

ROWAN COUNTY KENTUCKY

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I. GENERAL PROVISIONS

§ 151.001 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABBREVIATIONS

- JPC.** Means “Morehead-Rowan County-Lakeview Heights Joint Planning Commission”
- KRS.** Means “Kentucky Revised Statutes.”
- RCSC.** Means “Rowan County Subdivision Coordinator” or alternate designee.
- USR(s).** Means “Uniform Subdivision Regulations” or “Rowan County Subdivision Regulations”

GENERAL TERMS

In the absence of specific or more restrictive interpretation laid out herein, all terms codified under these Uniform Subdivision Regulations shall have the same meaning as those in KRS Chapter 100.

ACCESS. Provisions for vehicular entrance to or exit from a street.

- A. **CONTROLLED ACCESS.** Access at points to be designated by the Joint Planning Commission as to type, number of access points and location along a street.
- B. **LIMITED ACCESS.** Access only at specific intervals provided for in the design of a street, usually an interchange.

AGRICULTURAL USE. Consistent with KRS 100.111(2)

AUTHORITY HAVING JURISDICTION. An organization, office or individual responsible for enforcing the requirements of a code or standard or for approving equipment, materials, an installation, or procedure.

HAZARDOUS LIQUIDS PIPELINE. Includes any pipeline constructed or converted to use for transportation under pressure of crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide. This does not apply to piping within the boundaries of a manufacturing facility or a gas or service station, nor to public facilities or public utility facilities as provided in KRS 100.324.

JOINT PLANNING COMMISSION. Shall refer to the Joint Planning Commission of the City of Morehead, Rowan County, and the City of Lakeview Heights. Joint Planning Commission shall also refer to the RCSC if authority of the Joint Planning Commission has been delegated to such official pursuant to KRS 100.281(1).

PHASE. A stage of development in a commercial, private non-profit, industrial, or residential subdivision.

RESERVE STRIP. A reserved or allocated portion of land reserved for purposes specified by Commission Action during plat approval. Reserve Strip is not limited to roads, but would also include nature strips, bike paths, conservation areas, berms, tree or landscape buffer, undeveloped wetlands, wall or fence barrier from roadways or railroad tracks, horse paths, and paved or unpaved footpaths. A Reserve Strip is an area not suitable for development of structures of the type planned for lots in the subdivision. Subdividers are encouraged to identify proposed uses for Reserve Strips on submitted Preliminary Plats.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise designated.

- A. **ARTERIAL STREETS.** Arterial streets and highways are those primarily for high vehicular speeds or heavy volumes of traffic.
- B. **COLLECTOR STREETS.** Those which will carry intermediate volumes of traffic from local to arterial streets.
- C. **FIRE ACCESS ROADS.** A road constructed and/or maintained expressly for fire department access.
- D. **LOCAL STREETS.** Those which are used primarily for access to the abutting properties, and which will carry limited volumes of traffic.
- E. **MARGINAL ACCESS STREETS.** Minor streets which are parallel to and adjacent to arterial streets and highways and which reduce the number of access points to the arterial street for the purpose of increased traffic safety.
- F. **PRIVATE STREET OR ROAD.** Privately owned and maintained access provided for by a tract, easement, or other legal means to serve as access to a dwelling or potential dwelling. PRIVATE STREETS shall not be maintained by local, state or county road maintenance division, unless the legislative body of the appropriate city or the Rowan County Fiscal Court has approved such road maintenance for good cause shown and consistent with applicable law.
- G. **PUBLIC STREET OR ROAD.** A street (as defined above) which is intended to be used by the public and which is maintained by city, county, or state road maintenance division.
- H. **SERVICE ACCESS ROADS.** Shall primarily be used for access to load and unloading areas.

SUBDIVIDER. Any person, firm, partnership, limited partnership, limited liability company, association, corporation, trust, estate or other group or combination acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as defined herein and including any agent of any Subdivider. An applicant pursuant to these Subdivision Regulations is deemed a Subdivider. A Subdivider holding an option, or which is a party to a purchase agreement for a property in Unincorporated Rowan County may be a Subdivider as is the fee simple owner of the subject property. The fee simple owner or its authorized representative shall sign any Application for subdivision plat approval and any Preliminary Plat and Final Plat in front of a notary. If a property is jointly owned by whatever means, all owners shall so sign such application, preliminary, or Final Plat. A property owner may authorize another person or entity to sign such Application, Preliminary Plat, or Final Plat, by general or limited power of attorney recorded in the office of the Rowan County Clerk and with a copy provided to the RCSC.

SUBDIVISION. Consistent with *KRS 100.111(2)*, "Subdivision" in the unincorporated Rowan means the division of a parcel of land into three (3) or more lots or parcels for the purpose,

whether immediate or future, sale, lease, or building development.

The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

A county containing a city with a population equal to or greater than eight thousand (8,000), based upon the most recent federal decennial census, or in an urban-county government or consolidated local government, a subdivision means the division of a parcel of land into two (2) or more lots or parcels. Currently, no cities within Rowan County have a population greater than 8,000. The Joint Planning Commission and Rowan County will provide the public information if the 8,000-population threshold is met in the future resulting in revising the definition of Subdivision for unincorporated Rowan County.

§ 151.002 MISSION STATEMENT

These Subdivision Regulations apply to the Unincorporated areas of Rowan County and includes economic, topographic, environmental, transportation network, and other factors which distinguish it from the City of Morehead and the City of Lakeview Heights. In particular, the unincorporated Rowan County often involves larger development properties, and steeper topography in some portions of the County as well as greater distances between developments and commercial, industrial, and governmental facilities and services. Obtaining utility services in the unincorporated County is also often more complex than in a city. Public roadway access for any land use can also differ in the unincorporated County from access in municipalities. In addition, the unincorporated County is bisected by Interstate Highway I-64 for many miles and contains a significant body of water in Cave Run Lake as well as a regional airport. Accordingly, there is a rational basis for differing subdivision regulations among jurisdictions in Rowan County.

These Unincorporated Rowan County Subdivision Regulations have been prepared to promote the public health, safety, and general welfare of the county; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of police and fire fighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. Decisions made under these Subdivision Regulations are intended to be made consistent with any Comprehensive Plan, current or adopted in the future. These regulations make appropriate distinctions for the division of residential, commercial, private, non-profit, and industrial property. These regulations are adopted in accordance with the Kentucky Revised Statutes – Chapter 100.

This chapter is designed to guide land use decisions in unincorporated Rowan County, and the as a means of implementing subdivision regulations. The Rowan County Subdivision Coordinator (“RCSC”) and the City of Morehead, Rowan County and Lakeview Heights Joint Planning Commission shall use this chapter as the basis for making decisions and granting approval for future subdivision development and as guidelines for developers in unincorporated Rowan County.

§ 151.003 TITLE

This chapter shall be known as the Unincorporated Rowan County Subdivision Regulations, Subdivision Regulations or USRs. This chapter does not govern regulation of subdivisions in the City of Morehead or the City of Lakeview Heights.

§ 151.004 AUTHORITY AND JURISDICTION

Pursuant to the provisions of KRS Chapter 67, KRS Chapter 82, and KRS Chapter 100, on and after the date of adoption, this chapter shall govern the way that all subdivisions are designed and developed within unincorporated Rowan County as now or hereafter established.

§ 151.005 PROFESSIONAL QUALIFICATIONS TO PREPARE PLATS AND DEVELOPMENT PLANS

Preliminary plats of survey and development plans presented to the RCSC and JPC for approval must be signed by a Professional Land Surveyor and if involving infrastructure design, signed by both a Professional Land Surveyor and a Professional Engineer licensed in Kentucky stating approval of the plans in consideration of Kentucky surveying and engineering regulations and these regulations. Final plats of survey presented to the RCSC and JPC for approval shall be prepared in compliance with Kentucky standards for engineering and surveying in KRS 322 and 201 and KAR 18:150, as now in effect or as amended, including the certification, name, address, and seal of the Professional Land Surveyor and Professional Engineer licensed in the Commonwealth of Kentucky in responsible charge of the preparation of the plans.

Improvement plans shall be in accordance with the minimum acceptable design and improvement standards of these regulations 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 JPC or RCSC may request additional information in order to clarify design issues.

§ 151.006 ELECTRONIC SUBMISSION OF PLATS:

Electronic filing of all documents required by these Subdivision Regulations is required in the public interest so that the filings can be sent by email to various parties who will review the submissions. All Preliminary Plats, Improvement Plans, Final Plats, record drawings, application forms, and other submissions and information required to be submitted to the JPC or the RCSC, shall, in addition to physical submissions, also be filed and submitted in a generally-accepted electronic form (PDF and JPEG files) on an appropriate medium (USB drive, or by email) that can be opened, downloaded, printed and sent by email in a legible format by the necessary parties and officials. The electronic version shall be identical to those submitted on paper, including containing all required signatures, stamps, certifications, and other required information. A filing shall not be deemed complete or accepted until originals, electronic copies, and payment, if payment is required, are received, and acknowledged as accessible, legible and readable by the RCSC. Paper size shall be as required by application instructions established by the RCSC.

§ 151.007 MINIMUM REQUIREMENTS

The provisions of this chapter shall be held to be the minimum requirements. The RCSC and JPC may require standards above the minimum contained herein whenever it finds that protection of the public safety and general welfare warrants such increases. Any requirement of higher standards shall be justified by the RCSC or JPC, shall be included in its meeting minutes and administrative record file of an application.

§ 151.008 GROUP HOUSING DEVELOPMENTS, SERVICE FACILITIES AND CELLULAR PHONE TOWERS

Group Housing Developments.

Group or individual housing developments, including the development of multiple housing units for lease,

multiple housing units in one building for persons in one or more classes recognized or protected by federal or state legislation or regulation, together with necessary infrastructure, drives, and ways of access, must be approved by the JPC, although the design of the project does not include standard lot, street, and subdivision arrangements. “Residential Care Facility for Persons with Disabilities” as referenced in KRS 100.984 and certain developments limited to senior citizens meeting age thresholds established by statute or regulation are also such group housing developments.

A development plan must be submitted with application to the RCSC for review and approved by the JPC prior to construction to assure 1. the availability of public utilities and other relevant infrastructure sufficient to support the project, 2. adequate right-of-way and entrances and 3. possession of all applicable permits for assurance of the health, safety, and welfare of the public.

Service Facilities of Utilities / Governmental Uses.

KRS 100.324 and KRS 100.361 limit the authority of the JPC to regulate subdivision of property for use for certain service facilities of utilities and governmental uses. Nonetheless, the JPC reserves all statutory rights to receive advance notice of such planned uses and to provide review and comment.

Cellular Antenna Towers.

The JPC has jurisdiction to permit new cellular antenna towers pursuant to KRS 100.987. These highly regulated facilities are normally located on small, leased premises approximating 10,000 square feet with associated utility and access easements and are not continuously staffed. They present very different land use considerations from the typical subdivision lot. Accordingly, the JPC may, for good cause shown, waive any Plat requirements of these USRs inconsistent with the unique nature of these special purpose facilities in approving any Plat associated with a cellular antenna tower. Plat approval of a division of property for a cellular antenna site may be conditioned on the lot only being used for such purposes.

§ 151.009 ADMINISTRATION OF SUBDIVISION REGULATIONS

- A. Rowan County’s authority and responsibilities, as defined by Ordinance enacted by the Rowan County Fiscal Court, generally includes the following with respect to the subdivision of property in the unincorporated area of Rowan County:
1. Rowan County Subdivision Coordinator. The Rowan County Judge Executive and Fiscal Court shall appoint the Rowan County Subdivision Coordinator (“RCSC”) or alternate. The RCSC is the staff administrator for these Unincorporated Rowan County Subdivision Regulations. The RCSC is an employee of Rowan County and compensation and expenses of the RCSC are to be paid by Rowan County.
 2. Fees. Any fees levied as a result of the review of subdivision plats, plans and construction inspection services falls on the Subdivider rather than the general public however, only if a Schedule of Fees is adopted by Rowan County.
 3. Planning and Codes Office. The Rowan County Subdivision Coordinator (“RCSC”) is responsible for the administration of the subdivision regulations and codes for properties in Unincorporated Rowan County and shall staff and operate a Planning and Codes Office for such jurisdiction with any funding to be provided by Rowan County Fiscal court. The RCSC shall periodically keep the JPC informed of his or her activities and actions and shall act consistently with delegations set forth in these Subdivision Regulations. The RCSC responsibilities are as follows:

- 3.1. Administer and initiate steps to enforce provisions of these Subdivision Regulations consistent with KRS Chapter 100 as needed within Unincorporated Rowan County.
- 3.2. Assist with the determination of acceptance of technical drawings and preliminary/final acceptance of subdivision plats, Improvement Plans, and applications tendered in connection with these Unincorporated Rowan County Subdivision Regulations.
- 3.3. Perform on-site construction inspections of public improvements in accordance with the approved plans, plats, or drawings.
- 3.4. Assure that all public improvements are inspected and complete and have been constructed in accordance with the approved plans, plats, or drawings.
- 3.5. Receive or hold guarantees and bonds, if required, for proper installation of public improvements as described in these Subdivision Regulations if required.
- 3.6. Keep and maintain all records of application requests pertaining to these USR's.

B. The Joint Planning Commission. The Joint Planning Commission responsibilities pertaining to subdivision regulation in Unincorporated Rowan County are detailed in ordinance of Rowan County adopted pursuant to KRS Chapter 100 and in these Subdivision Regulations for Unincorporated Rowan County.

1. The Morehead, Rowan County, and Lakeview Heights Joint Planning Commission (“Joint Planning Commission”), as established by a prior agreement between the City of Morehead, Rowan County, and the City of Lakeview Heights, is a nine-member board appointed as follows:
 - 1.1. Three members are appointed by the Mayor of Morehead.
 - 1.2. Three members are appointed by the Rowan County Judge/Executive: and
 - 1.3. Three members are appointed by the Mayor of Lakeview Heights.
2. The term of office of the members shall be four years and until their successor takes office. No member shall serve more than two consecutive four-year terms.
3. The Joint Planning Commission’s authority and responsibilities in regard to Unincorporated Rowan County are to exercise authority consistent with KRS Chapter 100, subject to delegations to the RCSC set forth in these Subdivision Regulations including the following:
 - 3.1. Review, process, and make decision on preliminary and final development plans or plats for subdivisions as described in these regulations which are not delegated to the RCSC.

§ 151.010 SUMMARY OF SUBDIVISION APPLICATION PROCESS

Owner(s) of land within Rowan County unincorporated areas wishing to subdivide land are required to abide by these Rowan County Subdivision Regulations, which can be found on the Rowan County web page at

www.rcky.us, at the County Judges Office located at 600 West Main Street or the RCSC office located at 200 American Legion Way.

- A. In general, subdivisions of less than three parcels are not defined as subdivisions and are not required to be approved by the JPC.
- B. Subdivisions of three or more parcels, which meet one of the Rowan County Subdivisions exemptions, must be approved by the RCSC, consisting of a note on the subdivision plat of survey stating the plat meets the requirements of the Rowan County Subdivision Regulations. Contacting the RCSC prior to the development of a subdivision is required for assurance of compliance with the Rowan County Subdivision Regulations and to provide the applicant with information and documentation required to assist with the development.
 - 1. Procedures:
 - 1.1. Scheduling such meeting well in advance of complete application filing is recommended so there will be time for any needed revision of draft materials prior to the target date for the JPC meeting.
 - 1.2. This informal review is not binding on the JPC or the RCSC delegee and does not constitute final and appealable action. The RCSC is not authorized to provide verbal or written guarantees or assurances as to subsequent action which will be taken by the RCSC or the JPC.
 - 1.3. The pre-application meeting does not require formal application filing with the JPC. A request for a pre-application meeting must be submitted to the RCSC.
- C. The subdivider or any person claiming to be aggrieved may appeal any RCSC or JPC decision to the JPC Board of Adjustment within thirty (30) days of such denial. The appeal shall summarize the grounds for appeal.
- D. Owner(s) of land within unincorporated areas of Rowan County wishing to subdivide land into three or more parcels, not being defined as exempt from the subdivision regulations, shall submit an application and preliminary plat of the proposed subdivision to the Rowan County Subdivision Coordinator (“RCSC”), as designee of the Rowan County Fiscal Court, according to the requirements outlined in these regulations. Timing of consideration of the filing is set forth in further sections of these USRs.

Owners, or their agent, shall not transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, deed or land contract before such plat and subdivision development requirements have been met and received final approval of the JPC and final plat has been recorded in the Rowan County Clerk’s Office.

Any such instrument of transfer or sale shall be void and shall not be recorded unless the subdivision plat subsequently receives final approval of the JPC, but all rights of such purchaser to damages are hereby preserved. The JPC may use all authority granted pursuant to KRS Chapter 100 to enforce such requirements as to recording. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights of remedies he may otherwise have.

II. SUBDIVISION REGULATION EXEMPTIONS, VARIANCES AND SPECIAL ROAD CONDITIONS

§151.011 SUBDIVISION EXEMPTIONS

- A. **Land Tracts of Five Acres or More.** In the unincorporated areas of Rowan County, outside the jurisdictional limits of the City of Morehead and the City of Lakeview Heights, whenever land is divided into tracts of five acres or more for the purpose of sale or transfer of each tract, whether immediate or in the future, to an individual for agricultural or residential purposes, and for which no new public roads or extensions or improvements to existing public roads are required, shall be exempt from these Subdivision Regulations, except that, in order to ensure compliance with this division, the owner of the land shall submit a plat of survey of the subdivision to the RCSC which shall set out:
1. The location of the right-of-way of the abutting, existing public road and if less than 40 feet additional right-of-way may be required to be provided to Rowan County.
 2. The location of any private roads or streets, which shall be specifically designated as such. Names given to private streets or roads as hereinabove referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator.
 3. The RCSC shall review and after finding the subdivision meets the exemption requirements of these Subdivision Regulations, shall sign, date, and approve the plat of survey. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk and may convey tracts.
- B. **Land Tracts Conveyed to Family.** When land is divided into three or more lots or parcels in the unincorporated areas of Rowan County outside the corporate limits of the City of Morehead and the City of Lakeview Heights, and whenever no new public streets or roads or extensions/improvements to existing public roads are required, the owner or owners of a tract of land who wish to do so, may convey, as a gift or gifts, individual parcels of that land to members of his or her immediate family as defined.

For purposes of this division, *IMMEDIATE FAMILY* shall refer to a spouse, child or children, stepchild or stepchildren, grandchild or grandchildren, step-grandchild or step-grandchildren, parent(s), stepparent(s), or siblings. In such specific instances, the transactions shall be exempt from the requirements of these Subdivision Regulations. Such conveyances by gift to other family members not included in the definition of *IMMEDIATE FAMILY*, as defined in this subsection, may be granted the same exemption from these Subdivision Regulations, but, before same is granted, a specific waiver shall be obtained from the RCSC upon submission of appropriate affidavit identifying transferee as a family member. The deeds of conveyance shall provide:

1. The family relationship.
2. The owner of the land shall also submit a plat of survey of the subdivision to the RCSC which shall set out:
 - 2.1. The location of the right-of-way of the abutting, existing public road and if less than 40 feet additional right-of-way may be required to be provided to Rowan County.

- 2.2. The location of any private roads or streets, which shall be specifically designated as such. Names given to private streets or roads as hereinabove referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator.
- 2.3. The RCSC shall review and after finding the subdivision meets the exemption requirements of these Subdivision Regulations, shall sign, date, and approve the plat of survey. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk and may convey tracts.

C. **Land Tracts with 100 feet Frontage on Public Road.** In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, when land abutting the right-of-way of an existing public road is divided into three or more parcels having individual lot frontages of at least 100 feet for the purpose, whether immediate or future, of sale or building development for residential purposes, and where no new public road is required, same shall be exempt from the requirements of these Subdivision Regulations, except that, in order to ensure compliance with this division, the owner of the land shall submit a plat of survey to the RCSC which shall set out:

1. The location of the right-of-way of the abutting, existing public road and if less than 40 feet additional right-of-way may be required to be provided to Rowan County.
2. The location of any private roads or streets, which shall be specifically designated as such. Names given to private streets or roads as hereinabove referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator.
3. The RCSC shall review and after finding the subdivision meets the exemption requirements of these Subdivision Regulations, shall sign, date, and approve the plat of survey. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk and may convey tracts.

D. **Land Tracts Larger Than One Acre for Residential Use.** In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, when land is divided into three or more parcels of one acre or more in size, for the purpose, whether immediate or future, of sale or building development for residential uses, and each parcel is accessed from the nearest existing public road or by its own private street or road, and no new public road or extensions/improvements to existing public roads is required, shall be exempt from the requirements of these Subdivision Regulations, except that, to ensure compliance with the above requirements, a plat survey of the subdivision shall be submitted to the RCSC, which shall set out:

1. The location of the right-of-way of the abutting, existing public road and if less than 40 feet additional right-of-way may be required to be provided to Rowan County.
2. The location of any private roads or streets, which shall be specifically designated as such. Names given to private streets or roads as hereinabove referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator.
3. The RCSC shall review and after finding the subdivision meets the exemption requirements of these Subdivision Regulations, shall sign, date, and approve the plat of survey. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk and may convey tracts.

E. **Land Tracts Not for Development/ Additions to Existing Ownership.** In the unincorporated areas of the County of Rowan, outside the corporate limits of the City of Morehead and the City of Lakeview Heights, when land is proposed to be conveyed to an adjoining property owner to increase ownership or agree on boundary lines and not for development, and no new public road or extensions/improvements to existing public roads is required, shall be exempt from the requirements of these Subdivision Regulations, except that, to ensure compliance with the above requirements, a plat survey of the subdivision shall be submitted to the RCSC, which shall set out:

1. The location of the right-of-way of the abutting, existing public road and if less than 40 feet additional right-of-way may be required to be provided to Rowan County.
2. The location of any private roads or streets, which shall be specifically designated as such. Names given to private streets or roads as hereinabove referenced shall be submitted to and approved by the Rowan County E-9-1-1 Board Coordinator.
3. The RCSC shall review and after finding the subdivision meets the exemption requirements of these Subdivision Regulations, shall sign, date, and approve the plat of survey. The landowner shall then file the approved plat for recording with the Office of the Rowan County Clerk and may convey tracts.

§ 151.012 GRANTING OF VARIANCES IN CONNECTION WITH PLAT APPROVAL

A Subdivider seeking grant of a dimensional variance (“Variance”) from these Subdivision Regulations pursuant to KRS 100.243 shall request such variance simultaneously with its application for subdivision plat approval. Such application shall be held by the JPC until it has ruled on the requested variance. Decision on the plat application may be made in the same meeting as decision on a requested variance if the vote on the plat application follows the vote on the variance.

The JPC may grant variances to these regulations where, by reason of exceptional shape of a specific piece of property, or where, by reason of exceptional topographic conditions, or where, the subject property was developed prior to subdivision regulations and requesting subdivision approval and the strict application of these regulations would result in extreme practical difficulties, and undue hardship upon the owner of such property; provided, however, that such relief may be granted without unnecessary detriment to the public good and without substantially impairing the intent and purpose of these regulations.

Variations shall be based upon the subdivider making a written request to the JPC showing good cause. In granting such variance, the JPC. may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations. Such variance 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 as proposed by any Comprehensive Plan adopted in the future.

Any variance granted by the JPC shall be noted in its official minutes along with the reasons which justified the granting of the variance. In addition, any such variance granted shall be documented in the chain of title by a Certificate of Land Use Restriction on a form approved by the RCSC. Any variance granted shall run with the land.

§ 151.013 SPECIAL CONDITIONS FOR SUBDIVISIONS INVOLVING PRIVATE ROADS AND NO PUBLIC UTILITIES.

Subdivisions that meet the subdivision exemptions may develop private roads within the subdivision for lot

owners use, however, Rowan County has no obligation or responsibility to adopt or maintain the road. Private roads may only be developed in new subdivisions that conform to the following specifications:

The maintenance responsibility for new private roads shall be completely assumed by the property owners of the private roads. Maintenance responsibility includes 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 for a subdivision containing private roads shall have the roads labeled as private and shall contain a certification signed by the owner that the owner shall maintain the road in an open and unimpeded manner in order to insure continuous governmental and emergency access as well as for school buses and sanitation pick-up.

II. PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL PROCESS

§ 151.014 PROCEDURES FOR JPC PUBLIC MEETINGS ON PRELIMINARY AND FINAL PLATS

Generally, preliminary and final subdivision plats, improvement plans and applications shall be considered at regularly held JPC Meetings for approval. After approval by the RCSC, a subdivider must provide 15 copies of the RCSC approved preliminary or final subdivision development documents no later than twenty-one (“21”) days prior to a scheduled JPC meeting.

Typically, preliminary subdivision plats and improvement development plans are considered for approval, and once approved the JPC the subdivider may begin with the construction of the required improvements necessary for final plat and plan consideration. Once construction is complete the subdivider may apply for final plat approval by the JPC.

§ 151.015 PRELIMINARY PLAT PROCEDURE TERMS

1. **REVIEW.** The procedure by which the RCSC, JPC and other concerned agencies (e.g., utility companies, Kentucky Department of Transportation, Rowan County Health Department, and the like), shall examine plats and other documents that describe the proposed subdivision plan to ensure that the development meets the requirements of these regulations and any local, state, federal or other regulation that might pertain.
2. **CONDITIONAL APPROVAL.** The Subdivider may proceed to the construction of the required improvements but only after the Subdivider has submitted the required copies of the revised or if necessary corrected Preliminary Plat to the JPC through the RCSC for preliminary approval. If such corrected plans are not submitted within three months after most recent RCSC or JPC action, the Preliminary Plat is deemed to be disapproved.
3. **APPROVAL.** The Subdivider may proceed with the development of the subdivision and construction of the required improvements.
4. **DISAPPROVAL.** Disapproval of the plan. For further action, the Subdivider must file a new application along with preliminary plans consistent with these Subdivision Regulations for Unincorporated Rowan County.

5. **APPEAL.** The Subdivider or any person claiming to be aggrieved may appeal any RCSC decision to the JPC within thirty (30) days of such denial by actual delivery of a notice of appeal and any appeal fee to the offices of the RCSC within such period. Such notice of appeal shall summarize the grounds for appeal. Copies of the notice of appeal shall also be mailed to the Chairperson of the JPC and the Rowan County Judge/Executive at the Rowan County Courthouse.

§ 151.016 FINAL PLAT PROCEDURE TERMS

A. The procedural terms described below are for final plat review and approval process:

1. **COMMISSION ACTION.** No final plans will be considered for action by the JPC until they have been reviewed and approval granted from any utility companies with jurisdiction over the subject property and other agencies referenced herein. All final plans shall be approved or disapproved within 90 days of the date they are first considered by the JPC unless the Subdivider has requested a dimensional variance from Subdivision Regulations from the Board of Adjustments. In such, circumstances, final plans shall be approved or disapproved within 120 days of the filing of a plat application and request for variance. If approval of a plat or other matter has been delegated to the RCSC pursuant to these Subdivision Regulations as permitted by KRS 100.281(1), written action of such official shall constitute Commission Action.
2. **REVIEW.** The JPC and other agencies review the final plat and any other development plan materials. Other agencies provide written comments to the RCSC on final plat and/or development plan materials within fifteen (“15”) days of receipt of such materials with such comments to specify any recommended conditions or modifications to the plat or other development plan. The JPC has discretion whether to make any such recommended conditions or modifications a condition of final plat approval.
3. **POSTPONEMENT.** The JPC has deferred action until some future JPC meeting in order that certain clarifications can be made in regard to the plats, but no completely new re-submittal is required of the subdivider as is the case for disapproval. Commission action shall not be postponed beyond any statutory 60-day deadline for its decision, without written consent of the Subdivider.
4. **CONDITIONAL APPROVAL.** The Subdivider may proceed as outlined above only if the final plat is revised as required by the JPC. If such corrections or revisions are not made within 60 days of the JPCs action, the plan shall be deemed as disapproved by the JPC. A one-time, 60-day extension may be granted by the Commission for just cause in writing. A request for extension shall be filed with the RCSC five business days prior to expiration of initial deadline.
5. **APPROVAL.** The final plat and application are approved by JPC and signed by the Chairperson and after recording the Subdivider may sell or agree to sell lots by reference to an approved and recorded Final Plat.
6. **DISAPPROVAL.** Disapproval of the final plat and or application. To request a new review and action, the Subdivider shall file a new application along with plat copies and other material as required by the RCSC and JPC.

§ 151.017 PRELIMINARY AND FINAL PLAT CONSIDERATION PROCESS

A. The subdivider shall provide the RCSC a copy of all relevant proposed development documents for

review. If approved by the RCSC, the subdivider shall provide 15 copies (or a lesser number as requested by the RCSC) of preliminary or final subdivision development documents no later than twenty-one (“21”) prior to a scheduled JPC meeting to the RCSC.

- B. The RCSC shall prepare a Staff Report on the preliminary or final plats, plans and application. The report shall summarize the development and address on whether the application and proposed relevant documents are complete and in compliance with these USRs, and what issues are important and relevant for the JPC’s consideration at the regularly scheduled meeting.
- C. The RCSC shall circulate the preliminary or final plats, plans and application and Staff Report to the JPC members, the County Judge/Executive, and the subdivider, all via e-mail at least 7 days prior to the JPC meeting.
- D. Notice shall be mailed seven (“7”) days prior to the JPC meeting to the adjacent owners of the area proposed to be developed, all mailing shall be at the expense of the subdivider . Adjacent owners and their addresses shall be determined from the records of the Rowan County Property Valuation Administrator as of January 1 of the year in which the notice is to be given. Notices are not required to be mailed by certified or registered mail and may be mailed by U.S. Postal Service First Class Mail. Any notices mailed pursuant to this paragraph shall state:

“The purpose of the public meeting is to determine compliance with the Subdivision Regulations, decide whether to approve the Preliminary Plat, and to determine any applicable conditions if the Preliminary Plat is approved. Public comment is welcomed on such topics. However, the Joint Planning Commission does not have authority to deny a subdivision plat based on general public opposition to development of a property.”

- E. Approval of a preliminary plat and plans shall not constitute acceptance of the final plat and plans.
- F. The approval of the preliminary plans shall lapse unless final plans are submitted within one year from the date of approval of the preliminary plans. An extension of time may be applied for and granted by the RCSC for good cause shown.
- G. As each section of a multi-section subdivision is approved and developed, the approval of the preliminary plat will be extended for a one-year period beyond each approved section or phase. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for with good cause shown and granted by the RCSC.

§ 151.018 FINAL SUBDIVISION PLAT REQUIREMENTS

- A. The final subdivision plat shall show the project as constructed and shall meet or exceed the standards for surveys and engineering design in Chapter 201 of KRS and KAR 18:150, as now in effect or as amended, and the following information shall be displayed on the plats:
 - 1. No final plat for residential, commercial, private non-profit, or industrial use of land shall be approved by the JPC or accepted for record by the County Clerk until the improvement plan is approved, constructed and approved by the appropriate Rowan County officials having jurisdiction.
 - 2. Certification on plat by subdivider stating ownership and dedication of streets, rights-of-way, easements, and any other sites dedicated for public use.

3. Note, signed by the Chairman of the JPC, stating plat meets all the requirements of the Rowan County Subdivision Regulations.
4. A Final Plat shall be recorded in the Rowan County Clerk's office within SIX MONTHS from the date of the JPC's (or the RCSC) approval or else the Final Plat shall become void. Such Final Plat shall be recorded in advance of any conveyances of lots subject to such Plat.

§ 151.019 SUBDIVIDER'S RESPONSIBILITY FOR IMPROVEMENTS

- A. The Subdivider shall be responsible for pavement of roads in the subdivision and any damages that occur for at least one year from the date that the pavement is placed. The Subdivider shall obtain in writing from the County Road Foreman or a designee of the County Judge/Executive that he or she has inspected the road that was installed, the date the pavement was installed and that it is acceptable. The Subdivider shall maintain such record in its business records for at least five years from the date of receipt. The Subdivider is responsible for filing this document with the RCSC. Such Subdivider shall provide written notice of the damage to the RCSC within two business days of the damage
- B. If the Subdivider begins construction of a new phase of development within an existing development, the said Subdivider shall be responsible for any and all damages to the existing pavement and/or curbs. Such Subdivider shall provide written notice of the damage to the RCSC within two business days of the damage.
- C. Security bond, certified check. In lieu of required construction and/ prior to final plat and plan approval or possible future maintenance guarantees, Rowan County may require a security bond or certified or cashier's check to Rowan County sufficient to cover the estimated cost of the required improvements or maintenance. A request to bond a development will be considered on the merits of each individual project and such security shall not be released unless the subject improvements have passed inspection or maintenance period has lapsed. A security bond may be required for any roads, site work, and utilities.
- D. The intent and purpose of this bond is to relieve the governing body of reconstruction. For example, where a street is washed out by faulty installation, the governing body should not have to reconstruct this street. The street should stand for one year, bonded by the Subdivider.

IV. GENERAL REQUIREMENTS AND MINIMUM DESIGN STANDARDS

§ 151.020 PURPOSE.

The purpose of this subchapter is to protect and promote the health, safety, and general welfare of Unincorporated Rowan County by establishing regulations and standards for subdivision development.

The Subdivider and property owner shall comply with the provisions of this subchapter for the layout of the subdivision and shall comply with KRS 100.277 as to transfer or sale.

§ 151.021 ROAD DESIGN AND LAYOUT

A. **Conformity to the Major Road Plan.** The width and location of all major streets in a proposed subdivision shall conform to the following.

1. Road extensions:

- 1.1. The proposed road layout shall provide for the continuation or projection of existing roads into the surrounding area unless the JPC deems such extension undesirable for specific reasons of topography or design.
- 1.2. Where it is desirable to provide road access to adjoining property, proposed roads shall be extended by dedication to the boundary of such property.

2. Dedication of in fee right-of-way for new roads:

- 2.1. The dedication of in fee right-of-way, measured from lot line to lot line, for new roads shall meet the following standards:

<i>Road Type</i>	<i>Minimum Dedicated Right-of-Way Width</i>
Arterial roads	80 feet
Collector roads	60 feet
Local roads	40 feet
Marginal access roads	40 feet
Service access roads	30 feet

- 2.2. Dedication of 1/2 of a right-of-way for proposed roads along the boundary of land proposed for the subdivision shall be prohibited.

3. Dedication of right-of-way for existing roads. Unless otherwise granted a waiver, Subdivisions platted along existing roads shall dedicate additional right-of-way, if necessary, to meet the minimum right-of-way width requirements as specified in division (C) of this section. New subdivisions on existing roads shall include an additional grant of twenty (“20”) feet of right of way on each side of the existing right of way for public purposes as specified and approved by the RCSC.

- 3.1. The entire minimum right-of-way shall be dedicated where the subdivision is on both sides of the road.
- 3.2. When the subdivision is located on only one side of an existing road, 1/2 of the required right-of-way, measured from the center line of the existing roadway, shall be dedicated.

4. Intersections.

- 4.1. Roads shall intersect at right angles (90 degrees) and have a minimum tangent distance of 25 feet.
- 4.2. Roads curb intersections shall be rounded by radii of at least 20 feet.

5. Curves in roads - horizontal and vertical.

- 5.1. A tangent that is at least 100 feet long shall be introduced between reverse curves on arterial and collector roads. Refer to the drawing of local, marginal and accesses in Appendix B at the end of this chapter.
- 5.2. Where a deflection angle in the alignment of a street is more than ten degrees, a curve with a radius adequate to ensure sight distance shall be made. The minimum radii of curves shall be:

<i>Road Types</i>	<i>Minimum Curve Radii</i>
Arterial roads	300 feet
Collector roads	200 feet
Local roads	100 feet
Marginal access roads	100 feet
Service access roads	100 feet

6. Road grades.

- 6.1. Road grades shall not exceed the following maximum percent grade:

<i>Road Types</i>	<i>Percent Grade</i>
Arterial roads	7%
Collector roads	8%
Local roads	9%
Marginal access roads	9%
Service access roads	9%

- 6.2. For adequate drainage, the minimum street grade shall be not less than 1/2 of 1 %
- 6.3. When granted by waiver, any grades exceeding 9% must be appropriately designed according to KYTC standards.
7. **Marginal access roads.** Where a subdivision adjoins or contains an existing or proposed arterial highway on which traffic volumes and vehicular speeds warrant special safety considerations, the JPC may require marginal access streets.
8. **Road jogs.** Street jogs with center line offsets of less than 100 feet shall not be made.
9. **Dead-end roads.** Dead-end roads which are designed to be so permanently shall have at the closed end a cul-de-sac with a diameter of at least 60 feet at the outside of the pavement, and a diameter of at least 80 feet at the outside of the right-of-way. No parking shall be allowed within the 60 feet of the required cul-de-sac. The cul-de-sac must be clearly marked with approved signage stating no parking. The Subdivider will be responsible for the no parking signs and all installation. At the discretion of the RCSC, a turnaround may be permitted in cases where future construction plans or local topography is prohibitive of a cul-de-sac.
10. **Road names.**
 - 10.1. (l) Proposed roads which are in alignment with existing and named streets shall bear the names of the existing roads. In no case shall the name for the proposed road duplicate existing road names, irrespective of the use of the suffix: street, avenue, boulevard, driveway, place, or court.
 - 10.2. The subdivision Subdivider shall be responsible for naming all roads within the development. All road names shall be approved by a written letter from the E 9-

1-1 Board. Road names shall be obtained, approved, and identified on any final plat.

11. **Private roads and reserve strips.** Although private streets may exist on a private parcel within a subdivision, they shall not be platted unless specifically required herein.

§ 151.022 ROAD CONSTRUCTION

- A. **Minimum pavement widths.** Widths shall be measured by edge of pavement to edge of pavement and shall be as follows:

<i>Road Types</i>	<i>Minimum Width</i>
Arterial roads	30 feet
Collector roads	20 feet
Local roads	20 feet
Marginal access roads	20 feet
Service access roads	20 feet

- B. **Minimum pavement specifications for roads.** Public roads and streets in residential areas in Rowan County shall be constructed to the following minimum specifications:

1. Such public roads and streets shall have a minimum right-of-way width of 40 feet and a paved surface of 20 feet in width with one-foot-wide shoulders composed of compacted #2 stone and dense graded aggregate (DGA).
2. Class III geo-textile drainage fabric shall be laid on top of the sub-base (ground) to the full length and width of the road to be constructed and including the shoulders of the road.
3. A minimum of six inches of #2 stone shall be placed and compacted on the geo-textile drainage fabric. A deflection test shall be conducted in the presence of the County Road Foreman or person designated for the appropriate jurisdiction and additional stone shall be placed as necessary.
4. A minimum of three inches of DGA or, preferably, crushed stone base shall then be applied to fill the voids in the #2 stone.
5. Three inches of bituminous binder shall be placed to the full width of the surface to be paved (a minimum of 20 feet) and may be laid immediately after a successful deflection test and the placement of the abovementioned three inches of DGA or crushed stone base. Once the three-inch binder has been laid, three additional inches of DGA shall be added to the shoulders of the road.
6. One year following the laying of the binder, and at the written request of the person constructing the roadway, the Rowan County Road Foreman, or person designated in writing by the Rowan County Judge/Executive, the appropriate jurisdiction, shall inspect the roadway for imperfections and compliance with these regulations, and, at such time as any deficiencies have been corrected, the final one-inch surface coat shall be laid. After final approval by the County Road Foreman or other person designated by the Rowan County Judge/Executive, the county shall then accept the road into the appropriate road system.
7. Where jointed drainpipe (whether concrete, plastic, or metal) is used in conjunction with roads maintained or to be maintained by the Rowan County Road Department, they must meet state specifications and be wrapped with geo-textile drainage fabric and be 'back-filled with #2 stone to the top of the pipe and then compacted DGA or compacted crushed

stone base shall be applied. All continuous (non-jointed) pipe shall be installed and back-filled with #2 stone to the top of the pipe, and then compacted DGA or compacted stone base shall be applied.

8. At the discretion of the Rowan County Road Foreman, or person designated by the Rowan County Judge/Executive, slotted drainage pipe may be required at all driveway entrances to a public road or street based upon the need as determined by the incline and length of the driveway public road, or area generally.
9. When a drainage pipe is installed in a ditch 100 feet or more in length, a drop box shall be installed at an appropriate location; an additional drop box shall be installed for each additional 100 feet of drainage. Further, drop boxes shall be installed at appropriate locations at cross drains that serve a drainage of 100 feet or more. Locations and designs for the drop boxes shall be designated by the Rowan County Road Foreman, or person designated by the Rowan County Judge/Executive.
10. All drainage pipe used for public roads (or roads that are expected to become public roads) in the unincorporated areas of Rowan County shall have a diameter and length to be determined by the Rowan County Road Foreman, or other Rowan Fiscal Court designee, as appropriate for the location where it is to be placed. All drainage pipe referred to herein shall meet the specifications of the Kentucky Transportation Cabinet.
11. All paving materials and construction methods shall comply at a minimum with the Kentucky Transportation Cabinet regulations.
12. The Subdivider shall not be required to grade or provide a pavement base or surface in excess of that required for collector roads, since such additional construction is not required for the benefit of the general public. The JPC may recommend that the county bear the extra expense of constructing the street to meet arterial street standards.
13. Bonding of paved roads. The Subdivider shall provide a security bond or certified or cashier's check for all proposed paved streets within the subdivision upon approval from the JPC of all proposed paved roads. Such security bond, letter or credit or certified check shall be provided to the RCSC and must be received prior to commencement of work within the development. The JPC may determine the reasonable adequacy of any such security instrument. All bonding shall follow Improvement Plan requirements.

§ 151.023 UTILITIES.

- A. Unless waived in whole or in part pursuant to these Subdivision Regulations for good cause shown, the following utilities standards are applicable to all subdivisions for Residential and Nonresidential Use:
 1. **Water supply.** Where, in the opinion of the JPC, the public water supply is reasonably accessible, the Subdivider shall construct a complete water distribution system, including a connection to each lot. Where public water supply is not within reasonable distance, the Subdivider shall provide an alternative water supply approved in writing by the county Health/Environmental Officer or the Fire Chief.
 2. **Fire Protection.** Where, in the opinion of the authorities having jurisdiction, the public water infrastructure proximate to the proposed development will support the installation of fire hydrants without having unreasonable adverse effects on the existing water delivery system, the developer shall ensure that all lots within the proposed subdivision are within 1000 feet of a fire hydrant.

3. **Sanitary sewer.** Where, in the opinion of the JPC, the public sanitary sewer system is reasonably accessible, sanitary sewers of a size specified by an engineer and with connections to the public sewer system shall be installed to serve all lots. Where lots cannot be served by the extension of an existing public sanitary sewer, the Subdivider shall obtain approval from the county Health/Environmental Officer of lot sizes to accommodate individual septic tanks and disposal fields or an aeration sewage disposal system or obtain approval of a neighborhood sewage disposal system.
4. **Storm drainage.** Adequate provisions for stormwater drainage shall be provided in accordance with standards specified by the JPC. Absolutely no cross connections from the sanitary sewer system to the stormwater drainage system will be tolerated. Subdivider may be required to obtain storm drainage schematic and hydrology calculations to prove adequate storm drainage for the development. The JPC reserves the right to request any and all necessary documents and calculations to assure proper measures are being taken to provide adequate storm drainage.
5. **Street lighting.** While the installation of street lighting is not a requirement of these USR's, if street lighting is provided for by the Subdivider in a Development, the lighting fixtures will be subject to review by the JPC to ensure that light pollution is minimized. Any streetlight or individual lamppost must receive its power from the structure in front of which it is located.
6. **Master Utility Plan.** Subdivider shall provide the JPC with a master utility layout plan that details the locations of all utilities within the proposed subdivision. The master utility layout plan shall also have the signatures of utility companies verifying that they have reviewed the proposed layout and agree that the plan is feasible.
7. **Bonding of utilities.** Upon approval of all utility companies within the subdivision, the Subdivider shall bond all site work and utilities that will be constructed or installed within the subdivision.

151.024 EASEMENTS

- A. Unless otherwise expressly waived, easements across or centered on rear or side lot lines shall be provided where necessary for utilities and drainage and shall be at a minimum of 12 feet wide. All easements at rear or side lot lines shall be divided between the two lots where possible. Above and below ground utilities shall be located within such easements where possible.
- B. A storm water easement or drainage right-of-way shall be required by the JPC where necessary for proper drainage within or through a subdivision.
- C. Subdividers shall provide easements for utility lines in street rights of way if requested by electric, telecommunications, water, gas, or sanitary sewer providers in order to provide service to lots in a subdivision.
- D. Unless otherwise expressly waived, Subdividers shall provide easements or fee simple set aside areas for the location of utility infrastructure such as substations or lift stations if such infrastructure is required to serve the new subdivision.

§ 151.025 CURBS AND GUTTERS

Curbs and gutters shall not be required in residential, commercial, private non-profit, or industrial subdivisions in Unincorporated Rowan County unless the Subdivider requires them in recorded instruments or includes

them on a plat or they are otherwise required by state or federal law. If such curbs and gutters are privately required or otherwise required by state or federal law and installed, such installation shall be done so in a commercially reasonable manner and consistent with sound engineering practice as to drainage and in compliance with all applicable law. The Rowan County Fiscal Court will not maintain nor accept roads with curbs or gutters into the County Road System.

§ 151.026 SIDEWALKS.

- A. Sidewalks are recommended in new subdivisions for reasons of safety, aesthetics, access, quality of life, and practicality. However, except in areas of commercial, private non-profit, or industrial development, where required as a condition of Plat approval, sidewalks shall not be required in Unincorporated Rowan County. Sidewalks, when required, in unincorporated Rowan County shall meet the following requirements and shall be the responsibility of the Subdivider and shall be completed throughout the entire development prior to Rowan Fiscal Court accepting maintenance responsibility of the road system and rights of way. Any bond or other financial instrument securing the improvements required in a subdivision shall not be released until such time as the sidewalks are constructed pursuant to the following guidelines.
1. **Standards for Accessible Design.** In accordance with the provisions of the Federal Department of Justice, 28 CFR Part 37, "ADA Standards for Accessible Design" Chapter 3, "Pedestrian Accessibility," all sidewalks shall be designed and installed to be accessible to the physically disabled. The complete guidelines and requirements may be found on the Internet at the web address of <http://www.ada.gov/stdspdf.htm>. The guidelines are made a part of this regulation by reference. It shall be the responsibility of the Subdivider or his or her designee to become familiar with these regulations and ensure the strict compliance as prescribed in the CFR referenced documents. Details of accessible sidewalks and curb cuts shall be provided on the plat where sidewalks are required.
 2. **Residential subdivisions.** In residential areas, where required in Unincorporated Rowan County, sidewalks shall be provided on both sides of the street where the predominant lot width is less than 100 feet. Sidewalks shall be required on one side of the street where the predominant lot width is between 100 and 200 feet. Sidewalks will not normally be required where the predominant lot width is over 200 feet. Where a resident block exceeds 900 feet in length, a through sidewalk in a ten-foot easement may be required by the JPC. When the street is a cul-de-sac and sidewalks are required on one side of the street only, the sidewalk shall be extended around the cul-de-sac to include all lots that front on the cul-de-sac.
 3. **Commercial, Private Non-Profit, and Industrial Development.** Sidewalks shall be required for all commercial, private non-profit, and industrial lots if one or more adjoining parcels having the same street frontage have sidewalks or are required to have sidewalks. A commercial, private non-profit, or industrial subdivision including multiple adjoining lots shall include sidewalks on each lot. Even in circumstances in which sidewalks are not otherwise required, they can be made a condition of approval on specific findings consistent with these USRs, and/or the Comprehensive Plan.
 4. **Standards.** Sidewalks shall be constructed of concrete, at least four inches thick and four feet wide, poured over a compacted four-inch dense grade gravel sub-base. Sidewalks must be set back from the road at a suitable distance as not to interfere with ditching or snow removal.
 5. **Maintenance of walkway.** For any walkway identified on a plat, it shall be the responsibility of the owner or person(s) entitled to possession of any house or other

building within the county which abuts or borders upon any public street, road, highway, or public place to maintain the sidewalks abutting property in good repair and free of any physical conditions that may cause accident or injury. Sidewalk maintenance in areas abutting commercial development in Rowan County shall be the sole responsibility of the owner or persons entitled to possession of the property. Whenever any sidewalks on property subject to a plat, are repaired, renewed or re-constructed, the work shall conform to the Rowan County Subdivision Regulations, and shall be in compliance with the applicable standards of the federal government's Americans with Disabilities Act, <http://www.ada.gov/stdspdf.htm>. Any plat including sidewalks shall reference the responsibility of owners as to maintenance pursuant to this paragraph.

§ 151.027 RESIDENTIAL DRIVEWAYS.

- A. Each driveway shall have a minimum apron of four feet wide beyond driveway and two feet shall be the length of the flare.
- B. Each driveway shall have a culvert with a minimum diameter 15 inches and minimum length of 24 feet unless otherwise noted by the County Road Department and/or the Public Works Department requirements.

§ 151.028 BLOCKS.

- A. **Block length.** Block lengths shall not exceed 1,500 feet, or be less than 400 feet, except where prevented by topographical conditions.
- B. **Block widths.** Blocks shall be wide enough to allow two tiers of lots of minimum depth, except were prevented by topographical conditions or size of the property, in which case the JPC may approve a single tier of lots of minimum depth.

§ 151.029 LOTS.

- A. **Relation to roads.** All lots served by a public sewer shall front upon a public street or road for a minimum distance of 40 feet.
- B. **Dimensions.** Lot dimensions subject to platted subdivisions shall be as follows:
 - 1. All lots not served by public sewer must be at least 1/2 acre or 21,780 square feet.
 - 2. A greater area than specified above may be required for a residential lot if, in the opinion of the county Health/Environmental Officer, there are drainage, soil, or other conditions to cause potential health hazards.
- C. **Building setback lines.** For areas in Unincorporated Rowan County, the minimum setback line from the right-of-way shall be at least 1/2 of the total width of the street right-of-way on which the building fronts, but in no case less than 30 feet back from the right-of-way. Any setback specified in a Conditional Use Permit for the property shall be applicable. A greater distance is permitted.
- D. **Corner lots.** For areas in Unincorporated Rowan County, the corner lot shall have sufficient extra width to meet the minimum building setback lines established on each street.
- E. **Yard requirements.** For residential subdivisions in the unincorporated area of the Rowan County, yard requirements shall be the same as the requirements set forth in the Morehead Zoning Ordinance for an R-1 district at the time of submission of a preliminary plat.

- F. **Flood hazards.** The JPC may require special provisions and controls to ensure safe building sites in areas subject to flooding. When any portion of a development is in a floodplain, the Subdivider must comply with the floodplain ordinance of the authority having jurisdiction. The minimum finished floor of lowest floor must be one foot above the 100-year floodplain.

§ 151.030 OFF-STREET LOADING AND PARKING FACILITIES; MULTI USE COMMERCIAL, § INSTITUTIONAL, OR INDUSTRIAL DEVELOPMENTS.

Properties platted for commercial, private non-profit, or industrial properties shall include adequate off-street access service and parking areas as depicted on the proposed plat consistent with the size of the platted property.

§ 151.031 NATURAL FEATURES

The street plan and lot arrangement of a proposed subdivision shall be so designed as to reasonably preserve natural features, such as trees, streams, natural lay of the land, and disposition of the topsoil.

§ 151.032 PIPELINES

- A. Any person proposing to construct or convert a pipeline for transportation of hazardous liquids within any area to be subject to a subdivision plat shall identify its legal authority for constructing such pipeline and any other public information on permitting of the pipeline as requested by the RCSC in connection with any preliminary or final plat approval.
- B. The JPC may retain the services of a consultant familiar with transportation of hazardous liquids by pipeline to review and make recommendations concerning the adequacy of the measures proposed by the Subdivider to assure compatibility of the use of the pipeline for transportation of hazardous liquids with other land uses, and the Subdivider shall be required to make, a deposit with the Commission of the estimated costs associated with the consultant's review upon application, and shall reimburse the Commission for any costs exceeding the deposit. The Commission may impose reasonable conditions on the approval of the construction or conversion of the hazardous liquids pipeline, including, but not limited to, the posting of bonds for roads and structures, and liability insurance to assure compensation for any injuries or damage caused by the pipeline operation.

§ 151.033 STREET NAME SIGNS

- A. The JPC shall require the Subdivider to install durable street signs at all intersections.
- B. Subdivider shall purchase initial signs and posts and dedicate each sign and post to the E 9-1-1 office.

§ 151.034 SUBDIVISION ENTRANCE SIGN

- A. All subdivision entrance or advertisement signs shall be as follows:
 - 1. A minimum of four feet by eight feet unless written permission is granted by the Planning and Codes Enforcement Officer or Subdivision Coordinator.
 - 2. Compatible with their surroundings, pursuant to the objectives of proper sign design and land use amenities.

3. Designed, installed, and maintained to meet the Subdivider's needs while at the same time promoting the amenable environment desired by the general public.
4. Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.
5. Legible, readable, and visible in the circumstances in which they are used.
6. Respectful of the reasonable right of other advertisers.
7. Constructed of durable material (not plywood) and shall be decorative in nature.

§ 151.035 BRIDGES

- A. All bridges shall be designed by an engineer and constructed to an engineer's specification or to Kentucky Department of Transportation specifications, whichever is more restrictive.
- B. All public bridges shall have a minimum load capacity of 20 tons or greater as required by the JPC after assessing the capacity of traffic.

§ 151.036 FIRE DEPARTMENT ACCESS AND WATER SUPPLY

Fire Department access and water supplies shall be provided in accordance with the Uniform Fire Code. In order to ensure that these requirements are properly met, it is the Subdivider's responsibility to meet with the appropriate Fire Department officials during the process of developing the subdivision plans. The Fire Department with jurisdiction should be identified on any Plat.

§ 151.037 PHASED DEVELOPMENT

The Subdivider may choose, with the JPC's approval, to develop the project in phases. At all times during development, provision for fire protection must precede placement of materials that could constitute a fire hazard.

§151.038 FLAG LOTS

Flag Lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access and shall have two conforming lots adjoining the flag lot. Single flag lots shall have twenty feet (20') of frontage on a publicly dedicated street. In no case shall more than two flag lots be contiguous to each other at the publicly dedicated street. However, in the case of two contiguous flag lots, there shall be thirty feet (30') of frontage on a publicly dedicated street with a common driveway. With two contiguous flag lots, a deeded fifteen-foot (15') strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street. The maximum number of flags lots permitted for each phase of a subdivision shall not exceed 20%. The minimum building setback line for flag lots for residential use is measured from the rear lot line of the adjoining lots fronting on the public road or from the other lot lines of each flag lot and shall be between ten feet (10') and twenty-five feet (25') as established by condition of Plat approval. A driveway must be located within the panhandle of the deeded property for a flag lot. Also, the driveway for a flag lot shall be located at a minimum of five feet (5') from each lot line, unless approved by the JPC. For two contiguous flag lots with a common driveway, the proper access easement shall be shown on the Final Plat.

A Flag Lot, for purposes of these Subdivision Regulations, is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage. The part nearest the street, typically used as a driveway, is skinny and is figuratively like the flagpole. Then the wider part of the lot, the referenced Flag, is back further away from the road frontage.

V. NON-RESIDENTIAL SUBDIVISIONS

§151.039 NONRESIDENTIAL SUBDIVISION OBJECTIVE

The objective of these Nonresidential Subdivision provisions is to provide special design and construction standards for the development of Nonresidential Subdivisions. Due to office, commercial, private non-profit and/or industrial uses, special consideration must be given towards certain aspects in the design and construction of the Nonresidential Subdivision. However, Applications and Plats for Nonresidential Subdivisions follow the same procedures for consideration of residential subdivisions, Preliminary Plats, Improvement Plans, and Final Plats as set forth herein for other proposed subdivisions.

The JPC recognizes that the Subdivider creating nonresidential subdivisions faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the RCSC and the JPC shall be upon street layout, block arrangement, utility service and supporting infrastructure. Generally, the procedural requirements shall be for the owner to follow the regular procedure outlined herein and to show the entire tract to be subdivided with necessary improvements and as many parcels as the Subdivider cares to show, but at least two (2). As prospective buyers express interest in lots sized to their required specifications, the owner may submit to the JPC an amendment to the approved Final Plat for consideration.

§151.040 NONRESIDENTIAL SUBDIVISION APPROVAL

The JPC shall review a Nonresidential Subdivision proposal when it consists of THREE or more individual lots utilized for office, commercial, private non-profit or industrial purposes. The submission, review, approval, and construction of a Nonresidential Subdivision shall adhere to all applicable sections of the Subdivision Regulations contained herein.

§151.041 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 RCSC in consultation with 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.

- 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 with the adopted best management practices and Storm-Water Management Plan approved by the Kentucky Division of Water. 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 RCSC or JPC may request the Subdivider provide, at Subdivider's cost, a 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 commercially reasonable.
- F. Sidewalk requirements shall be governed by Section 151.026 of these USRs.
- G. 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.
- H. In addition to the principles and standards in these regulations which are appropriate to the planning of all subdivisions, the Subdivider shall demonstrate to the satisfaction of the RCSC or the JPC that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and considers other uses in the vicinity. The following principles and standards shall be observed for a Nonresidential Subdivision:

1. Site Design

- 1.1. Proposed nonresidential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
- 1.2. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, trash storage and removal, utility infrastructure, and other facilities consistent with the Comprehensive Plan and any Conditional Use Permit and any statute, regulation, or ordinance applicable to the subject property.
- 1.3. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, owned, and managed as a unit. Narrow, ribbon developments along arterial streets will be discouraged.
- 1.4. With respect to physical improvements, special requirements may be imposed by the JPC within the nonresidential subdivision.
- 1.5. Every effort shall be made to protect adjacent residential areas from potential nuisance from the Nonresidential Subdivision, including the provision of extra

permanently landscaped buffer strip, berm, and/or specified fencing when required by the RCSC or the JPC.

2. Street System

- 2.1. Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor create hazards for adjacent residential areas.
- 2.2. The design of streets, service drives, and pedestrian ways should provide for safe and hazard-free internal circulation.
- 2.3. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic, but shall be connected insofar as is possible to arterial or collector streets in such a way that the number of intersections with such arterial or collectors shall be minimized.
- 2.4. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon. Curb radii at intersections shall be at least five (5) feet.

I. Building Setback Lines

Building setback lines applicable under any applicable law, including as established in a Conditional Use Permit, shall be specified on the plat and subject to reasonable approval of the JPC.

J. Utilities.

Nonresidential Subdivisions shall be provided with water and sewerage systems which are adequate to maintain adequate health standards, and to dispose of commercial and industrial wastes. These facilities shall be approved by the Rowan County Health Department. Section 151.050 detailing requirements on Improvement Plans is also applicable to Nonresidential Subdivisions.

K. Drainage

The JPC with assistance from the RCSC and County Engineer shall require adequate provisions for the discharge of surface water which will result from commercial and industrial developments with large roof areas and large paved parking areas.

VI. OTHER GENERAL REQUIREMENTS

§151.042 SEWAGE DISPOSAL STANDARDS

Every subdivision shall be provided with a sewage disposal system approved by the Rowan County Health Department, and/or any appropriate state agency with jurisdiction. Septic tanks may be permitted for residential lots of 1/2 acres or more in size if public sanitary sewers are not immediately available to the property. In areas of questionable suitability, the RCSC may postpone action on the subdivision plan until the developer has obtained the Rowan County Health Department approval of percolation tests to ascertain whether or not septic tanks will properly function. If Septic Tanks are not approved, the Subdivider shall construct a sanitary sewage collection system designed to serve adequately all lots in a subdivision plus lines adequate in size to facilitate

the orderly development of nearby land which is an integral part of the neighborhood service or drainage area and connect said collection system to the appropriate sewerage system. The RCSC shall reasonably consider any full or partial waiver granted by the Rowan County Health Department or any state agency with jurisdiction in making any plat decision.

§151.043 STANDARDS FOR ENVIRONMENTALLY SENSITIVE AREAS

- A. It is recognized that certain areas in unincorporated Rowan County due to environmental or geologic conditions, may pose challenges to providing optimal development where such conditions are encountered on the land to be developed. These areas are defined and described as follows:
1. **Environmentally sensitive areas.** This term applies to any area which due to its natural or physical setting may have environmental problems with regard to development. The term may be applicable to areas planned for residential, commercial, private non-profit, or industrial use. This is not to say that the land cannot be developed; but if it is determined that development can occur, then some safeguards such as detailed site planning will be necessary to overcome the physical limitations of the land. Lands in question shall include (but shall not be limited to) areas of steep slope (over 15%), floodplains, sinkholes, areas of poor soils, improper fill, wetlands, cliff areas, significant areas of tree stand, aquifer recharge areas, etc.
 2. **Environmentally sensitive areas requirement.** All such areas shall be identified and located on the Preliminary Plat. In addition, the Subdivider shall be required to file with the application a general statement describing the nature of the environmentally sensitive areas, and the manner in which and 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 a review of this general statement and any other available information, the RCSC or the JPC finds that material questions remain concerning the development's impact on the environmentally sensitive area, or the health and safety of future users of the area, the RCSC or the JPC shall delay decision on the preliminary subdivision plan for up to sixty ("60") days beyond its normal deadline for decision until satisfied that the hazards have been eliminated or adequate safeguards provided to ensure the least negative impact on the environmentally sensitive area. To assist it in making this determination, the JPC may require the Subdivider to submit a targeted environmental assessment study prepared by a qualified professional for JPC consideration to address issues of concern.

§151.044 STANDARDS FOR CONSTRUCTION FILL MATERIALS FOR STREETS

- A. Any fill which is to be utilized for the purpose of construction of any public or private street upon such fill shall conform to the following provisions at a minimum. Higher standards may be required, where these standards are not sufficient to ensure stability.
1. **Construction fill material.** No organic material shall be permitted in the fill. No rock or similar irreducible material with a maximum dimension greater than twelve inches shall be buried or placed in fill unless approved by the County Engineer.
 2. **Preparation of ground.** The natural ground surface shall be prepared to receive the fill by removing any vegetation or nonconforming fill. Where slopes are five horizontal to one vertical or steeper, benching into sound bedrock or other competent material shall be required.

3. **Compaction.** The fill shall be compacted to a minimum of ninety-five percent (95%) of maximum density (ASTM, 99, current) when structures are to be supported by the fill or if that compaction is necessary as a safety measure to aid in preventing the saturation, slipping, or erosion of the fill.
4. **Fill slope.** No compacted fill shall be made which creates an exposed surface steeper in slope than two (2) feet horizontal to one (1) vertical. A flatter slope may be required for stability and safety.
5. **Slopes to receive fill.** Fills shall not be permitted on natural slopes steeper than two (2) feet horizontal to one (1) foot vertical unless an analysis proving the stability of the soil is submitted to, and approved by, the Planning Commission.
6. **Erosion prevention.** Adequate provision shall be made to prevent any surface waters from damaging the face of an excavation or fill. All slopes shall be protected from surface water runoff from above by berms or swales. A Stormwater Pollution Protection Plan, if required by the Kentucky Division of Water, must be filed with the RCSC with the Preliminary Plat and Application.
7. **Placement of fill.** The placement of fill may be end dumped if it is to be compacted to a height no more than five (5) feet in depth. The fill material must be layered and compacted in layers not to exceed one (1) foot in height before each compaction.
8. **Areas of existing fill.** Where development is proposed on areas of existing fill where the composition and compaction of fill material is in doubt test borings may be required before development is permitted to occur.

§151.045 FLOOD HAZARD AREAS

Land subject to flooding, as defined by FEMA, shall not be developed for residential use or for any other use which may increase the danger of health, life, property or aggravate erosion or flood hazards.

Any construction along a stream must be permitted by the Kentucky Division of Water. If a stream flows through, or adjacent to, the proposed subdivision, the plat shall provide for a storm water easement or drainage right-of-way along the stream approved by the Kentucky Division of Water.

The RCSC or JPC may require the Subdivider to provide base flood elevation and flood profiles, as required and acceptable to the Kentucky Division of Water, sufficient to demonstrate that the sites will be free from the danger of flooding.

Approval shall not be given for streets within a subdivision that would be subject to inundation or flooding. All streets must be located at elevations that will make them flood free in order that no portion of the subdivision would become isolated by floods.

§ 151.046 ENTRANCES FROM PRIVATE STREETS OR ROADS ONTO PUBLIC ROAD(S) MAINTAINED BY ROWAN COUNTY.

Wherever a vehicular access (junction) is proposed from a private street or road onto a public road maintained by Rowan County, the County Road Foreman (or other designee of the Rowan Fiscal Court which may include the RCSC) shall inspect the area, with respect to any traffic safety issues, and shall approve or deny the installation of same at the location under consideration. Determinations by the County Road Foreman concerning traffic safety issues shall be made with reference to the Commonwealth of Kentucky Transportation

§ 151.047 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 and the equipment trailer shall be removed upon completion of the public improvements, any time construction has ceased for a period of 90 days or as directed by the RCSC.

§ 151.048 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.

§ 151.049 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. 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 non-buildable lot. 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.

§151.050 RESUBDIVISION / REVISION OF EXISTING RECORDED PLAT / REVISION OF APPROVED PRELIMINARY PLATS AND/OR IMPROVEMENT PLANS

- A. **Re-subdivision of a Previously Recorded Lot.** If a Subdivider wishes to re-subdivide a previously recorded approved by the JPC, then the Subdivider shall submit an amended Final Plat for approval by the JPC.
- B. **Remainder or Residual Tracts or Lots.** Remainder or residual tracts in a subdivision are not required to be platted and given a new legal description when the parent tract is subdivided. The remainder or residual tract if later subdivided and developed must meet all USR's as any other property by application and subdivision plat approval.
- C. **Revision of Previously Approved Preliminary Plats and Improvement Plans.** In certain cases, a developer or Subdivider may find it necessary to make changes to the arrangement, size, number, or location of individual lots, streets, or utilities. These changes are usually recognized by the RCSC in the subdivision review process. In general, the Preliminary Plat, Improvement Plan, and Final Plat shall be similar in design and shall follow the same general development concepts. Depending on whether the changes are major or minor in nature, the RCSC may request that a developer or Subdivider submit a revised Preliminary Plat and/or Improvement Plan for review. For changes proposed to an approved Preliminary Plat and/or Improvement Plan, the RCSC will determine if the proposed changes are major or minor in nature in terms of overall impact of the subdivision phase on the adjoining properties and community facilities. The changes will include, but not be limited to, number of lots, lot, and street configurations, grading and drainage design, utilities, and street construction. Minor changes may be reviewed and approved by the RCSC staff

without an additional formal review procedure. Major changes shall be reviewed through the normal application procedures and requires JPC action.

VII. ENFORCEMENT

§ 151.051 ENFORCEMENT MECHANISMS

- A. No plat or plan of a subdivision of land located within unincorporated Rowan County shall be admitted to the records of Rowan County or received or recorded by the County Clerk until the plat has received final approval in writing by the RCSC as provided in KRS 100.277.
- B. The Planning Commission, pursuant to KRS 100.337 and KRS 100.291 and any other applicable law, shall have the power to apply for an injunction in circuit court against any type of subdivision construction by the Subdivider and/or the landowner where these Subdivision Regulations have been violated.
- C. This Subdivision Regulations may be enforced by a Code Enforcement Board created pursuant to KRS 65.8801 to 65.8839 and having jurisdiction over enforcement of Subdivision Regulations in unincorporated Rowan County, Kentucky. Such a Code Enforcement Board with jurisdiction over Rowan County does not presently exist at the adopted of these Subdivision Regulations and there is no requirement under applicable law that a Code Enforcement Board be created.
- D. Rights and remedies in this section may be pursued concurrently and in any sequence. By first pursuing one remedy, a government agency does not elect against pursuit of any other remedy. The JPC reserves all rights at law and equity to enforce these Subdivision Regulations.

§ 151.052 CIVIL MONETARY PENALTY.

- A. The JPC reserves all rights to seek monetary penalties for violation of these Subdivision Regulations pursuant to KRS 100.991 as now in effect or as hereinafter amended.
- B. Any County Clerk who receives, files, or records a plat in violation of the provisions of these regulations is subject to any fine authorized by KRS 100.991 or other applicable law.
- C. Any person who transfers any lot in a subdivision before the plat of the subdivision has been approved by the JPC and recorded in the County Clerk's Office or attempts the description of land by metes and bounds in violation of these regulations, shall pay to Rowan County a penalty of \$500 for each parcel of land so transferred as provided in KRS 100.991. The JPC may, by action in the Circuit Court, enjoin the transfer or agreement to transfer land as provided in KRS 100.292.
- D. The assessment or collection of a monetary penalty pursuant to this Section of the Subdivision Regulations does not substitute for or prevent the JPC from undertaking other enforcement action and remedies as referenced in Section 151.100 above. Such civil remedies and/or penalties may be pursued concurrently.

§ 151.053 APPEAL TO CIRCUIT COURT.

Applicants or other aggrieved persons may have the right to appeal certain decisions of the RCSC and/or the JPC to Circuit Court pursuant to KRS 100.347 within jurisdictional thirty (“30”) day periods. Persons considering such appeals are advised to timely seek legal counsel. It is not the role of the RCSC or the JPC or

its members to advise persons in regard to such appeals.

§ 151.054 REPEALER

These Subdivision Regulations shall replace and supersede any Subdivision Regulations in effect for unincorporated Rowan County from the adoption and publication of the within Subdivision Regulations. For any prior period, subdivision regulations adopted by Rowan County Ordinance remain in full force and effect.

§ 151.055 SEVERABILITY

These Subdivision Regulations and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of these Subdivision Regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the Subdivision Regulations as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.