

# **SUBDIVISION REGULATIONS**

**FOR INCORPORATED AND UNINCORPORATED  
BRACKEN COUNTY, KENTUCKY**

**ADOPTED BY  
THE BRACKEN COUNTY PLANNING COMMISSION**

SUBDIVISION REGULATIONS  
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BRACKEN COUNTY, KENTUCKY

ADOPTED \_\_\_\_\_, 2016

BY THE BRACKEN COUNTY PLANNING COMMISSION

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**ARTICLE I  
APPLICATION AND AUTHORITY OF REGULATIONS**

REGULATIONS FOR ESTABLISHING SUBDIVISION PROCEDURES FOR THE SUBMISSION AND APPROVAL OF THE PRELIMINARY AND FINAL PLAT AND RECORDING OF FINAL PLATS; DESIGN STANDARDS AND PRINCIPLES FOR THE LAYOUT OF SUBDIVISIONS AND FOR THE SURVEYING AND PLATTING REQUIREMENTS THEREOF; REQUIRING THE INSTALLATION OF CERTAIN IMPROVEMENTS AND PROVIDING FOR THE NECESSARY CONSTRUCTION AGREEMENTS AND GUARANTEES THEREIN; PROVIDING FOR CERTAIN PRELIMINARY AND FINAL PLAT REQUIREMENTS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND ENFORCEMENT AND THE PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR THE MEANS OF ADOPTION AND AMENDMENT; REPEALING ALL REGULATIONS, RESOLUTIONS, ORDERS, ORDINANCES, AND/OR CODES IN CONFLICT HEREWITH.

**SECTION 1.0 SHORT TITLE:** These regulations shall be known and may be cited as the "Subdivision Regulations" of Bracken County, State of Kentucky.

**SECTION 1.1 PURPOSE AND AUTHORITY:**

- A. **PURPOSE:** These Subdivision Regulations as herein set forth, have been prepared in accordance with the adopted comprehensive plan for Bracken County, 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 circulation, utilities, access of fire fighting apparatus, the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. In addition, these regulations also provide for the accurate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdividers.
  
- B. **AUTHORITY:** These regulations are adopted in accordance with the Kentucky Revised Statutes - Chapter 100.111 - 100.991.

**SECTION 1.2 TRANSFER OF LOTS:** All tracts of land as they exist within Bracken County on the effective date of these regulations may be subdivided one (1) time, creating one new tract, without Bracken County Joint Planning Commission approval. Any further divisions of a tract of land as it existed on the effective date of these regulations shall require the approval of the Bracken County Joint Planning Commission. The second division of a parcel of land as it existed on the effective date of these regulations shall be defined a "lot division", and no lot division may be sold or transferred unless a Plat has been approved by the Bracken County Joint Planning Commission and recorded with the Bracken County Clerk. No lot division shall be recorded by the Bracken County Clerk until a plat has been approved by the Bracken County Joint Planning Commission and any instrument of land transfer or sale of a lot division without Bracken County Joint Planning Commission approval shall be void.

**SECTION 1.3 GENERAL RESPONSIBILITIES:**

- A. **SUBDIVIDER:** The subdivider shall: use a land surveyor and engineer, as defined herein, to prepare plats and plans consistent with the design standards; accomplish improvements consistent with the improvement requirements; and submit said plats and plans in accordance with these regulations.
  
- B. **PLANNING COMMISSION:** The planning commission, or its duly authorized representative, is charged with the duty of reviewing the design and improvements of proposed subdivisions, and requiring conformance of such subdivisions with the Kentucky Revised Statutes, Chapter 100, and these regulations.
  
- C. **DELEGATION OF AUTHORITY BY PLANNING COMMISSION TO ITS DULY AUTHORIZED REPRESENTATIVE:** Pursuant to KRS 100, the planning commission has delegated certain authority to its duly authorized representative. However, the planning commission shall have final approval authority over all actions of its duly authorized representative.

## **ARTICLE II DEFINITIONS**

**SECTION 2.0 WORDS AND PHRASES:** For the purpose of these regulations, certain terms, phrases, words, and their derivatives, are herewith defined as follows:

Words used in the future tense include the present;

Words used in the present tense include the future;

Words used in the singular form include the plural;

Words used in the plural form include the singular;

Words used in the masculine include the feminine;

Words used in the feminine include the masculine;

The word "shall" is mandatory;

The words "may" and "should" are permissive.

Words defined in KRS 100 or other applicable statute shall be defined in these regulations as required by statute, and when no statutory definition is required by law, shall be defined as provided herein.

**ACCESS POINT:** An access point is:

- (1) A driveway, a local street, a collector street, or subcollector street, intersecting an arterial street;
- (2) A driveway or a local street intersecting a collector street or sub-collector street; or
- (3) A driveway or a local street intersecting a local street.

**AGRICULTURAL USE:** As defined in KRS 100.111, as may be amended from time to time.

**ALLEY:** Public right-of-way which normally affords a secondary means of access to abutting property.

**BLOCK:** A parcel of land within a subdivision that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition, an alley is not considered a street, but part of the block.

**BLOCK LENGTH:** The distance between intersections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

**COMMISSION (OR PLANNING COMMISSION, OR PLANNING AND ZONING COMMISSION):** The Bracken County Joint Planning Commission, State of Kentucky.

**COMPREHENSIVE PLAN:** The comprehensive plan for Bracken County, adopted by the Bracken County Joint Planning Commission. It is a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain as a minimum, the following elements:

- A. a statement of goals and objectives, principles, policies, and standards;
- B. a land use plan element;
- C. a transportation plan element;
- D. a community facilities plan element;
- E. may include any additional elements, such as, without being limited to: community renewal, housing, flood control, pollution, conservation, natural resources, regional impact and others.

**DEVELOPER:** Synonymous with the term "subdivider".

**EASEMENT:** A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

**ENGINEER:** A qualified registered professional engineer in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors.

**FINAL PLAT:** A subdivision plat proposed in accordance with the provisions herein in which said plat is designated to be placed on record with the county clerk after approval by the planning commission's duly authorized representative and signed by the chairman for other officers of the planning commission.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

**FLOOD - 100-YEAR FREQUENCY:** The highest level of flooding that, on the average, is likely to occur once every 100 years.

**FLOOD PLAIN OR FLOOD PRONE AREA:** Any normally dry land area that is susceptible to being inundated by water from any source.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FRONTAGE LOT:** All the property abutting on one side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable for frontage.

**FRONT YARD DEPTH:** The minimum distance required to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

**IMPROVEMENT PLANS:** The engineering plans showing design layout, types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the subdivision.

**INSPECTOR:** The planning commission's duly authorized representative, whose responsibility it is to inspect, or cause to be inspected, items required by these regulations.

**BRACKEN COUNTY:** Refers to both the incorporated and unincorporated areas of Bracken County, State of Kentucky.

**LOT:** A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group.

**LOT OF RECORD:** Except as otherwise defined by state statutes, a lot, parcel or tract of land designated on a plat, survey or deed, recorded by the office of the county clerk.

**LOT AREA:** The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by street, alley, or railroad rights-of-way.

**LOT, CORNER:** A corner lot is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved street does not exceed one hundred thirty-five (135) degrees.

**LOT, DEPTH OF:** The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

**LOT DIVISION (A.K.A. SUBDIVISION) :** The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision (as defined herein).

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot that has frontage on more than one street.

**LOT, INTERIOR:** A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.

**LOT LINE, FRONT:** The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

**LOT LINE, REAR:** The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

**LOT LINE, SIDE:** Any boundary line of a lot, other than a front lot line or rear lot line.

**LOT WIDTH:** The width of the lot as measured along the building front setback line.

**OFFICIAL MAP:** The adopted official map of the applicable legislative body or fiscal court, as provided for in the Kentucky Revised Statutes, Chapter 100.

**PRELIMINARY PLAT:** A tentative plat of a proposed subdivision prepared in accordance with the provisions herein for presentation to the planning commission for its action.

**RESUBDIVISION:** Any change in a map or an approved or recorded subdivision plat that affects any street layout on the map or area reserved therein for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**RIGHT-OF-WAY:** A general term denoting land, property, or interest therein, usually in a strip and dedicated for or devoted to such uses as a street, alley, or railroad.

**STREETS:** A vehicular way herein defined:

**STREET, PRIVATE:** A roadway, constructed to public street standards, which affords access to abutting property for private users of such property.

**STREET, PUBLIC:** A public roadway, constructed within the boundaries of an officially dedicated public right-of-way, which affords principal means of access to abutting property.

**STREET, ARTERIAL:** Public thoroughfares which serve the major movements of traffic within and through the community.

**STREET, COLLECTOR:** Public thoroughfares which serve to collect and distribute traffic primarily from subcollector to arterial streets.

**STREET, CUL-DE-SAC OR COURT:** A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

**STREET, DEAD-END:** A street having an outlet at one end only and terminated at the other end by undeveloped property. It may or may not have facilities permitting vehicles to turn around.

**STREET, EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

**STREET, FREEWAY:** A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.



**STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD):** A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

**STREET, LOCAL:** Roadways which are designed to be used primarily for direct access to abutting properties.

**STREET, SUBCOLLECTOR:** A street designed to provide a traffic route from local to collector streets.

**SUBDIVIDER:** Any individual, firm, association, syndicate, co-partnership, corporation, trust, governmental agency, or any other legal entity commencing proceedings under these regulations, to create a subdivision of land as defined herein for himself or for another.

**SUBDIVISION:** As defined in KRS 100.111, as may be amended from time to time.

**SURVEYOR:** A qualified registered land surveyor in good standing with the Kentucky Board of Registration.

**TRACT:** A parcel of land identified by letter or number, the boundaries of which are shown on the recorded subdivision plat.

**WATERCOURSE:** A permanent channel designed to carry concentrated stormwater flows without erosion; applicable to open channels, roadside ditches and natural channels that are modified to accommodate increased flows generated by land development.

**ARTICLE III  
SUBDIVISION PROCEDURE**

Any person desiring to subdivide any lot, tract, or parcel of land, or to change or rearrange any lot, tract, or parcel of land within Bracken County, shall comply with the procedures established in this article and other applicable articles and sections of these regulations and in the specified sequence.

**SECTION 3.0 PRELIMINARY INFORMATION:**

- A. The subdivider is encouraged to notify the planning commission, or its duly authorized representative, of their intention to subdivide a property prior to submission of the Preliminary Plat. Such notification should include mention or illustration of any aspect or feature which will affect the design or layout of the subdivision. For clarity, the subdivider may utilize a map to illustrate various features or aspects of the property.
  
- B. **ELECTRONIC SUBMISSION OF PLATS:** The purpose of this section is to require electronic filing of all documents required by these regulations, so that the filings can be sent by email to various parties who will review the submissions. All preliminary plats, improvement drawings, final plats, record drawings, application forms, and other submissions and information required to be submitted to the planning commission or its duly authorized representative, shall, in addition to the form and manner otherwise required herein, also be filed and submitted in a generally-accepted electronic form (PDF and JPEG files) on an appropriate medium (CD, DVD, USB drive, or by email) that can be opened, downloaded, printed and sent by email in a legible format by the necessary representatives or officials of the planning commission or local governmental authorities. 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 are received and acknowledged as accessible, legible and readable by the planning commission and its duly authorized representative.

**SECTION 3.1 SUBMISSION OF PRELIMINARY PLAT:** The subdivider shall file fifteen (15) copies of the Preliminary Plat with the planning commission's duly authorized representative, prepared in accordance with the requirements of Article 3.0, at least twenty-eight (28) consecutive days prior to the next regular meeting of the planning commission. Such submission shall be considered the date of official filing. At this time, the following material shall also be filed with the commission's duly authorized representative, where applicable.

- A. **APPLICATION FOR PRELIMINARY PLAT APPROVAL:**  
An application (provided by the commission) shall be submitted. At the time of submission, the commission's duly authorized representative shall note on the application the date of submission and signature of the subdivider.
  
- B. **INDIVIDUAL ON-SITE DISPOSAL SYSTEM PERMIT:**  
Where individual on-site disposal systems have been approved, as per Section 7.1 of these regulations, the following note shall be included on the plat: "Plat approval for

building development on lot(s) is contingent upon issuance of a final sewage construction permit and inspections by the Bracken County Health Department based upon a site evaluation and approved system.

C. **PRELIMINARY PLAT FEES:**

Preliminary Plat and Certificate of Land Use Restriction fees shall be submitted as established by the planning commission's By-Laws.

**SECTION 3.2 PROCESSING OF THE PRELIMINARY PLAT:** Within three (3) working days after the date of filing of the Preliminary Plat, the planning commission's duly authorized representative shall notify the local and state governmental agencies, and other organizations of the public meeting, and transmit copies of the proposed Preliminary Plat (number of agencies notified including copies forwarded shall be determined from a checklist on the application provided by the planning commission's duly authorized representative).

The local and state governmental agencies and other affected organizations shall forward their recommendations and/or comments, if any, to the planning commission or its duly authorized representative prior to or at the meeting of the planning commission at which the issue will be heard.

The Preliminary Plat, the application, and all other required information, shall be checked by the planning commission's duly authorized representative for compliance with: (1) the requirements of the Preliminary Plat as per Article IV; and (2) any other pertinent sections of applicable regulations.

**SECTION 3.3 PLANNING COMMISSION ACTION:** The commission's duly authorized representative shall review the Preliminary Plat, including determination of its conformance to the requirements of these regulations, and shall consider the recommendations and/or comments of all applicable local and state governmental agencies and other applicable organizations, and shall forward such recommendations and/or comments to the planning commission along with its recommendations. The planning commission shall then review the recommendation of its duly authorized representative and/or comments of all applicable local and state governmental and other affected organizations, and take one of the following actions: (1) approve the plat; (2) approve the plat, subject to conditions; or (3) disapprove the plat; within two consecutive meetings from date of official filing, unless such time is extended by agreement between the planning commission and the subdivider.

In the event of approval, conditional approval, or disapproval of the Preliminary Plat, a statement, in writing, by the planning commission or its duly authorized representative, setting forth the conditions of approval, or reasons for disapproval, shall be submitted to the subdivider.

Approval or conditional approval of a Preliminary Plat shall be valid and not subject to additional requirements for a period of twenty-four (24) consecutive calendar months, except that if a portion of an approved Preliminary Plat is approved or conditionally approved as Improvement Drawings and Specifications or a Final Plat, said approval or conditional approval of the remainder of the Preliminary Plat shall be valid for twenty-four (24) consecutive calendar months after the date of approval or conditional approval of said Improvement Drawings and Specifications or Final Plat. The planning commission may, upon receipt of a request by the

subdivider, grant an extension to this twenty-four (24) month period if prevailing conditions have not changed appreciably.

**SECTION 3.4 SUBMISSION AND PROCESSING OF PRELIMINARY GRADING PLANS AND/OR EROSION AND SEDIMENTATION CONTROL PLANS:** Following approval or conditional approval of the Preliminary Plat, the subdivider may elect to proceed with preliminary grading of the area to be subdivided, provided that plans for erosion and sedimentation (as per Section 7.12) are submitted to the planning commission's duly authorized representative who shall check the erosion and sedimentation plans for preliminary grading to insure their conformance with the approved or conditionally approved Preliminary Plat and other pertinent sections of these regulations. Following this review, the planning commission's duly authorized representative shall take one of the following actions: (1) approve the erosion and sedimentation plans for preliminary grading; (2) cause to revise or approve the erosion and sedimentation plans for preliminary grading, subject to conditions; or (3) disapprove the erosion and sedimentation plans for preliminary grading. In the event of conditional approval or disapproval, a statement, in writing, by the planning commission's duly authorized representative, setting forth the conditions of approval or the reasons for disapproval, shall be submitted to the subdivider. Three (3) copies of Grading Plans and/or Erosion and Sedimentation Control Plans, for final approval with conditions as required, shall be submitted to the planning commission's duly authorized representative prior to start of construction.

**SECTION 3.5 SUBMISSION OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS:** Following approval or conditional approval of the Preliminary Plat by the planning commission, the subdivider may elect to submit the Improvement Drawings and Specifications to the planning commission's duly authorized representative for review and approval, prior to the submission of the Final Plat. It shall also be the responsibility of the subdivider to submit copies of the Improvement Drawings and Specifications to the applicable local and state governmental agencies and other organizations affected by the subdivision. Said Improvement Drawings and Specifications shall include at least the area intended for processing as a Final Plat. At this time, the subdivider shall submit to the planning commission's duly authorized representative the following:

1. One (1) copy of the Sanitary Sewerage and Storm System Plans and Profiles (as per Sections 7.1 and 7.0).
2. One (1) copy of the Water System Plans (as per Section 7.2).
3. One (1) copy of the Street Plans and Profiles, including typical cross sections (as per Section 7.3).
4. One (1) copy of the Drainage Report, including computations (as per Section 7.0).
5. One (1) copy of grading plans including control of erosion and sedimentation (as per Section 7.12) if not submitted previously for processing as per Section 3.4.
6. Plan review and construction review fees as established by the planning commission's By-Laws.

**SECTION 3.6 PROCESSING OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS:** The planning commission's duly authorized representative shall check the Improvement Drawings and Specifications to insure they are in conformance with the approved or conditionally approved Preliminary Plat and that they meet all applicable requirements established in these regulations. The planning commission's duly authorized representative shall

cause to have the subdivider's engineer incorporate requirements of all applicable local and state governmental agencies and other organizations as they pertain to the proposed Improvement Drawings and Specifications. Following these reviews, the planning commission's duly authorized representative shall take one of the following actions: (1) approve the Improvement Drawings and Specifications; (2) cause to revise or approve the Improvement Drawings and Specifications, subject to conditions; or (3) disapprove the Improvement Drawings and Specifications. In the event of revisions, conditional approval, approval or disapproval, a statement, in writing, by the planning commission's duly authorized representative, setting forth the reasons for such action shall be submitted to the subdivider. Three (3) copies of Improvement Drawings and Specifications shall be submitted to the planning commission's duly authorized representative, for final approval, with all conditions as required prior to start of construction.

### SECTION 3.7 SUBMISSION OF THE FINAL PLAT:

- A. GENERAL: Except as provided herein, the Final Plat shall only be submitted after the Preliminary Plat has been approved, or conditionally approved. The Final Plat shall conform to the approved or conditionally approved Preliminary Plat and shall include all changes, additions, deletions, or approvals as may be required per conditional approval by the commission, or its duly authorized representative and shall be prepared in accordance with Article V and other applicable sections of these regulations. Resubdivisions of previously approved or recorded Final Plats which do not involve new building development may be submitted without a Preliminary Plat and processed in accord with Section 3.8 of these regulations.
- B. PREPARATION: The subdivider may cause, within twenty-four (24) consecutive calendar months after the approval or conditional approval of the Preliminary Plat or Improvement Drawings and Specifications, the subdivision or any part thereof, to be surveyed and a Final Plat thereof to be prepared. Except as required within Section 7.3 J regarding street interconnection/extension, the Final Plat shall contain only that portion of the approved or conditionally approved Preliminary Plat and Improvement Drawings and Specifications, where applicable, which the subdivider wishes to have approved, recorded and developed at that time. Final Plats which are a portion of the approved or conditionally approved Preliminary Plat shall be named and listed as "SECTION NO. (XX) of (*Name of Subdivision*)". Final Plats which are resubdivisions of approved and recorded Final Plats shall be labeled as "RESUBDIVISION OF (*Appropriate Listing Title - lots, Section No., Subdivision Name*)". The subdivider shall ensure that the Final Plat is prepared under the supervision of a registered land surveyor.
- C. FILING: The subdivider shall submit, to the planning commission's duly authorized representative, two (2) copies of the Final Plat drawing prepared in accordance with Article V of these regulations for review. At this time, the following material shall also be filed with the commission's duly authorized representative, unless otherwise noted:
  - 1. Application for Final Plat approval: An application (provided by the commission) shall be submitted. At the time of submission, the commission's duly authorized representative shall note, on the application, the date of submission and signature of the subdivider.

2. Traverse sheets or other closure documentation: As referenced on the plat. In no case shall the unadjusted linear error of closure of the actual field traverse be less than a minimum ratio of 1:5000 for a class B survey and 1:10000 for a class A survey. The closure accuracy required shall include a closed traverse of the subdivision boundaries (as per Article V).
3. Improvement Drawings and Specifications: Improvement Drawings and Specifications will be required, if not submitted previously for processing, in accord with Section 3.5.
4. Record Copies of Improvement Drawings: Where the Improvement Drawings and Specifications were previously submitted and approved prior to the submission of the Final Plat, and where construction of the public improvements reflect significant changes from the originally approved improvement drawings, the subdivider shall submit one (1) reproducible mylar of Record Copies of Improvement Drawings including plans and profiles for streets, sanitary sewerage and storm system and water system.
5. Special Testing Reports: All required testing reports including soils (i.e., embankments, subgrade, utility trenches), sanitary sewers (i.e., low pressure air acceptance) storm sewers (i.e., larger than 30 - diameter) and concrete street paving (i.e., strength, slump, air content and cylinder tests).
6. Fees: Plan review, plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws.
7. Guarantee: A guarantee (if applicable) per Section 7.16 of these regulations.

**SECTION 3.8 PROCESSING OF THE FINAL PLAT AND WHERE APPLICABLE, THE IMPROVEMENT DRAWINGS AND SPECIFICATIONS:** The planning commission's duly authorized representative shall check the Final Plat as to conformity with the approved, or conditionally approved, Preliminary Plat and all other pertinent aspects as required in Article V and other applicable sections of these regulations. Following review, the planning commission's duly authorized representative shall recommend one of the following actions: (1) approve the Final Plat; (2) cause to revise the Final Plat, subject to conditions; or (3) disapprove the Final Plat. Should the planning commission's duly authorized representative decide to cause revisions to be made or recommend disapproval of the Final Plat, written notice of such action, including the revisions or reasons for disapproval shall be mailed to the subdivider by the planning commission's duly authorized representative. Where applicable, the planning commission's duly authorized representative shall also check the Improvement Drawings and Specifications, drainage plans, plans for erosion and sedimentation control and the Record Copies of Improvement Drawings (required as per Section 3.7 C.4) for their conformity to the Final Plat.

**SECTION 3.9 PLANNING COMMISSION ACTION:** Following the review of the Final Plat the planning commission's duly authorized representative shall take one of the following final actions:

- A. **FINAL APPROVAL** -- final approval of a plat shall be recommended in one of two ways:
  - 1. **After completion of improvements:** After the subdivider has obtained approval or conditional approval and has completed all required improvements and the required improvements have been inspected and found to be in compliance with these regulations, the planning commission's duly authorized representative shall recommend final approval. The original drawing of the Final Plat shall then be signed and dated by the chairman or other duly authorized officer of the planning commission.
  - 2. **Before completion of improvements:** The planning commission's duly authorized representative may recommend final approval before all required improvements are completed, provided that a guarantee is provided for the purpose of assuring completion of such improvements. The amount of the guarantee shall be based on an estimate made by the subdivider's engineer. Type of guarantee shall be a good and sufficient surety bonds acceptable to the planning commission's legal counsel. All guarantees shall be approved by the planning commission's duly authorized representative. Upon determination that all requirements of these regulations have been met, the planning commission's duly authorized representative may recommend final approval. The original drawing of the Final Plat may then be signed and dated by the chairman or otherwise duly authorized officer of the planning commission. The guarantee shall not be returned to the subdivider until all improvements have been completed, inspected, and found to be in compliance with these regulations.

**SECTION 3.10 EFFECT OF APPROVAL:** After the Final Plat has been reviewed by the planning commission's duly authorized representative, and all changes, additions, deletions, etc. made, two (2) sets of original reproducible mylars and six (6) paper copies for Final Plats and condominium property regime plats shall be submitted for final approval. Said mylars or originals shall include all certificates, acknowledgements, endorsements, and notary seals and all signatures completed in original ink, except for signatures of the chairman or other duly authorized officer of the Commission and county clerk (e.g., copies of plat signatures are not acceptable by the county clerk for recording). Following this review, the Final Plat may be recommended for approval by the planning commission's duly authorized representative, and signed by the chairman or other duly authorized officer of the planning commission. Disposition and recording shall be as specified in Sections 3.11 of these regulations.

**SECTION 3.11 DISPOSITION AND RECORDING OF APPROVED FINAL PLAT:** After approval of the Final Plat signed by the chairman or other duly authorized officer of the planning commission, the planning commission's duly authorized representative shall forward one (1) original mylar to the county clerk's office for recording. Copies of Final Plats and condominium property regime plats shall be forwarded to the legislative body, post office, and related utilities

(i.e., Union Light Heat & Power Co., or Owen Electric Cooperative, water district or agency and Cincinnati Bell, Inc.) by the planning commission's duly authorized representative following final action at regular monthly meetings.

**SECTION 3.12 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE AND/OR LAND OFFERED FOR DEDICATION:** After all improvements have been installed in accordance with the approved Improvement Drawings and Specifications and the record copies of drawings have been submitted, and the inspector has indicated that inspections were made and approved (as per Section 7.13), the applicable legislative body or other applicable public body should accept the improvements for maintenance (or in the case of lands to be dedicated, may accept such lands in fee simple, by easement, or other such instrument approved by the applicable governmental body), pursuant to applicable state statutes and other applicable regulations. Acceptance of any street or other public ground is regulated by KRS 100.277(4).

**SECTION 3.13 SUBMISSION AND PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS:**

- A. **GENERAL:** In accord with the Horizontal Property Law (KRS 381) whenever a developer, the sole owner, or the co-owners of a building or buildings constructed or to be constructed, expressly declare, through the recording of a master deed or lease, a condominium property regime may be established. Once the property is submitted to the condominium property regime, a unit in the building(s) may be individually conveyed and may be the subject of ownership possession or sale and other acts as if it were sole and entirely independent of the other units in the building(s) of which they form a part and the corresponding individual titles and interest shall be recordable. It is the purpose of the condominium property regime plat to provide a process whereby two or more apartments, town-houses, rooms, office spaces, or other units in existing or proposed buildings or structures may be subdivided and offered or proposed to be offered for sale in accordance with requirements as established by these regulations. In order to be processed as a condominium property regime plat, the following requirements must be met in addition to other requirements of these regulations and applicable state statutes:
1. For proposed projects including buildings involving private or public improvements, prior to the review of a condominium property regime plat, a Preliminary Plat and Improvement Drawings and Specifications are required to be submitted for processing in accord with these regulations.
  2. For existing building conversions not involving public improvements, submission and processing shall be in accord with Section 3.13 B and C, respectively.
- B. **SUBMISSION OF CONDOMINIUM PROPERTY REGIME PLATS:** In addition to the above requirements, the developer shall submit to the planning commission's duly authorized representative, two (2) copies of the Condominium Property Regime Plat drawing prepared in accordance with Article V of these regulations bearing the certification of a registered land surveyor for review. In addition to other requirements of these regulations, the Condominium Property Regime Plat shall show the location of the building or buildings proposed for the condominium project. Simultaneously, with the



submission of the Condominium Property Regime Plat, there shall be attached two (2) copies of a set of floor plans of the building or buildings in accord with state statutes bearing the certification of a registered architect or professional engineer. In addition to other requirements, elevations based upon the North American Datum of 1929 or latest revision, shall be noted on the plats or plans as a reference on each floor or unit for sale.

At this time, the following information shall be filed with the planning commission's duly authorized representative:

1. Application for Condominium Property Regime Plat Approval: An application form provided by the commission, shall be submitted at the time of filing for Condominium Property Regime Plat approval.
  2. Traverse Sheets or other closure certification referenced on the plat. The closure accuracy required shall include a closed traverse of the condominium project boundaries (as per Section 5.0).
  3. Condominium Property Regime Plat Fees: Plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws, where applicable.
- C. **PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS:** The planning commission's duly authorized representative shall review the condominium property regime plats for conformance to the applicable requirements of Article V, the requirements of this section, other pertinent sections of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the planning commission's duly authorized representative shall recommend one of the following actions: (1) approve the condominium property regime plats; (2) cause to revise the condominium property regime plats subject to conditions; or (3) disapprove the condominium property regime plats. Should the planning commission's duly authorized representative recommend revision or disapproval of the condominium property regime plats, written notice of such action, including the reasons for revision, disapproval, shall be mailed to the subdivider by the planning commission's duly authorized representative. The action shall be entered in the official records of the planning commission's duly authorized representative and the planning commission. After final review of the condominium property regime plats by the planning commission's duly authorized representative, the subdivider shall submit two (2) reproducible mylars and ten (10) copies of plats to the planning commission's duly authorized representative for disposition per the requirements of Section 3.11. If approved and signed by the chairman or other duly authorized officer of the planning commission, the original condominium property regime plats may be recorded in the office of the county clerk.

#### **SECTION 3.14 SUBMISSION AND PROCESSING OF IDENTIFICATION PLATS:**

- A. **GENERAL:** It is the purpose of the identification plat to provide a process whereby parcels may be subdivided (i.e. subdivisions) without having to be processed through preliminary and final plat procedures, as established in these regulations. In order for a

subdivision to be processed as an identification plat, the following requirements must be met in addition to other requirements of these regulations:

1. The parcel to be subdivided shall not involve construction of any public improvements including water lines, storm and sanitary sewers, and streets, etc. for which preliminary and final plat processes are required.
2. In areas not served by a public sanitary sewer system, land surveyed for conveyance which is less than one (1) acre shall be labeled "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership".
3. Tracts or parcels surveyed in areas approved or conditionally approved as a Preliminary Plat that are not for building development by themselves but are for attachment to adjacent land in the same ownership, shall contain the following statement: "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership. Any development within tract or further subdivision must comply with previously approved Preliminary Plat with conditions on file at planning commission offices unless amended via submission of revised plans".
4. Except as noted in item 3 (above) the identification plat process shall not be permitted in areas already approved or conditionally approved as a preliminary plat.

B. **SUBMISSION OF THE IDENTIFICATION PLAT:** The subdivider shall submit to the planning commission's duly authorized representative, two (2) copies of the identification plat at a size measuring 8-1/2" x 11" or 8-1/2" x 14" (intended for attachment to a deed), prepared in accordance with the applicable requirements of these regulations and minimum standards of practice for Land Surveying in Kentucky, latest revision, as defined in KRS 322. In addition, the identification plat shall also contain the following information:

1. A statement by a registered land surveyor preparing the plat that the parcel contains no proposed public improvements.
2. A statement by a registered land surveyor preparing the plat that plat approval for residential building development is contingent upon issuance of a sewage construction permit from the Bracken County Health Department, where applicable.
3. In areas not served by a public sanitary sewer system, land surveyed for conveyance which is less than one (1) acre shall be labeled "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership".

4. Sufficient information shall be included to locate the parcel being subdivided in relation to the previous subdivided parcels, as well as their location within the tract of land as it existed on the effective date of these regulations.
  5. Existing rights-of-way widths shall be determined from existing deeds or lots of record and other statutes or agencies establishing such widths. Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in the applicable section(s) of these regulations. Such dedication shall be in accordance with the following: a. At least the minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way width, measured from the centerline of the right-of-way, shall be dedicated. However, the owner or owners of such property shall not be required to dedicate more than one-half (1/2) of the required rights-of-way width.
  6. A vicinity map drawn at a scale of one (1) inch to two thousand (2,000) feet or greater (e.g., one (1) inch to one thousand (1,000) feet) on the plat showing, within one-half (1/2) mile of the proposed subdivision, existing roads and other significant features (e.g., streams, lakes, etc.).
- C. At this time, the following information shall also be filed with the planning commission's duly authorized representative:
1. Application for Identification Plat Approval: An application (provided by the commission) shall be submitted at the time of submission. The commission's duly authorized representative shall indicate on the application the date of submission and signature of the commission's duly authorized representative.
  2. Traverse Sheets or other closure certification referenced on the plat: The closure accuracy required shall include a closed traverse of the subdivision boundaries as per Section 5.0.
  3. Description: One copy of the description written by a land surveyor for the purpose of defining complete land boundaries accurately describing the actual boundary survey.
  4. Identification Plat Fees: Plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws.
- D. PROCESSING OF IDENTIFICATION PLAT: The planning commission's duly authorized representative shall review the identification plat as per the applicable requirements of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the planning commission's duly authorized

representative shall recommend one of the following actions: (1) approve the identification plat; (2) cause to revise the identification plat subject to conditions; or (3) disapprove the identification plat. Should the planning commission's duly authorized representative recommend revision or disapproval of the identification plat, written notice of such action, including the plat revisions or reasons for disapproval shall be mailed to the subdivider by the planning commission's duly authorized representative. After final review of the identification plat by the planning commission's duly authorized representative, two (2) originals and one (1) copy of the plat shall be submitted to the planning commission's duly authorized representative for final approval and disposition, per the requirements of Section 3.11. The action shall be entered in the official records of the planning commission's duly authorized representative and the planning commission. If approved and signed by the chairman or other duly authorized officer of the planning commission, the planning commission's duly authorized representative shall deliver the plats to the Bracken County clerk where they may be recorded with the deeds or other documents.

**ARTICLE IV  
PRELIMINARY PLAT REQUIREMENTS**

**SECTION 4.0 SPECIFICATIONS FOR AND CONTENT OF THE PRELIMINARY PLAT:**  
The following information shall be clearly shown on or accompany the Preliminary Plat:

The subdivider shall file with the planning commission's duly authorized representative fifteen (15) copies of the Preliminary Plat for review. Such plat shall be drawn at a scale of one (1) inch to two hundred (200) feet or greater (e.g., one (1) inch to one hundred (100) feet).

**A. INFORMATION TO BE CONTAINED ON PRELIMINARY PLAT:**

1. Proposed name of subdivision, which shall not duplicate or too closely approximate, phonetically, or in spelling, the name of any other subdivision in the county;
2. Name, address, and phone number of record owner(s);
3. Name, address, and phone number of subdivider(s);
4. Name, address, and phone number of person, firm, or organization preparing the Preliminary Plat, with the seal and signature of the registered professional engineer or land surveyor responsible for its preparation, where applicable;
5. North point, written and graphic scale, and date;
6. Vicinity sketch map: a vicinity sketch map drawn at a scale of one (1) inch to two thousand (2,000) feet or greater (e.g., one (1) inch to one thousand (1,000) feet), including the following information, if applicable, within at least one-half (1/2) mile of the proposed subdivision:
  - a. Proposed subdivision name and location;
  - b. Existing and proposed streets;
  - c. Other significant features (e.g., streams, lakes, etc.);
  - d. Original parent tract deed book and page, group and remaining acreage.
7. The perimeter boundary lines of the tract to be subdivided and submitted as a Preliminary Plat shall be drawn to scale showing all bearings and distances;
8. The existing use or uses of the property and, to scale, the outline of any existing buildings or improvements to be retained and their location in relation to existing or proposed street and lot line locations (addresses if available);

9. The right-of-way lines and names of all existing or platted streets, other public ways and easements adjacent to or in connection with the subdivision including right-of-way widths and other important features at least within one hundred (100) feet of the boundary lines, such as railroad lines, watercourses, etc.;
10. Names of adjacent subdivisions and the property lines, at least within one hundred (100) feet of the subdivision boundary, and owners of record of all adjacent parcels that are unsubdivided (for adjacent platted land, refer to subdivision plat by name, plat book, and page);
11. Location and dimensions of all existing easements and rights-of-way within the subdivision;
12. Existing utilities on and adjacent to the subdivision: location and size of water mains, sanitary, storm and/or combined sewers;
13. Existing contours at ten (10) foot intervals within the subdivision;
14. Subsurface conditions on the subdivision; any known conditions that are not typical, or which may cause problems, such as: soils and geological formations, old mine shafts, wells, known mineral deposits, etc.
15. Proposals:
  - a. Streets and alleys: layout, names, right-of-way and pavement widths, approximate corner radii at the right-of-way line and the approximate proposed grades of all streets;
  - b. Other rights-of-way or easements: location, width, and purpose;
  - c. Lots: lots and blocks numbered;
  - d. Water and sewer systems: plan view layout of water lines, storm and sanitary sewer lines, including sizes, to serve the subdivision;
16. Statement of the lot area of the smallest lot in the subdivision (reference shall be made to the lot and block number);
17. Parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed restriction or protective covenant for use by all property owners in the subdivision or parcels of land or lots to be used for any purpose other than private, shall be so designated;
18. Proposed uses for all land in the subdivision;

19. Approximate boundaries of areas subject to flood of 100-year frequency (including 100-year floodway) and the location, width, and direction of flow of all watercourses, lakes, marshy areas, and swamps;
20. Total site data: including acreage, number of lots, and, if applicable, approximate number of square feet or acres in parks and other public uses.

**B. ADDITIONAL INFORMATION TO BE SUBMITTED AT TIME OF FILING OF PRELIMINARY PLAT:**

1. One (1) copy of an application for Preliminary Plat approval (provided by the commission);
2. Where individual on-site disposal systems have been approved, as per Section 7.1(d) of these regulations, the following note shall be included on the plat: "Plat approval for building development on lot(s) is contingent upon issuance of a final sewage construction permit and inspections by the Bracken County Health Department based upon a site evaluation and approved system;
3. One (1) copy of applicable board of adjustments action identifying any dimensional variances granted, if applicable;
4. Plat review fees as established by the planning commission's By-laws.

**ARTICLE V  
FINAL PLAT REQUIREMENTS INCLUDING  
IMPROVEMENT DRAWINGS AND SPECIFICATIONS**

**SECTION 5.0 SPECIFICATIONS FOR AND CONTENT OF THE FINAL PLAT:** The subdivider shall file with the planning commission's duly authorized representative, two (2) copies of the Final Plat for review. Following review, the subdivider shall submit ten (10) copies of the Final Plat for disposition and two (2) sets of original reproducible mylars to the planning commission's duly authorized representative for record purposes. The Final Plat shall be drawn at a scale of one (1) inch to fifty (50) feet or greater (e.g., one (1) inch to thirty (30) feet). However, if the Final Plat will contain lots of one hundred (100) feet or greater, fronting along a street, then a scale of one (1) inch to one hundred (100) feet or greater may be used.

Where necessary, the Final Plat may be on several sheets accompanied by an index showing the entire subdivision. The particular number of the sheet, the total number of sheets, and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet. Each sheet of said plat shall show the north point, written and graphic scale and the date. The Final Plat shall contain a vicinity map showing the location of the subdivision with relation to at least one (1) east/west and one (1) north/ south major arterial. The Final Plat shall further show the following, including all mathematical information and data necessary to locate and retrace any of the required data thereon:

**A. INFORMATION TO BE CONTAINED ON FINAL PLAT:**

1. The boundary lines of the Final Plat shall be drawn in heavy solid lines with accurate lengths and bearings. These boundaries shall be determined by an accurate field survey, which shall be balanced and closed. All lines shown on the Plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not A Part Of This Subdivision".
2. The exact location and the widths of all existing or recorded streets, intersecting or paralleling the boundaries of the subdivision at least within one hundred (100) feet.
3. The exact location and width of all abutting lot lines. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, plat book, and page.
4. The boundary line of the proposed Final Plat shall be tied by bearings and distances to a selected point or points (described on the plat) on the nearest established centerline or right-of-way line of any street or highway or a previously established monument(s) in which case the location of said monument shall be identified and accurately described on the plat. In addition, the Final Plat shall be tied by bearings and distances to a point in the original parent tract.



5. Municipal and county boundaries lines, if applicable.
6. The exact layout of the subdivision showing:
  - a. Street and alley centerlines and right-of-way lines shall be graphically shown; street names and bearings and distances along centerlines;
  - b. Sufficient linear, angular, and curve data (at least Delta, Tangent, Radius, and Length of Curve) to readily determine the bearing and length of the boundary lines of every block, lot and tract which is a part of the subdivision.
  - c. All easements or other rights-of-way (the limitation of the easement rights shall be stated or referenced on the plat).
  - d. All lot lines with dimensions and bearings.
7. Identification of any waivers of the subdivision regulations granted by the planning commission, such as: sidewalks on one side of the street; width of street pavement; any need for additional off-street parking spaces; etc.
8. All blocks and lots numbered or lettered in a consecutive manner with no omissions or duplications. Ditto marks shall not be used for lot dimensions. Tracts offered for dedication, other than for streets or easements shall be designated by letter or number (further, the accurate outline of all such tracts shall be shown with the proposed use indicated thereon).
9. All permanent monuments set or to be set shall be shown on the Final Plat:
  - a. The location of all monuments placed in making the survey and if any points were reset, that fact shall be stated and attached to Final Plat for recording.
  - b. Monuments shall be set at intersections of street centerlines and curve points or offsets therefrom. The exact location of all such documents shall be shown on the Final Plat before approval is requested.
10. The accurate outline of all property (if applicable) which is to be reserved by deed restriction or protective covenant for the common use of the property owners in the subdivision.
11. Flood Hazard Information: Elevation and flood profiles shall be shown on the Final Plat if required (as determined as per Section 6.4 of these regulations).

12. All easements shall be shown by a fine dashed line and clearly labeled and identified on the plat. If an easement shown on the plat is already of record, its recorded reference must be given.
13. Name of the subdivision and name or number of the larger subdivision or tract of which the tract now being subdivided is a part.
14. North point (approximating true north), written and graphic scale, and date.
15. Total site data: including acreage, and, if applicable, number of square feet or acres in parks and other public uses.
16. Certification, acknowledgements and descriptions: The following certificates, acknowledgements, and descriptions shall appear on the title sheet of the Final Plat.
  - a. Dedication certificates: a notarized certificate shall be signed and acknowledged offering for dedication all parcels of land shown on the Final Plat which are intended for public dedication.
  - b. Surveyor's certificate: a certificate shall be signed in original ink and dated by a Registered Land Surveyor, in Kentucky, stating that he is responsible for the survey and that the Final Plat accurately depicts the subdivision and the survey. The original signature of such surveyor must be accompanied by his seal and registration number and date.
  - c. Reference of property from which the plat is taken: each reference in such description to any tract, development, or subdivision, shall show a complete reference to records of the county.
  - d. Other affidavits, etc.: the title sheet shall contain such other affidavits, certificates, acknowledgements, endorsements, and notarial seals as are required by law and by these regulations. If such documents are recorded elsewhere, then reference to such documents should be included on the Final Plat.
  - e. Certificate of approval by the chairman or other duly authorized officer of the planning commission.
  - f. Certificate of acceptance for recording by the county clerk.

B. ADDITIONAL INFORMATION TO BE SUBMITTED AT TIME OF FILING FINAL PLAT:

1. One (1) copy of an application for Final Plat approval provided by the commission.
2. Traverse calculations or other closure certification referenced on the plat, resulting from an accurate and complete boundary survey of the perimeter of the Final Plat. Traverse calculations when computed from field measurements, on the ground, shall close with an error of closure not to exceed 1:5000 for a class B survey and 1:10000 for a class A survey.
3. Improvement Drawings and Specifications: Improvement Drawings and Specifications will be required, if not submitted previously for processing, in accord with Section 3.5.
4. Record Copies of Improvement Drawings where applicable.
5. One (1) copy of all deed restrictions or protective covenants (may be either placed directly on the Final Plat, or if separately recorded, reference is made on the Final Plat).
6. Final Plat and construction review fees: Final Plat and construction review fees shall be submitted as established by the planning commission's By-laws.
7. Guarantee: a guarantee (if applicable) per Section 7.12.
8. Recording fees: the subdivider shall pay the recording fee, per requirements of the county clerk.