

ARTICLE I  
TITLE, PURPOSE AND POLICIES

100 TITLE

These regulations shall be known, referred to, and cited as “The Subdivision Regulations of Henry County, Kentucky” and shall hereinafter be referred to as “these regulations.”

110 AUTHORIZATION

The following Henry County Subdivision Regulations are hereby enacted and adopted by the Henry County, New Castle, Eminence, Campbellsburg, Smithfield, and Pleasureville Joint Planning and Zoning Commission (hereinafter referred to as the Henry County Joint Planning Commission) in accordance with KRS 100.273.

120 PURPOSE AND POLICY

It is declared to be the policy of the Henry County Joint Planning Commission to consider land subdivision plats as part of a plan for orderly, efficient and economical development of the five incorporated cities and unincorporated Henry County to the benefit of public health, safety, convenience and general welfare. The purpose of the standards and procedures included is to provide a guide for the change that occurs when land acreage becomes urban in character as a result of development for residential, commercial, or industrial purposes; to provide that the purchasers of lots are buying a commodity that is suitable for development and use; and to provide for proper provision of public services in an efficient, safe, and orderly manner conducive to the provision of minimum outlay of public and private expenditures. This shall be interpreted to include the following objectives which shall guide the Planning Commission in formulating its decisions:

- a. Land to be subdivided shall be of such character that it can be used safely for building purposes with minimum risk of danger to health, or peril from fire, flood, or other menace.
- b. Proper provision shall be made for drainage, water supply, sewerage, and other needed improvements and utilities.
- c. Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the proposals of the Comprehensive Plan.
- d. Streets shall be of such width, grade and location as to accommodate prospective traffic, to afford adequate light and air, and to facilitate fire protection.
- e. Areas of suitable location, size and character for playground, other recreational purposes, or public community services shall be shown on the subdivision plat, wherever appropriate.

130 INCONSISTENCY WITH OTHER PROVISIONS

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive or highest standard shall apply.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, or imposing higher standards than required by these regulations, but not in violation of these regulations, on the development. Such deed restrictions or covenants shall be indicated or attached to the plat for proceeding by the Commission and filing with the County Clerk.

Such deed restrictions or covenants shall also not contain reversionary clauses wherein any lots shall return to the subdivider because of a violation of the terms of the restrictions or covenants.

140 SEPARABILITY

If any article, section, subsection, sentence, clause or phrase of these Regulations is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations.

150 AMENDMENTS

Any requirements or provisions of these Regulations may be changed and amended from time to time upon recommendation of the Planning Commission in accordance with applicable State Statutes.

160 EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this regulation would result in real difficulties or substantial hardship or injustice, the Planning Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this regulation are preserved.

## ARTICLE II DEFINITIONS

For this purpose, certain words and terms are herewith defined; words used in the present tense include the future; the singular includes the plural and the plural includes the singular; the word “shall” is a mandatory requirement; the word “may” is a permissive requirement; the word “should” is a preferred requirement; the word “structure” includes the word “building;” the words “building” and “structure” include any part thereof; and the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

All definitions in Article XIV of the Henry County Zoning Ordinance shall also apply.

1. Administrative Officer: A person authorized by the Planning Commission to act on its behalf; Enforcement Officer.
2. Alley: A street providing a secondary means of access to a property abutting upon it.
3. Arterial Street (Major Street): A street having the primary function of traffic service and designated as a major street in the Comprehensive Plan.
4. Building Line: A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or lines. No building or structure shall then be placed in the space between the building line and the street right-of-way line(s).
5. Collection Street (Major Street): A street having a primary function of collecting and distributing vehicular traffic between local streets or areas and the major arterial system, and designated as a collector street in the Comprehensive Plan.
6. Commission: The Henry County, New Castle, Eminence, Campbellsburg, Smithfield and Pleasureville Joint Planning and Zoning Commission; also referred to as the Henry County Joint Planning Commission, or the Planning Commission.
7. Comprehensive Plan: The Comprehensive Plan prepared and adopted by the Planning Commission indicating the general pattern for the future location of streets, parks, public buildings, land uses, and other similar information.
8. County: Henry County, Kentucky.
9. Cul-de-sac: A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.
10. Density: Density shall mean the total area of all building lots divided by 43,560.

11. Engineer (City/County/Consulting): A licensed civil engineer appointed or requested by the city, county or Planning Commission.
12. Governing Authority: The Fiscal Court and/or appropriate city council.
13. Lot: A parcel of land usually referred to by number or letter intended as a unit of transfer of ownership or for development or both (See Exhibits 2-1 and 2-2 for lot terms and lot types).
14. Minor Street: A street having a primary function or providing service and vehicular access to abutting land and not designed for high volume of traffic, but having sufficient width to serve occasional parking and lot volume of traffic.
15. Minor Subdivision: The division of a tract of land into five (5) or fewer lots, including the remainder of the original tract. Such lots shall front on an existing public street, and involve no new street, widening or extending of an existing street or new utility easements.
16. Mobile Home Subdivision: A subdivision used exclusively for placement of certified mobile homes for residential use along with other uses expressly permitted in the Zoning Ordinance. To qualify as a mobile home subdivision, neither the subdivision developer nor his heirs, successors or assigns shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified mobile home thereon. The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. Mobile Home subdivisions shall also comply with all requirements of Article XIII of the Henry County Zoning Ordinance.
17. Net Acre: Net acre shall mean a land area measuring 43,560 square feet, exclusive of all public streets and areas dedicated to the public.
18. Planning Commission: The Henry County, New Castle, Eminence, Campbellsburg, Smithfield and Pleasureville Joint Planning and Zoning Commission; also referred to as the Henry County Joint Planning Commission and the Commission.
19. Plans: All drawings, including general plans, cross sections, profiles, working details, and specifications which the subdivider prepares or has prepared to show the character, extent, and details of the improvements required under Articles VI, VII, and VIII of these regulations.
20. Plat: A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this regulation for preliminary and final approval and recording.

21. Street:
- a. Private: Private streets shall only be permitted to serve less than three residential single-family dwellings. (See Section 610F).
  - b. Public: A street as defined in Zoning Ordinance, Henry County, Kentucky, Article XIV, 37 which is open to public travel and which is dedicated to and maintained by a governmental unit.
22. Subdivision: The division of a parcel of land into three (3) or more lot or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division or a parcel of land, except as otherwise provided by the Henry County Zoning Ordinance. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division or redivision of land in parcels, of less than one (1) acre occurring within twelve (12) months following a division of same land shall be deemed a subdivision within the meaning of this ordinance.

**EXHIBIT 2-1**

**EXHIBIT 2-2**

ARTICLE III  
JURISDICTION, PROCEDURE, AND ENFORCEMENT

300    JURISDICTION

It shall be unlawful for any person, being the owner, agent or person having control of any land in Henry County, to subdivide or lay out such land in lots before securing the approval of the Henry County Joint Planning Commission of a plat designating the areas to be subdivided; and no plat of a subdivision of land within Henry County shall be recorded by the County Court Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the Chairman, secretary or other duly authorized officer of the Planning Commission.

310    VOIDANCE AND INABILITY TO SELL PROPERTIES IN NONAPPROVED SUBDIVISION

No person owning land composing a subdivision as defined in Article II, 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 has been recorded. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

It shall be illegal to sell or offer to sell any lot, tract, or property which does not conform to the requirements of these Regulations; and every sale or attempt to sell shall be constituted a misdemeanor, such misdemeanor subject to a fine of not less than \$100.00 nor more than \$500.00 for each lot.

The Planning Commission may apply for an injunction against any type of subdivision construction by the subdivider or the landowner where the subdivision regulations have been violated.

320    PLATS REQUIRED

The subdivider shall submit preliminary plats in accordance with the specifications of Article VI hereof. A preliminary plat shall be submitted to the Planning Commission for approval. Upon approval of the preliminary plat, and approval of the construction plans for the required improvements in accordance with this regulation, the subdivider shall indicate intent to (a) install the minimum improvements, or (b) furnish a letter of credit to cover the cost of improvements in accordance with Article VII hereof. Upon approval of improvements, installations or arrangements therefore, the final plat shall be submitted to the Planning Commission in accordance with the provisions of Article VIII hereof.



Exhibit 3-1 delineates the proper processing of subdivision plats and the persons responsible.

No plat shall be filed for record or recorded in the Office of the County Court Clerk unless and until approved by the Planning Commission, and no lot shall be sold from such plat or replat unless and until approved by the Planning Commission and filed for record in the Office of the County Court Clerk. The approved final plat, once recorded, becomes the “record plat.”

EXHIBIT 3-1  
SUBDIVISION PROCESSING PROCEDURE

PARTICIPANTS

Land Owner/Developer

Enforcement Officer

Technical Review Committee (TRC)

- \* Enforcement Officer
- \* Planning Commission Chairman
- \* Others as required

Planning Commission

Fiscal Court or City Council

<u>STEP</u>	<u>PROCESS</u>	<u>RESPONSIBILITY</u>
1	Prepare Pre-Application Sketch Plat	Subdivider
2	Submit Pre-Application Sketch Plat to Planning Office (5 working days prior to Planning Commission Meeting) (Article V)	Subdivider
3	Pre-Application Conference Review (at regular Planning Commission Meeting)	Planning Commission and Subdivider
4	Prepare Preliminary Plat (Article VI)	Subdivider and Engineer/Surveyor
5	Prepare Construction Plans for Streets and Utilities and Stormwater Management Plans	Consultant's Certified Engineer
6	Submit Preliminary Plat and Improvement Plans (10 Working Days Prior to Commission Meeting)	Subdivider
7	Distribution and Review of Plats and Plans	Planning Commission TRC and Appropriate Agencies
8	Technical Review Committee Meeting With Developer to Review Plats and Plans	TRC (one hour before Planning Commission Meeting)

9	Public Meeting on Preliminary Plat (at regular Planning Commission Meeting)	Planning Commission Subdivider, Engineer
10	Approval, Conditional Approval or Disapproval of Plat (within 60 days of Planning Commission Meeting)	Planning Commission
11	Installation of Public Facilities and Marking of Lots or the Posting Letter of Credit for Total Costs of the Improvements (Article VII)	Subdivider/Developer
12	Inspection of Public Facilities Under Construction	City/County/ Consulting Engineer, And/or Enforcement Officer
13	Prepare Final Plat (Article VIII)	Subdivider
14	As-Built Utility Plans (must be approved or total letter of credit in place prior to approval of final plat)	Consultant's Certified Engineer
15	Submit Final Plat and Plans 10 Working Days Prior to Commission Meeting	Subdivider
16	Inspection of Completed Public Facilities (if letter of credit is posted, this step shall occur prior to any draw on the letter of credit)	City(County) Engineer, and/or Enforcement Officer, Subdivider
17	Public Meeting on Final Plat	Planning Commission Subdivider, Engineer
18	Approval, Conditional Approval, or Disapproval of Plat (Within 60 Days of Meeting)	Planning Commission
19	Plat Stamped Approved and Signed	Planning Commission Chairman
20	File Final Plat with County Clerk	Enforcement Officer

21                    Recommend Acceptance of Dedicated Public                    Planning Commission  
                         Facilities to Legislative body    and Legislative Body

330    FINES

The Planning Commission may take action in accordance with KRS 100.991 to fine any person or entity who is in violation of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided.

ARTICLE IV  
SUBDIVISION DESIGN STANDARDS

The Planning Commission, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in Article I, Section 120, of these Subdivision Regulations and the following general requirements and principles of designing subdivisions:

400    GENERAL LOCATION AND SITE REQUIREMENTS

Land proposed for subdivision shall be of suitable character. The following are specific cases where the land shall be considered unsuitable, and the Planning Commission shall act accordingly.

A.    LAND SUBJECT TO FLOODING

Land subject to flooding 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 ensure 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. The floor elevations of houses shall be high enough to be well above the floodplain as defined by the National Flood Insurance Program. Fill may not be used to raise the land in the floodplain areas except where express permission has been given by the Planning Commission, and state and federal agencies as required. In other areas subject to flooding, fill may be used provided the proposed fill does not restrict the flow of water and unduly increase flood heights. No streets subject to inundation or flooding resulting in isolating any portion of the subdivision shall be approved by the Planning Commission. Fill, however, may be used in areas subject to flooding in order to provide flood-free streets, provided such fill does not increase flood heights in accordance with state and federal regulations.

B.    LAND OF UNSUITABLE TOPOGRAPHY, SOIL AND OTHER

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to bad drainage, poor percolation, steep slopes, rock formations and other such conditions as may increase 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 that will be created by the subdivision and development of the land.

C. AREAS PREMATURE FOR 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 or sewage treatment capacity, schools, fire or police protection, proper drainage, good roads and adequate 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.

D. PRESERVATION OF EXISTING COMMUNITY ASSETS

In all subdivisions, due regard shall be given for historic elements or natural features which add attractiveness and value to the subdivision and the community. Included in such features are trees, vegetation, unusual rock formations, water courses and sinkholes. The Planning Commission may prepare a list of all such features within its area of jurisdiction which it deems worth of preservation.

E. CONFORMITY WITH ADOPTED POLICIES

A proposed subdivision shall conform in general to the Statement of Goals and Objectives in the Henry County Comprehensive Plan.

405 NEW ROADS AND ENTRANCES

It is the expressed policy of the Planning & Zoning Commission that, in most cases where a major subdivision is being created, it is appropriate that a new road be constructed. New roads may be required by the Henry County Planning Commission as a condition to approval of any major subdivision plat. Henry County and other surrounding counties have experienced development of strip subdivisions with multiple entrances along existing roads. It has been the experience that many of these subdivisions result in hazardous road conditions and evidence poor planning. For this reason, the Planning Commission may require construction of a new road before approval of any major subdivision and in determining whether to make such a requirement shall consider all relevant factors including but not limited to the following:

- A. Safety of persons traveling upon the public highways as it is affected by the multiple entrances proposed without the construction of said new roadway.
- B. Traffic flow and public convenience.
- C. The aesthetic appearance of the subdivision and the best design of the subdivision so as to complement the area and comply with all other provisions of these regulations.

Additionally, the Henry County Planning Commission may require a traffic study prior to approval of a new major subdivision in order to determine what is the best appropriate road and traffic plan for the subdivision and the surrounding area that may be affected or influenced by the addition of said subdivision.

Further, and in order to alleviate traffic congestion at one entrance, and in order to avoid restrictions on traffic flow or potentially dangerous situations by having only one entrance, any major subdivision consisting in excess of 60 residential living units, shall have not less than two entrances onto an arterial street or some other street of sufficient width to allow impeded traffic flow to and from the subdivision. Where a subdivision is developed in phases, and the first phase does not consist of as many as 60 residential living units, the Planning Commission shall require the construction of at least a second entrance prior to approval of subsequent phases that would increase the subdivision size to in excess of 60 residential living units.

410 STREETS

A. RELATION TO ADJOINING STREET SYSTEM

Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for a convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround of a minimum of twenty-five (25) feet in radius or, as an alternative, a paved “T”-shaped ending with a cross drive twenty (20) feet wide by fifty (50) feet long for a local street or one hundred (100) feet long for any higher classification street and centered with the street’s center line, shall be provided on all temporary dead-end streets, with the notation on the plat that any land used for the above purpose outside the street right-of-way shall revert to abutters whenever the street is continued. 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 a lesser width than the minimum width required in these regulations for a street in its category.

B. RIGHT-OF-WAYS AND MIMINUM DESIGN STANDARDS

Right-of-ways to be dedicated for new streets shall be measured from the lot line to the opposite lot line, and where not specified, shall meet the standards displayed in Exhibit 4-1. Should site conditions and topography require a variation to these standards (Exhibit 4-1), an alternative design will be considered by the Planning Commission. All streets and roads shall conform to the existing standards of the appropriate legislative body Exhibit 4-2 graphically depicts classifications of streets.

EXHIBIT 4-1

STREET CLASSIFICATION STANDARDS

Type Of Street	Minimum Right-of-Way	Minimum Pavement Width	Maximum Allowable	Grade Desirable	Horizontal Curve Radius
Arterial	60 ft.	24'	5%	4%	300 ft.
Collector	60 ft.	22'	7%	5%	300 ft.
Minor/Local	50 ft.	20'	8%	6%	100 ft.
Cul-De-Sacs	50 ft.	20'	8%	6%	100 ft.
Loop Street	50 ft.	20'	8%	6%	N/A
Marginal	50 ft.	20'	5%	4%	300 ft.
Alleys	20 ft.	16'	8%	6%	100 ft.



**EXHIBIT 4-2**

Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries and shall have a right-of-way of at least 15 feet.

C. CONSTRUCTION SPECIFICATIONS FOR STREETS

(1) STREETS IN INCORPORATED AREAS OF THE COUNTY

- a. CURBS AND GUTTERS – Curbs and gutters shall be required on all new streets.
- b. MINIMUM PAVEMENT WIDTHS – Widths shall be measured between curbs and shall be as specified in Exhibit 4-1 above.
- c. SIDEWALKS – Sidewalks shall be required on both sides of streets in all subdivisions. They shall be constructed of concrete at least 4 inches thick and 4 feet wide, poured over a compacted 4 inch dense grade gravel sub-base.
- d. PAVEMENT SPECIFICATION – The road base shall have a minimum of six (6) inches of DENSE GRADE AGGREGATE (DGA) and four (4) inches of #3 gravel. The blacktopped surface shall be a minimum of three (3) inches of BITUMINOUS BASE plus one and a half (1.5) inches of BITUMINOUS SURFACE.
- e. STREET GRADES – Street grades shall not exceed the maximum allowable specified in Exhibit 4-1.

(2) STREETS IN UNINCORPORATED AREAS OF THE COUNTY – The following specifications shall be used in the construction of streets outside the incorporated areas of Henry County.

- a. CURBS AND GUTTERS – Curbs and gutters shall not be required on any new street in the unincorporated areas of Henry County, except within one-half mile of the city limits of any incorporated city as those city limits may exist from time to time. Provided, however, if the subdivision is zoned as business or industrial, the curbs and gutters shall not be required (regardless of the location of the subdivision) provided that an engineer certifies that the drainage plans are sufficient.
- b. MINIMUM PAVEMENT WIDTH – Pavement widths shall be as specified as Exhibit 4-1.

- c. SIDEWALKS – Sidewalks shall not be required in developments in the unincorporated areas of Henry County, except within one-half mile of the city limits of any incorporated city as those city limits may exist from time to time. Provided however, if the subdivision is zoned as business or industrial, no sidewalks shall be required regardless of the location of the subdivision. All regulations under Section 410 (C) (1) (c) apply within one-half mile of those city limits except for business and industrial zones.
- d. DRAINAGE AND SHOULDERS – The developer of any road and/or street or the subdivider shall install adequate drainage systems to insure proper disposal of all surface water. In no case shall such person or persons build or construct roadway sections that will cause undue flooding on any adjacent property or on any portion of the property being constructed upon or developed. In any unincorporated area of Henry County which is outside the one-half mile area from any city limit proper disposal of stormwater shall include the provision of a drainage system including the necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc. Within a subdivision, before any construction is begun, all entrance pipes shall be concrete or C.M.P. pipe according to the following schedule:

15” diameter – 20 foot width with headwalls

15” diameter – 24 foot width without headwalls.

(The above dimensions are considered minimum standards. Larger diameter pipe may be required to provide adequate drainage.

Such drainage pipes and structures shall be included for all driveways and entrance ways and shall be inspected by the selected County/Consulting Engineer and shall be installed according to his direction. All such sites for said pipe shall be inspected personally or by plat. The above pipe regulations may be waived if in the opinion of said inspector none is needed.

All shoulders shall conform to the attached typical cross-section (Exhibit 4-3) and shall be constructed of approved granular material, according to the slope shown on the typical cross-section. Granular shoulder material shall extend downward at a depth of no less than one-half (1/2) of the dense grade aggregated base.

In light of this section, existing topographic contours at an interval or not greater than two (2) feet shall be required and shown on any plat for the subject property and shall extend beyond the property boundary for two hundred (200) feet in all directions.

**EXHIBIT 4-3**

- e. PAVEMENT SPECIFICATION – The road base shall have a minimum of six (6) inches of DENSE GRADE AGGREGATE (DGA) and four (4) inches of #3 gravel. The blacktopped surface shall be a minimum of three (3) inches of BITUMINOUS BASE plus one and a half (1.5) inches of BITUMINOUS SURFACE.
- f. STREET GRADES – Street grades shall not exceed the maximum allowable specified in Exhibit 4-1.

D. PERMANENT DEAD-END STREETS

Where a street is designed so as to have one end permanently closed, it shall meet the standards listed below to allow for greater traffic convenience and effective police and fire protection. They shall also have as its closed end a circular turnaround with a minimum right-of-way radius of fifty (50) feet with a minimum pavement of twenty-five (25) feet radius. Such a dead-end street shall not come closer than one hundred (100) feet from the boundary of a subdivision if its continuation is not needed for access to adjoining property. The Planning Commission may require the reservation of a twenty (20) foot wide easement between the end of the proposed dead-end street and an adjacent piece of property to accommodate pedestrian traffic or utilities.

In residential areas, cul-de-sac lengths should not exceed the following:

- (1) A maximum length of 1,300 feet when the density for those lots having frontage on the entire length of a cul-de-sac do not exceed two dwelling units per net acre.
- (2) A maximum length of 1,000 feet when the density for those lots having frontage on the entire length of a cul-de-sac do not exceed four dwelling units per net acre.
- (3) A maximum length in all other residential areas of 750 feet.

In commercial and industrial areas, cul-de-sac streets should not exceed 750 feet in length.

E. HAZARDOUS OR CONFLICTING CONDITIONS

When a proposed subdivision contains or is adjacent to an existing or proposed arterial street, right-of-ways, railroad right-of-ways, or conflicting detrimental or hazardous land uses, the Planning Commission may require marginal access streets, reverse frontage lots, lots with rear service alleys, lots with additional depth, or other measures which may be necessary for protection of abutting properties and the maintenance or function of major traffic arteries.

F. PRIVATE STREETS AND RESERVE STRIPS

There shall be no private streets platted within a subdivision. Reserve strips shall not be accepted except where their control is clearly vested in the City or County under conditions approved by the Planning Commission as authorized in these regulations.

G. STREET INTERSECTIONS

Street intersections shall not involve more than four (4) street approaches. Merging lanes and acceleration lanes are considered parts of one street approach. Within forty (40) feet measured for each street from the closest intersection of right-of-way lines, such streets shall intersect as much as possible at a ninety (90) degree angle and in no case shall the angle be less than seventy-five (75) degrees. No cross intersections of center lines of other than minor or marginal access streets shall be closer than eight hundred (800) feet apart, unless the Planning Commission deems it unrealistic under extraordinary physical conditions. Offset intersection of center line shall not be closer than one hundred fifty (150) feet. Except in a City Central Business District, and unless extraordinary physical conditions necessitate a retaining wall to be approved by the Planning Commission, within the triangular area formed at corners by the intersecting street centerlines, for a distance of ninety (90) feet on each from their point of intersection, and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided, by excavating if necessary. Nothing in the way of fences, walls, hedges, or other landscaping shall be permitted to obstruct such visibility from ground level to a height of ten (10) feet. Grades at street intersections shall be limited to two percent (2%) for a distance of the centerlines. All street intersection corners shall be rounded by curves of radii of at least twenty (20) feet.

H. STREET NAMES

Subdivision streets shall be identified by proposed names. In case of proposed streets which are clearly aligned with existing streets, these new streets shall bear the name of the existing street. In no other case shall the names of the proposed streets duplicate or be phonetically similar to an existing street name irrespective of the use of a different suffix, such as street, avenue, boulevard, driveway, place, court or other.

420 EASEMENTS

Easements on adjoining properties shall connect as deemed necessary.

A. UTILITY EASEMENTS

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within the street right-of-way, perpetual unobstructed easements at least thirty (30) feet in width for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains or other utilities shall be provided across property outside the street right-of-way lines and with satisfactory access to the street. The Planning Commission may require such easement to be centered along all rear lot lines and/or along side lot lines.

B. DRAINAGE EASEMENTS

If a perennial stream flows through or is adjacent to the proposed subdivision, the plat plan shall provide for an easement for a floodway of at least seventy-five (75) feet measured on each side from the thread of the watercourse. The floodway easement shall provide for future improvement of the stream channel as adjacent areas become more developed and runoff rates increase.

C. EASEMENTS FOR PEDESTRIAN ACCESS

The Planning Commission may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, a perpetual unobstructed easement of at least twenty (20) feet in width.

D. SCENIC EASEMENTS

The Planning Commission may require, as a prerequisite to plat approval, for the applicant to provide scenic easements which are shown on the plat. The easements shall be drawn in such a manner to protect the character of the natural environment of the land to be subdivided and may include trees, general vegetation, watercourses and bodies, sinkholes, rock formations and topography.

430 BLOCKS

A. BLOCK LENGTH

No block shall be less than 250 feet nor more than 1,000 feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. When blocks are over 750 feet in length, a crosswalk with a right-of-way or at least 10 feet in width may be required near the center of the block at the discretion of the Planning Commission.

B. BLOCK WIDTH

Generally, blocks shall be at least twice the minimum lot depth allowing two (2) tiers of lots. However, where extraordinary physical conditions exist, or where lots might otherwise front on an arterial street, the Planning Commission may approve a single tier of lots of minimum depths.

440 LOTS

A. LOT ARRANGEMENT

The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

B. LOT DIMENSIONS AND AREA

All lots shall front on a public street and, without invalidating any of the provisions of the Zoning Ordinance, such frontage shall extend a minimum of seventy five (75) feet except for lots which front on turn arounds for permanent dead end streets or on curves of a minimum radius of 100 feet, which shall be allowed a minimum of forty feet frontage. In all cases, the width of the lot at the building line, area and yard and other dimensions shall conform to the applicable regulations of the Zoning Ordinance. No lot shall have a depth of less than 100 feet. The lot depth shall not be in excess of four times its width on lots that are five acres or less. Any sell off in an A-1 zone shall additionally conform with the following requirements:

All sell offs in an A-1 zone shall have a minimum of 150 feet of frontage on a public road or a public street if the sell off tract is less than five acres and shall have a minimum of 250 feet of frontage on a public road or street if said sell off is greater than five acres. Provided, however, if a tract in an A-1 zone being severed is 25 acres or more in size, it shall have a minimum of 250 feet of frontage but which frontage may be on a road, public road, street or public street. Regardless of the size of the tract, the road frontage shall be maintained for a depth of not less than to the building line. Further, unless the tract being sold off is 25 acres or more in size, the frontage shall be on a public road or a public street as defined in Article XIV, 33(a) and 37(a) of the Zoning Ordinance. A road or street which is open to public travel is not a public road or public street unless dedicated to and maintained by a governmental unit.

C. ACCESS TO LOTS

Lots shall have their primary access only from an approved street in accordance with these regulations. All points of access from an arterial street shall be approved by the Planning Commission, which may require that several such lots be served by a combined marginal access street in order to limit possible traffic hazards on such street. In no case shall access to a lot be closer than one-hundred



and twenty-five (125) feet from an intersection with an arterial street. If access to a lot is from a collector or a marginal access street, a distance of no less than seventy-five (75) feet from any intersection shall be free from such access. If access to a lot is from a minor street, a distance of not less than fifty (50) feet shall be free from such access. In all cases, if a lot abuts an intersection of two classes of streets, access shall be from the lower class of street. Alleys shall not be deemed as streets to provide primary access for any use. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the designated engineer or authorized person.

#### D. CORNER LOTS

Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average size lot in the subdivision.

Property line radii at street intersections shall not be less than 20 feet.

### 450 COMMUNITY FACILITIES

Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted Comprehensive Plan of the County, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two years from the date of the submission of the final plan, the subdivider may then plat the balance of the area.

Where considered essential by the Commission in its review of large scale or planned unit developments not anticipated in the adopted plans, the Commission may require the reservation for purchase of such areas of an extent and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two years.

In the subdivision of any land within the area of jurisdiction, due regard shall be given to all natural features such as tree stands, water courses, historical spots, or similar conditions which, if preserved, will contribute to the attractiveness and value of the proposed development.

### 460 PUBLIC UTILITIES

The administration of these regulations by the Planning Commission shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage and energy supply. Where necessary, the Commission shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development. The

plans for each of the following utilities shall receive final approval of the appropriate agency prior to construction. The improvement shall then either be in place and inspected, or a letter of credit posted in accordance with Article VII, prior to approval of the final plat.

A. SANITARY SEWAGE TREATMENT SERVICE

Where a public sanitary sewer system is reasonable accessible, as determined by the Planning Commission, sanitary sewers shall be installed by the Developer to adequately serve all lots with connections to the public system.

Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed subject to the approval and conditions of the County Health Department, based on the review of a site evaluation, soil analysis, and/or percolation data or other pertinent data for each lot in the proposed subdivision. If percolation tests are not conducted for each lot in the subdivision, the following disclaimer shall be placed on the plat, "Each lot on this plat has not been individually perc-tested for septic drainage field capability."

Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

Subject to the specific determination to the contrary by the Commission or other agency, the following general standards shall apply. The minimum size sewer pipe connection to any parcel shall be four inches inside diameter (i.d.). The minimum sewer pipe line to be used in a residential subdivision shall be of eight inches i.d. except that a six inch i.d. line may be used to serve no more than four dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

The subdivider shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the preliminary plat for Commission approval. Such plans shall be prepared by a Registered Civil Engineer and shall show pipe sizes, gradients, type of pipe, invert and finished grade evaluations, location and type of manholes, the location, type and size of all lift or pumping stations and treatment facilities, if on site. Manholes shall be located at a maximum distance of every three hundred (300) feet and at changes in grade or direction and shall be designed as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, the capacity of the tank and one potential location and proposed length of the drainage field for each parcel. If percolation tests are not conducted for each lot in the proposed subdivision, it shall be noted on the final record plat.

The Developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision if this action is deemed necessary to comply with the Comprehensive Plan, and after approval by the City Council or Fiscal Court. In these cases, the City or County after such prior approval shall reimburse the Developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

#### B. STORMWATER DRAINAGE SYSTEM

Provisions shall be made by the Developer for the collection and channelization of the stormwater runoff by means of a stormwater drainage system designed to handle the runoff from storms occurring in an average frequency of ten years. The proposed system shall be subject to the review and approval of the Planning Commission and City or County Engineer.

Where an adequate public storm sewer is available at the subdivision boundary, the Developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the Developer may be required by the Commission to provide for the construction of necessary storm drainage facilities as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal.

The subdivider shall submit plans for the proposed stormwater drainage system with the filing of the preliminary plat for Commission approval. Such plans shall show contours, catch basins, manholes, junction boxes, inlets, pipe storm drains, ditches, and holding ponds indicating size and material, culverts, and headwalls, bridges, pump stations, and discharge points.

The Developer may be required to install drainage structures in excess of those required to serve the subdivision if this action is deemed necessary to comply with Comprehensive Plan and after prior approval of City Council or Fiscal Court. In these cases the City or County, after such prior approval, shall reimburse the Developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

#### C. WATER SUPPLY SYSTEM

The subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of domestic use, and fire protection, provided installation of fire hydrants is approved by the local water utility. The distribution system shall be so designed and constructed as to form an integral part of the appropriate City's or rural water district's distribution system and be in conformity with the Comprehensive Plan. The distribution system shall be in accordance with current City or water district standards as well as the standards of the Department for Natural Resources and Environmental Protection. The line size, length, and configuration of all water

systems for all proposed subdivisions which plan to tie into an existing public water system shall be reviewed and approved by the appropriate city water departments or rural water district. The size and location of the fire hydrants proposed shall be reviewed and approved by the appropriate fire department and water utility company.

All water mains, valves, and fire hydrants shall conform to the minimum requirements of the appropriate water company.

Whenever the City or rural water service deems it appropriate and necessary, and it is in keeping with the adopted Comprehensive Plan, the Subdivider may, after prior approval of the City Council or appropriate water utility, be required to install water main, fire hydrants and valves in excess of those required to adequately serve the subdivision. In these cases, the appropriate water utility, after such prior approval, shall reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

#### D. ELECTRIC, TELEPHONE AND GAS SERVICE

Electric service and telephone service shall be accessible to each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, street lighting wires, conduits and cables shall be constructed underground except in cases where the City/County/Consulting Engineer or utility company determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider or that this requirement would not be possible or beneficial to the future residents. Proposed easements for these utilities shall be shown on the preliminary and final plats and shall conform to the requirements of Section 420.

The Subdivider shall set aside unobstructed land easements for the placement and access for maintenance of public and private utilities in accordance with the requirements of Section 420(A) of these regulations.

#### 470 MAINTENANCE AND IMPROVEMENTS

Where a subdivision contains sewers, sewage treatment plants, water supply systems, park areas, cemeteries, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit, and where the Governing Authority does not desire to or cannot maintain such facilities, the supervision of such facilities shall be by the lot owners in the subdivision. Deed restrictions regarding the mandatory participation in a homeowner's association and listing the physical facilities for which the association shall be responsible shall be submitted with the preliminary and final plats and shall be recorded with the approved final plat along with the Certificate of Land Use Restrictions.

ARTICLE V  
PREAPPLICATION SKETCH PLAT

500    WHERE FILED

The preapplication sketch plat review (or preapplication conference) is intended to provide the initial contact between the prospective Subdivider (property owner or developer) and the Commission. At this meeting, the Commission learns of the imminent plans for the development of the subject tract of land and can initiate contacts with other governmental departments to determine the potential need for acquiring land and providing services. The Subdivider is then briefed on the subdivision regulations and procedures to be followed and reviews the recommendations of the Comprehensive Plan for the vicinity of the land proposed for subdivision.

The Subdivider shall notify the Administrative official no less than five (5) working days before a regularly scheduled meeting of the Planning Commission of his intention to subdivide a property and request a preapplication conference with the Commission for review of the preapplication sketch plat.

At the preapplication conference, the proposed subdivision will be classified as a Major or Minor subdivision and the subdivider advised accordingly of the proper procedure to follow.

There shall be no fees charged for the review of a sketch plat or a preapplication conference when held at a regularly scheduled meeting of the Planning Commission.

510    INFORMATION REQUIRED

The Subdivider shall submit a preapplication sketch plat containing the following information. This plat may be in pencil, on a sheet of paper or other suitable material of adequate size to show the subdivided area at a scale 100 ft. to one inch or other suitable scale. The sketch plat does not have to be prepared or certified by a registered engineer.

- A.    A vicinity map shall be prepared at a scale of two-thousand feet to the inch, indicating the relationship of the proposed subdivision to existing facilities which will serve it, such as roads, schools, parks, shopping centers, and hospitals. Such a sketch may be shown on a U.S.G.S. map of the area.
  
- B.    On a topographic survey map of the area proposed for subdivision, a simple plan in sketch form shall show the proposed general layout of streets, blocks, utility easements, existing utility lines and other significant features. Exhibit 5-1 provides an example of a typical preapplication sketch and vicinity map.

The preapplication sketch must include a title block providing the proposed name of the subdivision, name and address of the landowner, name and address of possible subdivider, and a scale.

C. Any additional information necessary to explain and/or supplement the vicinity map and sketch plat may also be submitted.

**EXHIBIT 5-1**

ARTICLE VI  
PRELIMINARY PLAT

600 WHERE FILED

Fifteen (15) copies of the preliminary plat, drawn to a scale of not more than 100 feet to the inch, conforming to the requirements of Article IV, shall be submitted to the Administrative Officer as designated by the Planning Commission 10 working days prior to the Planning Commission meeting at which it is to be reviewed. The plat shall be accompanied by the filing fee as determined by the Administrative Officer in accordance with the fee schedule adopted by the Henry County Joint Planning Commission.

610 INFORMATION REQUIRED

The preliminary plat and accompanying documents shall show, at a minimum, the following information.

- A. Proposed name under which the subdivision is to be recorded, date, label "Preliminary Plat," graphic scale, north arrow.
- B. Name, address and telephone number of property owner, subdivider (if other than owner) and developer.
- C. Names, address, telephone number and seal of the registered professional engineer or land surveyor responsible for preparation of the plat and supplementary plans.
- D. Names and adjoining boundaries of adjacent property owners of record and abutting subdivisions and streets.
- E. Vicinity map at a scale of two-thousand (2,000) feet per inch or greater shall be placed on the preliminary plat. The vicinity map shall show the subject property and surrounding land within one-half (1/2) mile and include existing roads with at least one intersection of common reference, scale, north arrow, streams, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown and how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and proposed shopping facilities schools, and parks should be designated (may be on U.S.G.S. map).
- F. The proposed subdivision shall be shown at a scale of not more than one hundred (100) feet per inch. Boundaries of the tract will be drawn to scale showing all bearings and distances to nearest one hundredth foot.
- G. Zoning classification of the tract and adjoining property shall be indicated as well as a description of proposed zone changes, if any and political jurisdiction.



- H. Location of all existing physical features including streams, wooded areas, existing structures, ponds and sinkholes.
- I. Existing topographic contours at an interval of not greater than (5) feet, or two (2) feet if deemed necessary by the Planning Commission, shall be shown for the subject property and extending beyond for two hundred (200) feet.
- J. Location, dimensions, grades, profiles and names of existing street, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat for a minimum distance of two hundred (200) feet.
- K. Location of existing sanitary and storm sewers, water mains, culverts, telephone, electric, and gas lines, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary sewer are to be indicated upon the plat. If public water or sanitary sewers are not accessible to the subdivision, a report from the County Health Officer must accompany the preliminary plat indicating that satisfactory arrangements will be made for the provision of water and sewerage. If phone and gas are not available, the plat shall have a note indicating when and where they will be available.
- L. Proposed location, right-of-way, pavement width, grade and plans of new streets (as per section 410), including changes to existing streets, laid out according to sound planning principles.
- M. Proposed utility easements and other easements (as per Section 420) laid out according to sound planning principles. Plans and profiles for utilities shall include location, size and type of sanitary sewer or other sewage disposal facilities, water mains and other utilities, facilities for storm water drainage, and other proposed improvements such as sidewalks, planting and parking, parks and any grading of individual lots, except when specifically, not required by the Planning Commission.
- N. Radii of streets, points of curvature, lengths of arcs.
- O. Street names selected so as not to duplicate any other within the County.
- P. Total area of land to be subdivided determined by an acceptable engineering practice.
- Q. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and building setback line. Lots or parcels shall be laid out according to sound planning principles (as per Section 440).
- R. Acreage of each lot, acreage of streets, other pertinent acreages, note indicating the lot number and area in square feet of the smallest lot in the subdivision.

- S. Designation and acreage of all lots and areas to be used for non-residential purposes including lots reserved or dedicated for public use and utility installations. All such lots shall be assigned lot numbers.
- T. Location and type of monuments and pins, which shall be placed at the intersection of property lines, the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.
- U. Subdivision plats being submitted for industrial or commercial development shall also show access points, building masses including proposed entrances, loading areas, and when possible, the number of establishments to be contained within.
- V. The subdivider's proposal to the Governing Authority for accomplishing the installation of improvements in accordance with Article VII of this regulation.
- W. The following certifications shall be affixed to the plat or to the appropriate page of the plans and profiles (Appendix I).
  - (1) Water and Sewer Availability or System Plans (Forms "A," "B," and/or "C")
  - (2) Ownership and Dedication (Form "D")
  - (3) Accuracy (Form "E")
  - (4) Availability of electric, gas, and telephone (For "F," use this form for each applicable utility)
  - (5) Review by Department of Highways (Form "G")
  - (6) Review by city/county/consulting engineer for streets and stormwater management system (Form "H")
  - (7) Review by Fire Department (Form "I")
  - (8) Approved by Planning Commission (Form "J")

620 APPROVAL OF PRELIMINARY PLAT

The preliminary plat shall be reviewed using the forms found in Appendix II and acted upon at a regular meeting of the Planning Commission. The developer will be invited to meet with the Technical Review Committee (TRC) one hour before the regular Planning Commission meeting to discuss the technical aspects of the Preliminary Plat and Improvement Plans. Public hearings upon subdivisions shall be discretionary with the Planning Commission.

Within 90 days after the submission of the preliminary plat and other required materials submitted in conformity with these regulations, the Planning Commission shall state, in

writing, to the subdivider, its approval or state the conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons therefore; provided however, that the subdivider may waive the time limitation requirements by letter and consent to an extension of such period.

The action of the Planning Commission shall be noted on two copies of the preliminary plat, designating one as the "official copy" which is to be retained in the files of the Planning Commission, the other as the "owner's copy" which shall be furnished to him or his authorized agent. Conditional approval of the preliminary plat by the Planning Commission shall constitute conditional approval of the final subdivision plat provided it conforms to the provisions of Article VII and VIII of these regulations and conforms substantially to the official copy of the preliminary plat.

EXHIBIT 6-1

ARTICLE VII  
MINIMUM IMPROVEMENTS

700 AUTHORITY TO PROCEED WITH FINAL PLAT

Receipt by the subdivider of the copy of the preliminary plat together with the approval of the Planning Commission shall constitute authority for the subdivider to proceed with final plans for specifications for the installation of the following minimum improvements and preparation of the final plat.

710 REQUIREMENTS FOR APPROVAL OF FINAL PLAT

No final plat of any subdivision shall be approved and recorded unless:

- A. The improvements listed below have been installed prior to such approval, as-built plans have been received, and field inspection has been conducted, or
- B. The subdivider has entered into a contract with and satisfactory to the Planning Commission to construct all necessary roads, drainage, grading, graveling, paving, storm and sanitary sewerage systems, and water systems; and the subdivider has filed with the Planning Commission a letter of credit upon a solvent bank conditioned to secure the construction of the improvements listed below in a satisfactory manner and within a period specified by the Planning Commission, such period not to exceed two years. No such bond or check shall be accepted unless it is enforceable by or payable to the Commission in a sum equal to 125% of the cost of constructing the improvements as estimated by the City/County/Consulting Engineer and in for with surety and conditions approved by the attorney for the Planning Commission.

711 RELEASE OF LETTER OF CREDIT

Prior to the approval of the final plat, the Commission and the developer shall enter into an agreement regarding the release of various drafts of the letter of credit in no more than three phases. No less than 35% shall be retained pending receipt of the final as-built construction plans and final filed inspection by the city/county/consulting engineer.

The Commission shall carefully monitor the valid dates on the letter of credit, and if a portion of the credit is still being held 60 days prior to its ending date, the Commission shall notify the developer that he has 30 days to submit as-built plans and request a final inspection, or to appear before the Commission to request an extension of the time on the construction of the improvements, stating specifically the exceptional factors delaying construction. If an extension is granted by the Planning Commission, an extended letter of credit must be received prior to the expiration of the previous letter of credit.

Ten days prior to the ending date on the letter of credit, if all required improvements have not been completed, the Planning Commission shall notify the bank of its intent to call in

the letter of credit on the last working day prior to the final date on the letter, pending action by the developer. If the developer has not complied, the Commission shall redeem the balance of the letter of credit on the last working day prior to the final valid date of the letter of credit.

720 INSTALLATION OF PART OF IMPROVEMENTS

The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements in only a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided however, that any gas mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Article IV have been met. If the proposed development is a phased development and heavy construction equipment must cross roads constructed in earlier phases, these roads must be maintained by the developer until the development is complete.

730 SURVEY MONUMENTS

All subdivision boundary corners and all points of tangency and points of curvature of all curves of streets and street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with one inch round rod center at least 30 inches long with a minimum dimension of six inches and appropriate marking. Should conditions prohibit the placing of monuments of the line, offset marking will be permitted; provided however, that exact offset courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before final plat is approved.

740 STREET IMPROVEMENTS

All streets and public ways shall be improved in compliance with applicable city or county standards as specified by separate regulations, or in accordance with Section 410 of these regulations.

750 WATER SUPPLY

Each lot within a subdivision shall be provided with a connection to an approved water system. Pending availability of a public water supply, the subdivider shall provide a private water supply system in such a manner that an adequate supply of portable water will be available to every lot in the subdivision at the time improvements are erected thereon. The installation of the water system shall comply with Section 460 of these regulations and be subject to the approval of the Governing Authority or its designated agent.

760 SANITARY SEWER SYSTEM

When public sanitary sewers are within reasonable access of the subdivision, the subdivider shall provide sanitary sewer facilities to each lot therein. When a public sanitary sewer is not accessible, proper provisions shall be made for the disposing of the wastewater in compliance with Section 460 of these regulations and subject to the approval and supervision of the County Health Officer.

770 DRAINAGE

The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas. The means of disposing of the storm water shall comply with Section 460 of these regulations and shall be subject to the approval and supervision of the city/county/consulting engineer.

780 STREET LIGHTS

Street light installation shall be in accordance with specifications and under the supervision of the appropriate local authority where applicable.

ARTICLE VIII  
FINAL PLAT

800 FINAL PLAT

The final plat shall be drawn in black permanent ink on mylar to a scale of not more than 100 feet to the inch from an accurate survey and on one or more sheets whose dimensions shall conform to the size of the pages in the County Court Clerk's Record Book. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on another sheet. In order to facilitate the preparation and execution of a plat, street plans of all streets and alleys in the subdivision shall be furnished for permanent possession of the Engineer. Street plans shall consist of plan and profile, drawn to a scale of one inch equals 50 feet horizontal and one inch equals five feet vertical on standard plan and profile sheets 24 inches wide and 36 inches long. Profiles shall show accurately the profile of the street and alley along each property line and along the centerline. Scale shall be stated in writing and shown graphically.

One (1) original mylar with original signatures, one (1) mylar copy, and ten (10) prints of the final plat, together with copies of any deed restrictions which are too lengthy to be shown on the plat, shall be submitted to the Administrative Officer ten working days prior to the regularly scheduled Planning Commission meeting. The plat shall be accompanied by the filing fee as determined by the Administrative Officer in accordance with the fee schedule adopted by the Henry County Planning Commission. The final plat shall conform to the approved preliminary plat and shall comply with all the requirements of Articles VII and VIII. The final plat shall be reviewed using the forms found in Appendix III and acted upon at a regularly scheduled Planning Commission meeting. Certification to this effect shall be endorsed on the final plat by the Chairman of the Planning Commission.

810 PLANNING REQUIRED

The final plat and accompanying documents shall show at a minimum the following information.

- A. Name of subdivision and portion thereof, date, label "Final Plat," graphic scale, north arrow.
- B. Total site data including acreage, number of lots, area and lot number of the smallest lot, square feet of area or acres in parks or other public uses, zone districts that apply to subdivision.
- C. Name, address, and telephone number of property owner and subdivider (if other than owner).



- D. Name, address, telephone number, and seal of the registered professional engineer or land surveyor responsible for preparation of the plat and certification that the plat represents a survey made by him and that all monuments shown actually exist, and their location, size and material are correctly shown (Form "E").
- E. Names of adjacent property owners or subdividers and abutting streets.
- F. Vicinity map at a scale of two thousand (2,000) feet per inch or greater showing the subject property and surrounding land within one-half mile, existing street systems and their connections with proposed streets.
- G. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The Plat shall be prepared at a scale of not more than one hundred (100) feet per inch.
- H. Bearing and distance to nearest established street lines or other recognized permanent monuments.
- I. Exact location, right-of-way, and names of all streets within and adjoining that plat.
- J. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords of all applicable streets within the plat area.
- K. Location and dimensions of all easements or right-of-ways when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.
- L. Location and dimensions of all property which is offered for dedication for public use or reserved by deed restriction or covenant for the common use of property owners of the subdivision. The intended purpose of such use shall be stated on the plat.
- M. Private deed restrictions or covenants or homeowner's association requirements. Should these restrictions be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- N. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearings of lots lines, building setbacks and identification by consecutive lot number or letter designation.
- O. Lot width at building line and front line for lots located on curves.
- P. All permanent monuments or pins to be set shall be shown and described on the final plat. Such monuments shall be set at the intersections of property lines, the intersection of street center-lines, and at angles along the subdivision boundary.

Any required monument or pin destroyed before acceptance of improvements shall be replaced by the subdivider or developer.

- Q. Subdivision plats being submitted for industrial and commercial development shall also show buildings including entrances, loading areas, and when possible, the number of establishments to be contained within.
- R. The following certifications shall be affixed to the final subdivision plat.
- (1) Water and Sewer Availability or Sewer Plans (Forms “A,” “B,” and/or “C”)
  - (2) Ownership and Dedication (Form “D”)
  - (3) Accuracy (Form “E”)
  - (4) Availability of Utility Services (Form “F”—one form for each utility)
  - (5) Approval of Streets and Utilities (Form “K”)
  - (6) Compliance (Form “L”)
  - (7) Approval of Final Plat (Form “M”)

820 APPROVAL OF FINAL PLAT

Within ninety (90) days after the submission of the final plat, the Planning Commission shall state, in writing, to the subdivider, its approval or state the conditions of such approval, or in the event of disapproval, shall state its disapproval or reasons therefore; provided, however, that the subdivider may waive the time limitation requirements by letter and consent to an extension of such period. Under no circumstances shall a final plat be approved prior to the complete installation and final inspection of all improvements, or the ensuring of the same by a letter of credit as per Article VII.

The action of the Planning Commission shall be noted on two (2) copies of the final plat, designating one as the “owner’s copy” and one as the “record plat” (to be recorded by the Administrative Officer at the owner/developer’s cost).

821 APPROVED PLAT FILED WITH THE COUNTY COURT CLERK

After the approval of the final plat by the Planning Commission, said plat and a Certificate of Lane Use Restrictions shall be recorded in the Office of the County Court Clerk by the Administrative Officer at the expense of the subdivider.

**EXHIBIT 8-1**

ARTICLE IX  
MINOR SUBDIVISION PLATS

900 PURPOSE

The purpose of this article is to establish special requirements to expedite the preparation and processing of minor subdivision plats.

910 “MINOR SUBDIVISION” DEFINED

As used herein a “minor subdivision” shall be the division of a tract of land into five (5) or fewer lots, including the remainder of the original tract. Such lots shall front on an existing public street, and involve no new street, widening or extending of an existing street, or new utility easements.

A subdivision for the purpose of the transfer of land between adjacent property owners and not involving the creation of any new lots or building sites; the consolidation of up to five lots of record to create a lesser number of parcels and involving no new public improvements; and technical revisions to a recorded final plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements shall also be classified as a minor subdivision.

920 PROCEDURES FOR MINOR SUBDIVISION PLATS

A. PLAT PREPARATION

A plat suitable for recording shall be prepared by a qualified surveyor, engineer or other qualified person, after the developer has had a preapplication conference with the Planning Commission as per Article V to determine if he proposed subdivision qualifies as a minor subdivision.

B. SUBMISSION

The developer shall submit ten (10) copies of the original plat to the Administrative Officer ten working days before a regularly scheduled Planning Commission meeting.

C. REVIEW

The Administrative Officer shall review the plat for conformance to all applicable regulations. If necessary, plats and plans will be distributed to the Technical Review Committee for their review prior to the Planning Commission Meeting. The plat will be acted upon by the Planning Commission at a regularly scheduled

meeting. After the Chairman and Administrative Officer sign the plat, one copy shall be returned to the developer and one copy along with a Certificate of Land Use Restriction, if required, shall be recorded in the Office of the County Clerk by the Administrative Officer at the expense of the subdivider.

930 CONTENT AND FORMAT OF MINOR SUBDIVISION PLAT MATERIAL

Minor subdivision plats shall be prepared according to the following specifications:

A. MATERIALS AND SIZE

Plats submitted shall be of good quality and contain neat and legible information. The plats shall be eight and one-half (8 ½) inches by fourteen (14) inches or eighteen (18) inches by twenty-four (24) inches.

B. TITLE BLOCK

The title block shall be placed at the bottom of the sheet and shall include the name of the subdivision, the names, mailing addresses, and telephone numbers of the owner, the engineer or surveyor, graphic scale, north arrow and date of preparation.

C. SUBDIVISION PLAT

The subdivision plat shall be placed in the center of the plat sheet and shall show the boundaries of a subdivision in a heavy and solid permanent line. The following information shall also be placed on the plat: Total acreage in the subdivision, acreage in each proposed lot, names of rights-of-ways, pavement width of all streets which abut, adjoin, or are included within the subdivision and width and location of all road, utility, and other easements. Accurate bearings and dimensions shall be placed on all subdivision boundaries and lot lines. The scale of the drawing shall be one inch equals one hundred (100) feet when possible. Also adjoining properties shall have their intersections with the subdivision illustrated by dashed lines and the name of the adjacent property owner shall be placed on the plat. The record plat or deed book and page number of all properties to be subdivided shall also be shown.

940 CERTIFICATION BLOCK

The certification block shall be placed at the bottom of the plat and next to the title block. It shall contain certification in the form prescribed by the Commission (Forms "A," "B," and/or "C," and Forms "D," "E," "F," "G," "L," "M," and "N").

950 RESUBDIVISION

Resubdivision shall be considered a minor plat when the purpose is for the enlarging of the size of any previously subdivided lot or parcel of land beyond the original size of said lot(s). The reduction in size of any lot, provided that such reduction shall not be in conflict with applicable zoning regulations, may be permitted but may require an amended subdivision plat if it involves any changes to streets or utilities or is determined to be a substantial change to the original subdivision by the Planning Commission.

APPENDIX I  
CERTIFICATIONS

---

Form "A" (on preliminary and final subdivision plat)

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the \_\_\_\_\_ (type: private or public) water supply and \_\_\_\_\_ (type: private or public) sewage disposal system installed, or proposed to be installed in the subdivision entitled: \_\_\_\_\_ (name of subdivision) fully meets the requirements of the Kentucky State Health Department and hereby is approved as shown.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
(Signature of a County Board of Health  
Chairman or other authorized officer)

---

Form "B" (on preliminary and final subdivision plat)

CERTIFICATION OF AVAILABILITY OF WATER SERVICES

I hereby certify that the \_\_\_\_\_ (name of agency or company), as of the date of this certification has sufficient capacity to provide water distribution to said subdivision. This capacity cannot be guaranteed in the future as additional subdivisions may reduce capacity to the point that water service could not be provided to all tracts in this subdivision. Any potential purchaser should contact the \_\_\_\_\_ (name of agency or company) prior to purchasing any tract in this subdivision to verify the availability of water service at any time in the future.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
Representative of Utility

Form "C" (on preliminary and final subdivision plat)

CERTIFICATION OF THE AVAILABILITY OF SEWAGE

I hereby certify that \_\_\_\_\_ (name of agency or company) shall supply the \_\_\_\_\_ (name of subdivision) with sewage disposal services and the sewage disposal system of said subdivision meets the requirements for the proper disposal of sewage.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
(Signature of the engineer of the agency or company)

Form "D" (on preliminary and final subdivision plat)

CERTIFICATION OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of the subdivision with my (our) free consent, establish the minimum building restriction liens, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as shown, in accordance with the Henry County Subdivision Regulations, unless otherwise noted.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
(Signature of owner or owners)

Form "E" (on preliminary and final subdivision plat)

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Henry County Joint Planning Commission and the monuments have been placed as shown herein to the specifications of the City/County Engineer or other authorized officer.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
(Signature of registered engineer or surveyor)



-----  
Form "F" (on preliminary and final subdivision plat)  
(one form needed for each applicable utility)

CERTIFICATION OF AVAILABILITY OF UTILITY SERVICES

I hereby certify that \_\_\_\_\_ (name of agency or company shall supply the  
\_\_\_\_\_ (name of subdivision) with electric/gas/telephone services and that  
such services will be available on \_\_\_(date)\_\_\_ and that the proposed utility easements of said  
subdivision meet the requirements of this agency and all other applicable requirements.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
Company Representative (title)

-----  
Form "G" (on preliminary plat)

CERTIFICATION OF REVIEW BY KENTUCKY DEPARTMENT OF HIGHWAYS

I hereby certify that I have reviewed the preliminary subdivision plat for  
\_\_\_\_\_ (name of subdivision) and have submitted necessary recommendations  
to the Planning Commission.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
Permits Officer, District Office,  
Department of Highways

-----  
Form "H" (attached to preliminary plat)

CERTIFICATION OF THE REVIEW STREET PROPOSALS

I hereby certify that the plans and profiles for the streets, storm water management plans and  
other improvements for \_\_\_\_\_ (name of subdivision) have been reviewed and  
are proposed in an acceptable manner according to city/county specifications.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
City/County/Consulting Engineer

Form "I" (attached to preliminary plat)

CERTIFICATION OF THE REVIEW OF PROPOSED FIRE HYDRANTS

I hereby certify that the plans for location and size of the proposed fire hydrants for \_\_\_\_\_ (name of subdivision) have been reviewed and are proposed in an acceptable manner according to \_\_\_\_\_ (name of fire department) specifications. Availability of water must be confirmed with the appropriate water department or rural water districts.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
Chief, \_\_\_\_\_ Fire Department

-----  
Form "J" (attached to preliminary plat only)

CERTIFICATION OF PRELIMINARY PLAT APROVAL

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply wit the Subdivision Regulations for Henry County, Kentucky, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission. Upon approval of all construction plans for streets, storm water management, utilities, and other public improvements, construction of said improvements may begin.

\_\_\_\_\_ (date), 20\_\_.

\_\_\_\_\_  
Chairman,  
Henry County Planning Commission

\_\_\_\_\_  
Attest: Administrator  
Henry County Planning Commission

Form "K" (attached to final subdivision plat)

CERTIFICATION OF THE APROVAL OF STREETS AND UTILITIES

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

\_\_\_\_\_ (date), 20 \_\_.

\_\_\_\_\_  
City/County/Consulting Engineer

-----  
Form "L" (attached to final subdivision plat)

CERTIFICATION OF COMPLIANCE

I hereby certify that the uses proposed for the lots of this subdivision are in compliance with the existing zoning of the respective lots, and that this final plat has been submitted within one year of the approval of the preliminary plat for this subdivision.

\_\_\_\_\_ (date), 20 \_\_.

\_\_\_\_\_  
Applicant

-----  
Form "M" (on final subdivision plat)

CERTIFICATION OF FINAL SUBDIVISON PLAT APPROVAL

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Henry County, Kentucky, with the exceptions of such variances, if any as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the County Clerk.

\_\_\_\_\_ (date), 20 \_\_.

\_\_\_\_\_  
Chairman,  
Henry County Planning Commission

\_\_\_\_\_  
Attest: Administrator  
Henry County Planning Commission

Form "N" (on final subdivision plat)

BUYER'S NOTE

The tracts of land shown hereon are located in/or adjoining an Agricultural Zone and will be subject to normal agricultural activities on adjoining farm lands which include odors associated with distribution of farm waste products, applications of agricultural chemicals and the noise associated with normal farming practice.

---

APPENDIX II  
PRELIMINARY SUBDIVISION PLAT FORMS

\*APPLICATION FOR PRELIMINARY PLAT APPROVAL

\*PRELIMINARY PLAT REQUIREMENTS CHECKLIST

\*PRELIMINARY PLAT SUPPLEMENTARY INFORMATION

\*PRELIMINARY PLAT DESIGN STANDARDS

\*PLANNING COMMISSION REVIEW FORM

APPLICATION OF PRELIMINARY PLAT APPROVAL – HENRY COUNTY, KENTUCKY

Date \_\_\_\_\_

Application No. \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

2. Name of Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

3. Name of Subdivision \_\_\_\_\_

4. Location Description \_\_\_\_\_

\_\_\_\_\_

(In addition, please attach copy of legal description)

5. Proposed Use \_\_\_\_\_

6. Present Zoning District \_\_\_\_\_

7. Proposed Zoning Change (if applicable) \_\_\_\_\_

8. Number of Lots \_\_\_\_\_

Area of Tract \_\_\_\_\_

9. Do you propose deed restrictions? Yes \_\_\_\_\_

No \_\_\_\_\_

(If YES, please attach a copy)

10. What type of sewage disposal do you propose? \_\_\_\_\_

\_\_\_\_\_  
(If an "on lot" type of sewage disposal is proposed, include a letter from the County Health Department approving a specific type of sewage disposal.)

11. List all proposed improvements and utilities and state your intention to install or post a guarantee prior to actual installation.

	Improvement	Installation	Guarantee (Cost)
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

12. Variances requested from plat or design requirements.

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____
e.	_____	_____

13. Processing fee: \_\_\_\_\_

14. List other materials submitted with this application.

	Item	No. Copies
a.	_____	_____
b.	_____	_____
c.	_____	_____

	Item	No. Copies
d.	_____	_____
e.	_____	_____
f.	_____	_____
_____ Applicant		_____ Surveyor or Engineer



PRELIMINARY PLAT REQUIREMENTS AND CHECK LIST

At a minimum, and in conformance with all standards found in Articles IV & VI, the following information shall be included on the Preliminary Plat unless accompanied by a request for waiver. Items may be discussed in more detail in Article VI.

	<u>YES</u>	<u>NO</u>
A. Proposed name under which the subdivision is to be recorded, date, label "Preliminary Plat," graphic scale, north arrow.	_____	_____
B. Name, address and telephone number of property owner, subdivider (if other than owner) and developer.	_____	_____
C. Names, address, telephone number, and seal of the registered professional engineer or land surveyor responsible for preparation of the plat and supplementary plans.	_____	_____
D. Names and adjoining boundaries of adjacent property owners of record and abutting subdivisions and streets.	_____	_____
E. Vicinity map at a scale of two thousand (2,000) feet per inch or greater showing the subject property and surrounding land within one-half (1/2) mile, including existing roads with at least one intersection of common reference, scale, north arrow, streams, and an outline of the subject property, boundary lines and streets in adjacent developments, existing and proposed shopping facilities, schools, and parks.	_____	_____
F. Scale of not more than one hundred (100) feet per inch with boundaries drawn to scale showing all bearings and distances to nearest one hundredth foot.	_____	_____
G. Zoning classification of the tract and adjoining property, a description of proposed zone changes, if any, and political jurisdiction.	_____	_____
H. Existing physical features including streams, wooded areas, existing structures, ponds and sinkholes.	_____	_____
I. Existing topographic contours at an interval of not greater than five (5) feet, or two (2) feet if deemed necessary by the Planning Commission, for the subject property and adjoining two hundred (200) feet.	_____	_____

	<u>YES</u>	<u>NO</u>
J. Location, dimensions, grades, profiles, and names of existing streets, railroads, easement, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat for a minimum distance of two hundred (200) feet.	_____	_____
K. Existing sanitary and storm sewers, water mains, culverts, telephone, electric, and gas lines and other underground structures within the tract or immediately adjacent thereto, location and size of the nearest water main and sanitary sewer; or if public water or sanitary sewers are not accessible to the subdivision, a report from the County Health Officer; if phone or gas not immediately available, note indicating when they will be.	_____	_____
L. Proposed location, right-of-way and pavement width, grade, and plans of new streets and/or changes to existing streets according to sound planning principles (as per Section 410).	_____	_____
M. Proposed utility easements and other easements (as per Section 420 and 610 (M)).	_____	_____
N. Radii of streets, points of curvature, lengths or arcs.	_____	_____
O. Street names selected so as not to duplicate any other within the county.	_____	_____
P. Total area of land to be subdivided.	_____	_____
Q. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and building setback line.	_____	_____
R. Acreages as required in Section 610 (R).	_____	_____
S. Designation and acreage of all lots and areas to be used for non-residential purposes including lots reserved or dedicated for public use and utility installations, including assigned lot numbers.	_____	_____

	<u>YES</u>	<u>NO</u>
T. Location and type of monuments and pins, as required in Section 610 (T).	_____	_____
U. Subdivision plats being submitted for industrial or commercial development shall also show access points, building masses including proposed entrances, loading areas, and when possible, the number of establishments to be contained therein.	_____	_____
V. The subdivider’s proposal to the Governing Authority for accomplishing the installation of improvements in accordance with Article VII.	_____	_____
W. Sidewalks in the city limits and within one-half mile of any city in a Residential Zone shall be required according to the subdivision regulations and shall be the responsibility of the developer in accordance with Section 410 (C)(2)(c).	_____	_____
X. Curbs and gutters in the city limits and within one-half mile Of any city in a Residential Zone shall be required according to the subdivision regulations and shall be the responsibility of the developer (in accordance with Section 410 (C)(2)(a).	_____	_____
Y. Buyer’s Note (Form “N”)	_____	_____

PRELIMINARY PLAT SUPPLEMENTARY INFORMATION

The following items of supplementary information may be required by the Planning Commission and considered as part of the preliminary subdivision plat as specified in Articles IV and VI.

	<u>YES</u>	<u>NO</u>
A. Copy of completed subdivision application form and payment for subdivision plat processing fee.	_____	_____
B. Legal description of the tract to be subdivided.	_____	_____
C. Description of physiographic characteristics including soil types, slope, permeability rates, ground water, depth to bedrock, sinkholes, flood frequency and relationship to existing development (Section 400).	_____	_____
D. Statement of deed restrictions and protective covenants and homeowner’s association requirements, if any.	_____	_____
E. Typical street sections showing roadbed construction, curbs, gutters, sidewalks and relationship of underground utilities shall be shown on a separate map sheet. This map sheet will also include complete profiles of streets indicating in dotted lines, the original land contour. These plans should comply with all requirements in Section 410.	_____	_____
F. A plan showing the provision for sanitary sewage disposal as described in Section 460 (A) of these Regulations on a separate map or property lines, street and easement right-of-ways.	_____	_____
G. A plan showing the provisions for storm water management as described in Section 460 (B) of these Regulations on a separate map of property lines, street and easement right-of-ways.	_____	_____
H. A plan showing the provisions for domestic water supply in compliance with the standards listed in Section 460 (C) of these Regulations on a separate map of property lines, street and easement right-of-ways.	_____	_____
I. Request for modification, variance or waiver of preliminary plat requirements or design standard. (Optional)	_____	_____

	<u>YES</u>	<u>NO</u>
J. Certification by the City/County/Consulting Engineer or other qualified representative, that the proposed plans for streets, sanitary sewage collection system, storm water drainage systems, and water distribution system are adequate for the proposed development plus oversized facilities as are feasible (Forms “B,” “C,” and “H”).	_____	_____
K. Certification by the County Health Officer that the proposed sanitary sewer disposal facilities and source of water supply are safe and adequate for the development (Form “A”).	_____	_____
L. Certification of Ownership signed by the owner of record of the property to be subdivided testifying that he is the owner of the tract and agrees with the subdivision plat being filed (Form “D”).	_____	_____
M. Certification by the registered engineer of land surveyor that the plat bearings and dimensions are accurate (Form “E”).	_____	_____
N. Certification of the Utility Companies that electric, gas (if applicable), and telephone service are presently available to this tract of land or will be available prior to the construction of any structure (Form “F”).	_____	_____
O. Certification by the District Highway Office that a qualified representative has reviewed the plans and they meet state requirements, or that comments have been forwarded to the Commission (Form “G”).	_____	_____
P. Certification that the proposed size and location of fire hydrants meets fire district requirements (Form “I”).	_____	_____
Q. Certification by the Planning Commission Chairman or his designee that the Preliminary Plat and all supplementary information has been reviewed and meets the Commission’s regulations with the exception of requested variances. Form “J” shall only be signed after Commission approval of the plat.	_____	_____

PRELIMINARY PLAT DESIGN STANDARDS

The following check list of design standards shall be used by the Henry County Planning Commission in its preliminary plat review process.

	<u>YES</u>	<u>NO</u>
A. Land Suitability: topography, possibility of poor drainage, possibility of flooding (Section 400 A and 400 B).	_____	_____
B. Scattered or premature subdivision land, by reason of a lack of water supply, schools, proper drainage, adequate roads, transportation facilities, or other public facilities (Section 400 C)	_____	_____
C. The proposed street layout shall be made according to good land planning practice, and shall be coordinated with the street systems of the surrounding areas. All streets must provide for continuation or projection of principle streets and vehicular access for surrounding acreage tracts (Section 410 A).	_____	_____
D. Subdivisions which border on or have included within the proposed area to be subdivided any arterial street or streets shall provide marginal access streets in order that the individual lots shall not have direct access to such highway (Section 410 E).	_____	_____
E. Street right-of-way in accordance to Section 410 B.	_____	_____
F. Subdivisions along existing, or dedicated, or platted streets where rights-of-way are inadequate shall provide additional right-of-way to meet the minimum standards (Section 410 A and 410 B).	_____	_____
G. Sidewalks in the city limits and within one-half mile of any city limits, in a Residential Zone, shall be required according to the subdivision regulations and shall be the responsibility of the developer (in accordance with Section 410 (C)(2)(c).	_____	_____
H. Curbs and gutters in the city limits and within one-half mile of any city limits, in a Residential Zone, shall be required according to the subdivision regulations and shall be the responsibility of the developer (in accordance with Section 410 (C)(2)(a).	_____	_____

YES

NO

I. Street alignment shall be designed to eliminate sharp curves and street offsets. No street plan will be approved with intersections which offset less than 150 feet between center lines. Streets shall intersect as nearly at right angles as possible and in no case at any angles of less than 75 degrees (Section 410 G).

\_\_\_\_\_

\_\_\_\_\_

J. Cul-de-sacs shall in no case exceed the requirements of Section 410 (D).

\_\_\_\_\_

\_\_\_\_\_

FOR OFFICIAL USE

Planning Commission Review – Preliminary Plat Application  
Henry County, Kentucky

Date Received \_\_\_\_\_

Date of Meeting of Technical Review Committee \_\_\_\_\_

Date of Meeting of Planning Commission \_\_\_\_\_

Action by Planning Commission \_\_\_\_\_

If plat rejected, reason(s) for rejection \_\_\_\_\_

\_\_\_\_\_

Variances approved (if any) \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_ Chairman



APPENDIX III  
FINAL SUBDIVISION PLAT FORMS

- \* APPLICATION FOR FINAL PLAT APPROVAL
- \* FINAL PLAT REQUIREMENTS AND CHECK LIST
- \* FINAL PLAT SUPPLEMENTARY INFORMATION
- \* PLANNING COMMISSION REVIEW FORM

APPLICATION FOR FINAL PLAT APPROVAL – HENRY COUNTY, KENTUCKY

Date \_\_\_\_\_

Application No. \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

2. Name of Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

3. Name of Subdivision \_\_\_\_\_

4. Date of Preliminary Plat Approval \_\_\_\_\_

5. Was a zoning change requested? \_\_\_\_\_

6. If YES, the plat may not be approved until it conforms to the local zoning. Include a certification of zoning compliance if a change was requested.

7. Have all required improvements been installed? \_\_\_\_\_  
If no, include detailed estimates of cost and a statement relative to the method of improvement guarantee. All estimates must be approved by the responsible (municipal, county) official.

8. Do you propose deed restrictions? \_\_\_\_\_  
(If YES, please attach a final copy)

9. Waivers requested for plat or design standards.

	Section Number	Item
a.	_____	_____
b.	_____	_____
c.	_____	_____
d.	_____	_____

e. \_\_\_\_\_

10. List other materials submitted with this application.

Item

Number

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

e. \_\_\_\_\_

f. \_\_\_\_\_

FINAL PLAT REQUIREMENTS AND CHECK LIST

At a minimum, and in conformance with all requirements of Article VIII, the following information shall be included on the final plat presented for review by the Commission unless accompanied by a request for waiver. Samples of all forms for certification can be found in Appendix I.

	<u>YES</u>	<u>NO</u>
A. Name of subdivision and portion thereof, date, label "Final Plat," graphic scale, north arrow.	_____	_____
B. Total site data including acreage, number of lots, area and lot number of the smallest lot, square feet of area or acres in parks and other public uses, zone districts that apply to subdivision.	_____	_____
C. Name, address and telephone number of property owner and subdivider (if other than owner).	_____	_____
D. Name, address, telephone number, and seal of the registered professional engineer or land surveyor responsible for preparation of the plat and certification that the plat represents a survey made by him and that all monuments shown actually exist, and their location, size and material are correctly shown. (Form "E").	_____	_____
E. Name of adjacent property owners or subdivisions and abutting streets.	_____	_____
F. Vicinity map at a scale of two thousand (2,000) feet per inch or greater showing the subject property and surrounding land within one-half mile, existing street systems and their connections with proposed streets.	_____	_____
G. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The Plat shall be prepared at a scale of not more than one hundred (100) feet per inch.	_____	_____
H. Being and distance to nearest established street lines or other recognized permanent monuments.	_____	_____
I. Exact location, right-of-way, and names of all streets within and adjoining that plat.	_____	_____

	<u>YES</u>	<u>NO</u>
J. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs and lengths and bearings of chords of all applicable streets within the plat area.	_____	_____
K. Location and dimensions of all easements or right-of-ways provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.	_____	_____
L. Location and dimension of all property which is offered for dedication for public use or reserved by deed restriction or covenant for the common use of property owners of the subdivision. The intended purpose of such use shall be stated on the plat.	_____	_____
M. Private deed restrictions or covenants or homeowners association requirements.	_____	_____
N. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearings of lot lines, building setbacks, and identification by consecutive lot number or letter designation.	_____	_____
O. Lot width at building line and front lot line for lots located on curves.	_____	_____
P. All permanent monuments or pins to be set shall be shown and described on the final plat. Such monuments shall be set at the intersections of property lines, the intersection of street centerlines, and at angles along the subdivision boundary. Any required monument or pin destroyed before acceptance of improvements shall be replaced by the subdivider or developer.	_____	_____
Q. Subdivision plats being submitted for industrial and commercial development shall also show buildings including entrances, loading areas, and when possible, the number of establishments to be contained within.	_____	_____
R. Buyer's Note (Form "N")	_____	_____

FINAL PLAT SUPPLEMENTARY INFORMATION

The following items of supplementary information may be required by the Planning Commission to be included with and included as part of the final subdivision plat as specified in Articles VII and VIII.

	<u>YES</u>	<u>NO</u>
A. Copy of the completed subdivision application form for final plat review and payment of subdivision processing fees.	_____	_____
B. Legal description of the tract being subdivided and reflecting the boundary survey.	_____	_____
C. Deed restrictions, protective covenants or homeowner’s association requirements shall either be placed on the Final Plat or attached thereto in form for recording. (If recorded separately, reference to the restrictions shall be made on the final plat.).	_____	_____
D. As-built construction plans for sanitary sewer facilities, storm water management facilities and water supply system (Section 710 and 711).	_____	_____
E. Application requesting modification, variance or waiver of final plat requirements or design standards (Optional).	_____	_____
F. Certification that the Final Plat has been filed within twelve months of the approval of the Preliminary Plat (Form “L”).	_____	_____
G. Certification of Dedication – A notarized certificate shall be signed and acknowledged offering for dedication all parcels of land shown on the Final Plat and intended for public dedication except those parcels, other than streets, which are intended for the exclusive use of the lot owners in the subdivision or development, their visitors, tenants, and servants (Form “D”).	_____	_____
H. Certification of Surveyor – A notarized certification shall be signed by a Registered Land Surveyor, in Kentucky, stating that he is responsible for the survey and that the Final Plat accurately depicts the subdivision and the survey. The signature of such surveyor must be accompanied by his seal and registration number (Form “E”).	_____	_____

	<u>YES</u>	<u>NO</u>
I. Certificate of Review by County Health Officer as to the safety and adequacy of the proposed or installed water and sewer system, either public or individual (Form “A”).	_____	_____
J. Certificate by the City/County/Consulting Engineer as appropriate certifying that the subdivider has installed all improvements in accord with the requirements of these regulations (Form “K”).	_____	_____
K. Certificates of Water and/or Sewer Availability (Forms “B” and/or “C”).	_____	_____
L. Certificates of availability of utility services (Form “F”).	_____	_____
M. Certificate of Clear Title – The Final Plat shall be accompanied by a statement prepared by a duly authorized title company stating that the signatures of all persons whose consent is necessary to the preparation and recording of said plat and to the dedication of the streets and other public places are clearly shown on the plat. This certification shall also show that there are no unpaid taxes or special assessments against the land contained in the Plat.	_____	_____
N. Certificate regarding future environmental hazards – The Final Plat shall be accompanied by a notarized statement stating that the property being subdivided has a title insurance policy with a rider insuring against future environmental hazards resulting from existing conditions with a loss payable clause payable to the Henry County Planning Commission for future damages.	_____	_____
O. Certificate by the Planning Commission Chairman certifying that the Final Plat and the supplementary material have been reviewed and found to meet the prescribed requirements and therefore approved (Form “M”).	_____	_____
P. Certificate of Acceptance for filing by the County Recorder. This certification is not to be signed prior to review by the Planning Commission.	_____	_____
Q. Buyer’s Note (Form “N”)		

FOR OFFICIAL USE

Planning Commission Review – Final Plat Application  
Henry County, Kentucky

Date Received \_\_\_\_\_

Date of Meeting of Planning Commission \_\_\_\_\_

Action by Planning Commission \_\_\_\_\_

If plat rejected, reason(s) for rejection \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Chairman



APPENDIX IV

MINOR SUBDIVISION PLATS

APPLICATION FOR MINOR SUBDIVISION APPROVAL

PLANNING COMMISSION REVIEW FORM

APPLICATION FOR MINOR SUBDIVISION APPROVAL-HENRY COUNTY, KENTUCKY

Date \_\_\_\_\_

Application No. \_\_\_\_\_

The undersigned applies for minor subdivision approval under the provisions of Article IX of the Subdivision Regulations of the Henry County Planning Commission.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Minor subdivision approval is requested under the following provision (choose one):

1. Where a subdivision approval contains five (5) or fewer lots, including the remainder of the original tract, fronts on an existing public street, involves no new street or widening or extension of existing streets or new utility easements, and conforms to the adopted subdivision regulations, land protection ordinance, and Comprehensive Plan of Henry County, Kentucky, or
2. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites, or
3. Where up to and including five lots of record are consolidated to create a lesser number of parcels and involve no new public improvements, or
4. Where there is a need to make technical revisions to a recorded Final Plat of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines of public improvements requirements.