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ARTICLE I - INTRODUCTION

SECTION 1.1 TITLE AND LEGISLATIVE AUTHORITY

- A. These regulations shall be known and may be cited as the Oldham County Subdivision Regulations, hereinafter referred to as the Subdivision Regulations.
- B. The Oldham County Subdivision Regulations are adopted by the Oldham County Planning and Zoning Commission (the Commission) and endorsed by the Fiscal Court of Oldham County and the cities of Crestwood, La Grange, and Pewee Valley pursuant to the authority delegated to local planning units under Kentucky Revised Statutes – Chapter 100.

SECTION 1.2 PURPOSE AND INTENT

The Oldham County Subdivision Regulations have been prepared in accordance with the adopted goals and objectives of the Oldham County Comprehensive Plan. The Subdivision Regulations are designed for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of Oldham County.
- B. To guide the future growth and development patterns in Oldham County in accordance with the Comprehensive Plan.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and social and economic stability of Oldham County while encouraging orderly and beneficial development.
- E. To protect and conserve the value of land throughout Oldham County and the value of the buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, drainage, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the developing uses of land and buildings and the circulation of traffic throughout Oldham County, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

- H. To establish reasonable standards of design and procedures for subdivision and resubdivision, including preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both approving authorities and Subdividers.
- I. To insure that public facilities are available and will have sufficient capacity to serve proposed subdivision upon its completion.
- J. To minimize the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; to preserve the natural features; and, to encourage the wise use and management of natural resources throughout Oldham County in order to preserve the integrity, stability, and character of the County and the value of the land.
- K. To preserve the natural beauty and topography of Oldham County and to insure appropriate development with regard to these natural features.

SECTION 1.3 JURISDICTION

The provisions in these regulations shall be applicable throughout all of Oldham County including its incorporated and unincorporated areas as adopted by the appropriate Commission action and endorsed by the legislative bodies.

SECTION 1.4 EFFECTIVE DATE

These Subdivision Regulations shall become effective immediately upon their adoption by ordinance by the appropriate legislative bodies. Any previous subdivision regulations adopted are hereby repealed.

SECTION 1.5 AMENDMENTS

The Subdivision Regulations may be amended, supplemented, or changed by the appropriate Commission action. Any proposed amendments shall be submitted to the Commission for a public hearing and the Commission shall send any amendments to all of the legislative bodies for their consideration and endorsement prior to any final action by the Commission.

SECTION 1.6 INTERPRETATION AND CONFLICT

- A. In their interpretation and application, the Subdivision Regulations shall be held to be the minimum acceptable standards. More stringent provisions may be required if it is demonstrated that they are necessary to promote the public health, safety and welfare.
- B. Whenever the requirements of the Subdivision Regulations conflict with the requirements of any other rules, regulations, ordinances, resolutions, or restrictions lawfully adopted by government, the most restrictive standard shall govern.

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- C. When subdivision plans or plats which have been approved by the Commission contain setbacks or other features in excess of the Zoning Ordinance requirements, such features as shown on the record plat shall govern, particularly for the purposes of issuing a building permit, but are otherwise subject to enforcement in a manner similar to private deed restrictions.
- D. Private deed restrictions or covenants do not fall within the jurisdiction of enforcement by any agency of local government and cannot be enforced by Commission staff.

SECTION 1.7 SEVERABILITY CLAUSE

Should any section of the Subdivision Regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Subdivision Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1.8 DEVELOPMENTS IN PROGRESS

Any plan or plat approved by the Commission prior to the adoption of these regulations shall be considered legally nonconforming in relation to these regulations. Any plan or plat for which an application has been received and docketed as of the adoption of these regulations shall proceed in compliance with the regulations in force at the time of application subject to the time limitations contained therein. Additional approvals required, resulting from substantive changes or amendments to the plat as determined by the Administrator, shall be obtained in accordance with the regulations contained herein.

ARTICLE II - DEFINITIONS

SECTION 2.1 INTERPRETATION

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows. All words used in the present tense include the future tense. All words in the singular include the plural, and all words in the plural include the singular. The word "shall" is mandatory. The word "used" shall be deemed to include "designed, intended, or arranged to be used." The word "building" shall include structure.

SECTION 2.2 DEFINITIONS OF TERMS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in these regulations.

Administrator: Oldham County Planning and Zoning Administrator, or other person authorized by the Commission to administer these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that pass over a given point, as determined according to commonly accepted engineering standards.

Buffering: The landscaping of an area, or use of other approved material, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Synonymous with screening.

Building Line: A line, parallel to or concentric with the property line adjoining the street, beyond which a building cannot extend. It denotes the location of the front yard or street side yard.

Commission: Oldham County Planning and Zoning Commission.

Common Open Space: Land and complementary structures within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of and maintenance by the residents of the development.

Comprehensive Plan: Oldham County Comprehensive Plan as adopted by the Commission.

Consolidation Plat: The proposed plat transfers one or more parcels between adjoining properties which share at least one common boundary involved in the transfer. No consolidation may result in there being more lots after consolidation than existed prior to consolidation.

Construction Plan: A document prepared by a professional engineer licensed in the Commonwealth of Kentucky showing precise details and design features concerning the construction of physical improvements for a subdivision.

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County Engineer: Oldham County Engineer. Within any incorporated city, any reference to the powers and responsibilities of the County Engineer shall also grant such powers and responsibilities to the city Public Works Director or other official as designated by the legislative body for that jurisdiction.

Dedication: The transfer of property from private to public ownership or use.

Deed Restrictions: Private legal restrictions on the use of land contained in the deed to the property or otherwise formally recorded.

Developer: The legal or beneficial owner or owners of a lot or any land included in a proposed development as well as the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Double frontage lot: A lot fronting on roadways on opposite sides.

Easement: A right-of-way granted for limited use of private land for a public or quasi-public purpose. Easements for private use or purpose, not conflicting with this ordinance, are not governed by this regulation.

Floodplain: An area susceptible to being inundated with water from a flood having a one percent chance of being equaled or exceeded in any given year (a 100 year flood) as shown on maps maintained by the Federal Emergency Management Agency (FEMA) or as determined by an engineering study.

Homeowners Association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area. A Homeowners Association may take permanent responsibility for costs and upkeep of private or semiprivate community facilities and common areas.

Legislative Body: The chief body of the city or county with legislative powers, such as the Fiscal Court, City Council or City Commission.

Lot: An area of land defined by plat or survey intended to be separately owned, developed, and otherwise used as a unit.

Major Subdivision: A subdivision of land into four or more lots or any subdivision involving a new public street or private road. Also, any division of land beyond three lots within a five-year time period from a parent tract or tract divided there from.

Minor Amendments to Existing Plats: The proposed plat amends an existing plat for the purpose of: 1. Correcting errors of a surveying or drafting nature or other similar small discrepancies; 2. Releasing or modifying existing easements or adding new easements; 3. Making small changes to an existing record plat that do not involve approving agencies; or 4. Clarifying or making consistent information appearing on the plat due to action taken by legislative bodies or boards outside of the Commission authority.

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Minor Subdivision: A subdivision of land into not more than three lots within a five-year time period and not involving a new public street or private road.

No-Disturb Zone: That portion of a development in which no structure shall be allowed to encroach nor shall any of the existing natural features be disturbed, removed, or physically altered unless approved by the County Engineer or the Commission staff.

Parent Tract: The tract of land from which others are divided.

Performance Bond: A financial guarantee to ensure that all improvements, facilities, or work required by these regulations will be completed in compliance with the regulations and with the approved plans or plats and specifications of the development.

Preliminary Subdivision Plat: A graphic representation indicating the proposed layout of a planned development and related information, as relates to compliance with requirements otherwise contained herein, which is submitted for preliminary approval.

Public Improvements: Any construction associated with subdivision development of a public or semi-public nature, including, but not limited to, the construction of public streets and private roads, drainage improvements, soil and erosion control features, sidewalks, and electric, water, and sewer services and lines.

Record Plat: The graphic representation of all or a portion of a subdivision which is presented for final approval by the commission and then recorded in the offices of the Oldham County Clerk, as specified in this regulation.

Right-of-Way: An area or strip of land, either publicly dedicated or privately owned, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Road, Private: A way open to vehicular ingress and egress established as a right-of-way easement for the benefit of certain adjacent properties and constructed to required standards, but that has not been dedicated to nor accepted for public use and maintenance by the appropriate legislative body.

Screening – See the definition for buffering.

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is allowed to be placed in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Street, Public: A public thoroughfare used or intended to be used for passage or travel by motor vehicles as so reserved or dedicated to and accepted for public use and maintenance by the appropriate legislative body.

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Street Hierarchy: The conceptual arrangement of streets based on function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial streets down to streets whose function is residential access.

Subdivider: The person, persons, or entity trying to accomplish subdivision of a property. The term includes the landowner and/or developer as appropriate.

Variance: A departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Waiver: A relaxation by the Commission of certain provisions of the subdivision regulations where such action will not be contrary to the public interest as determined by compliance with substantive and procedural standards as contained in section 9.1.

Zoning Ordinance: Oldham County Comprehensive Zoning Ordinance as approved by the legislative bodies.

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>Action Taken/Required</u> | <u>Divisions applicable to</u> | <u>Steps (Section 3.3)</u> |
|------------------------------|--|----------------------------|
| Exempt/No action taken | Divisions not meeting Definition of subdivision | 1 recommended |
| Staff Approval | Minor Amendments Minor Plats Consolidations | 1, 5 and 6 |
| Commission Approval | Major Plats | 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. Final Plats shall be submitted for review and approval within three (3) years of Preliminary Plat approval. Approved Final Plats shall be recorded within six (6) months. Recorded plats are valid until superseded or revoked.

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.

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.

Revocation/Amendment – 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. 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. 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 as well as certification that each property owner listed was notified of the meeting to discuss the development. 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 preliminary 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. Any 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 the Administrative Policies providing technical data concerning the location, type, and quality 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 or shall comply with the Oldham County Stormwater Ordinance.

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 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.

ARTICLE IV - FORMAT AND CONTENT REQUIREMENTS FOR PLATS

SECTION 4.1 FORMAT AND MATERIALS

Subdivision plats shall be drawn on paper in an appropriate size as required in the Administrative Policies and at a scale large enough to be readily legible. In unusual cases, other size sheets may be accepted at the discretion of the Administrator.

SECTION 4.2 AUTHORIZATION TO PREPARE PLATS

The proposed subdivision name and the names and addresses of the owner, developer, and the name, address, and seal of a Professional Engineer licensed in the Commonwealth of Kentucky, and/or a professional Land Surveyor licensed in the Commonwealth of Kentucky responsible for designing the plat shall be shown on the plat. A Preliminary Plat must be designed by both a Professional Engineer licensed in the Commonwealth of Kentucky and a professional Land Surveyor licensed in the Commonwealth of Kentucky if the subdivision proposal involves public infrastructure improvements. If no infrastructure improvements are involved, a Preliminary Plat must be designed by a Professional Land Surveyor licensed in the Commonwealth of Kentucky.

Construction Plans shall provide the minimum acceptable design and improvement standards which are required as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in the subdivision. Based upon the information and design plans of the subdivision, the Commission or Commission staff may request additional information on any of the following requirements in order to clarify design issues. Construction Plans shall be designed by a Professional Engineer licensed in the Commonwealth of Kentucky and constructed in accordance with these and other applicable regulations.

SECTION 4.3 REQUIRED CONTENTS

The following shall be required minimum information depicted on all subdivision plats, except as otherwise noted in the Administrative Policies:

- A. Title Block - Name and address of the person or firm who prepared the plat; date of preparation; graphic and written scales. The record plat shall contain a title block placed in the lower right hand corner of the plat, showing the name of the subdivision preceded by the words "Record Plat" or "Preliminary Plat" as applicable; the names and mailing addresses of the property owner, the developer, and the person or firm preparing the plat; date of preparation; and written scale.
- B. Vicinity Map - A sketch map with a north arrow showing the relative location of the proposed subdivision to surrounding streets, unless the location is clearly shown on the plat itself.

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- C. Streets - The location, name, and right-of-way width of existing adjacent streets or private roads.
- D. Additional Right-of-Way - Where the existing public right-of-way is not of sufficient width to satisfy the minimum requirement for newly constructed roadways as provided for in this regulation, then one half of the minimum right-of-way shall be provided and shown on the plat, as measured from the centerline of the right-of-way.
- E. Lots - The proposed lot layout showing the boundary lines of any parcel being created by the plat indicating all bearings and dimensions as determined by an accurate survey in the field; reference tie of the created parcel to its parent tract; area of any created parcel; each parcel identified by a letter or number; lines showing the intersection of adjoining parcels with the parcel being platted; name of the owner of the property being subdivided and the property's record source; owner's name, deed book, and page number for adjoining rural parcels; subdivision name, plat book and page number, and lot numbers for adjoining major subdivisions; north arrow and its basis.
- F. Easements - Any existing or proposed easement on the property being platted, fully dimensioned, and labeled as to its purpose.
- G. Certifications - Certifications shall be placed on the plat or attached certification sheet and shall be properly signed (Note: Only plats containing original signatures for all required certifications may be stamped and signed as Commission approved.). A list of required certifications shall be approved by the Commission and maintained by the Commission staff.
- H. PVA PLAT - A copy of the record plat prepared on permanent reproducible material shall be provided to the Commission for use by the PVA office. This PVA plat shall be on sheets 20 inches by 24 inches. A 2.5-inch bottom margin shall be provided. All certification blocks shall be removed.
- I. Adjacent Land - The names and widths of all adjoining streets and easements; a stub property line approximating the location of intersecting boundaries of all adjoining properties; ownership of all adjoining properties including owner's name(s) and either deed book and page number or plat book and page number.
- J. Floodplain - The location and elevation of the 100-year floodplain.
- K. Existing Topography - The existing topographic contours at two (2) foot intervals referenced to established and published sea level datum and to national standards of mapping. Existing natural slopes greater than twenty percent (20%) of at least 5,000 square feet contiguous area shall be graphically indicated and labeled.
- L. Zoning Classification - The existing and any proposed classification shall be shown.

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- M. Existing Features – All existing pertinent features either natural or manmade that effect the design or function of the subdivision such as watercourses, waterbodies, cemeteries, tree groves, swamps, sink holes, environmentally-sensitive areas (as defined in section 5.9), rock outcrops, power transmission lines, existing buildings (noting which are to stay and which are to be removed), existing utilities and facilities and fire hydrants.
- N. Parent Tract – A general representation of the parent tract - that parcel from which the tract is being subdivided - should be depicted as the lot created and the remnant parcel or that portion of the property left after the division.
- O. Other Information - The accurate location and description of all permanent monuments; all property intended for public use or dedication and for common use of property owners shown and clearly labeled; north point; graphic scale; informational or restrictive notes numbered sequentially and grouped together; total area in subdivision; total area in lots; and total area in right-of-way.
- P. Minimum Opening Elevation (MOE): The elevation of building openings (windows and doors) at the lowest level including basement shall be shown.

ARTICLE V - SUBDIVISION DESIGN REQUIREMENTS

SECTION 5.1 OBJECTIVE

The objective of these provisions is to establish minimum design standards for the subdivision of land in Oldham County for residential use. The design standards should: (1) promote the orderly subdivision of land for residential uses, (2) insure the proper subdivision of land so it may be safely utilized for building purposes, (3) foster the sense of community and neighborhood in residential areas by mandating safe vehicular and pedestrian traffic patterns, (4) maintain and enhance the county's rural character and atmosphere, (5) minimize the development costs associated with land subdivision, and (6) minimize the long-term maintenance and repair costs of residential streets and roads.

SECTION 5.2 SUBDIVISION DESIGN PRINCIPLES

The subdivision of land for residential uses shall adhere to the following design principles:

- A. Compliance with Other Regulations - In designing a subdivision the developer shall comply with the principles and requirements of the Subdivision Regulations, the Zoning Ordinance, and any other applicable studies or regulations in effect at the time of application. When considering an application for the subdivision of land, the Commission shall be guided by the standards contained within the Subdivision Regulations, the Zoning Ordinance, and any other applicable studies or regulations.
- B. Street System Layout - The following guidelines shall be considered when laying out proposed street systems:
 - 1. Street system design should encourage the efficient flow of traffic on local residential streets.
 - 2. The layout of a local street system should not create excessive travel lengths and should provide connections to adjacent properties unless topographic constraints prohibit the connections.
 - 3. Local street systems should be logical, understandable, and easy to navigate.
 - 4. Local circulation systems and land development patterns should not detract from the efficiency of adjacent major streets.
 - 5. Residential streets shall clearly communicate their local function and place in the street hierarchy.
 - 6. Streets should be designed to accommodate local emergency services and truck deliveries.
 - 7. The residential street should enhance the community's visual image.

8. The street layout shall be designed to limit the extent of grading, cutting, and filling necessary for street construction, following the topographic characteristics of a site to the greatest extent possible.
- C. Rural Character - Oldham County's rural and agricultural character significantly contributes to its attractiveness as a residential community. The design of subdivisions shall retain and enhance the features, to the greatest extent possible, that define the county's rural character. These features include mature stands of trees, slopes, drainage swales and streams.

The integrity of Oldham County's rural character is particularly vulnerable along the traffic corridors. The design of subdivisions along the county's traffic corridors shall adopt measures that maintain and enhance the rural character. These measures shall be in accordance with the Oldham County Scenic Corridor Guidelines.

SECTION 5.3 RESIDENTIAL STREET HIERARCHY

- A. Intent – The intent of this section of the Subdivision Regulations is to provide guidance to the Subdivider and its engineer concerning the proper roadway network required to serve the particular subdivision proposed. This guidance is provided in the form of a mandated residential street hierarchy. The residential street hierarchy should ensure safe, efficient traffic and pedestrian movement in subdivisions, result in a logical and comprehensible street design, promote the safety of vehicular traffic and neighborhood residents, minimize the long-term maintenance and repair costs of public streets, and result in a street network that limits the number of trips using the community's higher order roadways.

The guiding principle of the residential street hierarchy is that residential streets have different functional levels relative to the amount of traffic that they are intended to convey. The residential street hierarchy defines residential streets as being classified as lower, middle, or higher order. A lower order street is not designed to convey the amount of vehicular traffic of a higher order street. Therefore, the design standards for a lower order street are not as stringent as the design standards for a higher order street.

- B. Use - A residential street hierarchy shall be used in the layout and design of subdivisions in Oldham County. This hierarchy shall conform to the following specifications:
1. All proposed residential streets, street segments, and private roads shall be classified under the residential street hierarchy.
 2. The residential street hierarchy shall be determined by road function as defined by the Average Daily Traffic (ADT). Trip generation is discussed in Section 5.3 C herein.

3. Existing residential streets shall be classified under the residential street hierarchy by the Commission when requested or when necessary for the review of proposed developments.
 4. The subdivider shall demonstrate to the Commission's satisfaction that the distribution of traffic to the proposed subdivision street system will not exceed the ADT thresholds indicated herein for any proposed or existing street type. The specific standards for street capacity, as relates to existing streets, that must be complied with in order for a subdivision to be approved are contained in Section 5.3 C. ADT shall be shown on all streets of the preliminary plat which requires a traffic study.
- C. Classification - The following residential street classifications shall be utilized in the residential street hierarchy and shall be applied by staff as part of its review at the pre-preliminary and preliminary plat steps in the subdivision approval process.
1. Local Access Street - The lowest order of residential streets. Provides access to abutting lots and conveys vehicular traffic to higher order streets. Designed to conduct the least amount of vehicular traffic at the lowest speed. The maximum number of lots should front on local access streets.

Local access streets shall be designed so that no section conveys an ADT greater than 500 vehicles.
 2. Subcollector Street - The middle order of residential streets. Provides access to abutting lots and conveys vehicular traffic from intersecting local access streets. Designed to convey higher volumes of vehicular traffic with motorists having origins or destinations within the immediate neighborhood.

Subcollector streets shall be designed so that no section conveys an ADT greater than 1,500 vehicles.
 3. Collector Street - The highest order of residential streets. Provides limited access to abutting lots and conveys traffic from intersecting local access and subcollector streets to higher order highways. Designed to convey the highest volume of vehicular traffic. Due to a collector street's function as a through street, the following service restrictions shall apply:
 - (a) The minimum spacing of access points shall be 200 feet.
 - (b) All frontage lots shall provide space for vehicular turnarounds.
 - (c) A second entrance/exit to a higher order street is required whenever a development generates an ADT greater than 2,000 vehicles. If the entire development generates a total ADT greater than 4,000, a third entrance/exit to a higher order street is required.

- (d) If the anticipated ADT exceeds 4,000, the street shall be designed and classified as a street of a higher order than residential collector and must be designed to meet the standards for that street category. This could result in the improvement of existing street. The Commission, upon recommendation of the County Engineer, shall determine the required design standards. The minimum standards established by the Roadway Construction Standards for Oldham County shall apply.
4. Special Purpose Streets - Special purpose residential streets provide flexibility in satisfying the requirements of the residential street hierarchy.
- (a) Divided - A street with two (2) lanes of vehicular traffic that move in opposite directions separated by a median of at least 8 feet in width to ensure continued vehicular traffic movement on either lane. Appropriate turning lanes may be required.
 - (b) Eyebrow - A modified form of a cul-de-sac street intended to satisfy access restrictions for lots abutting a collector street. The eyebrow allows lots to front on a collector street but not to have direct access to the collector street thereby satisfying access restrictions.
 - (c) Loop - A street with two (2) entrances/exits with both ends of the loop street intersecting on the same higher order street.
 - (d) Frontage Street - A street that parallels a collector street or higher order street. The frontage street provides direct access to abutting lots while separating those lots from the vehicular traffic along the collector street or higher order street. Frontage streets are required for all developments with lots fronting on collector or higher order streets.

A minimum distance of 50 feet shall be provided between the marginal access street's pavement edge and the collector street's or higher order street's pavement edge. This area should be used to provide a visual screen between the streets by landscaping and/or the use of a berm.

- (e) Stub - A street that has been extended to an adjacent property and/or planned phase of the same subdivision. A stub street shall be designed to adhere to the residential street hierarchy requirements. A temporary turnaround shall be required if the stub street provides access to more than four (4) lots. Each stub street shall have a sign posted at the end of the street that informs the public of the planned street connection. A notation showing the following shall be placed on the Record Plat: "Future access connection for adjacent development". The deed restriction of the subdivision shall prohibit property owners from opposing or filing lawsuits against the future street connections.

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Each development shall provide stub streets that provide local access between planned subdivisions adjacent to one another and to undeveloped properties adjacent that are subject to development. This stub street may only provide local access between the adjacent subdivisions and shall not be considered as a primary or additional entrance/exit into the subdivisions. The local access stub street shall be designed so that no section conveys an ADT greater than 500 vehicles.

Stub streets may not be required if significant grading (as determined by the County Engineer) and/or the construction of a bridge would be necessary to make such connections unless it is recommended in the Comprehensive Plan.

5 Street Intersections - The minimum standards for street intersections for all public streets and private roads shall be as follows:

(a) Angle - Intersections shall be constructed at a 90 degree angle for a distance of 50 feet from the intersecting centerlines to a horizontal point of curvature. Where extreme topographic conditions are present, intersections to 75 degrees may be accepted, as approved by the County Engineer or Kentucky Transportation Cabinet where appropriate.

(b) Curb Radius - The curb radius shall be as follows:

| | |
|----------------------|---------|
| Collector Streets | 35 Feet |
| Subcollector Streets | 30 Feet |
| Local Access Streets | 30 Feet |
| Private Roads | 25 Feet |

(c) Spacing - Intersecting streets should align whenever possible. The minimum standard for off-set intersection spacing measured from centerlines shall be as follows:

Minimum* Street Spacing

| Street Type Intersected | Same Side of Street (feet) | Opposite Side of Street (feet) |
|---------------------------------|----------------------------|--------------------------------|
| Higher Order Street | 500 | 400 |
| Residential Collector Street | 300 | 200 |
| Residential Subcollector Street | 200 | 150 |
| Local Access Street | 200 | 150 |

*May vary based upon the recommendation of County Engineer or the Kentucky Transportation Cabinet.

(d) Legs - The maximum number of street legs at any intersection shall be four (4).

- (e) Clear Sight Triangle - Clear sight triangles shall be maintained at all street intersections for a minimum of 50 feet as measured along the edge of pavement. Except as otherwise allowed, no building, structure, fence, earthen structure, or planting shall be permitted in the clear sight triangle.

Street and road intersections with any state-maintained street shall be required to receive intersection approval from the Kentucky Transportation Cabinet. Street and road intersections with any other publicly-maintained street shall be required to receive approval from the appropriate local government.

6. Miscellaneous Street Requirements

- (a) Street Alignment - The minimum standards for street alignment for all public streets and private roads shall conform with the Institute of Transportation Engineers (ITE) guidelines with design speeds of 25 mph for local access and subcollector streets and 35 mph for collector streets.
- (b) Elevation - All streets shall be constructed at or above the 100-year flood elevation.
- (c) Turning Lanes - The developer shall obtain and dedicate sufficient right of way and construct turning lanes as necessary to maintain the capacity of the existing streets. Turning lanes are required whenever a proposed subdivision or an additional section of an existing subdivision generates an ADT of 1,000 vehicles or greater and are approved by the Kentucky Transportation Cabinet and/or County Engineer.

When the Kentucky Transportation Cabinet and/or County Engineer determines that a turning lane is desirable, the Kentucky Department of Transportation's design and construction standards shall be utilized.

- (d) Cul-de-sacs – Cul-de-sac streets, as defined to have a permanently designed closed end, shall not exceed 1,200 feet in length and shall have an ADT of 250 or less. The length of a cul-de-sac shall be measured from the base of the cul-de-sac bulb to the right-of-way of the closest intersecting street.
- (e) Block Size – Streets shall be designed so that no block of lots, as defined by intersecting streets, has any dimension greater than 1,000 feet.

SECTION 5.4 PRIVATE ROADS

- A. Intent - Private roads may be approved by the Commission in order to encourage the development of residential subdivisions which foster and strengthen Oldham County's sense of rural character. The approval of preliminary plats, construction plans, and record plats containing private roads shall conform to all requirements of the Subdivision Regulations unless different requirements are specifically listed below for

developments utilizing private roadways. Specifically, private roadways shall be constructed to the standards contained in “Roadway Construction Standards for Oldham County”.

- B. Use - Private roads may only be used in subdivisions that conform to the following specifications:
1. The maximum number of parcels to be accessed by a private road shall not exceed twenty (20) parcels. No more than one private roadway may be used per parent tract.
 2. Each individual parcel shall be a minimum of two (2) acres in area. For open space developments, lot sizes designed in conformance with Section 5.12 may be permitted provided that the development achieves a net density of five (5) acres per dwelling unit.
 3. A private road may only serve the parcels that front on and gain their access from the private road. The private road shall be a dead end road or loop street, and may not function as a through or stub street.
 4. A private road shall be defined and platted as a separate right-of-way tract to be co-owned in undivided interest by the lots/tracts that gain access from the private road. The private road shall be constructed in conformance with “Roadway Design and Construction Standards for Oldham County”.
- C. Maintenance Responsibility - The maintenance responsibility for private roads shall be completely assumed by the property owners who gain access from the private roads. Maintenance responsibility involves all reconstruction, cleaning, snow removal, or any other needs related to the maintenance of the private roads. An agreement, binding on all current and future owners of property served by the private roadway and containing specified maintenance responsibilities, shall be filed with the office of the County Clerk. A record plat and deed of restrictions for a subdivision containing private roads shall have the roads labeled as private and shall contain a certification signed by the owner. Detailed requirements of the certification are contained in the Appendices-Appendix A.
- D. Government, Utility, and Emergency Access - Property owners who gain access from a private road shall maintain the road in an open and unimpeded manner in order to insure continuous governmental and emergency access. A record plat for a subdivision containing private roads shall contain a certification signed by the owner. Detailed requirements of the certification are contained in the Appendices-Appendix B.
- E. Local Government Acceptance Of Maintenance Responsibility - Should property owners request that the maintenance responsibility of the private roads be assumed by local government, the following specifications shall be satisfied:
1. The requesting property owners will bear full expense for the reconstruction or any other necessary actions to upgrade the private roads into public streets. This

upgrading shall conform with the applicable public street construction standards and inspections at the time of the property owners' request.

2. The requesting property owners will agree to dedicate the newly-upgraded public streets to the local government without any compensation to the property owners.
3. The acceptance of public dedication and public maintenance of such upgraded streets shall remain with the local legislative body.

SECTION 5.5 SIDEWALKS

Sidewalks are encouraged in all new developments. Sidewalks shall be required on both sides of all public streets that are located in an incorporated city, and on both sides of all public streets in unincorporated areas where the average lot frontage is 100 feet or less. Sidewalks are encouraged but not required for open space developments designed in conformance with Section 5.12.

Where sidewalks are not required by the criteria above, they will be required if close to pedestrian generators, to continue a walk on an existing street, to link areas, or if providing linkages to future developments that will meet the criteria above.

Sidewalks shall be placed in the right of way and located one foot inside the right-of-way edge and parallel with the street, unless an exception has been permitted by the County Engineer. Pedestrian-way easements of a minimum of ten (10) feet wide are required to provide circulation or access to schools, playgrounds, shopping, dedicated open space, or other community facilities. Construction standards for sidewalks are contained in "Roadway Construction Standards for Oldham County".

SECTION 5.6 TRAILS (to be completed)

SECTION 5.7 LOT ARRANGEMENT, SIZE AND SHAPE

The arrangement, size, and shape of lots created in the subdivision process shall be designed in compliance with the provisions of the Subdivision Regulations and the Zoning Ordinance.

- A. Lot Area - Each lot shall conform to the minimum area requirement of the zoning district in which the lot is located as provided in the current Zoning Ordinance, except for clustered lots presented as part of an open space subdivision developed in accordance with Section 5.12.
- B. Lot Width - Each lot shall conform to the minimum road frontage or lot width requirement of the zoning district in which the lot is located, except for clustered lots presented as part of an open space subdivision developed in accordance with Section 5.12. Lot width shall be measured at either the front property line or at the minimum front building setback line as stated in the zoning ordinance. In cases where lots are

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located on the outside edge of curved streets or cul-de-sac radii, the measurement shall be taken at the minimum front building line specified in the zoning ordinance as measured by chord distance tangent to the arc.

Lot lines shall be substantially close (within 15 degrees) to a right angle to a street/road centerline or radial to a curved street/road centerline. Lot lines can display an organized building pattern and should follow the land's natural topography and features.

For lots fronting on state or county roads, lot widths greater than the minimum are encouraged to preserve the rural character.

- C. Lot Depth - The ratio of lot depth to width shall not be greater than 3 to 1. Additional lot depth may be considered when the lot adjoins major utility easements, major highways, railroads, and commercial or industrial areas, or is necessitated by application of other requirements of these or zoning regulations and/or natural features or topography.
- D. Lot Frontage - All lots shall have frontage on an approved public street, private road, or access easement.
- E. Joint Access - Shared access driveways are required for lots located along state and county roads classified as collector or higher unless minimum separation requirements are met. No more than 3 parcels may take access from any single street encroachment not considered a frontage street or private roadway.
- F. Building Setback Lines - The building setback lines shall conform to the minimum yard setback line requirements of the zoning district in which the lot is located. A lot shall be of adequate size, width, and depth to create a reasonable building envelope that accommodates the required lot setback lines.
- G. Corner lots - shall be of sufficient width and depth to comply with the minimum building setback line on each street frontage.
- H. Double frontage lots - should be avoided except where essential to provide a separation of residential development from arterial streets and highways or to overcome specific topographic and orientation constraints. Access shall be restricted to the lower order street on which the lot fronts.
- I. Flag Lots – Flag lots shall only be permitted in situations where geometric or topographic constraints make it impractical to conventionally satisfy lot width requirements or where the lot created is of sufficient size and is located in an area where it will be suitable for further division in the future. For the purpose of access, flag lots shall have a deeded strip of land, referred to as the panhandle, extending to a public street or private road. Single flag lots shall have a minimum deeded panhandle width of forty (40) feet. (50 feet for flag lots located within the city of Pewee Valley). No more than two contiguous flag lots are allowed. A proper access easement for a common driveway is encouraged and shall be indicated on the approved final plat or conveyance plat for contiguous flag lots. Where contiguous flag lots are created at the same time, a

proper access easement for a common driveway shall be required. A maintenance agreement shall be required for all access easements referenced in this section. Required lot width and building line shall be measured behind the panhandle portion of the lot.

SECTION 5.8 RESERVATION OF LAND FOR PUBLIC FACILITIES

The developer in the design of the subdivision plan or plat and the Commission in its review shall consider the adequate provision of sites for parks, open space, schools, and other public facilities. When the Commission determines in conjunction with a public agency or local government that a portion of the land is required for such public facilities, the developer may be required to reserve such sites for a period not to exceed two (2) years after preliminary plat approval, during which time the public agency or local government shall either acquire the property, release the reservation, or make other arrangements agreeable to the developer. Land that is reserved as private open space shall be defined as reservations on deed restrictions/covenants with a maintenance agreement and non-terminating clause.

SECTION 5.9 STANDARDS FOR ENVIRONMENTALLY-SENSITIVE AREAS

Certain areas, due to their natural or physical setting, may have environmental problems with regard to development. If development is to occur there, then some safeguards such as detailed site planning may be necessary to overcome the physical limitations of the land. Lands in question shall include, but not be limited to, areas of steep slopes (over 20 percent) of at least 5,000 square feet, 100-year floodplains, areas of poor soils as determined by the Administrator in consultation with the Natural Resources Conservation Service (NRCS), improper fill, wetlands, and springs.

Environmentally-sensitive areas, as defined above, shall be identified and located on the preliminary subdivision plat. In addition, the developer shall be required to file with the application a general statement describing the nature of the environmentally sensitive areas and the manner in which any such area is to be handled during development of the property, as well as any special design measures taken by the developer to attempt to minimize the development's impact on the environmentally-sensitive areas. If, after review of the plat, the required general statement, and other available information, the Commission or its designee finds that questions remain concerning the development's impact on the environment or the health and safety of future users of the area, the approving authority may postpone a decision on the subdivision plat until it is satisfied that the hazards have been eliminated or adequate safeguards provided to ensure the least negative impact on the environment. To assist in making this determination, the Commission may require the developer to have a comprehensive and detailed environmental analysis study prepared by qualified professionals for Commission consideration.

SECTION 5.10 MISCELLANEOUS

- A. House Addresses - House or lot addresses shall be assigned by the Administrator or their designee when a record plat or conveyance plat is approved or when an application is made for a building permit.

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- B. Cemeteries - Cemeteries shall be identified and shown on plats. The developer shall decide to either relocate the cemetery in compliance with all state and local laws or to incorporate the cemetery as part of the subdivision. The following cemetery preservation standard shall be observed if the subdivider decides to incorporate the cemetery as part of the subdivision.
1. Plat the cemetery as an individual lot. Ownership and maintenance of the cemetery lot shall be assumed by either the developer, a homeowners association, or a designated party. The cemetery shall be recorded on a record plat or conveyance plat as a cemetery and nonbuildable lot. Therefore the cemetery lot does not have to satisfy the minimum lot area or width/road frontage requirements stated in the Zoning Ordinance. A five (5) feet setback area around the exterior of the cemetery lot lines shall be provided. No activities that would potentially result in the disturbance of the graves shall occur within this setback area. For major subdivisions, a minimum ten (10) foot wide access easement shall be provided to the nearest public right-of-way.
 2. If a previously unknown cemetery is discovered after the subdivision approval process, the subdivider or lot owner shall notify the Administrator, cease all work in the immediate area, and comply with the above cemetery preservation standards.
- C. Subdivision Names - Subdivision names shall not duplicate or phonetically approximate the name of any other subdivision or development in Oldham County unless it is an extension of an existing subdivision, nor shall they duplicate or phonetically approximate the name of any existing street in Oldham County outside the subdivision.
- D. Street Names - Street names shall not duplicate or phonetically approximate the name of any other street in Oldham County unless it is an extension of an existing street. Streets that align with another existing street shall bear the name of the existing street. Subdividers are encouraged to utilize street names that reflect local names and historical associations.
- Street names on record plats may be changed only upon proper application to and approval by the appropriate local government.
- E. Street Signage - Street signage that identifies street names shall be installed at every street intersection immediately following placement of base. The subdivider shall provide both street signage and traffic signage to the specifications of the appropriate local government. Nonstandard street signs may not be maintained by local government.
- F. Signature Entrance Signs - Signature entrance signs shall be located within sign easement areas as shown on the record plat.
- G. Homeowners Associations

1. All homeowners associations incorporated under the provisions of KRS 273 and operating in Oldham County, Kentucky will file its current or amended Articles of Incorporation and Annual Report provided to the Secretary of State with the Oldham County Clerk. Homeowners Associations will provide a copy of its Annual Report to the Oldham County clerk within 30 days of filing with the Secretary of State.
2. Homeowners Associations will also register with the Commission or its designee and provide yearly updates of changes to Registered Agents, Boards of Directors, and mailing and contact information.

SECTION 5.11 CONDOMINIUM SUBDIVISION DESIGN PRINCIPLES

The subdivision of land for condominium residential use shall adhere to the following design principles:

- A. The number of dwelling units shall not exceed the maximum development density allowed within the zoning district in which the condominium subdivision is located.
- B. Buildings shall not be located any closer to the perimeter property lines than the minimum front yard setback requirement of the zoning district in which the condominium subdivision is located. Buildings shall not be located any closer than 15 feet to the pavement edges of any internal streets, driveways, or parking areas.
- C. Buffering and landscaping provisions shall be provided when the condominium subdivision is adjacent to existing single family residential areas. Such provisions may consist of earthen berms, landscaping, and open space.
- D. The internal streets, driveways, and common parking areas shall not be dedicated to public use and shall be maintained by the homeowners. Internal streets shall have twenty (20) feet of pavement plus required curbing. Internal streets, excluding driveways or common parking areas, shall be constructed to the following standard:
 1. Nine (9) inches of compacted dense graded aggregate (DGA).
 2. Four (4) inches of compacted bituminous concrete base.
 3. One (1) inch of compacted bituminous concrete surface.
- E. Required off street parking shall be provided to each individual dwelling unit. Guest and overflow parking shall be indicated when the condominium subdivision contains a community facility such as a pool or clubhouse.
- F. Sidewalks shall be required for internal pedestrian circulation in the condominium subdivision unless otherwise indicated by design, however a sidewalk connecting the condominium subdivision to an off-site sidewalk system must be constructed

Unless a design principle is stated specifically above, the design and construction of condominium subdivisions shall adhere to any and all applicable portions of Zoning and Subdivision Regulations.

SECTION 5.12 OPEN SPACE SUBDIVISION

Objective

The objective of the open space subdivision provisions is to provide a design alternative to the conventional subdivision. A conventional subdivision generally occupies and utilizes the entire development site with individual lots that are equal to or greater than the required minimum lot size specified in the Zoning Ordinance. An open space subdivision has the same gross density of a conventional subdivision, however individual lot size and width requirements are less restrictive and the remaining portions of the subdivision are dedicated or reserved for nondevelopmental purposes.

The development of an open space subdivision is not intended to allow development densities greater than what is allowed in a conventional subdivision or to allow increased densities using land with marginal development potential. The open space subdivision provides flexibility in the development of areas with environmental constraints, scenic vistas, passive recreational resources, and valuable agricultural resources. Additionally, the open space subdivision reduces the cost of constructing and maintaining public improvements such as streets and utilities.

Approval

The review, approval, and construction of an open space subdivision shall adhere to all applicable sections of the Subdivision Regulations contained herein and be treated as a major plat or subdivision.

Design Principle

The subdivision of land for open space residential use shall adhere to the following design principles:

- A. Individual lot size and width may be smaller than that required by the zoning district in which the open space subdivision is located. For lots with on-site disposal systems, the minimum lot size shall not be less than 12,000 square feet, but those must receive approval of the Oldham County Health department. Dedicated or perpetually reserved nondevelopment areas shall be provided that equal in area the total amount of area by which each individual lot was reduced below the required minimum lot size. A minimum of 50 percent of the total site area shall be preserved in open space.

The number of dwelling units shall not exceed the maximum development density of a conventional subdivision located in the same zoning district. A gross density figure not to exceed 76% for non-sewered developments or 60% for sewered developments shall be used to calculate maximum development density. [Maximum development density = Total acres / Minimum lot size (expressed in acres) x Percentage factor] A lot yield plan showing the number of dwelling units that could be developed on a conventional plan may also be presented by the developer as an alternative means of calculating maximum allowable density.

Building setbacks may be smaller than the required building setbacks of the zoning district in which the open space subdivision is located. Smaller minimum building setback requirements shall be requested through a variance procedure.

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- B. The individual lots shall be generally clustered together and the remaining nondevelopment open space area shall also be generally clustered together.

Buffering and landscaping provisions shall be provided when the individual lots of an open space subdivision are clustered together immediately adjacent to an existing single-family residential area. Such provisions may consist of earthen berms, trees, shrubs and privacy fences.

- C. Individual lots shall have frontage on and vehicular access from local access streets or private roads only and not subcollector, collector, or higher order streets. Streets shall consist of short cul-de-sac or loop streets.

Open space subdivisions may consist of several clustered sections or as an individual section of a conventional subdivision. Each individual open space section shall not generate an ADT that exceeds 250 vehicles.

- D. The nondevelopment area of an open space subdivision must be clearly identified during all stages of subdivision review. This area may not be developed when the subdivision has reached its maximum development density, and shall be protected from development by a conservation, scenic, agricultural or similar easement, reservation, or dedication. Fifty percent (50%) of a golf course may be considered open space. The entire golf course must be deeded or leased permanently. Ownership and maintenance of the nondevelopment area shall be clearly identified.

- E. Due to the reduction in the individual lot sizes, a single or series of community lateral fields should be considered when the open space subdivision's sewage disposal is provided by on-site septic systems. A community lateral field should take advantage of any localized occurrence of soil types that are more conducive to septic tank lateral fields. All on-site septic systems, whether individual or grouped community systems, are subject to the approval of the Oldham County Health Department.

- F. Protection of designated open space shall be made a part of the restrictive covenants in all deeds with a method of maintaining the open space expressed therein.

Unless a design principle is stated specifically above, the design and construction of open space subdivisions shall adhere to any applicable portions of Article Five contained herein.

ARTICLE VI - NONRESIDENTIAL SUBDIVISIONS

SECTION 6.1 NONRESIDENTIAL SUBDIVISION OBJECTIVE

The objective of the nonresidential subdivision provisions is to provide special design and construction standards for the development of nonresidential subdivisions. Due to its office, commercial, and/or industrial uses, special consideration must be given towards certain aspects in the design and construction of the nonresidential subdivision.

SECTION 6.2 NONRESIDENTIAL SUBDIVISION APPROVAL

The Commission shall review a nonresidential subdivision proposal when it consists of four (4) or more individual lots utilized for office, commercial, or industrial purposes. The review, approval, and construction of a nonresidential subdivision shall adhere to all applicable sections of the Subdivision Regulations contained herein.

SECTION 6.3 NONRESIDENTIAL SUBDIVISION DESIGN PRINCIPLES

- A. The size and configuration of lots shall be adequate to provide for off-street parking and loading facilities for large vehicles. The conveyance of individual lots or moving of property lines shall not hamper the ability to adequately provide for off-street parking and loading facilities.

The size and configuration of lots shall be conducive towards maintaining a landscaped and open area along public rights of ways. This open area shall be free of parking and shall utilize landscaping provisions to create a consistent development design throughout the nonresidential subdivision. Landscaping provisions may consist of earthen berms, trees, and shrubs.

- B. Lots in a nonresidential subdivision should gain access via driveways onto internal streets. When the lots front along a higher order street, driveways shall be designed so as to minimize interference of the higher order street's traffic flow. Minimizing the interference can be accomplished through the use of a marginal access street with infrequent intersections with the higher order street or through the use of shared driveways. Lots are permitted to gain access to public rights of way through a single access easement. Driveways and other access points shall be designated, sized, and constructed to accommodate the type of traffic utilizing the entrance. Specific design criteria are to be determined by the County Engineer based on an evaluation of traffic ingressing and egressing the site.

When the nonresidential subdivision encompasses an area that has been identified in any applicable plans for the construction of a higher order street, driveways shall be limited onto this higher order street. The residential street hierarchy shall not be applied towards the design of nonresidential subdivisions.

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- C. Stormwater runoff generated by the nonresidential subdivision shall be adequately managed by existing and improved drainage channels, culverts, detention basins, or other drainage improvements and structures in accordance to the adopted best management practices and storm-water management plan approved by the County Engineer. Curbs shall be required for all paved traffic areas. The stormwater runoff generated by the nonresidential subdivision and directed towards adjacent properties shall not adversely impact the adjacent properties' natural drainage. When necessary the Commission may request review of a nonresidential subdivision's stormwater runoff provisions by a professional engineer to determine its adequacy.
- D. Buffering and landscaping provisions shall be provided when the nonresidential subdivision is adjacent to residentially-zoned areas or residential land uses, or to a higher order street. Such provisions may consist of earthen berms, trees, shrubs, privacy fences, increased building setbacks and indirect outdoor security lighting.
- E. The pavement structure and right-of-way widths for roadways in nonresidential subdivisions shall be at a minimum those for collector roadways. The standards for construction are contained in "Roadway Construction Standards for Oldham County".
- F. For commercial and office subdivisions, sidewalks shall be provided on both sides of all streets.

Unless a design principle is stated specifically above, the design of nonresidential subdivisions shall adhere to any applicable portions of Section 5.3 contained herein.

**ARTICLE VII - REQUIRED
IMPROVEMENTS/INFRASTRUCTURE/BONDING AND
SURETY**

SECTION 7.1 RESIDENTIAL STREET & PRIVATE ROAD STANDARDS

- A. Right-Of-Way Width - The minimum right-of-way width for all public streets and private roads shall be as follows:

| | With Curb & Gutter | Without Curb & Gutter |
|--------------------------------|--------------------|-----------------------|
| Arterial Streets | 80 Feet | 120 Feet |
| Collector Streets | 60 Feet | 80 Feet |
| Subcollector Streets | 60 Feet | 80 Feet |
| Local Access Streets | 50 Feet | 60 Feet |
| Private Roads | 40 Feet | 40 Feet |
| Access Easement | 40 Feet | 40 Feet |
| Alleys | 24 Feet | 24 Feet |
| Cul-De-Sac Bulbs: | | |
| 1,000 feet in length or less | 50 Feet Radius | |
| More than 1,000 feet in length | 60 Feet Radius | |

The Commission may require additional right-of-way width when the stated minimum is not adequate due to a dividing median, turning lanes, landscaping provisions, potential for future development, or similar circumstances. Half streets are prohibited.

Subdivisions that adjoin or include existing public streets that do not conform with right-of-way width standards contained herein shall be designed to dedicate sufficient right of way to meet the standards herein if located on both sides of said roadway or ½ the total right of way required if located only adjacent to one side of the roadway. Right-of-way shall be dedicated under this section for both the subdivided lot(s) and the parent/remnant parcel unless the parent/remnant parcel has more than 100 feet frontage on the public street or is subject to further development and/or division.

- B. Construction Standards – All roadways and other related physical improvements must comply with the standards for construction contained in “Roadway Construction Standards for Oldham County” adopted by the appropriate legislative body. Those standards are incorporated herein by reference.
- C. Pavement Width - The minimum pavement width (excluding curbs and shoulders) for all public streets and private roads shall be as follows:

| | |
|----------------------|---------|
| Arterial Street | 24 Feet |
| Collector Streets | 22 Feet |
| Subcollector Streets | 20 Feet |

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| | |
|--------------------------------|--------------------------------------|
| Local Access Streets | 20 Feet |
| Alleys | 12 Feet |
| Private Roads: | |
| 1 - 6 lots: | |
| 25 acre minimum lot size | 20 Feet (<i>16 Ft in LaGrange</i>) |
| Less than 25 acre minimum | 20 Feet |
| 7 - 20 lots | 20 Feet |
| Cul-De-Sac Streets: | |
| 400 feet in length or less | 18 Feet |
| More than 400 feet in length | 20 Feet |
| Cul-De-Sac Bulbs: | |
| 1,000 feet in length or less | 39 Feet Radius |
| More than 1,000 feet in length | 46 Feet Radius |
| Transition Curve | 75 Feet Radius |

- D. Curbs and Gutters - Curbs and gutters shall be required in residential subdivisions where the average lot frontage is 100 feet or less; however, curbs and gutters are not required for open space developments designed in conformance with Section 5.12. They may be required by the Commission in any residential subdivision for purposes of drainage control, safety, and the delineation and protection of the pavement edge as recommended by the County Engineer. Construction standards for curbs and gutters are contained in “Roadway Construction Standards for Oldham County”.
- E. Shoulder Width - The minimum shoulder width for all public streets and private roads without curbs shall be 4 feet. Shoulders shall be provided on each side of all streets and shall be located within the right-of-way.
- F. Grades - The maximum and minimum grades for all public streets and private roads shall be as follows:

| | <u>Maximum Grade</u> | <u>Minimum Grade</u> | |
|----------------------|----------------------|--------------------------|-------------------|
| | | <u>Curb & Gutter</u> | <u>Open Ditch</u> |
| Collector Streets | 10 Percent | 1.0 Percent | 2.0 Percent |
| Subcollector Streets | 12 Percent | 1.0 Percent | 2.0 Percent |
| Local Access Streets | 12 Percent | 1.0 Percent | 2.0 Percent |
| Private Roads | 12 Percent | 1.0 Percent | 2.0 Percent |
| Cul-de-sac Bulb | 4 Percent | 1.0 Percent | 2.0 Percent |

Maximum grades for local access streets and private roads of 15 percent may be allowed where the distance from the point of vertical intersection to point of vertical intersection is 300 feet or less.

SECTION 7.2 ROADWAY CAPACITY STANDARDS

A. Purpose

The purposes of the road capacity standards are to maintain an acceptable level of road services as defined in Part B of this Section while allowing new development to occur, to evaluate proposed development impact on existing roads, and to identify future road improvement needs in Oldham County.

B. Road Capacity Defined

Road capacity shall be defined by using the levels of service (“LOS”) of roadways or roadway intersections for post-development traffic conditions that are further defined in Part G of this Section. A traffic impact study may be required to determine the LOS.

For Urban Arterials and Urban Collectors as identified in the Oldham County Major Thoroughfare Plan:

LOS D and above shall be considered acceptable LOS; and

LOS E and below shall be considered unacceptable LOS unless mitigation is provided.

For all other roads in Oldham County:

LOS C and above shall be considered acceptable LOS; and,

LOS D and below shall be considered unacceptable LOS unless mitigation is provided.

C. Traffic Impact Study Requirements

Traffic impact studies provide the Oldham County Planning and Zoning Commission (“the commission”) the information necessary to properly understand the transportation infrastructure impacts of a proposed development on existing and planned road capacities. Further, traffic impact studies identify the need for any improvements to the transportation system to reduce congestion, maintain and improve safety, and provide site access and impact mitigation associated with the proposed development.

Any development that does not meet the requirements listed below shall not require either a traffic assessment or a traffic study.

1. Prior to the review and approval of any request for rezoning, major subdivision or development, all development plans shall be reviewed by the commission’s traffic engineer and staff to determine which of the following studies will be required:

- a. Traffic Assessment

- A development that generates more than 20 peak-hour trips and will have an entrance on a road with greater than 1,500 Average Daily Trips (“ADT”) shall require a traffic assessment. A traffic assessment

would include Items 1-8 and Item 12 of Part E of this Section. It would not include a level-of-service analysis.

b. Traffic Impact Study

A development that generates more than 100 peak-hour trips and will have an entrance on a road with greater than 2,000 ADT shall require a traffic impact study. This study must include all items defined in Part E of this Section.

2. Generally, a traffic impact study will provide operating-capacity and level-of-service analysis for critical roadway segments and/or intersections within an impacted study area. It then analyzes the impacts of the proposed development on the existing road network and proposes mitigation measures, if necessary, to improve any adverse conditions that may result from the proposed development.
3. The applicants can either request the commission's traffic engineer to prepare a traffic impact study or traffic assessment, or the applicant may choose its own traffic engineer to prepare the traffic impact study or traffic assessment.
 - a. If the applicant requests the commission's traffic engineer to prepare a traffic impact study, the applicant shall pay for the expenses associated with conducting such a traffic impact study;
 - b. If the applicants choose their own traffic engineer to prepare the traffic impact study, the following conditions must be met:
 - i. The traffic impact study must be prepared and stamped by a professional engineer licensed in the Commonwealth of Kentucky.
 - ii. The traffic impact study shall be reviewed and approved by the commission's traffic engineer;
 - iii. The applicants shall pay for the expenses associated with such a review by the commission's traffic engineer.
4. Changes to the project during development that will result in the increase of traffic or its distribution of over 20 percent or 100 peak-hour trips, whichever is less, on existing or proposed roadways will require that the traffic impact study be revised to reflect the changes.

D. Planning and Zoning Commission Approval Criteria

1. The Planning and Zoning Commission may approve or deny a request for rezoning, subdivision, or development based on the findings of the Traffic Impact Study approved by the Commission's Traffic Engineer.
2. A proposed development may be denied if the Traffic Impact Study approved by the Commission's Traffic Engineer indicates that the LOS at the end of each development year or phase for the existing or proposed roads and intersections is unacceptable as defined in Part B of this Section, unless the Traffic Impact Study and the proposed mitigation measures demonstrate that the proposed development will not increase the existing delay more than five (5) seconds.

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3. Improvements to any existing roadway providing direct access to the proposed development shall be made in accordance with the following requirements in order to ensure that the geometry of an existing road can safely withstand additional traffic volumes.

**Minimum Pavement Width Requirement
for Existing Road Improvements**

| Road Classification | Pavement Width |
|---------------------|--|
| Arterial | 24' |
| Collector | 22' |
| Sub-Collector | 20' |
| Local | 20' |
| Cul-De-Sac | 20' 18' if length is less than 400' |
| Alley | 12' |

4. Under no circumstances shall the pavement width be less than what is stated in the current subdivision regulations.
5. For phased developments, the timing of improvements may be allowed to correspond with the phasing schedule of the development.

E. Minimum Information Required for a Traffic Impact Study

1. A site plan and vicinity map.
2. Study purpose and objectives.
3. A description of the proposed land use (size, type, location, phasing);
4. Determination and identification of the area of influence of the development (impacted study area).
5. Description of existing roadway conditions including: physical characteristics of the roadways, pedestrian ways, public transportation, traffic volumes, and traffic control devices. Traffic volume data should include current peak hour traffic volume counts and estimated ADT. Peak hour traffic volume shall be the highest average peak hour volume for any weekday 24 hour period when schools are in session. Traffic counts shall be conducted no earlier than nine (9) months prior to the filing for Planning Commission review.
6. Projected traffic volume generated by nearby development approved by the Planning Commission but not yet built. This information is available through the Planning Commission's Traffic Engineer. The appropriate "rate of growth" for an area of development shall be determined by the Planning Commission's Traffic Engineer.
7. Projection of peak hour traffic volumes to the full development year (assuming full build out and occupancy) composed of all the following:
 - a. Existing traffic volumes
 - b. Non-Site traffic volume growth in the corridor between the existing year and the full development year

- c. The traffic volume added by the proposed development.
8. A future combined traffic volume diagram for critical peak hours of the development and roadway system. A description of any roadway/intersection improvements which have been assumed as being in place at full development. Any assumed improvements cited shall include the funding or project status as of the date of the report and include scenarios if the assumed improvements are delayed beyond the study's scope.
9. Level of service determination during the critical period(s) for the existing, no build, and full development year for the impacted study area.
10. An assessment of the change in roadway operating conditions resulting from the development (quantifying the impact of the development).
11. Recommendations for improvement measures needed to mitigate the impact of the development to the acceptable Level of Services.
12. Traffic Shed Analysis that will include the percentage of development traffic that will use the closest arterial. Additionally, this section should state the current ADT of the arterial and the Level of Service from the Major Thoroughfare Plan or as provided by the Planning Commission. If improvements are scheduled for the arterials, the schedule should be included in this section.
13. The Traffic Impact Study report should be presented in a straightforward and logical sequence. It should lead the reader step by step through the various stages of the process and to the resulting conclusions and recommendations. Transportation improvements that achieve the needed level of site access and mitigate any adverse effects the development related traffic may have on the transportation system should be described. Sufficient detail should be included so the reviewing agency will be able to follow the methodology of the analysis, associated findings and recommendations. If more than one intersection is being analyzed, schematic drawings displaying all the intersections with turning movements are required. The report should include a table or diagram summarizing all Level of Service results for the existing condition, the no-build condition, and the build condition.
14. The Traffic Impact Study shall be provided in paper format in the numbers specified by the Commission and in an electronic format specified by the Commission.

F. Mitigation:

The Planning and Zoning Commission shall consider the following mitigating factors potentially altering the overall impact of the proposed development on road capacity:

1. Construction of improvements as identified by the Traffic Impact Study to improve or maintain an acceptable LOS as defined in Part B of this Section.
2. Contribution to a public and private partnership program that will result in the improvements of road capacity in the future and to be used in the area where the traffic impact study indicates deficiencies.

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G. Level of Service Definitions

| <i>LOS</i> | <i>General Description</i> | <i>Roadways</i> | <i>Signalized Intersections</i> | <i>Unsignalized Intersections</i> |
|------------|--|--|--|--|
| 1. | <i>Traffic flows with very little delay and speeds are optimal. Most vehicles do not stop at all.</i> | Primarily free flow operations at average travel speeds (90% of free flow speed); vehicles seldom impeded in their ability to maneuver; minimal delay at signalized intersections. | Very low control delay per vehicle (up to 10 seconds per vehicle); vehicle progression is extremely favorable; very little stopping. | Very low control delay per vehicle up to 10 seconds per vehicle; very little stopping. |
| 2. | <i>Traffic flows with very little delay and speeds may be slightly reduced. Very infrequent and short waits at traffic signals. More vehicles stop at intersections than for LOS "A,"</i> | Generally unimpeded operations at average travel speeds (about 70% of free flow speed); ability to maneuver slightly restricted; infrequent delays at signalized intersections not bothersome. | Control delay per vehicle ranging between 10 and 20 seconds; good progression, short cycle lengths; more stopping with increasing levels of average delay. | Control delay per vehicle ranging between 10 and 15 seconds. |
| 3. | <i>Traffic speeds continue to slow. Some vehicles may stop at this level, although many vehicles still pass through the intersection without stopping.</i> | Stable flow; ability to maneuver more restricted; lower average speeds (about 50% of free flow speed); longer queues likely to develop at many signalized intersections. | Control delay per vehicle ranging between 20 and 35 seconds; fair progression, longer cycle lengths; significant stopping of vehicles at this level; some individual cycles begin to fail. | Control delay per vehicle ranging between 15 and 25 seconds; significant stopping of vehicles at this level. |
| 4. | <i>Congestion becomes more noticeable. Many vehicles stop, and the proportion of vehicles not stopping declines.</i> | Bordering unstable flow; still lower average speeds (about 40% of free flow speed); small increases in flow rate or adverse signal progression may cause significant increases in delay. | Control delay per vehicle ranging between 35 and 55 seconds; unfavorable progression or long signal cycles or high V/C ratios may result in ever increasing delays; many vehicles stop, and individual cycle failures are noticeable. | Control delay per vehicle ranging between 25 and 35 seconds. |
| 5. | <i>Low speeds and traffic back ups at intersections. Often considered to be the limit of acceptable delay.</i> | Capacity – characterized by significant delay and low average speeds (about 33% of free flow speed); aggravated by poor signal progression and high signal density; extensive delays at key signalized locations. | Capacity - control delay per vehicle ranging between 55 and 80 seconds; often unfavorable progression or long signal cycles or high V/C ratios result in high delay values; and individual cycle failures are frequent occurrences. | Capacity - control delay per vehicle ranging between 35 and 50 seconds. |
| 6. | <i>Very slow speeds and congestion. Long traffic backups. Very likely to wait for multiple greens to get through an intersection. This is considered to be unacceptable to most drivers.</i> | Congestion – arterial flow at extremely low speeds; frequent intersection congestion at most critical signalized intersections; with long delays and extensive queuing. | Congestion - control delay per vehicle exceeds 80 seconds; arrival rates exceed capacity; many cycle failures; long delays and extensive queuing are likely. | Congestion - control delay per vehicle exceeds 50 seconds; arrival rates exceed capacity; long delays and extensive queuing are likely. |

Source: Transportation Research Board. [Highway Capacity Manual](#), 2000 update.

SECTION 7.3 FIRE PROTECTION STANDARDS

A. Purpose and Intent

The purpose of this section is to ensure the safety of Oldham County citizens by providing the infrastructure elements necessary for fire protection. Fire protection standards for fire department access, fire hydrants, water mains, fire flow, and sprinkler systems shall be met by all applicable new developments.

B. Definitions and Abbreviations

Accessible by full-size fire apparatus: An unobstructed improved surface capable of allowing fire apparatus weighing approximately 60,000 pounds to safely pass through. The height clearance of any structure above roadways shall be a minimum of 16 feet from edge of pavement to edge of pavement.

GPM: Gallons per minute.

NFPA: National Fire Protection Association.

Private Road: A way open to vehicular ingress and egress established as a right-of-way easement for the benefit of certain adjacent properties and constructed to required standards.

PSI: Pounds per square inch.

C. Fire Department Access

1. Buildings built on private roads or shared access easements must be accessible by full-size fire apparatus.
2. Private roads or shared access easements shall be constructed to allow access by fire apparatus and maintained in that condition at all times.
3. Stream crossings on private roads or shared access easements must be able to support the weight and width of full-size fire apparatus.

D. Fire Hydrants

1. Fire hydrants shall be installed and spacing requirements shall be according to the latest version of the Oldham County Fire Hydrant Ordinance.
2. The Oldham County Fire Hydrant Ordinance shall apply along all private roads and shared access easements.

E. Water Mains

The minimum acceptable water main size shall be 6” with larger sizes required as determined by the hydraulic calculations of the water company serving the area.

F. Fire Flow

1. The water supply system for residential developments must be capable of delivering a minimum sustained fire flow as follows:

| Residential Developments | Fire Flow Requirements |
|---|---|
| Single-family detached residential developments of 1-acre lot or larger with a minimum building (including accessory buildings) setback of 30 feet from any property line | 500 GPM with a residual pressure of no less than 20 PSI |
| All other residential developments | 750 GPM with a residual pressure of no less than 20 PSI |

2. Commercial, industrial, and institutional developments may require additional fire flow, depending upon the occupancy, construction, and fire protection features. Refer to NFPA Standard 1142 latest Edition.

G. Mitigation

Buildings on lots that do not meet the above fire protection standards will be subject to approval by the fire chief in the affected jurisdiction. Examples of mitigation may include but not be limited to: the use of sprinklers, cisterns, dry hydrants or other alternative water sources that meet the minimum fire flow requirements.

SECTION 7.4 SEWAGE DISPOSAL STANDARDS

Every subdivision shall be provided with a sewage disposal system approved by the Oldham County Health Department or the Kentucky Division of Water.

- A. On-Site Disposal - On-site sewage disposal systems may be permitted in areas where public sanitary sewers are not reasonably accessible. For the purposes of this regulation, “reasonably accessible” shall mean that any portion of the property proposed for subdivision is located within one-half (1/2) mile of existing sanitary sewer line, whether or not that line or the treatment facility to which it leads has capacity sufficient to handle the extra demands the division would create. The capacity issue is addressed in the Waste Water Treatment Capacity section. For any proposed subdivision utilizing on-site systems, the Oldham County Health Department shall review the general suitability of the site for on-site sewage disposal systems prior to Commission action. The Health Department shall ascertain whether on-site systems will function properly. In cases of unusual soil conditions or physical factors which may impair the health and safety of the

neighborhood in which a subdivision may be located, the Commission may, at the recommendation of the Oldham County Health Department, increase lot area requirements as necessary.

- B. Sanitary Sewers - Where a proposed subdivision is to be served by a sanitary sewer system, the developer shall file at the time of preliminary plat submittal documentation showing that a public or private utility has agreed to serve the development and documentation showing that the subject treatment plant has adequate existing capacity in accordance to Section 7.5. If the proposed development would require the construction of a new or expanded treatment plant, the developer shall file documentation at the preliminary plat stage showing preliminary approval by the Kentucky Division of Water of the new construction. (i.e., wasteload allocation).

Where a public sanitary sewer system, in the opinion of the Commission, is reasonably accessible, sanitary sewers shall be installed to adequately serve all lots with connections to the public system.

Where there is a 201 Facility Plan for extending a public sanitary sewer system into an area that is being subdivided, consideration shall be given to require sewer line easements to be recorded.

Sewer lines must be constructed to stub to all adjacent property lines, with manholes installed at each end as required by the LaGrange Utilities Commission. [LaGrange only]

- C. Additional Standards:
1. All subdivisions including those proposing to utilize on-site septic systems, shall be required to include fifteen (15) feet permanent sewer easements to facilitate connections to a public sanitary sewer system in the future.
 2. Subdivisions located within one-half (1/2) mile of a public sanitary sewer system shall be required to meet with the appropriate sewer agency to do a cost effective analysis in order to determine the feasibility of installing sewers without exceeding the design capacity of the sewer line and / or sewage pump station.

SECTION 7.5 ADEQUATE WASTEWATER TREATMENT FACILITIES

- A. Purpose: The purpose of this section is to ensure that, to the maximum extent practical, approval of new developments will be granted by the Commission only when it can reasonably be expected that adequate wastewater treatment capacity will be available to accommodate such new developments.
- B. Wastewater Treatment Facility and Capacity Consideration: As part of the consideration of any request for major subdivisions, available wastewater treatment facilities and capacity shall be considered. Wastewater treatment

facilities with capacity inadequate to accommodate the average daily flow of wastewater generated by a proposed project shall be considered grounds for denial of a subdivision request, unless it can be shown that capacity can be increased.

- C. **Wastewater Treatment Capacity Defined:** Wastewater treatment capacity shall be quantified (in gallons per day) using figures, data, or other information provided by the applicant's licensed engineer. The Existing Average Daily Flow shall be calculated by using the average daily flow of the subject wastewater treatment facility from the Discharge Monitoring Report (DMR) for the previous twelve (12) months. The Approved Average Daily Flow shall be calculated based on the projected average daily flow for all approved developments not yet connected to the subject wastewater treatment facility. The Proposed Average Daily Flow shall be calculated based on the projected average daily flow of the proposed development. When calculating wastewater flow generated by an approved or proposed development, the Ten States Standards of 400 gallons per day per housing unit shall apply as the average daily flow except when the applicable sanitary sewer service provider provides the information necessary to establish a different average daily flow for the proposed development. The Commission, through its staff, will review this information for comprehensiveness as well as other pertinent factors. The projected average daily flow per housing unit to be applied under this regulation shall not be less than the minimum amount annually established by the Commission, in consultation with sanitary sewer service providers, for each wastewater treatment facility that serves Oldham County.
- D. **Criteria for Subdivision Applications:** The following are criteria to be applied by the Commission or staff when determining whether an application for subdivision shall be in compliance with these regulations: If the subject wastewater treatment facility is, at the time of application, under a notice of violation or a sanction with the Kentucky Division of Water, the Commission shall consider only applications that adequately address mitigating factors in accordance with Section E. When the combined Existing, Approved, and Proposed Average Daily Flow (see Part C) to the subject wastewater treatment facility exceeds one hundred percent (100%) of the average daily design capacity at the time of application, the Commission shall consider only applications that adequately address mitigating factors in accordance with Part E.
- E. **Mitigation:** The Commission, as part of its consideration of wastewater treatment capacity when evaluating a subdivision request, shall also consider the following mitigating factors potentially altering the overall impact of the proposed development on wastewater treatment capacity:
1. If the subject wastewater treatment facility is, at the time of application, subject to a notice of violation issued by the Kentucky Division of Water, the applicant must submit a letter from the appropriate sewer agency

- explaining the nature and extent of the violation and outlining the proposed resolution of the notice of violation.
2. If the subject wastewater treatment plant facility is under sanction with the Kentucky Division of Water, the applicant must provide documentation that the sanction does not apply to the proposed project in order for the application to be considered.
 3. When the combined Existing, Approved, and Proposed Average Daily Flow to the subject wastewater treatment facility exceeds one hundred percent (100%) of the design capacity, the applicant must prove each of the following in order for the application to be considered:
 - a. Plans and funding are in place for a new facility to treat wastewater or for improvements to existing wastewater treatment facility systems as desired by the sewer service provider;
 - b. Evidence of preliminary approval by the Kentucky Division of Water (i.e.wasteload allocation) must be provided for the construction of a new facility or improvements to an existing facility;
 - c. The proposed construction or improvement will be completed within two (2) years of preliminary plat approval; In cases where the development has to be phased beyond two (2) years due to other capacity factors, then the proposed construction and improvement to the subject wastewater treatment facility may be allowed to correspond with the phasing schedule of the development; and
 - d. The new capacity or increased capacity will be sufficient to serve the proposed development.

SECTION 7.6 ADEQUATE PUBLIC SCHOOL FACILITIES

A. Purpose

The purpose of this section is to ensure that, to the maximum extent practical, approval of new residential development will be granted by the Commission only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

B. School Capacity Consideration

As part of the consideration of any request to subdivide property for residential purposes that creates more than two housing units per year, available public school capacity shall be considered. Available school capacity inadequate to accommodate the number of students generated by a project or proposal may be considered grounds for denial of a subdivision plat as not being in compliance with these regulations.

C. School Capacity defined/applied

School capacity shall be quantified using figures, data, or other information provided by the Oldham County School Board, those figures, data or other information in a form mutually agreed upon by the Commission and the Oldham County School Board. The form and method of arriving at the figures, data, or other information relating to school capacity shall be periodically reviewed (at least once per calendar year) for accuracy and relevancy by the staff of the Commission. As part of this review, the Commission may request from the Oldham County School Board its raw data and formula used to determine school capacity. The Commission, through its staff, may review this information to determine its accuracy, fairness, and comprehensiveness as well as to review for other pertinent factors. The Commission may, based on this review and its results, decide to alter, amend, or substitute school capacity figures to be considered but the commission must have a reasonable or generally accepted statistical basis upon which to do so.

D. Students Generated defined/applied

The Oldham County School Board shall provide the Commission such data as necessary to determine the average number of students generated per dwelling unit in a new development. This average shall be applied by the Commission to development proposals in order to determine the number of students on average to be generated by a development. That figure will be compared to school capacity or planned school capacity available to identify inadequacies. The form and method of arriving at the figures, data, or other information relating to students generated per dwelling unit shall be reviewed at least once per calendar year for accuracy and relevancy by the staff of the Commission. As part of this review, the Commission may request from the Oldham County School Board its raw data and formulae used to determine average students generated per dwelling unit. The Commission, through its staff, may review this information to determine its accuracy, fairness, comprehensiveness, and other pertinent factors. The Commission may, based on this review and its results, decide to alter, amend, or substitute the average number of students generated per dwelling unit to be considered, but it must have a statistical basis upon which to do so.

E. Mitigation

The Commission, as part of its consideration of school capacity when evaluating a request to subdivide land for residential purposes, shall also consider the following mitigating factors potentially altering the overall impact of the proposed development on school capacity:

1. The unique makeup of the residents occupying developments of the type proposed (e.g. a development targeted at retired individuals typically without resident school age children)

2. Provision within the proposed development of a school site or other capital improvements as desired by the Oldham County School Board.
3. Failure of the Oldham County School Board to provide any or all of the data necessary to administer this ordinance may suspend consideration of school capacity as a factor affecting the subdivision of property for residential purposes.
4. Phasing.

SECTION 7.7 OTHER INFRASTRUCTURE FACILITY STANDARDS

- A. Water Supply - Every subdivision shall be provided with a complete water distribution system adequate to serve the area being developed with pipe lines, valves, fire hydrants, and other water facilities.
- B. Telephone, Natural Gas, and Electric - Every subdivision shall be provided with a proper telephone and electric system. Standard residential utility lines and cable television (if provided) shall be placed underground in all subdivisions except those where the average lot size meets or exceeds 25 acres. Natural gas may be provided at the option of the developer.
- C. Stormwater Disposal - Every subdivision shall provide satisfactory drainage and accommodation of stormwater run-off in accordance Oldham County Stormwater Ordinance.

SECTION 7.8 SURETY REQUIREMENTS FOR COMPLETING PUBLIC IMPROVEMENTS

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

- A. Acceptable Sureties - (1) An irrevocable letter of credit in favor of the appropriate legislative body from a bank with offices in the Commonwealth of Kentucky, (2) a performance bond in favor of the appropriate legislative body from a reputable bonding company acceptable to the administering authority, or (3) a cash security in favor of the appropriate legislative body may be presented to the administering authority as an acceptable surety. For the purposes of these regulations, the term

"bonding" shall be construed to also include the posting of a letter of credit or cash as surety.

- B. Posting of Surety with Record Plat - The acceptable surety shall be presented to the administrating authority at the time the subdivider applies for record plat approval. The amount of the surety needed shall be based upon the project engineer's estimated cost of completing the required public improvements. The final amount of surety will be established by the County Engineer. The surety shall be accompanied by a performance agreement that establishes a completion date, after which the legislative body may contact the subdivider's bank or bonding company and cause the work to be completed.
- C. Reduction of Surety - Once road construction has been completed through the base course of asphalt and utilities have been installed, the subdivider may request one reduction in the amount of surety upon approval of the legislative body. The amount of the reduction shall be based upon a certification by the project engineer of the estimated cost of improvements that remain to be completed and as authorized by the County Engineer, however the surety shall not be reduced to less than the estimated cost to complete road construction plus an additional 50 percent.
- D. Release of Surety - When the subdivider has completed all required improvements and has submitted a revised construction plan, the subdivider shall submit to the appropriate legislative body a written request for release of the surety. Upon inspection and determination by the County Engineer that all improvements have been properly constructed in conformance with these regulations, the legislative body shall release the surety. The legislative body may require certification from the project engineer concerning proper completion of the improvements. The legislative body may withhold partial surety for one year following completion of the required public improvements.
- E. Engineer's Certification - Whenever a project engineer's certification is required as stated above, one of the Certifications contained in the Appendics (Appendix C or Appendix D) shall be used.

ARTICLE VIII - ADMINISTRATION

SECTION 8.1 GENERAL

The Subdivision Regulations shall be enforced and administered by and through the Oldham County Planning and Zoning Commission. The Commission's general authority and responsibility in administering the Subdivision Regulations shall include the following:

- A. Process, review, and approve all plans and plats as described in the Subdivision Regulations.
- B. Receive fees collected as a result of subdivision review activity.
- C. Distribute copies of approved plats to various governmental agencies including but not limited to property valuation administrator, water and sewer districts, police and fire districts, road departments, and utility companies.
- D. Approve waivers and variances as described herein.
- E. Review and oversee action on the release of performance bonds held by the legislative bodies upon the completion of proper construction of public improvements.

The Commission may assign authority to an Administrator to handle the administration of the Subdivision Regulations and does hereby empower the Administrator and staff to promulgate policies, administrative processes, and forms necessary and/or desirable for the proper administration of these regulations. The Commission may seek advice from planning consultants or local, regional, and state agencies regarding the administration of the Subdivision Regulations. The Commission and its legislative bodies are empowered to do all things lawful and necessary to insure the proper administration and enforcement of the Subdivision Regulations.

SECTION 8.2 MAINTENANCE OF DEDICATED FACILITIES AND AREAS UNTIL ACCEPTANCE

All facilities, improvements, and areas with respect to which the developer makes an offer of dedication to public use shall be maintained by the developer until such offer of dedication is accepted by the appropriate legislative body, public agency, or public utility.

SECTION 8.3 ACCEPTANCE OF DEDICATION

Approval of a record plat does not constitute acceptance by local government of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on the plat. However, the local government may accept any such offer of dedication by resolution of the legislative body or by actually exercising control over and maintaining such facilities. Dedication for public use and/or ownership of all public facilities as outlined above shall be

by ownership and dedication certificate signed and properly executed, on the Record Plat. Wording and format of this certificate shall be determined by staff.

SECTION 8.4 AMENDMENTS TO PLANS

With the exception of minor amendments, any proposed amended preliminary plat, construction plan, or record plat shall follow the same procedure for approval as required for the original plan or plat.

SECTION 8.5 REQUIREMENTS FOR APPLICATION

An application for subdivision shall be made only in compliance with all of the requirements herein. The application shall include at a minimum a fully complete application form, the required fee, and number of copies of the plat required in the proper format, each submitted by the established deadline for application. The application must be accompanied by the required forms and submittals as specified herein. Incomplete applications (both the form and other requirements) will not be accepted for consideration.

SECTION 8.6 SUPPLEMENTARY INFORMATION

The following supplementary information shall be provided with the application at step 3 (preliminary plat) and/or when applicable:

- A. Traffic Impact Analysis -See Section 7.2.
- B. Soils Overlay Map - Where the developer proposes to use on-site sewage disposal systems, a soils overlay map showing proposed lot lines shall be provided.
- C. Additional Owner Property - Where the land area shown on the preliminary plat represents only a portion of the owner's entire adjacent holdings, a scaled drawing with a potential street layout and the existing topography for the entire property shall be provided.
- D. Proposed Deed Restrictions - Where the developer proposes to record private deed restrictions governing the development, a copy of the proposed restriction shall be provided.

SECTION 8.7 REQUIREMENTS FOR RECORDING

Prior to any plat being recorded, all requirements specified in these regulations and any pertinent Administrative Policies shall be satisfied.

SECTION 8.8 FEES

Reasonable fees sufficient to cover the cost of administration, review, inspection, publication of notice, and similar matters may be charged to applicants for subdivision plan and plat approval. The amount of the fees charged shall be established by resolution by the Oldham County Fiscal Court.

SECTION 8.9 SUBDIVISION ROAD REPAIR FEE

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

SECTION 8.10 APPLICATION FORM AND CONTENTS

The Commission shall adopt by resolution appropriate application forms for the subdivision process.

SECTION 8.11 NUMBER OF COPIES

The Commission staff shall establish the number of copies of the proposed plat to be submitted with an application. That number shall be the minimum sufficient to distribute to all reviewing agencies. Excess plats will be returned to the subdivider.

SECTION 8.12 FORMAT (ELECTRONIC)

The Commission shall establish the appropriate electronic format that all plats will also be submitted in. The electronic format shall be that most compatible with that used by the Commission staff, other governmental entities, and utilities providers in order to enable and encourage sharing and use of the most accurate information.

SECTION 8.13 VARIANCES

- A. The Commission shall have the power to hear and decide applications for variances from the Zoning Ordinance when a proposed development requires approval of a subdivision and one (1) or more variances. In doing so, the Commission shall assume all powers and duties otherwise exercised by the appropriate Board of Adjustment and Appeals pursuant to KRS 100.281.

- B. The subdivider may elect to have any variances for the same development heard and finally decided by the Commission at the same public hearing set for consideration of the Preliminary Plat.
- C. A subdivider may in the alternative choose to have any variances related to a subdivision proposal heard and decided by the appropriate Board of Adjustment and Appeals after the Commission's conditional approval of the Preliminary Plat.

SECTION 8.14 MISCELLANEOUS

- A. Construction Trailers - A subdivision under construction shall be allowed one (1) trailer for use as an office and one (1) trailer for storage of equipment and materials. Said trailers shall be located as far away from adjoining properties as is practicable. The office trailer shall be removed upon sale of 80 percent of the lots or as directed by the Commission. The equipment trailer shall be removed upon completion of the public improvements or any time construction has ceased for a period of 90 days.
- B. Model Homes - The subdivider, developer, or any homebuilder specifically designated by the developer may construct single family homes within a subdivision for the purpose of showing them to the general public in an effort to encourage sale or purchase of similar units within the subject subdivision only. No model home may be occupied for residential purposes. Any advertisement or other effort designed to expand the intent of this permission will cause the model home to be considered a commercial use under the zoning ordinance and in violation of these regulations.

ARTICLE IX - APPEALS/WAIVERS/PENALTIES AND ENFORCEMENT

SECTION 9.1 WAIVERS

The Commission may reduce or otherwise grant waivers from the requirements of these regulations whenever it encounters the situations described below. In granting such waivers, the Commission may attach and require whatever conditions it feels are necessary to secure the basic objectives of the waived regulations. The Commission must hold a public hearing on all waiver requests. Such waivers may be granted only without detriment to the public good, without impairing the purposes, basic objectives, and intent of these regulations, and without impairing the desirable general development of the neighborhood and the community. Any waivers granted by the Commission shall be noted in its official minutes along with the reasons which justified the granting of the waiver.

- A. Exceptional Hardship - Where the Commission finds that strict compliance with these regulations would create an undue hardship because of exceptional unique topographic or other natural or man-made physical conditions encountered on the particular land, the Commission may waive the requirements of these regulations to the extent necessary to relieve the undue hardship.
- B. Design Innovation and Large Scale Development - These regulations may be modified by the Commission in the case of plans for complete neighborhoods or other design innovations which, in the Commission's opinion, still achieve the basic objectives of these regulations.

SECTION 9.2 APPEALS

Any person or entity claiming to be injured or aggrieved by any final action of the Commission shall appeal from the final action to Oldham Circuit Court. Such appeal shall be taken within thirty (30) calendar days after such action. Such action shall not include the Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review, provided, however, any appeal of Commission action granting or denying a variance from the zoning ordinance shall be taken within thirty (30) days after final action by the Commission, or, if the development involves a zoning map amendment, within thirty (30) days after the legislative body takes final action on the map amendment. The Commission shall be a party in any such appeal filed in circuit court.

SECTION 9.3 ENFORCEMENT & PENALTIES

- A. Any person or entity who violates any of the provisions of these regulations for which no other penalty is provided shall upon conviction be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

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- B. Any person, owner, or agent who violates these regulations shall upon conviction be fined not less than one hundred dollars (\$100) but not more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
- C. The Commission may appoint enforcement officers who shall have the 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. The procedure for citations issued by the enforcement officers shall be as provided in KRS 431.015.
- D. These regulations are adopted pursuant to KRS Chapter 100 and other applicable laws. The Commission shall have such power as provided by KRS 100.337 and other applicable laws to enforce these regulations.

APPENDICES

APPENDIX A: PRIVATE ROAD MAINTENANCE RESPONSIBILITIES

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

OWNERS: (Signature) _____ (Date) _____

APPENDIX B: GOVERNMENT AND EMERGENCY ACCESS

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

OWNERS: (Signature) _____ (Date) _____

APPENDIX C: CERTIFICATION OF PARTIAL COMPLETION

I hereby certify to the best of my knowledge and belief that the required public improvements that have been constructed meet or exceed the construction standards approved for this subdivision under local regulations, and I estimate that the cost to complete the remainder of the required public improvements according to specifications should not exceed \$ _____ as itemized below.

(Engineer's signature) _____ (Date) _____ (Seal)

APPENDIX D: CERTIFICATION OF COMPLETION

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

(Engineer's signature) _____ (Date) _____ (Seal)