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## ARTICLE III - SUBDIVISION CONSIDERATION/PROCESS

### SECTION 3.1 APPROVAL/ACTION REQUIRED

The following chart provides a description of the action required ~~(and by whom)~~ for final approval: ~~-(the action prerequisite to recording of a survey or plat and the ultimate sale of the property created.)~~ The type of divisions, ~~(as defined in the definitions section)~~ to which the particular action applies as well as the procedural steps ~~(required to receive approval)~~ to be taken are listed.

<u>Divisions applicable to</u>	<u>Action Taken/Required</u>	<u>Steps (Section 3.3)</u>
<del>Divisions not</del> <del>Definition of subdivision</del>	<del>Adding/Removal</del> <del>Easements of Any Type</del>	<del>1 and 6 recommended</del>
Minor Amendments Minor Plats Consolidations	Staff Approval	1, 5 and 6
Major Plats	Commission Approval	All

### SECTION 3.2 POTENTIAL ACTION

The Commission, Commission staff, or any other entity properly and lawfully charged with the review and taking action on a proposed division may take one or more of the following actions as long as such action is not inherently in conflict with the law or other expressed provisions of this regulation. The standard for all action to be taken shall be in compliance with these regulations, the zoning regulations, and those incorporated herein by reference.

Approval - The Commission or other entity authorized to take action may approve the plat at any of the steps in which they are involved. This approval may include the granting of variances and waivers. Preliminary Plat approvals shall be valid for two (2) years during which time the developer shall proceed with the requirements necessary to receive approval of Construction Plans. When requested, one (1) year extensions of approval may be granted by the Commission. In granting extensions the Commission shall have the right to require amendments to the approved preliminary plat when it finds that applicable ordinances and regulations, land use plans, local land uses, or development conditions have changed since the approval. ~~Final Plats shall be submitted for review and approval within three (3) years of Preliminary Plat approval.~~

Approved Final Plats shall be recorded within one (1) year ~~six (6) months~~. Recorded plats are valid until superceded or revoked.

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## Oldham County Subdivision Regulations

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Disapproval -The Commission or its designee may disapprove a plat and shall state in writing its reasons for disapproval citing particular sections of the subdivision regulations not complied with. The developer must then submit a new application and a revised plat satisfying or correcting the cited deficiencies if he or she wishes to create the subdivision.

Should the developer decide to appeal the disapproval of a plat to Oldham Circuit Court, the Commission shall not accept an application for the same site until the appeal is resolved by Circuit Court action.

Conditional Approval - The Commission or its designee may approve the plat conditionally and require amendments to the plat before granting full approval. The amended plat must be submitted to the Administrator for review and full approval. If the developer does not submit an acceptable amended plat to the Administrator within 90 days of the conditional approval, the plat shall be referred back to the Commission for review and final action.

Postponement - The Commission or its designee may postpone its decision pending further study of a plat, ~~but in no event shall its decision be postponed more than 90 days from the date of filing at any step in the process as outlined herein without the consent of the developer. The developer can request postponement beyond 90 days.~~

Amendment/Revocation~~Amendmen~~ – A plat previously approved may be amended by action equivalent to that which approved the original plat if additional lots are being created or a roadway created or eliminated. If no roadways are being created or eliminated and/or no additional lots being created, then the amendment shall be treated like a minor plat or consolidation plat at the discretion of the Administrator or be referred to the Commission. A plat may be revoked by the Commission upon request of all owners of property shown on a plat or upon a finding that conditions to approval including time constraints or requirements as specified herein have not been met.

### SECTION 3.3 STEPS FOR SUBDIVISION CONSIDERATION

#### Step 1 – Pre-application meeting

Any person or entity wishing to subdivide property in Oldham County shall meet with staff of the Oldham County Planning and Zoning Commission prior to filing an application for the subdivision. Staff may adopt schedules and administrative procedures and forms to facilitate the process.

The purpose of the pre-application meeting is allow time for the person or persons wishing to subdivide to discuss potential issues with the Commission staff that relate to any proposed divisions and to address those issues prior to the expenditure of funds by those pursuing the division. Issues that may be addressed include but are not limited to: design issues, issues relating to the efficient and/or best use of the property

or related properties, compliance with procedural and/or substantive requirements of this or any other set of regulations, and distribution of information, written, graphic, or verbal, relating to the steps to be followed.

### **Step 2 – Pre-preliminary plat**

Based on the information presented and discussion at the pre-application meeting, as well as information gleaned from these regulations, a concept plan is to be prepared to facilitate discussion with planning staff and neighbors as well as utility providers. This concept or “pre-preliminary plat” isn’t required to meet the standard for a preliminary plat. It needs only contain or convey information in a format necessary to show the intentions of the development.

At this stage a meeting with identified neighbors is required to facilitate the identification and potential resolution of community concerns for all subdivision plans. The subdivider will need to provide the Commission staff with a list of first tier (adjoining) property owners, ~~and~~ second tier property owners (those adjoining first tier) within 500 feet are to be notified only if the plan is part of a zoning map amendment request. ~~as well as~~ Certification that each property owner listed was notified of the meeting to discuss the development is also required. The subdivider shall submit with the preliminary plat (or at the next required step) a sign-in sheet from the meeting and a statement detailing issues raised at the required meeting with the neighbors and solutions or consolations presented or proposed. A copy of the sign-in sheet and statement shall be mailed by the developer to each identified neighbor whether present or absent at the meeting.

The pre-preliminary plat would then be submitted in its original or amended form for consideration by the technical review committee. The committee shall meet on a schedule established by the Administrator and made public.

### **Step 3 – Preliminary Plat for the Commission Consideration**

A subdivider wishing to divide land in Oldham County and required to submit a preliminary plat shall do so only in accordance with the substantive and procedural requirements contained in these regulations. The Commission shall hold a public hearing as part of its consideration of any major preliminary plat. Any plat that involves a request for waivers or any deviation from the substantive requirements of these regulations, or that proposes development of an environmentally sensitive area as defined herein is required to have a public hearing. Any minor preliminary plat complying with the substantive requirements of these regulations, as determined by the Commission staff, shall not require the holding of a public hearing.

### **Step 4 – Construction Plans**

Upon approval of a preliminary plat, and prior to construction of any physical improvements to the subject property, a subdivider must submit a soil and erosion

control plan ~~prior to or~~ simultaneously with the construction plans as required by ~~local, state and federal agencies~~ ~~the Administrative Policies~~ providing technical data concerning the location, type, and ~~quality~~quantity of specified physical improvements and/or infrastructure. Construction plans are to be ~~administratively~~ reviewed and approved by the County Engineer. The soil and erosion control plan must be in place before any earth work may begin ~~and~~ shall comply with ~~the all~~ Oldham County ~~Stormwater~~ Ordinances.

#### **Step 5 – Preparation and submittal of Final Plat for the Commission Consideration**

A subdivider wishing to divide property in Oldham County shall, upon receiving all prerequisite approvals, submit a final or record plat for consideration and action by staff. ~~If the requisite final or record plat, conforming to the approved preliminary plat, is not submitted for review and approval, whether in total or in phases, within three (3) years of the date of approval of the preliminary plat, then the preliminary plat is considered void, and the plat must once again be submitted as a preliminary plat. The Commission may waive this time requirement with good cause shown.~~ Only those final or record plats developed in accordance with an approved preliminary plat may be approved by staff. Any substantive deviation from the approved preliminary plat as determined by staff requires the submission of the plat as an amended preliminary plat (step 3).

#### **Step 6 – Recording Plat**

A record or final plat receiving all required approvals shall be recorded in the office of the Oldham County Clerk. Any plat not recorded within ~~one (1) year~~one (1) year~~6 months~~ of receiving all necessary approvals shall be deemed null, void, and of no effect. All substantive requirements of these regulations shall be met prior to the signature of the designated Commission staff member be affixed to the plat, that signature being the last step prior to recording.