

Article I: Purpose & Authority

1.1 Purpose.

These Subdivision Regulations are designed to encourage the development of residential, commercial, and industrial subdivisions, according to recognized standards which provide for sound, efficient and economical development; to provide for safe, convenient and efficient traffic circulation; to coordinate land development to insure that future growth will be orderly and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to provide for adequate and convenient open spaces for utilities, recreation, light, air, and access of fire fighting equipment; to avoid population congestion through requirements for minimum lot widths and lot areas; to provide for provision of water, drainage, sewer, and other sanitary facilities; and to reduce flood damage potentials to the greatest extent possible.

1.2 Title.

These regulations shall be known and may be cited as the "Subdivision Regulations for Nelson County, Kentucky." A certified copy of these regulations are on file with the County Clerk of Nelson County.

1.3 Legislative Authority.

These regulations were prepared and adopted by the Joint City-County Planning Commission of Nelson County, Kentucky under authority granted by the *Kentucky Revised Statutes, Chapter 100*.

1.4 Area of Jurisdiction.

The provisions of these regulations shall apply to all lands within Nelson County, Kentucky including the incorporated areas of Bardstown, New Haven, Bloomfield, and Fairfield.

1.5 Application.

No land within Nelson County, shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a final plat of the subdivision is approved by the Planning Commission and the plat properly filed and recorded by the County Court Clerk.

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the provisions of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the provision which is more restrictive or imposes higher standards of requirements shall govern.

1.6 Administration.

These regulations shall be administered by the Joint City-County Planning Commission of Nelson County. All applications, fees, maps and documents relative to subdivision approval shall be submitted to this Commission.

The Planning Commission shall appoint an Administrative Officer to handle the daily administration of these regulations and may seek advice from planning consultants or other local, regional and state agencies, regarding subdivision proposals.

1.7 Definition of Subdivision

As defined in Kentucky Revised Statutes, Chapter 100 Section 111, a "subdivision means the division of a parcel of land into three (3) 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; providing that a division of land for agricultural purposes and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided." The term resubdivision for the purposes of application of these regulations shall be defined as the division of any property whose parent parcel was involved in any division since 1974, the year of adoption of Subdivision Regulations for all of Nelson County. Divisions of land into parcels twenty (20) acres or greater in size shall be presumed to be divided for agricultural purposes.

Article II: Procedures for Submitting & Approving Plats

2.1 Purpose.

These subdivision regulations are intended to insure sound subdivision development that is consistent with community goals and plans and to safeguard the interest of the home owner, the subdivider, the investor and the units of local government. Subdivision regulations are enforced by the Planning Commission through the process of reviewing preliminary and final plats of proposed subdivisions. The purpose of this Article is to establish the procedures which shall be followed by the developer and Planning Commission in preparing, reviewing and approving all subdivision plats.

2.2 Differences Between "Preliminary" Plat & "Final" Plat.

The preliminary plat is the community's (through the Planning Commission) first opportunity to review the proposed development and coordinate it with other existing and proposed developments. Prior to the approval of the preliminary plat, there should be no physical improvements or installation of utilities. The approved preliminary plat drawings are those from which specific construction work on the subdivision can proceed. (Note: Construction of infrastructure improvements is to proceed only after submission and approval of construction plans to the appropriate governing authority).

The final plat includes more precise and more inclusive engineering data on lot dimensions and bearings as well as final engineering construction drawings for major improvements such as streets, water and sewer facilities. The final plat also includes the several certificates of approval from various agencies and authorities in the County. Also, approval of the final plat means that all physical improvements to the property have been made or a bond or escrow account has been filed with the appropriate governing authority to insure that these required physical improvements are made. The final plat, once approved and recorded, in the County Clerk's Office is a legal document from which land transactions are made.

2.3 Overall Procedures.

The procedure for obtaining approval of a subdivision plan generally includes three steps:

- (1) Advisory meeting with Planning Commission (pre-preliminary)
- (2) Preliminary plat review and approval.
- (3) Final plat review and approval.

The flow chart on the following page outlines by step the processing of subdivision plats.

2.4 Exceptions to Overall Procedures.

All subdivision of land shall be subject to the preliminary and final plat requirements presented herein, except where a subdivision may be deemed a minor subdivision, or a division that may be approved by the Administrative Officer.

- (A) Minor Plat - Upon request by the subdivider, a subdivision may be deemed a "minor subdivision" by the Planning Commission provided it meets the following requirements:

The division of land into more than three (3) lots for residential purposes in which involves no new major improvement extension or construction and in which all new lots conform to the minimum setback and other requirements of the applicable zoning district.

(B) Plat That May be Approved by the Administrative Officer - A plat of a division meeting the following requirements may be recorded in the office of the Nelson County Clerk with the signature and approval of the administrative officer:

- (1) The platted division creates only one additional lot or tract, provided however that no more than one such division per parent tract may be so approved; or
- (2) The platted division involves the addition or subtraction of land area from adjacent tracts or lots and no additional lots or tracts are created; or
- (3) The platted division involves the combination or re-platting of existing lots resulting in fewer tracts or lots than exist immediately prior to the re-platting process.

All tracts created by or shown on a platted division approved by the administrative officer shall meet design standards of these regulations and the minimum requirements of the Zoning Regulations.

Upon meeting the requirements stated in Section 2.4 (A), the subdivider may then follow the final plan procedure.

2.5 Advisory Meeting with the Planning Commission.

(A) Before preparing the Preliminary Plat and submitting it to the Planning Commission for approval, the subdivider should meet and consult informally with the Planning Commission staff for the purpose of ascertaining the locations of proposed major streets, parks, playgrounds, school sites, and other planned projects or potential difficulties which may affect the property being considered for subdivision.

At the same meeting, the subdivider should review with the Planning Commission staff the minimum standards of subdivision design set forth in Article V. This informal review could prevent unnecessary and costly revisions in the layout and development of the subdivision.

Formal application or filing of a plat with the Planning Commission is not required for this informal advisory meeting. The meeting is for the protection of the subdivider and should save him unnecessary time and costs for redesign.

(B) Whenever part of a tract is proposed to be subdivided and it is intended to subdivide additional parts of the tract in the future, a sketch plan for the entire tract shall be submitted to the Planning Commission at the time for Preliminary Plat for the first part of the tract to be platted is submitted.

2.6 Preliminary Plat Filing & Approval Procedures.

After meeting informally with the Planning Commission staff as described in Section 2.5, the subdivider shall cause to be prepared a preliminary plat prior to making any improvements or installations of any utilities. The plat format and content requirements are detailed in Article III. The following define the procedures leading to preliminary plat approval:

(A) Plat Preparation By: The Subdivider shall have a registered surveyor, registered engineer, landscape architect, or urban planner (provided that engineering data is supplied by a registered engineer or surveyor for landscape architects, architects and urban planners) prepare the preliminary plat in conformance with the format design and improvement requirements of these regulations. Utility companies and other concerned city and county agencies shall be consulted before the preliminary plat is prepared.

- (B) Formal Application and Submission: Five copies of the preliminary plat and supplementary material specified in Section 3.2 shall be submitted to the Administrative Office of the Planning Commission with a written application (secured from the Planning Commission Office), a soils review sheet signed by a sanitarian with the Nelson County Health Department, and fees by the deadline established for the meeting at which it is to be considered.
- (C) Distribution and Review of Plats: The Commission shall make copies of the preliminary plat available to all concerned agencies: county sanitarian; soil conservation service; water and sewer agencies; electric and gas utility companies; the State Highway District Office; and city/county engineer. The Commission will consider all comments from the agencies prior to approval of any plat.

In the event an individual (package plant) sewage disposal system is planned the subdivider will provide the Planning Commission with written approval from the appropriate State agency charged with such approval.

- (D) Planning Commission Review: In determining whether an application for approval for a preliminary plat shall be granted, the Commission shall determine if the plat provides for:
- (1) County Sanitarian's review;
 - (2) Coordination of subdivision streets with existing and planned streets;
 - (3) Coordination with the extension of facilities included in the Comprehensive Plan;
 - (4) Establishment of minimum width, depth and area of lots within the projected subdivision;
 - (5) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the area; and,
 - (6) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.

As a condition of approval of a plat, the Commission may specify:

- (1) The manner in which streets shall be laid out, graded and improved;
 - (2) Provisions for water, sewage and other utility services;
 - (3) Provision for schools;
 - (4) Provision for essential municipal services, and,
 - (5) Provision for recreational facilities.
- (E) Planning Commission Action: Following review of the Preliminary Plat and other material submitted for conformity to these regulations, the discussions with the subdivider on changes deemed advisable, and the kind and extent of improvements to be made by him, the Planning Commission shall do the following:
- (1) Within 60 days after reviewing the preliminary plat, shall approve, disapprove, or approve subject to modifications the said plat. Failure of the Planning Commission to act on this preliminary plat within 60 days shall be deemed approval of the plat.

- (a) Approval of the preliminary plat shall not constitute acceptance of the final plat. Approval means the developer is authorized to proceed with physical improvements in the proposed subdivision and to proceed with the preparation of the final plat. Lots shall not be sold until a final plat has been approved and recorded. Note: Construction of infrastructure improvements is to proceed only after approval of construction plans by the appropriate governing agency.

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 and granted by the Planning Commission if just cause is shown. Otherwise the approval process shall begin with the submission of a preliminary plat.

In the event a subdivision is to be developed in stages, final plats covering portions of the preliminary plat may be submitted extending beyond the one year limit above, providing the first final plat is submitted within one year and succeeding final plats are submitted within six months of each other.

- (b) Disapproval: If a plat is disapproved, reasons for such disapproval will be stated in writing. Criteria for disapproval can be any of the standards, purposes or objectives of this regulation or the comprehensive plan or elements thereof.
- (c) Approval subject to modifications: If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The subdivider may proceed but only after corrected preliminary plats have been submitted to the Commission, or the Commission's designee.

The action of the Planning Commission shall be noted on two copies of the preliminary plat with any notations made at the time of approval or disapproval of the specific changes required. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

2.7 Final Plat Filing & Approval Procedures.

A final plat meeting the format and content requirements of Section 3.3 and the design standards of Article IV and V may be submitted after approval of the preliminary plat. The following define the procedures leading to final plat approval. Prior to final plat approval the subdivider shall not sell or agree to sell any lot.

- (A) Plat Preparation By: The subdivider shall have a registered surveyor, registered engineer, landscape architect, architect, or urban planner (provided that engineering data is supplied by a registered engineer or surveyor for landscape architects, architects and urban planners) prepare the preliminary plat in conformance with the format, design and improvement requirements of these regulations. Utility companies and other concerned city and county agencies shall be consulted before the final plat is prepared.
- (B) Conformance with Preliminary Plat: The Final Plat shall conform to the Preliminary Plat as conditionally approved by the Planning Commission and shall incorporate all modifications and revisions specified by the Commission in its conditional approval of the Preliminary Plat. Otherwise, the plat shall be considered as a revised Preliminary Plat.
- (C) Formal Application:
- (1) Five (5) copies of the final plat together with attachments as may be required under Section 3.3 C and D, an application form and fees shall be submitted to the Planning Commission by the subdivider by the deadline for the meeting at which it is to be considered.

- (2) Unless a time extension has been requested by the subdivider and granted by the Commission, all final plats shall be submitted within 12 months of the approval date of the preliminary plat. If a time period in excess of 12 months elapses, the preliminary plat must be resubmitted and approved before final plat approval can be considered unless the subdivision is developed in stages as set out above in Section 2.6(F)(1)(a).

(D) Distribution and Review of Plats: The Commission shall make copies of the final plat available to all concerned city and county agencies. The Commission will consider all comments from these agencies before considering the plat for approval or denial. Distribution shall be but not limited to:

- (1) One copy of the final plat shall be transmitted to City or County Engineer who will check said plat as to computations, certification, monuments, and other required data, and that all the required improvements have been completed to the satisfaction of the City or County officials, having jurisdiction, or in case a security bond or certified check has been posted in lieu of completing said improvements that the amount posted is sufficient to cover the cost of the required improvements.
- (2) One copy shall be transmitted to the City or County Sanitarian when individual sewage disposal or water supply systems are to be installed.
- (3) In the event of individual (package plants) sewage disposal systems the State Department of Natural Resources and Environmental Protection or other appropriate state agency shall provide written approval of the installed system prior to approval by the Planning Commission.

(E) Planning Commission Review and Action: The Planning Commission will review the final plat at its regularly scheduled meeting following the timely submission of the application and all supporting material.

Within 60 days after the review of the final plat the Planning Commission shall take one of the following actions:

- (1) Approval - Means the final plat has been signed by the Chairman of the Commission and may be recorded. After recording, the developer may sell or agree to sell lots by reference to the approved and recorded final plat. Commission approval shall not be deemed to constitute or effect an acceptance by the City or County of the dedication of any street or other proposed space offered for dedication, since such acceptance is the prerogative of the City and County legislative bodies.
- (2) Conditional Approval - Means the developer may proceed as outlined above under (E)(1), Approval, but only after he has met the conditions attached to the approval.
- (3) Postponement - Means the Commission has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the plat.
- (4) Disapproval - Means complete denial of the final plat. Grounds for disapproval will be stated in the minutes of the Planning Commission. To request another review and action, the developer must revise his plat to conform to Commission requirements and resubmit a new final plat.
- (5) After Commission action, two copies of the plat will be marked in conformance with the Commission's action. It is the subdivider's responsibility thereafter to pickup the plat from the Commission's office; obtain necessary certifications; and to record the plat at the County Clerk's office, all in a timely manner.

- (F) Recording of Final Plat: Within 60 days of the Commission's approval, unless a time extension has been granted by the Commission previous to the expiration date, a certified copy of the final plat shall be filed for recording in the County Clerk's Office. The Commission's action is also voided if the certified plat is altered in any manner (except for Commission requirements) between the date of Commission approval and recording.
- (G) Release of Bond: If a surety performance bond has been posted with the appropriate legislative body or utility, its release shall be approved by the Commission after all improvements, in the opinion of the Commission, have been satisfactorily completed. See Section 4.2B for more detail governing release of bonds.
- (H) Dedication Approved: Approval of the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground. A copy of the approved final plat, will be transmitted to the City or County legislative body or it's designee by the subdivider for necessary action on any proposed dedication.

2.8 Fees.

The Planning Commission shall establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed Preliminary and Final Plats. The subdivider shall pay the specified fees at the time of filing his application for preliminary plat and/or final plat approval.

Article III: Plat Format & Content Requirements

3.1 Purpose.

The purpose of this Article is to describe the content and format of required preliminary and final plat materials and the information which the plats must contain. Conformance to these requirements will provide for the expedient processing of plats.

All plats must adhere to these specifications unless the Commission grants permission for modifications due to unusual or special circumstances. Plats which repeatedly lack the required data may be returned to the subdivider by the Commission immediately after the absence of data is apparent.

3.2 Preliminary Plat.

(A) Format and Identification.

- (1) Sheet size: The Preliminary Plat shall be submitted by the subdivider on durable paper and shall be clear and legible. The scale shall be one inch equals 100 feet or less and the size of sheets shall be 18 x 24 inches, or 24 x 36 inches, depending upon the size of the subdivision but may be altered after consultation with the Planning Commission staff. A 1.5 inch margin for binding shall be provided along the left edge. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.
- (2) Label: The Preliminary Plat shall be labeled "PRELIMINARY PLAT" in large letters.
- (3) Vicinity Map: A vicinity map showing the general location of the subdivision shall be placed in the upper right or left corner of the sheet. The vicinity map shall be drawn at a scale large enough (approximately 1" = 1,000') to show the proposed subdivision's relationship to existing and proposed features such as major traffic arteries, schools, recreation areas, shopping areas and industrial areas.
- (4) Subdivision Name: The proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County of City.
- (5) Subdivider/Engineer:
 - (a) The name and address of the owner or the land to be subdivided, and the name and address of the subdivider, if other than owner.
 - (b) The name and address of the registered engineer, land surveyor, architect, landscape architect or planner responsible for the preparation of the plat.
- (6) Zoning: Zoning Classification on the tract and adjoining properties and any proposed changes from existing zoning.
- (7) Legend: The title block should appear at the bottom of the sheet and contain the following:
 - (a) North arrow;
 - (b) Graphic written scale;
 - (c) Date;
 - (d) Acreage of land to be subdivided.

- (B) Site Data: The data required below provides the essential information upon which the Planning Commission (and the subdivider) can make decisions on the appropriateness of the subdivision and its preliminary design. Section (C) lists the data required to illustrate the proposed design.
- (1) Boundaries: Subdivision boundaries with bearings and distances (include entire area proposed to be subdivided and remainder of the tract in the same ownership); all existing easements, railroad and utility right-of-way and the purpose for which such easements and rights-of-way have been established; parks and other public open spaces.
 - (2) Abutting Property: The names of all property owners abutting the boundaries of the subdivision as their names appear on the tax records; subdivision names of adjacent platted land; lot pattern surrounding proposed subdivision and typical lot size in adjacent subdivisions.
 - (3) Utilities: Existing water, sewer and storm drain facilities on and adjacent to the tract showing size, elevation, and direction of flow. Additionally, the location of existing gas, electric and telephone utilities will be shown and the recommended future location of same. The location of any utilities in the public right-of-way shall be approved, prior to plat submission, by the appropriate governing authority.
 - (4) Contours: Contours referenced to USGS datum at an interval of not greater than five feet, or lesser interval if deemed necessary by the Planning Commission or any other approving agency (ie. Nelson Co. Health Dept., City or County Engineer). Additionally contours shall be shown at an interval of 10 feet or less for an area within 250 feet outside of the plat boundaries if possible. In any event approximate direction and gradient of ground slope shall be shown.
 - (5) Drainage: Existing drainage channels, water courses, ponds, and wet (poorly drained) areas will be shown.
 - (6) Streets: Location, right-of-way and pavement widths, and names of all existing improved streets or alleys on or within 500 feet of the subdivision. Recorded but unimproved streets should be shown with dashed lines.
 - (7) Septic Tanks or Wells: If individual wells and/or septic tanks are proposed, a soils review sheet signed by a sanitarian with the Nelson County Health Department shall be submitted with the plat. The plat as submitted shall conform with any requirements of the Health Department as noted. A plat shall not be accepted for approval without this sheet.
- (C) Proposed Subdivision Design and Improvements.
- (1) Lots:
 - (a) The location of all proposed and existing lots with approximate dimensions and area in square feet (on odd shaped lots only);
 - (b) Lot numbers for each lot shall be shown.
 - (2) Setbacks and Buildings: The location of proposed building setback lines with dimensions showing the setback from the street rights-of-way.
 - (3) Use: Sites, and their acreage, if any, to be reserved or dedicated for parks, playgrounds, or other public uses. Sites, if any, for semi-public, commercial or multi-family uses.
 - (4) Streets: The locations, width, approximate grades and names of proposed streets and alleys. Approximate elevations at the center line of the street shall be shown at the beginning and end of each street, and at street intersections.

- (5) Typical Street Section: The cross-section of each new street, from one right-of-way line to the other at a scale of ten feet or less to the inch, showing the width and depth of pavement, the size and type of gutters, the location and width of sidewalks.
 - (6) Monument: Location of existing monuments and proposed new monuments.
 - (7) Easements: The approximate location, dimensions and area of all property proposed to be dedicated or temporarily reserved for public use, or to be reserved by a blanket covenant for use of all property owners in the subdivision and conditions for such conveyance or reservation. Also, the location, dimensions, area, and purposes of any proposed easements shall be shown or indicated by notes.
 - (8) Drainage: Proposed drainage system with typical cross sections of all proposed drainage facilities including underground drains, culvert headwalls, ditch lines and necessary easements. Also, the location, size and invert elevation of storm sewers and appurtenances thereto.
 - (9) Sewers: Proposed layout and connections with existing sanitary sewer system (with size of line) or alternative means of sewage treatment and disposal and location.
 - (10) Water: Proposed layout and connection with existing water system showing size and location of lines.
 - (11) Construction Plans: Construction plans for roadway and drainage facilities shall be submitted to the City or County Engineer. Construction Plans shall show plans for facilities to be constructed to State of Kentucky specifications or those contained in the publication "General Provisions for the Design and Construction of Roadways in Nelson County"; specific requirements to be determined after consultation with the approving authority. The construction plans shall be designed by an engineer or surveyor as required by state statute. The plans shall be of sufficient detail to depict the roadway plan layout, profile, drainage, pavement structure, ditches, culverts, roadway cut/fills, all utilities (water, sewer, electric, etc.) and any other detail reasonably required to evaluate the proposed improvements. The construction plan shall be approved by the appropriate governing authority prior to submission of the final plat and before any construction is started.
- (D) Additional Data Required: When applicable the following additional data shall appear on or be attached to the preliminary plat.
- (1) One copy of an application for preliminary plat approval and appropriate fees.
 - (2) When the developer proposes to regulate land use or dimensional criteria in a subdivision and otherwise protect a development, one draft copy of such covenants may be submitted as part of the preliminary plat materials.
 - (3) When the tract shown on the subdivision plan represents only a portion of the developers holding, an additional sketch may be required to illustrate the proposed layout for the remainder of the tract.

(4) A soils review sheet, signed by a Sanitarian with the Nelson County Health Department, which details the types of soils to be encountered at the proposed site of the subdivision. The soils review sheet shall indicate or detail steps that a developer has taken to accommodate on site sewage disposal systems given the particular types of soils and terrain to be encountered. The developer and a sanitarian with the Nelson County Health Department shall review the soils and terrain conditions together to insure that the developer understands existing conditions and potential problems associated with accommodating on site sewage disposal under those conditions. The sanitarian shall sign the soils review sheet after consultation with the developer. This signature does not constitute final approval of on site sewage systems to be used.

(5) Water & Sewer/Septic Certification. A water and sewer/septic certification form shall be completed by all applicable utilities and shall be submitted with the major preliminary plat. The purpose of the water and sewer/septic certification is to ensure that proposed subdivisions are served by public infrastructure and services. A copy of the water and sewer/septic certification form shall be available from the Planning Commission.

(Amended by Planning Commission, November 27, 2007 and February 26, 2008)

(6) Where deemed necessary to properly evaluate the proposed development the Planning Commission may require street profiles and other improvement drawings as listed in Section 3.3C(3).

(Amended by Planning Commission, November 27, 2007 and February 26, 2008)

(7) Road Capacity Standards.

(a) Purpose & Intent. The purposes of the road capacity standards are to maintain an acceptable level of road services as defined in Section 3.2D(7)(b) while allowing new development to occur, to evaluate proposed development impact on existing roads, and to identify future road improvement needs in Nelson County.

(b) Road Capacity Defined. Road capacity shall be defined by using the Levels of Service (LOS) of roadways or roadway intersections which are further defined in Section 3.2D(7)(g). A Traffic Impact Study may be required to determine the Levels of Service. The following shall be acceptable levels of service:

(1) For urban arterials and urban collectors, as identified in the Transportation Plan of the Comprehensive Plan: LOS D and above shall be considered acceptable Level of Service; and LOS E and below shall be considered unacceptable Levels of Services unless mitigation is provided.

(2) For all other roads in Nelson County: LOS C and above shall be considered acceptable Level of Service; and, LOS D and below shall be considered unacceptable Levels of Service unless mitigation is provided.

(c) Traffic Impact Study Requirements

(1) Traffic impact studies provide the Planning Commission with the information necessary to properly understand the transportation infrastructure impacts of a proposed development on existing and planned road capacities. Further, traffic impact studies identify the need for any improvements to the transportation system to reduce congestion, maintain and improve safety, and provide site access and impact mitigation associated with the proposed development. Generally, a Traffic Impact Study will provide operating capacity and Level of Service analysis for critical roadway segments and/or intersections within an impacted study area. It may also include mitigation measures for the traffic impact.

- (2) Prior to the submission of an application for all major preliminary plats, the Planning Commission's Traffic Engineer will review the proposed development to determine which of the following studies will be required:

- (aa) Traffic Assessment. A traffic assessment shall be required for all commercial, industrial, and mixed-use developments with an entrance on a road with greater than 1,500 Average Daily Trips (ADT) and that generates more than 25 directional peak hour trips. A traffic assessment shall be required for all residential developments with an entrance on a road with greater than 1,500 Average Daily Trips (ADT) and that will generate more than 25 directional peak hour trips, as follows:

Residential Use Types	# Units
Single-family residential	40
Multi-family residential	60
Condominiums or townhouses	70
Mobile home park	70

A traffic assessment shall include Items (aa) through (hh) and Item (II) of Section 3.2D(7)(e). A traffic assessment will not require a Level of Service Analysis.

- (bb) Traffic Impact Study. A traffic impact study shall be required for all commercial, industrial, and mixed-use developments with an entrance on a road with greater than 2,000 Average Daily Trips (ADT) and that generates more than 50 directional peak hour trips. A traffic impact study shall be required for all residential developments with an entrance on a road with greater than 2,000 Average Daily Trips (ADT) and that will generate more than 50 directional peak hour trips, as follows:

Residential Use Types	# Units
Single-family residential	80
Multi-family residential	120
Condominiums or townhouses	140
Mobile home park	140

A traffic impact study shall include all items set forth in Section 3.2D(7)(e). Generally a Traffic Impact Study will provide operating capacity and Level of Service analysis for critical roadway segments and/or intersections within an impacted study area. It then analyzes the impacts of the proposed development on the existing road network and proposes mitigation measures, if necessary, to improve any adverse conditions that may result from the proposed development.

- (3) Any development that does not meet the requirements set forth in Section 3.2D(7)(c)(2) above shall not require either a traffic assessment or a traffic study.
- (4) Applicants shall either request the Planning Commission's Traffic Engineer to prepare the required study as set forth in Section 3.2D(7)(c)(2) above or submit an assessment or study prepared by their Traffic Engineer and in accordance with the following requirements:
- (aa) If the Applicant requests the Planning Commission's Traffic Engineer to prepare the required assessment or study, the Applicant shall pay for the expenses associated with conducting such assessment or study;

- (bb) If the Applicant selects to submit an assessment or study prepared by their own Traffic Engineer, then the following conditions must be met:
 - (i) The assessment or study shall be prepared and stamped by a Professional Engineer licensed in the Commonwealth of Kentucky;
 - (ii) The assessment or study shall be reviewed and approved by the Planning Commission's Traffic Engineer, and the Applicant shall be responsible for payment to the Planning Commission the cost of the review of their study. The review of the assessment or study must be completed and cost paid prior to consideration by the Planning Commission or Board of Adjustment.
- (5) Changes to the project during development that will result in the increase of traffic or its distribution over 20 percent or 100 peak hour trips, whichever is less, on existing or proposed roadways will require that the study be revised to reflect the changes.
- (6) If no action is taken to advance the project within one (1) year of the approval of the major subdivision, the Traffic Impact Study must be updated if the project continues.
- (7) Developments which have valid preliminary plat approval as of the [insert effective date of this amendment] shall not be required to obtain a traffic assessment or traffic study. In the event that preliminary plat approval has expired or expires, then the development must meet current standards for approval.
- (d) Review Criteria
 - (1) A proposed major subdivision shall be approved or denied based on the findings of the Traffic Impact Study review by the Planning Commission's Traffic Engineer.
 - (2) A proposed development shall be denied if the Traffic Impact Study reviewed by the Planning Commission's Traffic Engineer indicates that the Level of Service (LOS) at the end of each development year or phase for the existing or proposed roads and intersections is unacceptable as defined in Section 3.2D(7)(b), unless the study and proposed mitigation measures demonstrate that the proposed development will not increase the existing delay more than five (5) seconds.
 - (3) Improvements to any existing roadway providing direct access to the proposed development shall be made in accordance with applicable Subdivision Regulations and roadway design standards of the appropriate legislative body to ensure that the geometry of an existing road can safely withstand additional traffic volumes.
 - (4) For phased developments, the full build-out potential shall be defined as the complete development of available land for which proposed or future connections are accommodated in the development plan, and future development shall be assumed to be at a similar type and density as that which is proposed. The timing of improvements for phased developments may be allowed to correspond with the phasing schedule of the development.
 - (5) The Planning Commission or Board of Adjustment reserves the right to ask for modifications to the study as it may deem necessary.
- (e) Minimum Information Required for a Traffic Impact Study
 - (1) The following information shall be required for all Traffic Impact Studies:
 - (aa) Site plan and vicinity map.
 - (bb) Study purpose and objectives.

- (cc) Description of the proposed land use (size, type, location, phasing).
- (dd) Determination and identification of the area of influence of the development (impacted study area).
- (ee) Description of existing roadway conditions, including but not limited to: physical characteristics of the roadways, pedestrian ways, public transportation, traffic volumes, and traffic control devices. Traffic volume data should include current peak hour traffic volume counts and estimated ADT. Peak hour traffic volume shall be the highest average peak hour volume for any weekday 24 hour period during the school year. Traffic counts shall be conducted no earlier than 9 months prior to the filing for Planning Commission review.
- (ff) Projected traffic volume generated by nearby development approved by the Planning Commission but not yet built. This information is available through the Planning Commission's Traffic Engineer. Questions about the rate of growth for an area of development shall be determined by the Planning Commission's Traffic Engineer.
- (gg) Projection of peak hour traffic volumes to the full development year (assuming full build out and occupancy) composed of all the following:
 - (i) Existing traffic volumes;
 - (ii) Non-site traffic volume growth in the corridor between the existing year and the full development year; and,
 - (iii) The traffic volume added by the proposed development.
- (hh) A future combined traffic volume diagram for critical peak hours of the development and roadway system. A description of any roadway/intersection improvements which have been assumed as being in place at full development. Any assumed improvements cited shall include the funding or project status as of the date of the report and include scenarios if the assumed improvements are delayed beyond the study's scope.
- (ii) Level of Service determination during the critical period(s) for the existing, no build and full development year for the impacted study area.
- (jj) An assessment of the change in roadway operating conditions resulting from the development (quantifying the impact of the development).
- (kk) Recommendations for improvement measures needed to mitigate the impact of the development to the acceptable Level of Services.
- (ll) Traffic Shed Analysis that will include the percentage of development traffic that will use the closest arterial. Additionally this section should state the current ADT of the arterial and the Level of Service. If improvements are scheduled for the arterials, the schedule should be included in this section.
- (mm) The Traffic Impact Study report should be presented in a straightforward and logical sequence. It should lead the reader step by step through the various stages of the process and to the resulting conclusions and recommendations. Transportation improvements that achieve the needed level of site access and mitigate any adverse effects the development related traffic may have on the transportation system should be described. Sufficient detail should be included so the reviewing agency will be able to follow the methodology of the analysis, associated findings and recommendations. If more than one intersection is being analyzed, schematic drawings displaying all the intersections with turning movements are required. The report should include a table or diagram summarizing all Level of Service results for the existing condition, the no-build condition and the build condition.
- (nn) A minimum of twelve (12) copies of the Traffic Impact Study shall be submitted to the Planning Commission and a copy in electronic format specified by the Planning Commission shall also be submitted.

(f) Mitigation

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

- (1) Construction of improvements as identified by the Traffic Impact Study to improve or maintain an acceptable LOS as defined in Section 3.2D(7)(b), or,
- (2) Participation in a public and private partnership program, as evidenced by a written certification from the appropriate public agency, that will result in the improvements of road capacity in the future where the Traffic Impact Study indicates deficiencies.

(g) Level of Service Definitions

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

Source: Transportation Research Board. *Highway Capacity Manual*, 2000 update

(Amended by Planning Commission, November 27, 2007 and February 26, 2008)

3.3 Final Plat.

(A) Format and Identification: The Final Plat shall show the following information.

- (1) Sheet Size: The Final Subdivision Plat shall be legibly drawn in black waterproof ink on tracing cloth or similar reproducible material. The scale shall not be smaller than one inch equals 100 feet and the size of the sheet shall be 18 x 24 inches, or 24 x 36 inches, including a 1 1/2 inch margin for binding along the left edge but may be altered after consultation with the Planning Commission staff. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.
- (2) Label: The Final Plat shall be labeled "FINAL RECORD PLAT" in large letters.
- (3) Vicinity Map: A vicinity map showing the general location of the subdivision shall be placed in the upper right or left corner of the sheet. The vicinity map shall be drawn at a scale large enough (approximately 1" = 1,000') to show the proposed subdivision's relationship to existing and proposed features such as major traffic arteries, schools, recreation areas, shopping areas and industrial areas.
- (4) Subdivision Name: Subdivision name or unit number and name of the largest subdivision or tract of which the tract being subdivided forms a part. (Said name shall not be different from the name used on the preliminary unless required by the Commission or its staff).
- (5) Subdivider/Engineer:
 - (a) The name and address of the owner of the land and the name and address of the subdivider, if other than the owner.
 - (b) The name, address, and seal of the registered professional civil engineer (or other qualified person) responsible for the preparation of the plat.
- (6) Legend: The title block should appear at the bottom of the sheet and contain the following:
 - (a) True north arrow;
 - (b) Graphic and written scale;
 - (c) Date; and
 - (d) Acreage of land to be submitted.
- (7) Abutting Property: Name and location of adjoining subdivisions and/or property owners.

(B) Subdivision Design, Data and Dimensions: The following are intended to depict the accurate design of the subdivision and shall appear on the plat:

- (1) Boundary Lines: Boundary lines of tract in a line style and width which will distinguish the developer's property from all adjacent property, show the tract boundary lines with lengths to hundredths of a foot and bearings to the nearest one minute. These boundaries shall be determined from an accurate survey in the field.
- (2) Streets: For street rights-of-way show the names, bearings, angles of intersection, right-of-way and pavement widths; for all curves show the length, radii, points of curvature, and tangent bearings.
- (3) Easements: For all easements or other rights-of-way show the locations, widths, and purposes.
- (4) Lot Lines: For lot lines show dimensions in feet to hundredths of a foot and bearings to the nearest one minute. Lot numbers shall be shown and numbered in numerical order.

- (5) Dedicated/Reserved Land: Show the accurate outline of all property which is either offered for dedication to public use or which is reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose plainly printed thereon. Additionally the purpose for which sites other than residential, are dedicated or reserved shall be shown.
 - (6) Control Points: All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points as approved by the City or County engineer or other registered, professional engineer to be selected by the Planning Commission. Locations and descriptions of said control points shall be given. Except where deemed clearly unreasonable or infeasible by the Planning Commission, these control points shall be the located section corners of the Coordinate System of the Commonwealth of Kentucky.
 - (7) Monuments: The accurate location of all permanent reference monuments. (See Section 4.3 for specifications).
 - (8) Setback Lines: The minimum building setback line which shall be as stipulated in the Zoning Ordinance, or as proposed by the subdivider.
 - (9) Adjacent Streets: The exact location of streets on adjacent land, and the width along the property lines for existing or recorded streets intersecting or paralleling and boundaries of the proposed subdivision.
 - (10) Adjacent Platted Land: For adjacent land which is platted, show the boundaries with dashed lines, the record name, adjacent land which is unplatted, show the name(s) of record.
- (C) Additional Data Required: The following shall accompany the final plat when submitted for approval:
- (1) Application: One copy of an application for final plat approval and appropriate fees.
 - (2) Deed Restrictions: One copy of all deed restrictions or protective covenants may be submitted to the Planning Commission and may either be placed directly on the final plat or attached thereto in form for recording. If recorded separately, reference to the restriction shall be made on the final plat). All requirements increasing the requirements of the Zoning Regulations must be noted on the plat.
 - (3) Improvement Drawings and Plans: (To be submitted to the appropriate governing authority) Drawings showing cross sections, profiles, construction details, and specifications for all required improvements shall be prepared by a Registered Civil Engineer in conformance with the provisions in Article III and IV and in accord with State specifications or city or county standards.
 - (a) Sanitary Sewage System Plans.
 - (b) Water System Plans
 - (c) Street Plans and profiles and pavement design computations. (See Article III, Section 3.2 Preliminary Plat, (C) (11), for a description of plan requirements. For specifications see "General Provisions for the Design and Construction of Roadways in Nelson County".)
 - (d) Storm Drainage Plan where appropriate, including computations.
 - (e) Plans for the control of erosion and sedimentation where appropriate.
 - (f) Plans for the distribution of electrical, telephone and cable television utilities.

Note: Any amendment to the above plans, or any changes made during actual construction, shall be noted on a set of the approved plans for submittal to concerned agencies for re-approval and review.

(D) Certifications: The following certifications shall appear on the final plats where applicable as determined by the Administrative Officer and shall be signed prior to recording:

- (1) Certification on plat of title showing that applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use.

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described hereon which is recorded in Deed Book ___, page ___, in the County Clerk's Office; do hereby adopt this plan of lots for this property; do hereby dedicate the streets and any other spaces so indicated to public use; and do establish and reserve the indicated easements for public utilities and drainage purposes.

Date Owner(s)

- (2) Certification by surveyor as to the accuracy of survey and plat.

SURVEYOR'S CERTIFICATION

I do hereby certify that this plat was prepared by me or under my direction; that all monuments indicated hereon actually exist and their locations, size, and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief; and that to the best of my knowledge and belief all requirements of the Subdivision Regulations have been fully complied with.

Date Surveyor's Name Surveyor's Seal

- (3) Certification by the County Health Department when individual sewage disposal systems are to be installed.

CERTIFICATION OF THE APPROVAL OF SEWAGE SYSTEMS

I hereby certify that the sewage disposal utility systems installed, or proposed for installation, in the subdivision plat entitled: _____ shall fully meet the requirements of the Kentucky On Site Sewage Disposal Regulations prior to final approval of each individual lot and that each lot/tract must have an individual site evaluation. I also hereby certify that I have reviewed with the subdivider/ developer soil types for this parcel and have jointly determined any problem areas and soil suitability for on site sewage disposal.

Date Sanitarian, Nelson Co. Health Dept.

- (4) Certification by City or County Engineer that the subdivider has compiled with one of the following alternatives:

- (a) Street and related improvements have been installed in accord with the requirements of these regulations, or;
(b) A security bond or certified check has been posted with the city or county legislative body in sufficient amount to assure completion of all streets and related improvements.

CERTIFICATION OF THE APPROVAL OF STREETS

I hereby certify: (1) that streets and other improvements have been installed in an acceptable manner and according to city and county specifications in the subdivision entitled: _____ or, (2) that a security bond in the amount of \$ _____ has been posted with the city or county legislative body to assure completion of all streets and related improvements in case of default. _____

City or County Engineer or Other Approving Agent Date

- (5) Certification by the appropriate utility provider that the subdivider has complied with one of the following alternatives:
- (a) All particular utility improvements have been installed in accord with the requirements of these regulations, or;
 - (b) A security bond or certified check has been posted with the appropriate authority in sufficient amount to assure completion of all relevant utility improvements.

CERTIFICATION OF APPROVAL OF UTILITIES

I hereby certify: (1) that _____ utility improvements have been installed in an acceptable manner and according to relevant specifications in the subdivision entitled: _____ or, (2) that a security bond in the amount of \$_____ has been posted with the utility provider to assure completion of utility improvements in case of default.

Date Utility Agent or other Approving Agent

- (6) Certification on plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk.

CERTIFICATION OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for Nelson County, Kentucky with the exception of the variances hereinafter set out and noted in the minutes of the Planning Commission dated _____, and that this plat has been approved for recording in the Clerks Office of the Nelson County Court.

Variances:

Date Chairman or Secretary, Planning Commission

- (7) A certificate that can be signed when the plat is recorded.

CLERK AND RECORDER'S CERTIFICATE

Accepted for filing in the Office of the County Clerk and Recorder of Nelson County at the City of Bardstown, Commonwealth of Kentucky, this _____ day of _____ A.D. 19 ____.

Reception No. _____. Time. _____

Date County Clerk and Recorder

Article IV: Improvements Required as Prerequisite to Final Plat Approval

4.1 Purpose.

A perfectly prepared and recorded subdivision or plat means little to a prospective lot purchaser until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability. The following (4.3 - 4.10) tangible improvements are required before Final Plat approval in order to assure the physical reality of a subdivision. Additional design standards are enumerated in Article V and the subdivider shall become familiar with them prior to completing the improvements herein.

4.2 Approval of Improvements.

- (A) Construction of Improvements: No final plat shall be approved by the Planning Commission or accepted for recording by the County Clerk until all required improvements herein listed are constructed and approved by the appropriate officials having jurisdiction, unless a bond is posted as in B below.
- (B) Security Bond or Certified Check: In lieu of such prior construction as in 4.2 A above the approving authority may accept a security bond or certified check based on detailed cost estimates prepared by a registered engineer, running to the approving authority sufficient to cover the estimated cost of the required improvements. The bond or check shall be subject to the condition that the improvements will be completed within one year after approval of the final plat.

When the Commission has approved a final plat and permitted bonding to insure completion of required improvements, and the developer has completed such improvements, the following procedure shall apply.

- (1) After completing all improvements, the developer shall notify approving authority that the improvements are ready for final inspection.
- (2) If the approving authority finds the improvements are complete and in conformance with requirements, it shall take steps to cause the release of the bond. Conversely, if the date of completion has passed and the improvements are not completed in accordance with requirements, the approving authority shall recommend that the bonding authority be notified to complete the required work within a specified period of time.
- (3) The approving authority shall then release the bond and/or call for completion of the required improvements.

4.3 Monuments (see Plate II).

Iron pin or iron pipe monuments not less than five-eighths (5/8) inch in diameter and not less than twenty-four (24) inches in length with surveyor identifier cap shall be set at all lot corners, all block corners, at all points where street lines intersect the exterior boundaries of the subdivision, and at all intersections of curves and tangents along street property lines.

4.4 Streets (see Article V for more detailed specifications).

- (A) Grading: All streets, roads, and alleys shall meet specifications of the Kentucky Department of Highways or those contained in "General Provisions for the Design and Construction of Roadways in Nelson County" whichever is more stringent. Deviation from the standard due to special topographical conditions will be allowed only with the special approval of the County Road Supervisor or City Engineer as appropriate.

- (B) Pavement Specifications for Streets: The subdivider shall provide street pavements which shall be designed to carry the expected traffic loads and which shall conform with the Kentucky Department of Highways' current standard specifications or those contained in "General Provisions for Design and Construction of Roadways in Nelson County" for concrete pavements or for bituminous pavement. Loose aggregate will not be considered a completed pavement. The pavement structure for roadways shall have at a minimum, six (6) inches of dense graded aggregate, three (3) inches of asphalt base course, and a one (1) inch asphalt surface course. In areas with soils identified as having "slight or moderate slopes" limitations for streets and parking lots in subdivisions in Table 7 of the "Soil Survey for Nelson County" a minimum pavement structure of six (6) inches of dense graded aggregate, two (2) inches of asphalt base course, and one (1) inch asphalt surface course. Any road with a 6\2\1 pavement structure is subject to an extended time period (5 years) where the pavement structure is covered by a performance bond. Use of concrete roads or any other deviation from this minimum standard is allowed and shall be designed and submitted by a registered engineer for approval by the County or City Engineer.

Minimum Pavement and Right-of-Way Widths: Pavement and Right-of-Way widths shall be as follows:

Street Classification	Right-of-Way Width	Pavement Width
Collector	50 feet	24 feet
Local Access	50 feet	22 feet
Local Access within the Urban Services Area of the Cities of Bardstown, Bloomfield, & New Haven	50 feet	26 feet
Local Marginal Access less than 1,000 feet in length	50 feet	20 feet
Rural Development Access serving no more than 10 tracts with minimum of 2 acres in size and having at least 200 feet of road frontage	50 feet	18 feet

The subdivider may be required to grade or provide a pavement base or surface in excess of that otherwise required for roadways that will function as collector or arterial streets. However, since such additional construction is partially required for the benefit of the general public, the Planning Commission may recommend that the City or County bear the extra expense of construction of a street to meet the upgraded standards.

4.5 Curbs and Gutters.

Curbs and gutters shall be required along all new subdivision roadways having lots with less than 100 feet of road frontage. Curbs and gutters shall be constructed per specifications contained in "General Provisions for the Design and Construction of Roadways in Nelson County. Whenever curbs and gutters are not constructed, drainage ditches shall be constructed within the right-of-way per specifications contained in "General Provisions for the Design and Construction of Roadways in Nelson County".

Curbs and Gutters may be waived by the Planning Commission with due consideration given to the size of the proposed subdivision, number and length of streets, size of lots and all other relevant factors, and with written evidence, provided by the developer\ subdivider, of the approval of such waiver by the appropriate legislative body.

4.6 Sidewalks.

Sidewalks shall be required on both sides of the streets in residential and commercial subdivisions, at shopping centers, playgrounds and schools.

Sidewalks along arterial or collector streets, and along multi-family developments shall be five feet wide except along commercial developments where they shall be six (6) feet wide. Otherwise sidewalks shall be four feet wide. Sidewalks shall be constructed per specifications contained in "General Provisions for the Design and Construction of Roadways in Nelson County".

Sidewalks may be waived by the Planning with due consideration given to the size of the proposed subdivision, number and length of street, size of lots and all other relevant factors. The subdivider shall be required to request the sidewalk waiver in writing. In addition, the subdivider must provide along with the written waiver request a letter of waiver approval from the appropriate legislative body within whose jurisdiction maintenance of the particular sidewalk would fall. An automatic waiver is granted for roadways serving lots that have greater than 100 feet of road frontage.

4.7 Utilities and Drainage Facilities.

- (A) General Requirements for Installation of Utilities: Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

After grading is completed and approved and before any pavement base is applied, all of the in-street underground work - water mains, gas mains, and other improvements, and all service connections - shall be completely installed and approved throughout the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked or bored across the street without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking or boring of service connections, the Planning Commission shall require the complete installation of service connections before any base is applied. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

(B) Water Supply System:

- (1) At the time of the filing of any application for a major preliminary plat, the Applicant must provide written certification from the appropriate utility that the proposed development will satisfy one of the following:
 - (a) The proposed development has public water lines available to the site and sufficient to serve the proposed uses and meet fire protection standards of the appropriate legislative body;
 - (b) The proposed development will include the construction of on-site and/or off-site water improvements to serve the proposed uses and meet the fire protection standards of the appropriate legislative body; or,
 - (c) The Applicant will participate in a public and private partnership program, as evidenced by a written certification from the appropriate public agency, that will result in the construction of on-site and off-site water improvements in the future.
- (2) Fire protection threshold requirements for agriculture zoning districts with tracts of five (5) acres or more and for single family residential districts with less than three (3) lots in the Nelson County unincorporated area may be waived by the Director.
- (3) A preliminary plat may be denied if the water and fire protection standards set forth in Section 4.7B(1) above are not satisfied.
- (4) Approval of a preliminary plat may require the Applicant to make improvements to satisfy the water and fire protection standards and these improvements shall be followed and shall be binding on all parties.

(5) *The provision of public sanitary sewer does not guarantee approval of a preliminary plat.*

(Amended by Planning Commission, November 27, 2007 and February 24, 2008)

(C) Sanitary Sewers:

(1) At the time of the filing of any application for a preliminary plat, the Applicant must provide written certification from the appropriate utility that the proposed development will satisfy one of the following:

- (a) The proposed development will comply with the sanitary sewer thresholds set forth in Section 4.7C(2) below;
- (b) The proposed development will include the construction of on-site and/or off-site sewer improvements to satisfy the sanitary sewer thresholds set forth in Section 4.7C(2); or,
- (c) The Applicant will participate in a public and private partnership program, as evidenced by a written certification from the appropriate public agency, that will result in the construction of on-site and off-site sewer improvements in the future.

(2) Sanitary Sewer Thresholds

- (a) Developments located within the Urban, Bloomfield Town, and New Haven Town Community Character Areas as set forth in the adopted Comprehensive Plan and located within 1,500 feet of a public sanitary sewer, measured by public rights-of-way or public utility easements, shall be served by public sanitary sewer.
- (b) Residential developments located outside the Urban, Bloomfield Town, and New Haven Town Community Character Areas and located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements, and including 4 or more lots per calendar year, shall be served by public sanitary sewer.
- (c) Commercial, professional office, and industrial developments located outside the Urban, Bloomfield Town, and New Haven Town Community Character Areas and located within 1,500 feet of a public sanitary sewer, measured by way of public rights-of-way or public utility easements, shall be served by public sanitary sewer.
- (d) Developments outside the Urban, Bloomfield Town, and New Haven Town Community Character Areas and located farther than 1,500 feet from existing public sanitary sewer shall show one of the following:
 - (i) That the property, including all resulting building lots, will be served by sanitary sewer and that the applicant or his successor will extend sewer to the site at his sole expense or will participate in a public and private partnership program, as evidenced by a written certification from the appropriate public agency, that will result in the construction of on-site and off-site sewer improvements in the future; or
 - (ii) That the proposed development is limited to residential use and that each lot created is at least 43,560 square feet in size or that each lot created is at least 30,000 square feet in size and a site evaluation for each lot by the Nelson County Health Department certifies that a conventional septic system is acceptable; or
 - (iii) That it is a commercial use or development where public sanitary sewer is not available, AND a site evaluation by the Nelson County Health Department certifies that a conventional septic system is acceptable, AND that the site is at least one acre in size; or,
 - (iv) That it is an industrial use or development, and public sanitary sewer is not available, the site is at least two acres in size for I-1 or I-1M or at least five acres for I-2 AND a site evaluation by the Nelson County Health Department certifies that a conventional septic system is acceptable.

(3) A preliminary plat shall be denied if the sanitary provisions of this Sections 4.7C(1) and 4.7C(2) above are not satisfied.

- (4) Approval of a preliminary plat shall require the Applicant to make improvements required by the appropriate utility to satisfy the sanitary provisions and these improvements shall be followed and shall be binding on all parties.
- (5) *The provision of public sanitary sewer does not guarantee approval of a preliminary plat.*

(Amended by Planning Commission, November 27, 2007 and February 24, 2008)

- (D) Storm Drainage: An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other improvements shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and they shall be of sufficient length to permit full width roadways and the required slopes. The drainage system shall be designed and constructed so as to provide buildable area on each lot that is not encumbered by storm water runoff.
- (E) Gas, Electric and Telephone Utilities: The Planning Commission may accept assurance of service from each public utility company whose facilities are proposed to be installed. Such assurance shall be in the form of a letter addressed to the Planning Commission stating that such public utility company will make the necessary installations for furnishing its services within a specified time.

The Planning Commission shall require placing electric and telephone lines underground in new subdivisions unless unnecessary hardship can be demonstrated by appropriate documentation and a request for waiver of this requirement is made in writing to the Planning Commission.

4.8 Street Name Signs.

The appropriate legislative body shall be responsible for installing street name signs at all street intersections.

4.9 Street Lighting.

Provisions for street lighting shall be made as provided for in "General Provisions for the Development, Design and Construction of Roadways in Nelson County".

4.10 Street Trees.

Although not required by these subdivision regulations, the planting of street trees is considered a duty of the subdivider as well as good business practice. Street trees protect against excessive heat and glare, and they also enhance the attractiveness and value of abutting property. The Planning Commission staff will assist the subdivider in determining the locations for trees and in selecting the species to use under varying conditions.

It is recommended that street trees be planted inside the property lines where they will be less subject to injury, where the chances of motor accidents will be decreased, and where they will enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the street right-of-way, their proposed locations and the species to be used must be approved by the appropriate legislative body or its designee since the public inherits the care and maintenance for such trees.

Article V: Subdivision Design Standards

5.1 Purpose.

The purpose of this article is to establish minimum principles and standards of design to govern the layout and physical improvements of subdivisions.

5.2 General Requirements.

- (A) In designing a subdivision, the subdivider shall comply with the principles and requirements of this article.
- (B) The Planning Commission in considering an application for the subdivision of land shall be guided by the considerations and standards contained herein.
- (C) Land to be subdivided shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (D) Subdivisions shall conform to the Comprehensive Plan and to the Zoning Ordinance.

5.3 Suitability of the Land for Subdivision Development.

- (A) Physical Limitations: If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger to health, life, or property or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land should not be platted and developed for the purpose proposed, the Planning Commission shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems, as documented by the Planning Commission that will be created by the subdivision and development of the land.
- (B) Premature Development: The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services (such as undue maintenance costs for adequate roads).

5.4 Streets.

- (A) General Requirements: The arrangement, character, extent, width, and location of all streets shall conform to the Transportation Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to their appropriate relation to the proposed uses of the land to be served by such street.

In designing a street system, the subdivider shall be guided by the following principles:

- (1) Adequate vehicular and pedestrian access shall be provided to all parcels.
- (2) Local street systems shall be designed to minimize through traffic movement.
- (3) Local street systems shall be logical and comprehensible.
- (4) The arrangement of local streets shall permit economical and practical patterns, shapes and sizes of development parcels.

(B) Street Extensions.

- (1) The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design, traffic flow or mix of incompatible land uses.
- (2) Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least forty (40) feet. (See Plate III).
- (3) The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(C) Street Classification: All streets in a proposed subdivision shall be classified as one of the following: See definition, Section 8.4 for classification criteria.

Street Classification	Right-of-Way Width	Pavement Width
Collector	50 feet	24 feet
Local Access	50 feet	22 feet
Local Access within the Urban Services Area of the Cities of Bardstown, Bloomfield, & New Haven	50 feet	26 feet
Local Marginal Access less than 1,000 feet in length	50 feet	20 feet
Rural Development Access serving no more than 10 tracts with minimum of 2 acres in size and having at least 200 feet of road frontage	50 feet	18 feet

The subdivider may be required to grade or provide a pavement base or surface in excess of that otherwise required for roadways that will function as collector or arterial streets. However, since such additional construction is partially required for the benefit of the general public, the Planning Commission may recommend that the City or County bear the extra expense of construction of a street to meet the upgraded standards.

(D) Dedication of Right-of Way.

- (1) New Streets: The dedication of right-of-way for new streets measured from lot line to lot line, shall be as shown on the Bardstown Major Street Plan, or, if not shown thereon, shall meet the following standards:
 - (a) All streets classified as arterial streets by Bardstown Major Street Plan may be considered limited access in the meaning of Kentucky Revised Statutes 177.220 to 177.310, defined herein as controlled access. All points of access to arterial streets shall be as approved by the Planning Commission for subdivision fronting on arterial streets.
 - (b) Through proposed business areas, street widths may be increased ten (10) feet on each side to provide on-street parking without interfering with normal traffic movements.
- (2) Existing Streets: Subdivision platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in Section 5.4. If a subdivision is platted along one side of an existing street, 1/2 of the right-of-way required under Section 5.4 shall be provided as measured from the center of the roadway along the entire length of roadway serving the subdivision.

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Should the possibility of obtaining additional rights-of-way on the other and remaining side of the rights-of-way not exist, the Commission may on its motion increase dedication up to the total width necessary to meet the minimum width requirements specified.

(3) Street Intersections (see Plate III).

- (a) Streets shall intersect as nearly as possible at right angles and no street shall intersect with any other at less than 75 degrees.
- (b) Multiple intersections involving junctions of more than two streets shall be prohibited.
- (c) On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof, except that street name signs, fire hydrants, street lighting poles, and associated appurtenances thereto shall be permitted within this area.
- (d) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.
- (e) Minimum curb radii at street intersections shall be 20 feet.
- (f) Where a proposed subdivision abuts or contains an existing or proposed arterial or collector street, the number of intersections with the arterial or collector street shall be kept to a minimum. To the fullest extent possible, intersections with arterial or collector streets shall be located not less than 650 feet apart, measured from center line to center line.
- (g) No lot or other parcel of land which abuts on and has access to either a collector or a local street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

(4) Curve in Streets - Horizontal & Vertical (See Plate II).

- (a) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on local and collector streets.
- (b) Where there is a deflection angle of more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distances shall be made. The minimum radii of curves shall be:

Street Type	Minimum Curve Radius
Arterial	300 feet
Collector	300 feet
Minor	175 feet

- (c) All changes in grade for arterial and collector streets shall be connected by a vertical curve of a minimum length equal to twenty (20) times the algebraic difference in the rates of grade. The length of the curve for all other streets shall be ten (10) times the algebraic difference in the rates of grade.

(5) Street Grades and Elevations.

- (a) Grades of streets shall conform as closely as possible to the original topography and shall be designed to produce usable lots and reasonable grades.
- (b) Grades of streets shall be arranged to obtain as many building sites as possible at or above the grade of the street(s) abutting the building.

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- (c) Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves.

Street Type	Percent Grade
Arterial	5%
Collector	5 – 8%
Minor	8 – 10%
Marginal Access	5%

The Planning Commission may permit steeper grades in special circumstances.

- (d) Grades at street intersections shall be held to a maximum of two percent for a distance of 75 feet in any direction from the point of intersection of the street center lines.
- (e) All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half (1/2) of one (1) percent. Storm water collection shall be so designed as to eliminate water draining across streets.
- (f) The Planning Commission shall not approve streets which will be subject to inundation of flooding. All streets must be located at elevations which will make them flood-free in order to determine the advisability of permitting the proposed subdivision activity.

Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

- (6) Marginal Access Streets: Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require the separation of local and through traffic (see Section 5.6(a)(2)). This shall be achieved by one of the following means:

- (a) A marginal access street, separated from the arterial street by a planting strip; or
- (b) Reverse frontage lots, with the lots fronting on an interior local street and having a non-access reservation along the rear property line.

Where any of the aforementioned arrangements are used, the statement "vehicular ingress and egress, restricted" shall be shown with limits on the Final Subdivision Plat and no driveways shall have direct access to the arterial street.

- (7) Street Jogs (see Plate III). Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall not be made.

- (8) Dead-End Streets (Cul-de-sacs) (see Plate III). Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than fifteen hundred (1500) feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least forty (40) feet and a radius at the outside of the right-of-way of at least fifty (50) feet. The Planning Commission, based on input from the appropriate governing authority may require that a dead-end street be less than fifteen hundred (1500) feet if required to accommodate proper traffic flow patterns or to allow proper lot layout. (See Plate IV.)

(9) Street Names (see Plate IV).

- (a) Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.
- (b) The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix without prior approval of the E911 Coordinator.

(10) Private Streets and Reserve Strips.

- (a) Private Streets shall be allowed only when all of the following criteria are met:
 - (1) The minimum right-of-way of the proposed private street shall be fifty (50) feet;
 - (2) The private street shall not be the principal access for more than three (3) lots;
 - (3) All lots within the proposed subdivision shall be for agricultural purposes and shall contain five (5) acres or more in size.
 - (4) A draft copy of a private roadway maintenance agreement providing for the maintenance of the street and right-of-way shall be submitted to the Planning Commission for review and shall be subsequently recorded in the Office of the Nelson County Clerk;
 - (5) Private Roadways shall be constructed to the basic standards contained in "General Provisions for Design and Construction of Roadways in Nelson County" and the requirements of these regulations in particular the requirements for pavement structure contained in Section 4.4 (B) except that private roadways shall not be required to have asphalt surface or base courses and shall have only 4 inches of dense graded aggregate. The final plat of any division involving a private roadway shall not be released by the Planning Commission for recording until the designee of the appropriate legislative body has inspected the roadway and found it to be in basic compliance with the structure requirements listed herein or until surety sufficient to guarantee the construction of the roadway to the standards above has been posted with the appropriate legislative authority. All liability related to the structure of the roadway falls to the subdivider creating the roadway, not the governmental authority. A note disclaiming governmental liability for roadway structure and maintenance shall be included on the plat.
- (b) No lot having immediate access from a private street shall be re-subdivided for any use other than agricultural until the private street and right-of-way become a public street by proper dedication by the owners and accepted by the applicable legislative body.
- (c) No private street and right-of-way shall be accepted for maintenance by any legislative body unless the pavement meets the minimum requirements of the applicable legislative body at the time of the request.
- (d) No further subdivision development shall be permitted unless the right-of-way and pavement meets the minimum requirements of the applicable Subdivision Regulations at the time of request.

(11) Alleys.

- (a) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive these requirements where other definite and assured provision is made for service access. Alleys shall not be provided in other locations unless required by special conditions.
- (b) The minimum width of an alley shall be 20 feet.
- (c) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

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- (d) Dead end alleys shall be avoided but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Commission.

(E) Street Construction.

Provisions for preparation of subgrade, fill, cuts and other construction details are contained in "General Provisions for the Design and Construction of Roadways in Nelson County".

5.5 Blocks.

- (A) Block Shape: Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance, and to provide for convenient access, circulation control, and safety of street traffic. Blocks shall be of such sizes and shapes as considerations of topography and street layout shall dictate, but the Planning Commission shall not approve blocks that are unreasonably large or small.
- (B) Length (see Plate IV): Block lengths shall not exceed twelve hundred (1200) feet or be less than four hundred (400) feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.
- (C) Width (see Plate VI): Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

5.6 Lots.

(A) Street Access.

- (1) Relationship to Streets (see Plate III): All lots shall front on an improved and approved public street or road for a minimum distance of sixty (60) feet, or as required in the zoning ordinance except that lots which front on turnarounds of permanent dead-end streets (or extremely sharp curves in unusual design cases) shall front on such turnarounds for a minimum distance of forty (40) feet. Lots in a planned unit development having access to a street or common parking area along a pedestrian way may be allowed if the development meets the specifications of the Zoning Ordinance.

Where, in the opinion of the Planning Commission, a tract is designed to allow appropriate future development or subdivision, that tract's road frontage may be waived down to 50 feet (being the right-of-way width of a roadway to serve such development). The location of tracts granted this waiver is subject to all design criteria and location\spacing requirements for roadways.

- (2) Street Access Limitations: Access points or entrance/exits to arterial streets inside the city limits of Bardstown, Bloomfield, Fairfield, and New Haven must comply with city and State requirements.

On primary arterials (Hwy 62, Bloomfield and Boston Roads; US 31E, Louisville and New Haven Roads; Hwy 245, Shepherdsville Road; and Hwy 150, Springfield Road) direct lot access for single family residential lots, for large lot rural residential lots (lots less than 10 acres in size), or any small lot nonresidential development (less than 2 acres in size) is not allowed. In no case shall property be divided into parcels that will yield more than an average of one access point or driveway per 500 feet of lineal road frontage (per each side of the road assuming one entrance per parcel). Divisions of land along these primary arterial shall make use of frontage roadways, rear access roadways or approved shared driveways.

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The Planning Commission may waive the requirements above and allow individual access points upon making the following findings of fact, which shall be recorded in a motion to waive access limitation requirements:

- The proposed access fully meets the requirements of the State Highway Department as evidenced by an encroachment permit from the Kentucky Department of Highways District office;
- Physical (land characteristics) or financial hardship proven by the applicant to the satisfaction of the Planning Commission through any appropriate documentation that the Planning Commission may require;
- That there is no inconvenience or hazard to the motoring public. The Planning Commission must make particular findings as to why the proposed division will create no inconvenience or hazard.

On secondary arterials (Hwy 49, Loretto Road; Hwy 162 Old Bloomfield Road; Hwy 332, Old Nazareth Road; Hwy 509, Samuels Road and Fairfield Road; Hwy 48, Highgrove Road; Hwy 605, Poplar Flat Road and Woodlawn Road; Hwy 247, Monks Road; Hwy 52, Nelsonville Road and New Hope Road; Hwy 55, Springfield Road; Hwy 61, Lebanon Junction Road; and Hwy 46, Nat Rogers Road) property shall not be divided into parcels that will yield more than an average of one access point or driveway per 250 feet of lineal feet of road frontage (per each side of the road assuming one entrance per parcel). Developers are encouraged to make use of frontage roadways, rear access roadways or approved shared driveways in order to maximize the number of lots along a secondary roadway.

The Planning Commission may waive these requirements subject to making the same findings of fact as are required for waiving access limitations for primary arterials.

Compliance with these Subdivision Regulations does not guarantee access to state highways. Access points to these highways must comply with the Kentucky State Department of Highways permits regulations.

(B) Arrangement (See Plate III): Each lot in a subdivision shall contain a building site completely free from the danger of flooding. Except where infeasible, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

(C) Dimensions (see Plate IV): The size, shape, and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated.

The ratio of depth of any lot to its width shall not be greater than 5.0 to 1.0, except that no tract shall be required to have more than 250 feet of road frontage.

- (1) Lot dimensions shall conform to the requirements of any existing Zoning Ordinance, except that residential lots not served by public sewer shall be at least seventy-five (75) feet wide at the building setback line and thirty thousand (30,000) square feet in area or the minimum lot width and area determined by the Nelson County Health Department whichever width and area are larger.
- (2) The minimum width and minimum area of residential lots to be served by individual private wells shall be determined by the County Sanitarian after investigation of soil conditions, the proposed sewerage system, and the depth of ground water.
- (3) When property is to be developed for commercial uses, it is usually most desirable that the design or layout scheme provide for an over-all or unified development such as a planned commercial or shopping center and that the platting of individual and separate lots for each business establishment be avoided.

- (4) In industrial subdivisions, it is generally desirable that very rigid lot sizes and shapes and a very rigid arrangement of minor streets, railroad service tracks, and service lines for utilities be avoided in order that the special needs of particular industries may more easily be met.
- (5) Greater lot widths and lot areas than those specified above may be required for residential lots if, in the opinion of the City or County Sanitarian, there are factors of drainage, soil conditions, or other conditions to cause potential health problems.
- (D) Numbers: All lots along new roadways shall be assigned a lot number and a street address number.
- (E) Building Setback Line (see Plate II): The building setback line shall not be located closer to the street right-of-way line than a distance equal to one-half (1/2) of the total width of the street right-of-way on which the building will front, but in no case shall the building setback line be closer than thirty-five (35) feet from the right-of-way line of the street unless provided for in the Zoning Regulation. A greater distance between the building setback line and the street right-of-way line is permissible.
- (F) Corner Lots (see Plate II): Corner lots shall have sufficient extra width to meet the building setback lines established on both the front street and the side street.
- (G) Flood Hazards:
 - (1) Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare. To insure that lots will be located only where they will provide flood-free house sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding.
 - (2) If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be well above the extraordinary flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

5.7 Erosion Protection.

All areas between the edge of pavement and the right-of way shall be sodded except for sidewalk and steep drainage areas where other treatment is necessary.

5.8 Off-Street Loading & Parking Facilities.

In commercial and industrial subdivisions and in the portions of residential subdivisions reserved for commercial or industrial sites shall be large enough to provide for the off-street loading and unloading facilities and the off-street parking facilities required by the Zoning Ordinance.

5.9 Utility & Drainage Easements.

- (A) General Requirements: To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. Easements shall be fully indicated on the Final Subdivision Plat.

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The Planning Commission may, after consultation with relevant agencies and utilities, establish standard easement notes and requirements.

(B) Pedestrian Easements:

- (1) The Commission may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed easements at least 10 feet in width. The Commission may require a paved walk for pedestrian safety within such an easement.
- (2) Where a subdivision borders on a watercourse in an area designated in the Comprehensive Plan for public recreational use, the Planning Commission may require easements to be reserved for public access to the water.

(C) Utility and Drainage Easements: Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right-of-way, perpetual unobstructed easements at least 16 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

(D) Storm Water Easements: Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the Planning Commission to permit the construction of improvements designed to restrict the flooding of said watercourse on adjoining properties. Parallel streets or parkways may be required.

5.10 Conformance with Zoning & Other Regulations.

No Final Plat of land within the area of force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance. Whenever there is a discrepancy between the minimum standards set forth in these regulations and those contained in the zoning ordinance, building code, or other official regulations, the highest standard shall apply.

5.11 Land Requirements for Community Facilities.

- (A) In reviewing subdivision plats, the Commission will consider the adequacy and accessibility of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- (B) Where a proposed park, playground, or other recreational area, proposed school site, or other public uses, shown in the Comprehensive Plan, is located in whole or part within a proposed subdivision, such proposed public use or park, if not dedicated to public use, or conveyed to the City, County or the Board of Education, shall be reserved for a period of not less than five years for schools and three years for parks and other community facilities, from the date of final approval of the Final Subdivision plat by the Commission for acquisition by the Fiscal Court, the City, Council, the Board of Education or other public agency by purchase or other means.

5.12 Large Tracts & Parcels.

When land is subdivided into larger parcels than ordinary building lots, such land shall be arranged so as to allow for the openings of future streets and logical resubdivision.

5.13 Natural Environmental Considerations.

- (A) Preservation of Existing Features: Existing features which would add value to residential development, or natural or man-made assets such as trees, groves, wood-lands, watercourse,

vistas, historic spots, historic or architecturally significant buildings, and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious and careful design of the subdivision.

(B) Preservation of Natural Cover: Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil.

(C) Sediment Control: The subdivider shall provide effective sediment control measures in planning and construction of subdivisions. Practical combinations of the following technical principles shall be applied:

- (1) The smallest practical area of land shall be exposed at any one time during development.
- (2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- (3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- (4) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land under-going development.
- (5) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- (6) The permanent final vegetation and structures shall be installed as soon as practical in the development.
- (7) The development plan shall be fitted to the topo-graphy and soils so as to create the least erosion potential.
- (8) Wherever feasible, natural vegetation shall be retained and protected.
- (9) All seeding and fertilizing shall be done in conformance with the guidelines of the Soil Conservation Service, as a minimum.

5.14 Self-Imposed Restrictions.

The subdivider may place restrictions on the development more restrictive than those required herein or by the Zoning Ordinance. Such restrictions, if any, may be indicated on the Subdivision Plat.

5.15 Construction Procedure.

The Planning Commission may require the subdivider to describe in detail all areas of cut and fill and shall describe an extraction of rock, dirt or other similar activities to be conducted on the site. A schedule of construction shall be presented to the Commission by all subdividers wherein portions of the subdivision are to be developed and occupied prior to completion of the total subdivision development. In no case shall equipment or structures used in construction be allowed to remain on the subdivided property in close proximity to newly-occupied lots in the subdivision. Once construction is halted for thirty-day period, the developer shall cause all construction equipment to be removed from the premises.

Article VI: Non-Residential Subdivisions

6.1 General Requirements.

Non-residential developments include commercial and industrial developments. The Planning Commission recognizes that the subdivider creating non-residential subdivisions faces unique problems of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis of the Planning Commission shall be upon street layout and block arrangement. Generally, the procedure requirements shall be for the owner to follow the regular procedure outlined in Article II and to show the entire tract to be subdivided with necessary improvements and as many parcels as he cares to show, but at least two. As prospective buyers express interest in lots sized to their required specifications, the owner may submit to the Planning Commission an amendment to the approved Final Subdivision Plat for consideration. Regular procedural requirements shall then apply. 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 Planning Commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed. Additionally, all other standards of these Subdivision Regulations shall apply.

6.2 Design Standards.

(A) Site Design.

- (1) Proposed non-residential street layout, blocks, and parcels shall be suitable in area and dimensions to the types of development anticipated.
- (2) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities as required by the Zoning Ordinance.
- (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.
- (4) With respect to physical improvements, special requirements may be imposed by the Commission within the non-residential subdivision.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from the non-residential subdivisions, including the provisions of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when required by the Planning Commission.

(B) Street System.

- (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) The design of streets, service drives, and pedestrian ways should provide for safe and hazard-free internal circulation.
- (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.

- (4) Street right-of-ways 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 twenty (20) feet.

(C) Building Setback Lines: Building setback lines shall be as specified by the Zoning Ordinance.

(D) Utilities: Non-residential 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 Nelson County Health Department.

(E) Drainage: The Planning Commission, after consultation with the City or 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.

Article VII: Mobile Home Parks

7.1 Purpose.

Mobile home locations are customarily described as parks or subdivisions. For purposes herein the distinctions between the two is that subdivisions contain larger lots which are usually for sale whereas parks have considerably smaller lots which are usually for rent. Mobile home subdivisions must conform to all requirements contained in these regulations and must meet the minimum lot size as stipulated in the applicable zoning ordinance. This article sets forth the requirements for mobile home parks.

7.2 Planned Unit Development.

It is the intent of the Planning Commission to encourage well designed mobile home subdivisions. Where the literal application of these standards prohibit unique subdivision layouts, the Planning Commission may approve a planned unit development that may depart from the standards contained herein but will not depart from the intent of these regulations and ultimate livability of the subdivision.

7.3 Area & Density.

No mobile home park shall be permitted on an area of less than two and one-half (2 1/2) acres in size, although the developers shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the Planning Commission for the entire tract. However, the first stage shall contain at least 10 developed lots. The number of mobile homes permitted in the mobile home park shall not exceed a density of eight (8) mobile homes per net acre. (Net acre = gross less streets)

7.4 Streets.

No vehicular entrance to or exit from any mobile home park shall be within two hundred (200) feet along streets from any property line of any lot containing a school, public playground, church, hospital, library, or institution for dependents or for children, except where such building or property is in another block or fronts on a street on which such park will have no entrance or exit.

Type of Street	Minimum Pavement Width	Minimum Right-of-Way Width
All entrance streets and other collector streets with parking on both sides	36 feet	60 feet
Collector streets with no parking	28 feet	50 feet
Minor street with parking on one side	28 feet	50 feet
Minor or cul-de-sac with no parking	22 feet	50 feet

7.5 Curbs, Gutters, & Sidewalks.

There shall be provided curbs and gutters unless the Planning Commission is shown to their satisfaction, by the developer, that there will be no adverse drainage effects by omitting them.

There shall be provided along one (1) side of each access road or driveway a sidewalk not less than four (4) feet in width to provide for pedestrian circulation throughout the mobile home subdivision.

7.6 Parking.

At least two (2) hard surface parking spaces shall be provided for each mobile home lot. At least one of these spaces shall be off-street and shall be at least nine (9) feet wide and twenty (20) feet in length. Other required parking spaces may be located within the minor street if the street is increased from 22 feet to 28 feet.

7.7 Pavement Specifications for Streets, Curbs, Gutters, & Sidewalks.

Pavement specifications shall be the same as required under Section 4.4 of these regulations.

7.8 Lot Requirements.

Utilities: All lots within the mobile home park shall be provided with sewer, water, and electrical facilities meeting the standards specified by city and state regulations, and each mobile home shall be properly connected with said utilities.

Accessory Structures: No accessory structures or buildings, including patios, shall be located within five (5) feet from any individual lot line.

Lot Standards: All mobile home subdivision lots shall comply with the following standards:

Lot Width	50 feet
Lot Depth	100 feet
Side Yards	10 feet
Rear Yard	25 feet
Front Building Setback Line	25 feet
Minimum Lot Area – with sewer	5,000 square feet
Minimum Lot Area – without sewer	15,000 square feet

7.9 Procedure.

The procedure for obtaining approval for a mobile home subdivision or park shall be the same as for other subdivisions as specified in Article II.

7.10 Other Requirements.

All other requirements of these subdivision regulations may apply to any mobile home subdivision as deemed appropriate by the Planning Commission. The mobile home park owner shall be responsible for maintenance of the entire park.

Article VIII: General Provisions

8.1 Variances.

These land subdivision regulations are adopted as minimum requirements, and all developers should consider developing their subdivisions at higher standards. Thus, the developer is encouraged to go beyond the requirements of these regulations and the Planning Commission may require standards above the minimum contained herein, whenever it feels that public health, safety, or welfare purposes justify such increases.

The Planning Commission may also reduce or otherwise vary the requirements of these regulations whenever it encounters the situations described below. In granting such variances, the Commission may attach and require whatever condition it feels are necessary to secure the basic objectives of the regulations.

- (A) Exceptional Conditions: The Planning Commission may grant a variance to these regulations where by reason of the unusual shape of a specific piece of property, or where by reason of exceptional topographic conditions, 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 detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting such variances or modifications, the Planning Commission 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.
- (B) Group, Housing Developments (see Plate II): A comprehensive group housing development, including the large scale construction of housing development, including the large scale construction of housing unit together with necessary circulation and access, open spaces, and services may be approved by the Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements, provided that departure from the standards of these regulations can be made without destroying their intent.
- (C) Procedural Variance: Where a proposed subdivision would contain five (5) or less parcels or plots of land and no new streets. The procedure of preparing a Preliminary Plat may be waived by the Planning Commission.

8.2 Violations & Penalties.

The following violations and penalties are hereby cited from Chapter 100, Sections 100.277, 100.283, 100.291, and 100.991 of the Kentucky Revised Statutes.

- (A) No Subdivision of Land Before Approval: No person or his agent shall subdivide any land before securing the approval of the Planning Commission of a plat designating the areas to be subdivided.
- (B) No Selling of Land Before Approval: No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to 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, before such plat has received final approval of the Planning Commission and been recorded by the County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded.
- (C) Metes and Bounds Description: The description of lots or parcels 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 right of remedies he may otherwise have.

(D) No Recording Before Approval: No plat of a subdivision of land shall be recorded by the County Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairman of the Commission. Admission to the County Clerk's records shall not be construed as approval.

(E) Injunctions: The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by a subdivider or a landowner where the subdivision regulations have been violated.

(F) Penalties:

(1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten but no more than five hundred dollars for each conviction. Each day of violation shall constitute a separate offense.

(2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred nor more than five hundred dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer. (1966, c. 172, SS 68 (1st sentence) 83)

(G) Appeal.

A decision of the Planning Commission may be reviewed by certiorari procedure. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Commission's action. Such petition must be filed in the Circuit Court of Nelson County within thirty (30) days after the date of such decision.

8.3 Separability.

Should any section, sub-section, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in not affect the validity of any other provision of these regulations.

8.4 Definitions.

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, and vice versa;
- Words used in the singular include the plural, and vice versa;
- The word "shall" is mandatory;
- The word "may" is permissive.

Alley: A strip of land dedicated for public use, located at the side or rear of lots providing secondary access to abutting property.

Block: A parcel of land within a subdivision or development 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.

Building Permit: A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, or engage in similar activity which would alter the character of the lot in question.

Subdivision Regulations for Nelson County, Kentucky

Commission (or Planning Commission): The Planning Commission of Bardstown, New Haven, Bloomfield, Fairfield, and Nelson County, Commonwealth of Kentucky.

Developer: Any individual, firm, association, syndicate, co-partnership, corporation, government agency, trust, or any other legal entity commencing proceedings under these regulations, to effect a development of land as defined herein for himself or for another.

Easement: The right, granted by the property owner, to use a parcel of land for specified purposes.

Frontage: 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 lot lines as extended to intersect said right-of-way line of said street. In no case shall the line along an alley be considered as acceptable for frontage.

Lot: A parcel of land under one ownership of at least sufficient size to meet the minimum requirements for width, depth and area.

- (a) Corner Lot - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where in either case the interior angle formed by the intersection of the street center lines does not exceed one hundred thirty-five (135) degrees.
- (b) Double Frontage Lot - Any lot other than a corner lot and reverse frontage lot which abuts on two (2) streets.
- (c) Interior Lot - Any lot other than a corner lot.
- (d) Reverse Frontage Lots - Are lots whose rear lot lines abut arterial highways or other barriers, rather than other rear lot lines.

Lot Width Minimum: The distance generally parallel to the front lot line, measured between side lot lines at the building line.

Minimum Building Setback Line: A line parallel to the front, side and/or rear lot line and setback from the lot lines a sufficient distance, as specified in the Zoning Ordinance, to provide the required minimum yard space.

Plat: A map of the subdivision.

- (a) Final Plat - Is a professionally prepared drawing of a proposed subdivision development, containing all the data required by these Regulations and the Planning Commission for their consideration of the proposal.
- (b) Preliminary Plat - is a drawing of a proposed subdivision development which is not a Final Plat, but which contains sufficient information concerning the proposed development to enable the Planning Commission to approve the proposal subject to the later submission of a Final Plat and to the actual construction of the development in conformance with the approved plat(s).

Streets: Any vehicular ways except alleys.

- (a) All streets will be within dedicated rights-of-way which have been properly processed, approved and recorded.
- (b) The following shall be used to classify all streets:

Expressways - A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at major intersections.

Arterial Streets - Public thoroughfares which serve the major movements of traffic within and through the community as shown on the duly adopted Revised Transportation Plan for the City.

Collector Streets - Public thoroughfares which serve to collect and distribute traffic primarily from local residential streets to Arterial Streets as shown in the Revised Transportation Plan for the City.

Minor Streets - Facilities which are designed to be used primarily for direct access to abutting properties and leading into the Collector street system.

Frontage Road or Service Road - A street adjacent to an Expressway, or an Arterial Street separated therefrom by a dividing strip and providing ingress and egress from abutting property.

Cul-de-sac - A street having an outlet at one end only and having the other end permanently closed with facilities permitting vehicles to turn around.

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: See Section 1.7 of these regulations.

8.5 Amendments.

The Commission may revise, modify, or amend these regulations by appropriate action taken at a regularly scheduled meeting after the required notice and public hearing.

8.6 Previous Regulations.

Any previous subdivision regulations adopted by the cities of Bardstown, Bloomfield, Fairfield, New Haven, or Nelson County or a Planning Commission appointed by them are hereby repealed.

8.7 Adoption & Effective Date.

(A) Before adoption of these Subdivision Regulations or any amendments thereto, a public hearing shall be held by the Planning Commission; a public notice of the time and place shall be published in a newspaper of general circulation in the cities of Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County in accordance with Kentucky Revised Statutes.

(B) The Subdivision Regulations shall take effect and be in force immediately upon adoption thereof.

Adopted by the Joint City-County Planning Commission of Nelson County, Kentucky

Adopted June, 1974
Amended March 28, 1995
Amended November 27, 2007
Amended February 26, 2008

Michael Zoeller, Chairman
Chairman

Plate I: Minimum Standards of Design

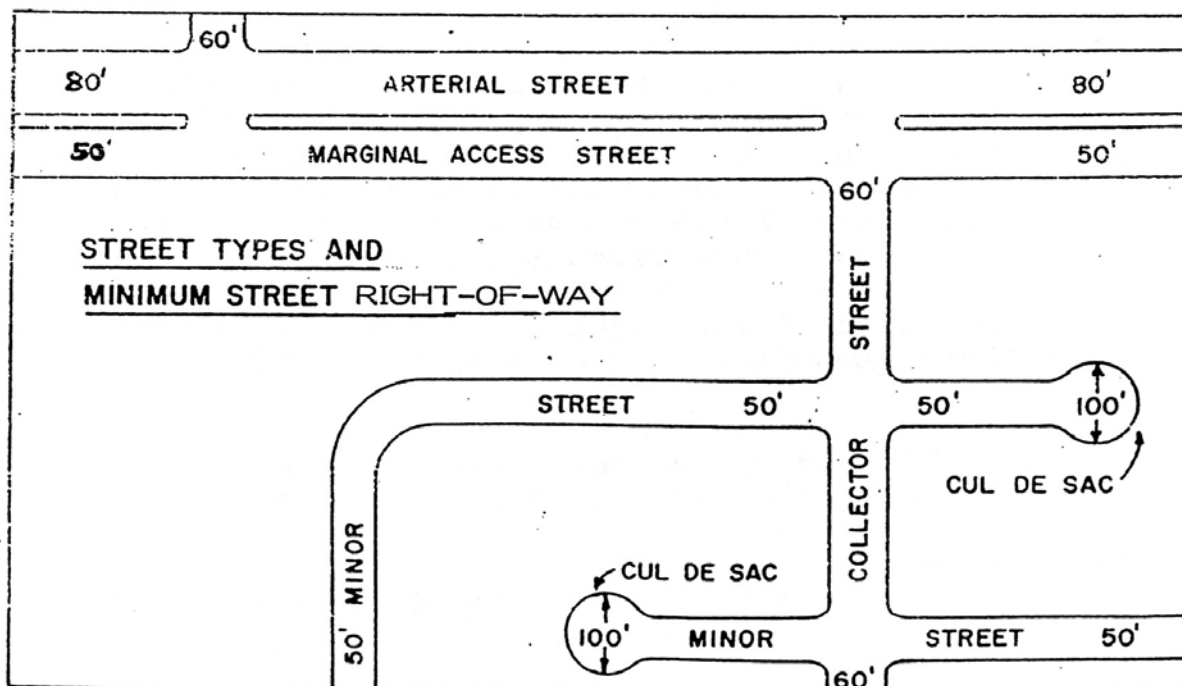
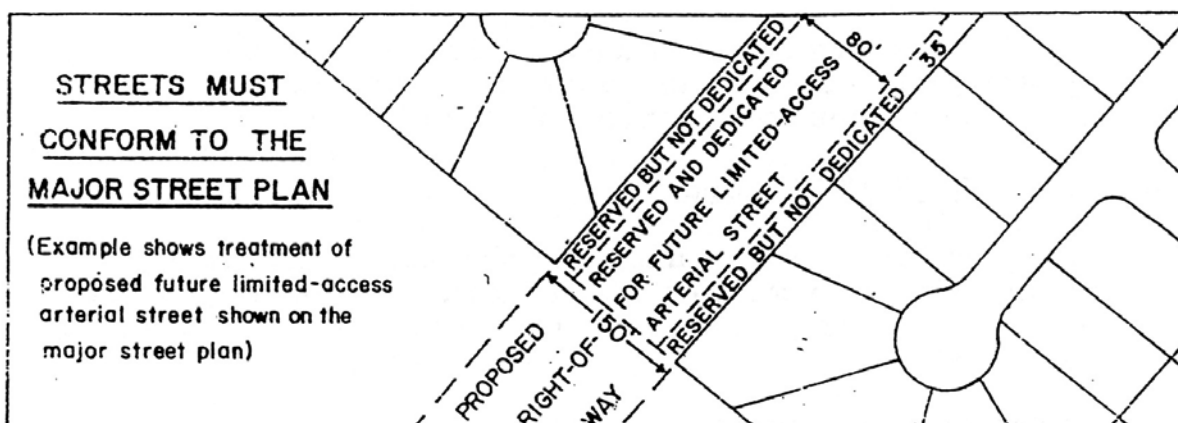
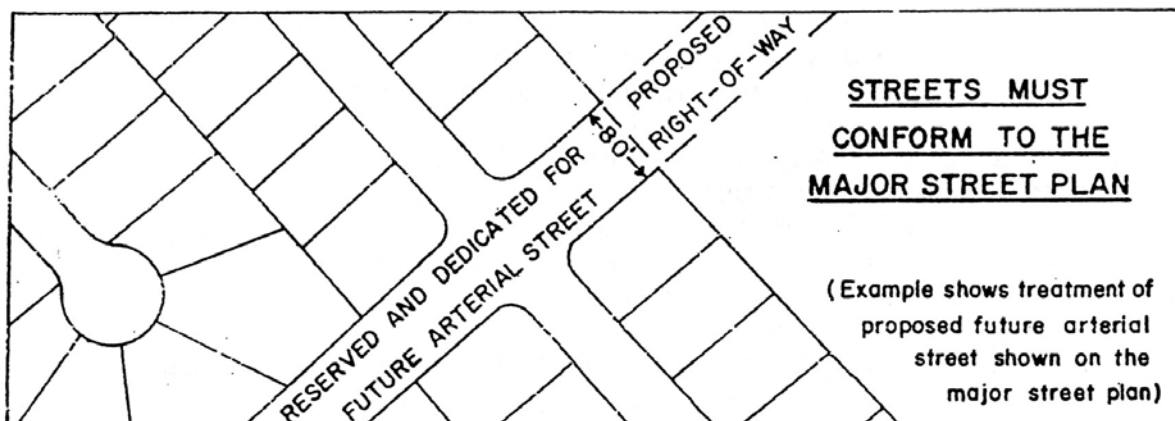


Plate II: Minimum Standards of Design

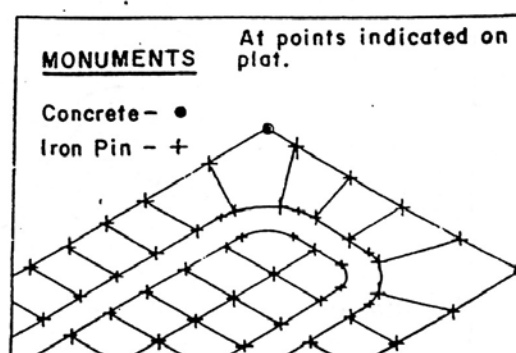
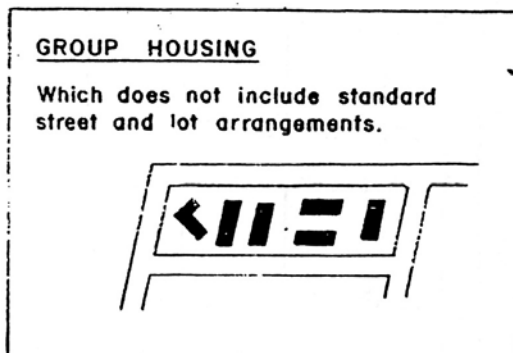
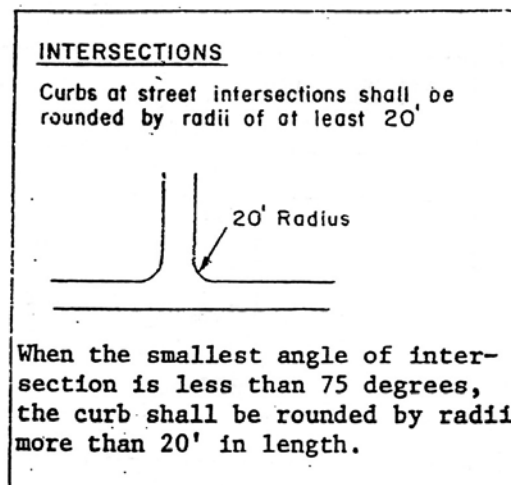
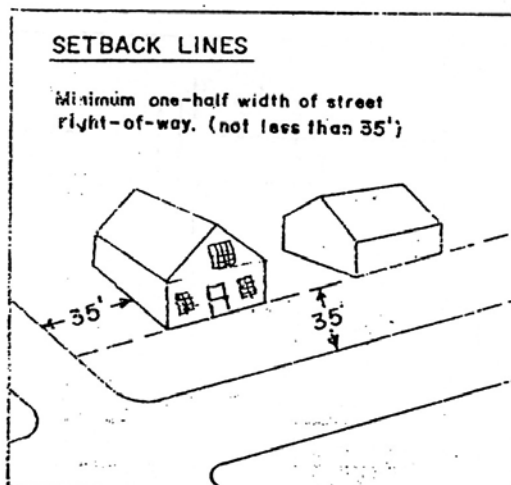
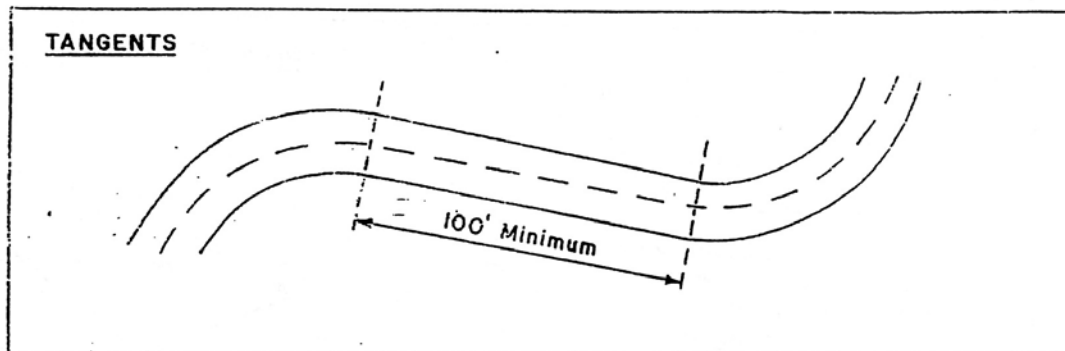
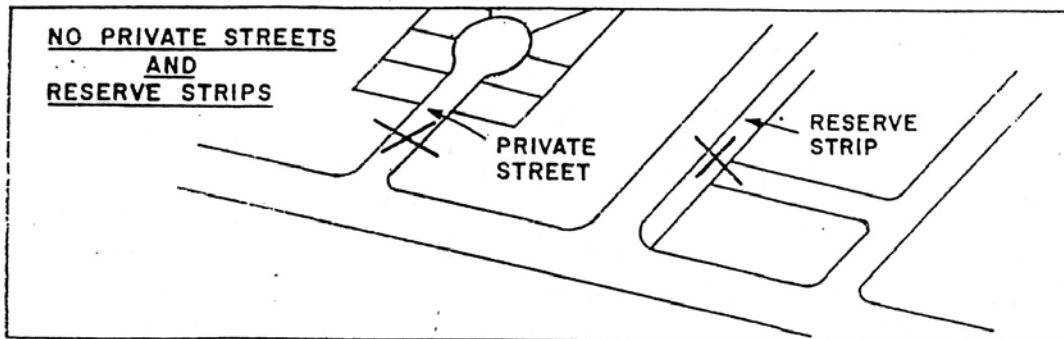


Plate III: Minimum Standards of Design

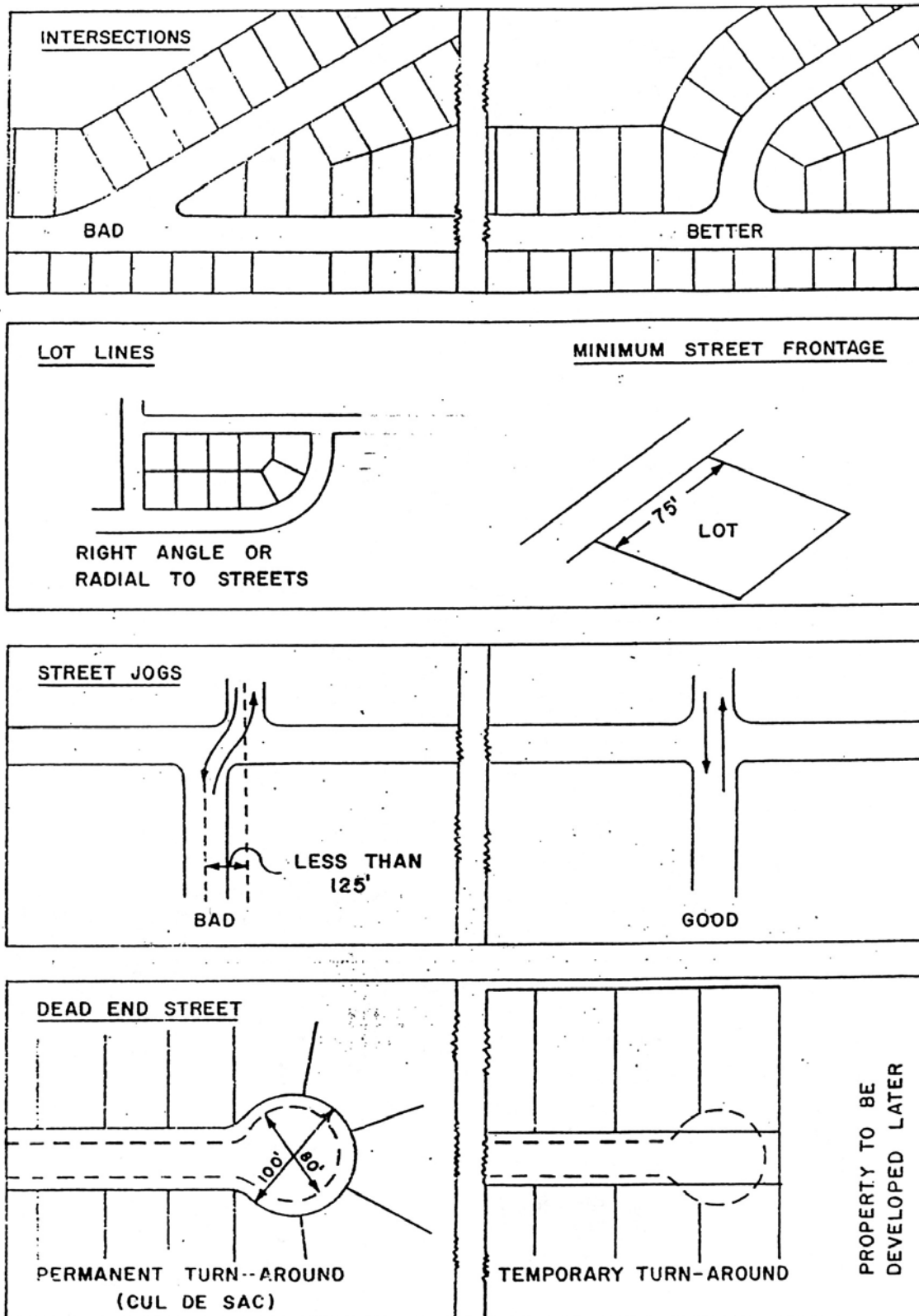


Plate IV: Minimum Standards of Design

