOM AXLE TRUCK (Loaded): A vehicle weighing sixteen to twenty tons or similar equipment capable of producing an equivalent loading

TOPOGRAPHIC SURVEY: A generalized description of the existing drainage conditions for a site. At a minimum, ten (10) foot contours from a USGS 7.5 minutes series topographic quadrangle map. A graphical representation of the existing drainage structure locations, along with a narrative describing the existing drainage conditions for the site and the sizes of existing drainage structures, should be included.

TRAFFIC IMPACT STUDY: The collection, processing and report of data showing current and future conditions of vehicular movement.

VEHICLES PER HOUR (VPH): The number of vehicles that pass a certain point during a sixty (60) minute period.

ZERO LOT LINE: The location of a building on a Lot in such a manner that one of the buildings sides rest directly on a property line.

ZONING ORDINANCE: The Zoning Ordinance of Boyle County and the cities of Danville, Junction City and Perryville.