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Chapter 7 Part 1 General Provisions and Definitions

7.1.10 Title

The official title of these regulations shall be "Metropolitan Subdivision Regulations."

7.1.20 Purpose of Regulations

The purpose of these regulations is to promote the public health, safety and welfare of Jefferson County by providing for the orderly development of stable, healthful, safe and desirable residential, commercial, industrial and public areas throughout the county.

7.1.30 Scope of Regulations

These regulations shall apply to all subdivisions of land situated anywhere within Jefferson County.

7.1.40 Powers of Commission

The Commission is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including but not limited to the power to hear and finally decide applications for variances when a proposed development involves a subdivision and one or more variances. In considering applications for variances under these regulations, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.244 and 100.251. The applicant for the subdivision, at the time of the filing of the application for the subdivision, may elect to have a variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Zoning Adjustment as otherwise provided by KRS Chapter 100.

7.1.50 Severability of Regulations

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

7.1.60 Amendment of Regulations

These regulations may be amended from time to time as provided by law.

7.1.70 Definitions

Terms defined in the Development Code shall have the meaning ascribed therein, except as expressly provided herein. In addition as used herein, the following terms are hereby defined.

The following terms relating to Subdivision Regulations are included in the Definitions (Chapter 1 Part 2): Building Limit Line Cardinal Point, Common Open Space, Concept Plan Construction Easement Construction Plans Easement Pedestrian Way Preliminary Plan Public Improvement Record Plat Residual Tract Right of Way – Subdivision Minor Subdivision Major Subdivision Technical Review Committee (TRC)

7.1.80 Waivers

Requests for waivers shall be subject to the provisions of Chapter 11, Part 8 of the Land Development Code.

7.1.84 Major Subdivisions in the Suburban Workplace Form District

Major residential subdivisions within the Suburban Workplace Form District shall provide a 50 foot buffer strip with a six (6) foot berm and canopy trees as required by Chapter 10. No residential structure within the major residential subdivisions shall be allowed within 250 feet from the perimeter of the subdivision.

Exception: 250 foot setback is not applicable to portions of the subdivision that adjoin lots developed for residential use at a density equal to or greater than one dwelling unit per acre.

7.1.85 Subdivisions in Traditional Form Districts

Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the pre-existing nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.

7.1.86 Subdivisions for Utility Service Facilities

Where the Planning Commission finds that the subdivision of a lot for sale or lease to a utility for the purpose of installing a service facility will promote the public health, safety, or welfare, then the Planning Commission may approve the requested subdivision notwithstanding the fact that the resulting lots do not conform to the applicable requirements relating to area or width of the lot or relating to the size of any associated access easements. Any such subdivision shall be solely for the purpose of installing the utility service facility. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created is also substandard, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with the lot from which it was originally divided. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created does not become substandard by virtue of this division, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with an adjacent lot and that resultant lot is in a zoning classification that permits the proposed use.

NOTE: *Conditions of Approval on all subdivision plans shall remain applicable to the subject property after the subdivision plan expires.*

7.1.90 Previously Approved Subdivisions

The provisions of the Land Development Code shall apply to all major and minor subdivision applications filed on or after March 1, 2003 (LDC effective date). Subdivision plans (major and minor) filed with a complete application prior to March 1, 2003 shall be reviewed for compliance with the Subdivision regulations in effect at the time of filing.

Approved Preliminary Subdivision Plans that will expire before September 1,

2003 shall be deemed to expire one hundred eighty (180) days after the expiration date of the Preliminary Plan.

No extensions of expiration dates of Preliminary Subdivision Plans approved prior to March 1, 2003 shall be granted by the Planning Commission.

Exception: In the case of subdivisions being developed by sections, for the period within five years of

original approval of the preliminary plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section.

Upon the enactment of these regulations, the construction plans of subdivisions, which have previously received only preliminary plan approval, shall not be subject to the construction requirements of these regulations, provided approval of construction plans under applicable previous construction standards is obtained within one year after enactment.

7.1.91 Amendments to Recorded Plats (Major and Minor)

The Planning Commission shall have the power to amend any recorded plat at the request of any lot owner in the subdivision.

- A. If all owners whose property is subject to the recorded plat have acknowledged their consent to the amendment, Division staff may approve the amendment provided it is in compliance with all other applicable requirements. Parties shall acknowledge their consent, in writing, on forms provided by the Division.
- B. If all such owners have not acknowledged consent, no amendment shall be permitted until there has been reasonable notice given to all persons who may be affected by the record plat amendment and giving such persons a reasonable opportunity to express their objections or concerns.

The Land Development and Transportation Committee shall determine:

- 1. who may be affected;
- 2. who should be given notice;
- 3. the nature of the notice; and
- 4. the manner by which the opportunity to express objections or concerns will be accommodated.

The applicant shall be responsible for providing the Planning Commission with the names and addresses of those persons the Land Development and Transportation Committee determines shall be notified.

Chapter 7 Part 2 Procedures for Major Subdivisions

7.2.10 Pre-Application

Prior to formal application for major subdivision approval, the subdivider may present to Planning and Design Services for discussion a concept plan showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the subdivider. The subdivider or his agent, or the Planning and Design Services staff, may request a conference to discuss the requirements of the Commission and of other public agencies, the improvements and uses of the subdivision and any potential problems involved in the proposed subdivision. Prior to filing a formal application for a major subdivision, a letter shall be sent from the developer/owner to all first tier property owners, neighborhood groups that have registered with Planning and Design Services to receive notice of development actions, metro council district representative and to PDS staff stating that a subdivision is being proposed and announcing a public meeting held by the developer/owner to discuss the proposed project. On receipt of said letter at the PDS office any pre-application file shall no longer be confidential. At time of filing a major subdivision application, the applicant shall provide a summary of the public meeting between the applicant and the adjacent property owners. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed. The meeting shall be held no less than seven and no more than 30 days prior to filing the application.

7.2.15 Major Subdivisions Requiring Change in Zoning/Form District

The concept plan and pre-application conference are required when the subdivision application is accompanied by an application for a change of a zoning district map or a form district map with respect to any of the property within the proposed subdivision. See Chapter 11 Procedures for specific information regarding the process required for these applications.

7.2.20 Preliminary Plan Approval Process

The subdivider must receive Commission approval of a preliminary plan in accordance with the following procedure:

- A. **Formal Application and Submission** - The subdivider shall file an application for preliminary plan approval on a form supplied by the Division, signed by the property owner or his/her agent, and shall submit therewith a preliminary plan prepared in conformance with the requirements of Part 5 hereof. No application shall be accepted unless it is complete and accompanied by the appropriate review fee. Applications shall be accompanied by supporting material determined appropriate by the Planning Director. The list of required supporting materials shall be available from the offices of the Commission. In addition, technical studies required by other applicable sections of this Land Development Code, including traffic, air quality, and hydro-geologic analyses shall be submitted. Failure to submit all required material may result in delay of the application review. Staff of the Division may require submission of information, material and documents beyond that required Procedures for Major Subdivisions in this section as necessary to determine compliance with these regulations.
- B. **Distribution of Plan** - Upon receipt of the preliminary plan, the Division shall submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company. Notice of the proposed subdivision and date for the Technical Review Committee (TRC) meeting shall be provided to adjoining property owners and neighborhood groups that have registered to receive notice of development applications.
- C. **Staff Review** - The staff of the Division shall review the plan and shall consult with the affected cities, public agencies and utility companies to resolve any problems raised by the proposed subdivision. The staff shall

then present its recommendations and the reports of the agencies and companies to the subdivider and adjoining property owners at the TRC meeting.

- D. Administrative Approval - Commission action may be taken by the Director of the Division or any authorized staff member of the Division if the plan or revision complies with Chapter 6 Part 2 of these regulations and conforms to all zoning and form district regulations. Such action may not be taken until the expiration of the seven day petition period provided for in paragraphs 1 and 2, below. No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with any subdivision, zoning, form district or other regulation. Requested waivers and other items that are not appropriate for administrative approval shall be submitted to the Planning Commission or Committee of the Commission in accordance with paragraph 3, below.
1. Applicants may request LD&T review of TRC recommendations on forms supplied by the Division. Requests for review must be submitted within seven calendar days following the Technical Review Committee meeting at which the application is considered for approval. The request shall set out the item(s) for which the applicant is seeking LD&T review. The request will be considered for review at the first LD&T meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. Final action on the plan shall be taken in accordance with these regulations.
 2. Other persons may request LD&T review of TRC recommendations. Petitions shall be filed on forms supplied by the Division and must be submitted within seven calendar days following the Technical Review Committee meeting at which the application is considered for approval. The petition shall set out the item(s) for which the petitioner(s) is seeking LD&T review. Petitions will be considered for review at the first LD&T meeting following receipt of the petition, or at a later meeting if agreed to by the Applicant. The applicant and petitioner shall be notified of the review date and item(s) to be considered during the review. Final action on the plan shall be taken in accordance with these regulations.
 3. LD&T review of TRC recommendations shall address only specific items of the development proposal that:
 - a. do not receive a consensus recommendation through the TRC process,
 - b. are set out in a request for review by the applicant,
 - c. are set out in a petition request by other persons, or
 - d. are requested as waivers from current regulations.
 4. The proposed subdivision shall be reviewed and action taken within ninety days of receipt of the completed application and the preliminary plan, unless this time limit is waived, in writing, by the subdivider. Approval shall be valid for one year unless otherwise provided by the Commission, and extensions may be granted by the Planning Commission. The developer shall submit a letter justifying the request for extension. The Planning Commission may grant requests for extension of expiration of the preliminary plan if the Commission finds that exceptional circumstances or extraordinary hardship justify such requests.
 5. In the case of subdivisions being developed by sections, for the period within five years of original approval of the preliminary plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section. Beyond this five year period, an extension in accordance with Section 7.7.15 shall be required.

7.2.25 Site Disturbance Permit

No clearing of trees or ground cover, excavation or filling of land covered by a preliminary subdivision plan shall be performed except in accordance with a Site Disturbance Permit, issued in accordance with the

Erosion Prevention and Sediment Control Ordinance, or a Work Order issued pursuant to Section 7.2.35. A Work Order must be obtained prior to the placement of roadway fill. No trees, stumps, or other perishable materials shall be buried at any location where a road is to be constructed. Approval for site clearing and grading may be issued by MSD and the Director of Works. A plan depicting existing and proposed grade elevations, limits of disturbance and erosion and sediment controls in accordance with the Jefferson County Erosion Prevention and Sediment Control Ordinance shall be submitted to MSD, Public Works, and the Planning Commission for review and approval. No land disturbance may begin until a Site Disturbance Permit has been issued by MSD. Once a preliminary subdivision plan is filed, clearing and site disturbing activities shall be limited to site investigation work, until such time as the Preliminary Subdivision Plan and Site Disturbance Plan are approved.

If the subdivision construction entrance is accessed from a roadway classified as a local street, the subdivider or applicant shall post an Encroachment Bond with Public Works. The bond shall be for potential damage to existing public roads caused by hauling or other work performed in conjunction with the site disturbance. The bond amount shall be \$5,000 or greater as may be stipulated by the Director of Works. No bond shall be required for construction entrances located off collector or arterial level roadways.

7.2.30 Construction Plan

No construction of improvements for a subdivision shall begin until the subdivider has obtained a work order from the Director of Works, and no work order shall be issued by the Director of Works except in accordance with an approved construction plan, either for the subdivision in its entirety or for sections thereof, in accordance with the following procedure:

- A. Time Limit - The construction plan shall be submitted to MSD and the Director of Works within one year of approval of the preliminary plan, unless an extension of approval is granted by the Commission prior to expiration.
- B. Preparation - The subdivider shall have the construction plan prepared by an engineer and land surveyor in conformance with the requirements of Part 4 and 6 and any variances and waivers which have received prior Commission approval in accordance with Sections 7.1.40 and 7.1.90.
- C. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:
 1. Director of Works
 2. Metropolitan Sewer District
 3. The fire chief of the district having jurisdiction over property
 4. Health Department
 5. Utilities providing water, gas, electricity, and telephone service
 6. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.
- D. Action Taken on Plan – Within 90 days of submittal of the construction plan and following notification of approval of the plan by M.S.D., the Director of Works shall take action on behalf of the Commission and shall notify the subdivider in writing of his action. The action of the Director of Works shall take one of the following forms:
 1. Approval - The plan may be approved as submitted. A copy of the approved construction plan shall be submitted to the Planning Commission. Approval of the plan shall be valid for one year and extensions of approval may be granted by the Director of Works. Construction may not proceed without a work order issued by the Director of Works in accordance with the approved plan. The subdivider's request

for a work order shall be submitted to the Works Department and MSD no less than five working days prior to the day on which construction is intended to begin.

2. Disapproval - The plan may be disapproved and the Director of Works shall state, in writing if requested by the subdivider, his reasons for disapproval. The subdivider must then submit a new construction plan if he wishes to create the subdivision.

7.2.35 Conditions of Permit/Work Order and Authority of Inspectors

It is a condition of the issuance of a Site Disturbance Permit or a Work Order that the property and operations on it be open to inspection by the Director of Works, MSD, and the Director of Planning and their authorized agents or representatives at all times and that the subdivider and his agents shall abide by any order of said inspector(s) for the purpose of assuring conformance with approved plans. Application for such Permit or Work Order and any operations pursuant thereto shall be deemed to constitute consent to these conditions. Refusal to abide by an order of an authorized inspector or to allow the required inspection shall be a violation of these regulations. Further, willful or persistent failure to abide by such orders shall constitute just cause for the respective director to refuse construction approval and issue a stop work order for the particular subdivision, in addition to any other remedies available.

7.2.40 Record Plat

Before transferring title to any portion of a subdivision a record plat must be recorded. The subdivider shall obtain Commission approval to be shown on the record plat prior to its recording. Approval may be obtained in accordance with the following procedures:

- A. Formal Application and Submission - The subdivider shall file formal application for subdivision approval on a form supplied by the Commission and shall submit therewith a record plat prepared by a land surveyor in conformance with the requirements of Part 7. If application for a record plat can not be submitted within one year of construction plan approval, extension of expiration date must be requested and obtained from the Commission.
- B. Review
 - 1. The staff of the Commission shall review the plat and approval may be given by any authorized staff member if the plat is in accordance with the approved preliminary plan.
 - 2. Land Development and Transportation Committee Review - The Land Development and Transportation Committee may approve a plat if it is not in conformance with the approved preliminary plan or if waivers are requested. The Committee may request Commission action when it is deemed appropriate.
- B. Commission Action - Within 90 days of receipt of the record plat, the Commission shall take action on the plat and notify the subdivider in writing of its action. Commission action shall take one of the following forms:
 - 1. Approval - The Commission may approve the plat as submitted. The Commission shall certify its approval on the face of the plat so that it may be recorded in the office of the County Clerk of Jefferson County.
 - 2. Conditional Approval - The Commission may approve the plat conditionally and require amendments to the plat before granting full approval. If the subdivider does not submit an acceptable amended plat within 90 days of submission of the original plat, the plat shall be deemed to be disapproved by the Commission.
 - 3. Postponement - The Commission may postpone its decision pending further study of the plat, but in no event shall its decision be postponed more than 90 days after submission of the plat.
 - 4. Disapproval - The Commission may disapprove a plat and shall state in writing its reasons for disapproval. The subdivider must then reapply if he wishes to create the subdivision.

7.2.45 Subdivider's Commitment and Bond Requirement

Before Planning Commission approval may be shown on the record plat for recording, the subdivider shall deliver to the Director of Works the following items:

- A. Subdivider's Commitment - The subdivider shall be responsible for the installation, good repair and proper functioning of all improvements, including private roads, required by the approved construction plan and the installation of all reference monuments required by the record plat. Installation shall begin within a year after approval of the record plat, or within any one year extension granted by the Director of Works, and shall proceed in a manner which, in the judgment of the Director of Works, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the subdivider, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the subdivider shall continue until the Director of Works, acting on behalf of the Planning Commission, has granted a release pursuant to Section 7.2.60. The required installations shall be completed and properly functioning within five (5) years from the date of which construction plans are approved, unless an extension is requested by the subdivider and approved by the Director of Works in writing. If eighty percent (80%) of the lots do not have a completed structure on them, the subdivider may request that the Director of Works, also acting on behalf of MSD, waive the eighty percent (80%) requirement and notify the Planning Commission of such waiver. If the waiver is granted, the subdivider or design engineer, acting on behalf of the subdivider, shall initiate the bond release process by sending a written request for bond release inspection to Public Works, MSD, the Health Department, and the local fire protection district. At any time after the date of approval of the record plat, the subdivider shall abide by any time limits which the Director of Works may specify in writing. This obligation shall be evidenced in writing signed by the subdivider on forms provided by the Director of Works.
- B. Security Required - There shall be filed with the Director of Works a bond instrument(s) approved by the Planning Commission and in the amounts determined by the Director of Works and MSD to insure fulfillment of the subdivider's commitment as set out above. Reduction of bond requirements shall not alter the subdivider's liability for fulfilling the obligations set out in Section 7.2.45 (1).

7.2.50 Reduction of Bond Amount

The amount of bond may be reduced by the Director of Works, on the recommendation of MSD and acting on behalf of the Planning Commission one time only. No bond shall be reduced below an amount necessary to insure the installation of remaining improvements and the good repair and proper functioning of all improvements at the time when eighty percent (80%) of the lots shown on the record plat have primary structures built on them and appropriate measures taken to prevent erosion and siltation. The reduced amount shall be determined by Public Works and MSD upon construction of the internal roadway infrastructure. The design engineer shall submit a certificate as set forth in Part 9.35 to Public Works and MSD.

7.2.55 Bond Instruments

The subdivider shall post a bond instrument with Public Works to insure proper installation of the road and drainage improvements. In addition, the subdivider shall post an encroachment and/or clearing and grading bond with Public Works and/or MSD. The bond instrument may be in the form of a letter of credit or certificate of deposit with a properly executed assignment and notice, in the total bond amount. If the subdivider posts a surety bond, \$3,000 of the total bond amount must be in the form of a letter of credit or a certificate of deposit with a properly executed assignment and notice.

7.2.60 Subdivider's Release from Guaranteeing Proper Functioning

A subdivider may request a release from responsibility for the good repair and proper functioning of required improvements by the Planning Commission in accordance with the following procedures:

- A. A written request for release shall be submitted to the Director of Works with copies sent to Metropolitan Sewer District, the Board of Health, the agency or official having jurisdiction with respect to fire protection, and the Mayor or designee if the subdivision is located within an incorporated city. This release may be requested after primary buildings have been built on 80% of all lots shown on the record plat and the street improvements (public and private), drainage facilities, but not including sidewalks on unimproved lots, have been installed in a good and workmanlike manner and are functioning in accordance with the approved construction plans.
- B. After eighty percent (80%) of the lots shown on the record plat have primary structures built on them, the subdivider may request bond release. Upon receipt of a written request from a subdivider, the appropriate agencies must inspect the subdivision and inform the subdivider in writing of approval or deficiencies within thirty (30) days. If deficiencies are noted, the subdivider shall have forty-five (45) days to complete the repairs and request re-inspection. The agency shall re-inspect and advise the subdivider of approval or further deficiencies within two weeks. Each agency shall provide original inspection reports and release approvals to Public Works. If the subdivider disagrees with the written comments received, an appeal may be filed with the Planning Commission. The Commission shall review this request through the Land Development and Transportation Committee.
- C. Upon obtaining a written release from all appropriate agencies, the Director of Works may release the subdivision bond completely or reduce the bond to an amount necessary to insure the installation of sidewalks, related drainage and any other right-of-way and easement improvements. This bond shall be considered as if it were a separate bond designed solely for that purpose to be released by the approval of the Director of Works with the approval of the appropriate agencies. If a sidewalk only, pavement only, or drainage only bond is required, it shall be of a limited time period to insure that all such improvements are constructed and fully functioning within two years of date of said bond. The eighty percent (80%) figure referred to above may be increased or reduced by the Director of Works, as specified in Section 7.2.45 (1).

7.2.65 Builders Commitment

A builder on any lot in the subdivision shall be responsible for the good repair and proper functioning of all installed improvements required by the approved construction plan and installed reference monuments required by the record plat and shall proceed with construction in a manner which is satisfactory to the Director of Works and the subdivider, and which does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works or that of the subdivider with respect to the manner of construction may not be questioned in any judicial proceeding by any one except the builder, but said judgment when exercised in favor of the builder, shall not constitute a defense to the builder in a judicial action against the builder by a complaining property owner. An applicant for a building permit shall execute and deliver written evidence of his awareness and commitment to fulfill this obligation on forms approved by the Director of Works.

The builder of each lot in a subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Composite Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in an easement or right-of-way.

7.2.70 Builder's Bonds Required

At the time of the subdivider's release from guaranteeing proper functioning of required improvements pursuant to Section 2.60, each builder is required to post with the Director of Works and/or M.S.D. a Builder's Bond prior to the issuance of the building permit to insure the fulfillment of the obligations set out

in Section 7.2.65 and to insure compliance with the tree canopy requirements and sidewalk requirements in accordance with Part 4. The bond shall be in the amount of \$2,500.00 or an appropriate amount as determined by the Director of Works, the Director of Planning, and/or M.S.D. In the event a building permit has been issued on unimproved lots that are sensitive to generation of drainage related damages to existing development at the time of release of the subdivider's performance bond, a \$2,500.00 bond or an appropriate amount shall be posted on those lots by the builder. "Unimproved lots" refers to those on which no primary building has been constructed.

7.2.75 Release of Builder's Bond

Application for release of a builder's bond (7.2.70) may be made by filing a certificate with the Planning Commission and the Director of Works or M.S.D. in conformance with Section 7.9.42 bearing notice that false statements made therein are punishable. Within 60 days of receipt of application for release of a builders bond, the Director of Planning, Director of Works or M.S.D. may make an inspection of the subdivision and shall grant the release where it appears to his reasonable satisfaction that the required improvements are installed and are in good repair and functioning properly on and adjacent to the lot and that there is no reason to believe that construction on the lot has or will cause malfunctioning of installed improvements in other areas.

7.2.80 Property Owner's Obligation

It is the obligation of a property owner in the subdivision not to damage, alter or destroy the required improvements or reference monuments and not to allow any condition or activity on his property that will impair the proper functioning of the required improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violations which may be enforced in the same manner that mortgages are enforced, in addition to other remedies available.

7.2.85 Enforcement and Remedying of Obligations

If, at any time following the period allowed to the subdivider to complete his obligations (7.2.45 (1)), the Director of Works and/or MSD finds that the required improvements and reference monuments have not been installed or that they are not in good repair or that they are not functioning properly and also finds that it does not appear to his satisfaction that they will be completed within a reasonable time considering the potential for harm, inconvenience or annoyance to others, he shall recommend that the Planning Commission declare the obligation of the subdivider, as well as the obligation of any others who may appear to him to be responsible, to be in default.

Upon declaration of default, the Director of Works and/or MSD shall collect such amounts from bonds or otherwise as is required to remedy the default. In the event that amounts available from bonds are sufficient to cover the costs of remedying the default, such bonds shall be collected and used in full or in such proportion as the Director of Works or MSD determines to be just and equitable based upon apparent responsibility therefor. Anyone claiming to be aggrieved by such determination shall have as his exclusive remedy a cause of action for contribution or indemnity against the parties responsible for the default. The determination of the Director of Works or MSD shall not be used as evidence in support of or against responsibility in such cause of action, and he shall not be made a party thereto.

In the event that the Planning Commission has authorized bond forfeiture for any section(s) of a subdivision for which the applicant is responsible, no additional sections of the subdivision may be recorded until such time as the Metro Public Works Department notifies the Planning Commission that the roadway and drainage improvements for the previously recorded section(s) in accordance with the approved construction plans have been completed.

Chapter 7 Part 3 Standards of Designs for Major Subdivisions

7.3.10 Streets

- A. In or adjoining any major subdivision of land hereafter proposed, access from new lots or a new street connecting an existing street shall not be approved unless the Planning Commission, with input from the Director of Works, determines that the subdivision will be served by an adequate street network. In order to be considered adequate, the street or combination of streets providing most direct means of access to an arterial level street shall have a minimum roadway width of 18 feet of pavement. The Commission may determine, based on input from the Director of Works, that the traffic flow associated with a proposed subdivision will utilize more than one route to one or more arterial streets. As a result of such determination, the Planning Commission may require that more than one route (street or combination of streets) must have a minimum roadway width of 18 feet. In addition to the roadway width, the Planning Commission may require other off-site improvements to correct conditions that would impede the safe flow of traffic associated with the new subdivision. Subdivisions that create no more than five lots of five acres or more each are not subject to the requirements of this paragraph. (Arterial level streets are shown on Core Graphic 10: Roadway Classifications and Projected Corridors). The provisions of this paragraph shall not apply to roads that are Designated Roads under the System Development Charges for Roadways Ordinance [insert LMCO citation].
- B. Continuation of existing streets. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

7.3.20 Blocks

All new blocks created by any major subdivision of land hereafter proposed shall conform to the following standards of design:

- A. Pedestrian Access - Sidewalks bisecting non-residential blocks may be required within non-residential blocks where necessary to improve pedestrian circulation by providing more convenient access to schools, parks, shopping, etc., than is possible with sidewalks within the street right-of-way. Such walkways shall have an easement width of at least ten feet.
- B. Mid-block Walkways - When residential blocks are over 800 feet in length, a walkway bisecting the block and dedicated to public use not less than ten feet wide, may be required to provide proper access to schools, playgrounds, shopping centers and other facilities.

7.3.30 Lots

All new lots created by any major subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning regulations and shall also conform to the following standards of design:

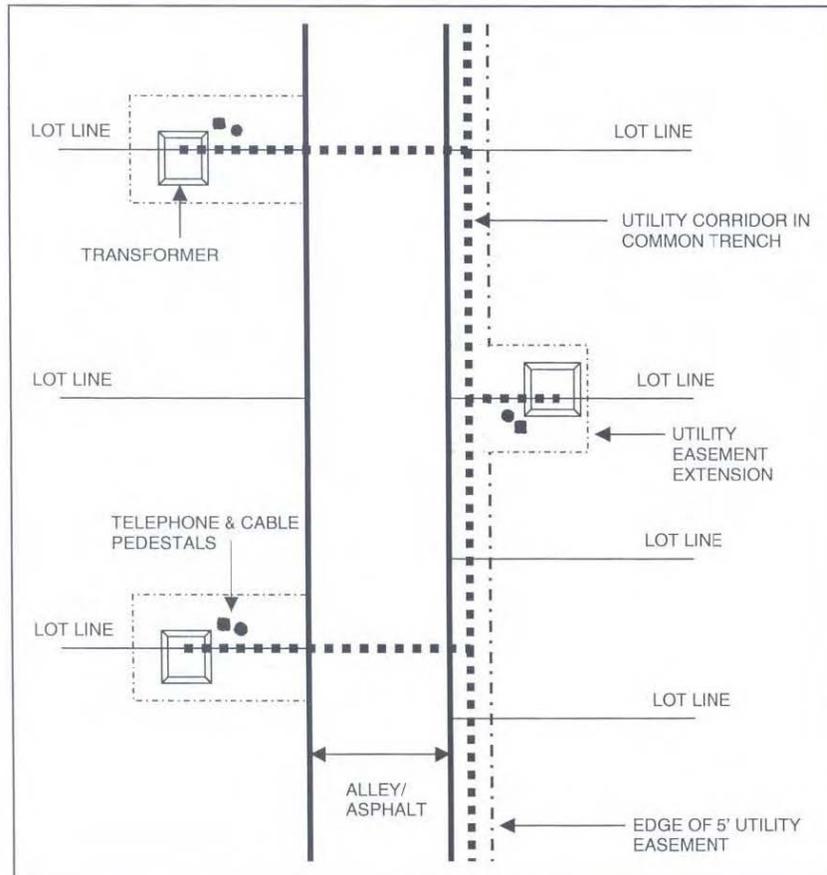
- A. Shape of Lots - Pointed or very irregularly shaped lots (for example: flag lots, very narrow or shallow lots, curvilinear or triangular shapes) shall be avoided where possible. Additional depth or landscaping may be required on lots which back up to railroads, major streets, or other conflicting land uses.
- B. Access - All lots for detached houses shall abut a public street.
- C. On Lot Sewage Disposal Systems (Septic Tanks) - Lots that are served by a septic tank or other means of on-lot sewage disposal shall meet the requirements of the Louisville and Jefferson County Department of Health.

- D. Environmentally-Constrained Areas - Subdivisions that contain environmentally-constrained area as defined in Chapter 4 Part 6 Development on Sites with Environmental Constraints, shall be developed in accordance with applicable development standards (See Parts 4.7, 4.8 of the Land Development Code).
- E. No more than fifteen percent (15%) of a required rear yard of a buildable lot may be occupied by a detention basin or a retention basin or any other drainage easement.
- F. Buffer Yard - A 15 foot buffer yard shall be provided along the section of property boundary of a proposed subdivision when adjacent to a large residentially zoned lot (containing 5 acres or more in size) and as further specified below:
 - 1. The new subdivision is proposed within an R-1, R-2, R-3, R-4, R-5 or R-5A zoning district.
 - 2. No more than 50% of the buffer yard may overlap with a utility easement.
 - 3. Where the buffer yard contains trees of at least four (4) inches in caliper, it shall be designated a Tree Canopy Protection Area (TCPA) and no utility easements shall be permitted to encroach the TCPA.

7.3.40 Easements

- A. All easements shall conform to the following standards of design:
 - 1. Utility Easements – An easement for utilities, at least ten feet wide, may be required along any lot line or across lots whenever necessary to provide for extension of utility lines. (See 5. below for exception for utilities serving urban infill.)
 - 2. Slope Easements – Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, slope easements on such adjoining property shall be required.
 - 3. Sewer and Drainage Easement – Whenever necessary, sewer and drainage easements shall be provided in accordance with MSD Design Criteria.
 - 4. Flood Plain Easement – Whenever necessary, flood plain easement shall be provided in accordance with MSD Design Criteria.
 - 5. Exception – Major residential subdivisions in the Traditional Neighborhood Form District and having lots that are served by alleys shall provide a common utility easement that parallels the alley and includes periodic extensions of the easement to accommodate transformers and pedestals. The frequency of periodic easement extensions shall be determined by the appropriate utility agency(ies). (See Fig. 7.3.1)

FIGURE 7.3.1 Urban Alley/Utility Corridor



7.3.50 Reservation of Public Areas and Roadways

Where a park, school, playground, or areas for other public uses shall be provided in the subdivision in accordance with the Comprehensive Plan, including future roadways shown in the Comprehensive Plan with specific location determined by the Director of Works, such areas shall either be dedicated to the proper public agency or it shall be reserved for acquisition by the appropriate agency within two years of approval of the preliminary plan.

7.3.70 Tree Canopy

All new subdivisions shall indicate the means by which requirements of Part 10.1, Tree Canopy Regulations, shall be met. If existing trees will be used to satisfy the minimum canopy standards, the location shall be shown in relation to areas of site disturbance, including roadways, utility lines, and drainage facilities.

Chapter 7 Part 4 Minimum Improvements for Major Subdivisions

7.4.10 Required Physical Improvements

In any subdivision of land hereafter proposed, the subdivider shall provide improvements as specified in Chapter 6, Access Management and Streets and Rights-of-Way.

7.4.20 Utility Services

Before the record plat is approved, or alternatively, before the performance bond is released, the subdivider shall obtain installation of all utility services required hereunder.

- A. Water Supply - All new subdivisions shall include public water mains that meet the minimum standards of the Louisville Water Company and Section 150.069 of the Jefferson County Code of Ordinances (Fire Hydrants). These standards may include but are not limited to, size of water mains, flow capacity of mains, fire hydrant locations, primary feed for a new development, etc. Prior to being placed in service, the water mains must be accepted by the Louisville Water Company.
- B. Fire Hydrants - Fire hydrants shall be provided as required by Sec. 150.069 of the Metro Louisville Code of Ordinances (or successor regulation). All fire hydrants and water lines shall be in accordance with the standards of the Louisville Water Company.
- C. Power Supply - All subdivisions hereafter proposed shall be provided with an adequate power supply system.

7.4.30 Sanitary Sewage

The method of disposal of sanitary sewage shall be the requirements of the Louisville and Jefferson County Board of Health in coordination with the Metropolitan Sewer District and the Kentucky Department for Natural Resources and Environmental Protection. When a subdivider constructs a sewage disposal plant, he shall provide for maintenance thereof until taken over by a public agency.

(See Chapter 4.2.45, Conditional Uses, of the Land Development Code for Sewage Disposal Plants).

7.4.40 Reference Monuments

Before the record plat is recorded, the subdivider shall install permanent reference monuments. The reference monuments shall be installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments shall be installed at all control points of the roadway at the right-of-way lines of the subdivision or subdivision section. These points shall include but are not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent). Every monument set by a Land Surveyor shall be of a substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier, as required by the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors. Any permanent markers now in place shall remain in lieu of new monuments. Notice of compliance in writing shall be given to the Planning Commission prior to recording a section.

Before the Performance Bond is released, the reference monuments shall be installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments shall be installed at all control points of the roadway at the right-of-way lines of the subdivision or subdivision section. These points shall include but are not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent). These monuments shall conform to the standards set out above.

Chapter 7 Part 5 Preliminary Plan for Major Subdivisions

7.5.10 Format and Materials

The preliminary plan shall be drawn on paper or other media approved by Division staff at a scale of not more than one hundred feet to the inch. Sufficient copies, as required by the Division's application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, Division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. The plan shall contain a seal from a professional authorized by their accrediting agency as established in the Kentucky Revised Statutes to produce preliminary subdivision plans.

7.5.20 Legend Information

The preliminary plan shall contain a "key/interpretive guide" to symbols used in the plan.

7.5.30 Easements and Public Areas

The preliminary plan shall show:

- A. The proposed street layout for the subdivision including right-of-way width, curve radius, ingress and egress, and temporary street names.
- B. The names and locations of all existing streets and easements located in and adjacent to the subdivision. Identify all existing entrances and drives and indicate proximity to proposed subdivision entrance.
- C. The location of existing utility easements and structures in the subdivision, and at the entrance(s) to the subdivision. The location of proposed sewer and drainage easements in the subdivision. Identify existing fire hydrant locations within 400 feet of the proposed development.
- D. The location of existing and proposed parks, existing tree masses and tree masses to be preserved, public spaces, common open spaces, retention basins and drainage easements. Identify existing railroads, historic structures, cemeteries, buildings and governmental boundaries, if any, in the subdivision.
- E. Features on adjacent property which might affect the design of the subdivision.
- F. Designated landscape buffer areas and other buffer areas as required by the Zoning and Form District Regulations and in compliance with Chapter

7.5.40 General Information

The preliminary plan shall show:

- A. The name(s) of property owner(s) and the tax block(s) and lot number(s) for all Parcels that are contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.
- B. The boundaries of the proposed subdivision.
- C. Lot layout for the subdivision including lot numbers, front and street side building limit lines if different than the required yards of the zoning district, and dimensions.
- D. The location, ownership, deed book and page number of all adjoining property.
- E. Elevation and description of the bench mark used.
- F. A north arrow, written and graphic scale.
- G. Existing contours at intervals of not more than two feet based on field data referred to U.S.G.S. sea level datum in sufficient detail to show the general character of the land.
- H. Portions of the site having slopes of 20% or greater, and 30% or greater. I. The proposed use of all the land

in the subdivision, including reserved areas and the acreage of each.

- J. A key map showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
- K. Existing streams, flood plains, and drainage facilities, and a description of the proposed drainage facilities, including downstream drainage.
- L. All roadway grades in excess of 10% shall have roadway profiles and cross-sections at 50 foot intervals submitted with preliminary subdivision plans.
- M. The location of all existing and proposed sidewalks.
- N. Gross and net acreage and density.
- O. Zoning and Form district(s).
- P. Compliance with Tree Canopy requirements.

7.5.50 Title Block

The preliminary plan shall contain a title block in the lower right hand corner of the plan, showing the title of the proposed subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the person or firm preparing the plan, date of preparation, the scale, and date of all revisions. The title block shall also contain current and proposed zoning and total number of lots.

7.5.60 Graphics

The following lines and symbols shall be used when drawing the preliminary plan:

Heavy, solid	Enclosing all land included in the subdivision and any existing lot lines to remain
Medium, solid	Proposed lot lines of new tract or lot
Light, solid	Street or right-of-way lines and adjoining property line stubs
Light, dot-dash	Center lines of streets or rights-of-way
Light, short-dash	Easement boundaries
Tie-lines (Light, long-dash)	Showing proposed consolidation of lots or parcels to form new tracts and any existing lot lines to be removed
Line breaks	Used to shorten straight lines on plat

Chapter 7 Part 6 Construction Plan for Major Subdivisions

7.6.10 Format and Materials

The construction plan shall be submitted to the Director of Works, in accordance with the established specifications for format, material and number of copies.

7.6.20 Cover sheet

The construction plan shall include a cover sheet containing:

- A. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
- B. A title block, showing the title of the subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the engineer or engineering firm preparing the plan, the date of preparation, the scale, a graphic scale and the date of all revisions.
- C. An original engineer's seal and signature.

7.6.30 Approved Preliminary Plan

The construction plan shall include a copy of the approved preliminary plan.

7.6.40 Composite Drainage Plan

The construction plan shall include a composite drainage plan showing all improvements, including all proposed streets, easements, parks, storm sewers, ditches, hydraulic calculations, reserved areas and lot drainage and existing drainage areas designated in acres contiguous to the subdivision. This plan shall bear the engineer's seal and signature.

7.6.50 Plan View and Profile

The construction plan shall include a plan view and profile of all streets, ditches and swales in easements, paved rights-of-way and special ditches, and details of all structures, which are a part of the physical improvements in the subdivision. The plan view and profile shall include as many sheets as are necessary to show adequately all improvements. Each sheet shall contain a plan view and a profile, and it shall show the page number and the number of pages. Each sheet shall contain the engineer's seal and signature; however, the engineer's seal and signature shall not be required for the information described in part 1(h) below.

- A. The plan view shall show:
 - 1. The title of the subdivision
 - 2. The north point
 - 3. The latest revision date
 - 4. The name or designation and right-of-way and pavement widths of each street
 - 5. The centerline of each proposed street, with stationing to one-hundredths of a foot at points of intersection; points of tangents, points of curves and street intersection, together with deflection angles, degree of curves, radii of curves, sub-tangent lengths and lengths of curves
 - 6. All proposed drainage structures, including manholes, catch basins, junction boxes, pipe storm drains, ditches and other drainage facilities, including headwalls
 - 7. The size, type and location of existing and proposed easements
 - 8. Landscape buffer area, as specified in Chapter 10 Part 2 of the Land Development Code, Woodland

Protection Area and existing Tree Canopy to be preserved as required by Chapter 10 Part 1.

9. Location of bench marks with elevations referred to U.S.G.S. sea level datum
 10. A typical section of road
 11. Adjoining streets, drainage ways, or drainage structures affecting the design of the Subdivision
 12. Details of structures requiring special design
 13. Soundings if required
 14. Environmentally-constrained areas as defined in Chapter 4 Part 6
- B. The profile shall show:
1. Proposed road grades, designated by solid lines, with percent of grade and lengths of vertical curves
 2. The elevations of proposed road grades to one-hundredths of a foot every 100 feet on uniform grades, every fifty feet on vertical curves, and at the center of all street intersections
 3. The elevations and grades, of proposed roadway ditches not conforming to road grades
 4. The elevations, length and grades of other existing and proposed ditches, drainage structures, manholes, catch basins, junction boxes, pipe storm drains, and other drainage facilities, including headwalls
 5. Stationing, to be shown along the bottom of each sheet
 6. The original ground and final grade elevations, lettered at the proper station along the bottom of each sheet
 7. The profile and stationing of adjoining roads, and all pertinent information on the alteration of all existing ditches or drainage
8. Cross section of proposed ditches

7.6.60 Cross Sections and Details

The construction plan shall include:

- A. Cross Sections of proposed roadways at intervals of fifty feet or the equivalent thereof where special conditions exist as requested by the Director of Works.
- B. Cross sections at five foot intervals on abutting existing roadways showing roadways existing ditches, proposed ditches, and proposed sidewalk locations.
- C. Details of typical catch basins, manholes, drainage structures, junction boxes, and other incidental structures.

7.6.70 Certificate of Engineer/Land Surveyor

Any revision on the construction plan during construction shall be pre-approved by the Director of Works and MSD. Following inspection of all improvements as built, including private roadways, the engineer/land surveyor shall submit a certificate in compliance with Section 9.40 and 9.41 hereof. The Director of Works and/or MSD may require as-built construction plans on an as needed basis prior to subdivision bond release.

7.6.80 Reference Monuments

If the as-built plan has already been approved, a current certificate that all reference monuments have been installed shall be included.

Chapter 7 Part 7 Record Plat for Major Subdivisions

7.7.10 Format and Materials

The record plat shall be prepared and certified by a Land Surveyor and shall be drawn with waterproof ink or photographed on permanent reproducible material at a scale of not more than one hundred feet to the inch or a computer generated plat with lines and symbols equivalent in weight to those required in Section 7.70. If more than one sheet is required, a key plat shall be shown on all sheets. The original and two prints shall be submitted to the Commission. No sheet of the record plat may exceed 24 inches by 36 inches, unless the County Clerk has agreed in writing to record it, and is approved by the Planning Commission. A two-inch by three-inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

7.7.15 Timeframe

The record plat shall be in conformance with the approved preliminary plan. If the record plat is not recorded within one year of the construction plat approval date, the developer may request a one-year extension of expiration date for the construction plan from the Director of Works. The developer shall submit a letter justifying the request for extension to the Director of Works, with a copy provided to the Planning Commission.

7.7.20 General Information

- A. All dimensions shall be expressed in U.S. Survey feet and decimals of a foot.
- B. Number of lots, written and graphic scale, a north arrow, designated meridian, and building limit lines shall be shown.
- C. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

7.7.30 Easements and Public Areas

The record plat shall show the names, location and widths of all streets and other areas to be dedicated to the public use and all easements to be dedicated for the installation and maintenance of utilities, all fully dimensioned, showing the angles of intersection of streets and the radii, chords, point of tangency, sub-tangent lengths and central angles for all curvilinear streets, and the radii of all rounded corners, and shall also contain notations concerning the dedication, reservation and use of such public areas and easements and reference to the status of such areas adjacent to the subdivision.

7.7.35 Names

All private streets, frontage roads or ingress/egress easements which provide the principal means of access to residential, commercial, industrial, or other properties or buildings and/or do not have public roadway frontage shall be named on the record plat, unless exempted by Section 6.3.5 of the Land Development Code. All public streets shall be named on the record plat. A street which is obviously a continuation of an existing street shall bear its name. No street name shall duplicate or closely approximate the name of an existing street in Jefferson County. Street names shall be assigned in accordance with Chapter 6 Part 3.

7.7.40 Required Information - The record plat shall show:

- A. The boundaries of the property proposed for subdivision, including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and the tax block(s) and lot number(s) for all parcels contained within the boundaries of the proposed subdivision as identified from Property Valuation Administrator's current maps and records.
- B. The names and widths of all adjoining streets and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties.

Ownership shall be identified by an owner's name and a deed book and page number or an owner's name and plat book and page number.

- C. Lot numbers, lot lines, front and street side building limit lines if different than the required yards of the zoning district, all fully dimensioned, bearings and distances of non-parallel lot lines, and square footage or acreage of each lot.
- D. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of each section. All permanent monuments set as a result of a boundary survey must be based on survey monuments established and published by the National Ocean Service/National Geodetic Survey or LOJIC, and must be tied to the Kentucky Coordinate System(North Zone) North American Datum of 1983. All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information.
- E. The location of the 100 year flood elevation shown as an easement designated by ... - ... - ... - ... - .
- F. A key map, showing the relative location of the proposed subdivision to the nearest existing arterial street intersection.
- G. Landscape buffer areas and other regulatory buffers as required in Chapter 5 and Chapter 10 of the Land Development Code.
- H. All waivers and variances granted by the Planning Commission.
- I. Deed book and page number of the deed of restrictions applicable to the subdivision, if any.
- J. Provisions to comply with Tree Canopy requirements.

7.7.50 Certificates and Title Block - The record plat shall contain:

- A. A certificate of ownership and dedication in compliance with Section 9.10 hereof, and an accompanying certificate of acknowledgment in compliance with Section 9.20 hereof.
- B. A land surveyor's certificate in compliance with 9.30 hereof.
- C. Certificates of reservation in compliance with Sections 9.50, 9.60 and 9.70, 9.75, 9.76, and 9.93 hereof, if applicable.
- D. A title block, in the lower right hand corner of the plat, showing the title of the subdivision, the name and address of the owner, the name and address of the subdivider, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale. For an amended or corrective record plat, the title block should show the purpose of the plat and the plat book and page number of the recorded plat that is being amended.
- E. A certificate of approval in compliance with Section 9.80 hereof.

7.7.60 Notice of Legal Requirements - the record plat shall contain:

- A. Notice of the obligation set out in Section 2.80 in the following form:

Property Owner's Obligation

Certain improvements in this subdivision are required by the Metropolitan Subdivision Regulations as specified by an approved constructed plan on file in the office of the Director of Works. It is the obligation of every property owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation which may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine.

- B. Notice of Bond Requirement set out in Section 2.70 in the following form:

Notice of Bond Requirement

After construction approval and release of the undersigned subdivider's bond by the Louisville and Jefferson County Planning Commission, the owner of any lot may be required to post a cash bond as a condition of obtaining a building permit pursuant to Section 2.70 of the Metropolitan Subdivision Regulations.

- C. Notice of the builder's obligation set out in Section 2.65 in the following form:

Builder's Obligation

The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Composite Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in the easement or right-of-way. In addition, the builder shall construct sidewalks and plant trees in accordance with the construction plan, the landscape plan, and all applicable regulations.

7.7.70 Graphics

The lines and symbols identified in Section 5.60 shall be used when drawing plats.

Chapter 7 Part 8 Minor Subdivisions

7.8.10 Procedure

Any person desiring to create a minor subdivision shall submit to the Commission for approval an application on forms provided by the Division, and a record plat in conformance with the requirements of Section 7.8.11 and Section 7.8.20 prepared by a professional land surveyor. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. No application shall be accepted unless it is complete and accompanied by the appropriate review fee.

7.8.11 Agency Review

The subdivider shall submit to the following agencies copies of the minor subdivision plat for approval. Approval shall be in the form of a stamp from the appropriate agency on the back of the plat. Agency review will include the following:

- A. Appropriate agency responsible for transportation review for the subject property.
- B. Metropolitan Sewer District. (All property, regardless of location.)
- C. Jefferson County Environmental Health and Protection. (Property served by on-site sewage disposal systems.) If lots are served by on-site sewage disposal systems (existing or proposed) they shall meet the requirements of the Louisville and Jefferson County Board of Health.
- D. The fire chief of the district having jurisdiction over the property where any of the following apply:
 1. A new lot is being created unless:
 - a. The plat is a “buy-down” minor plat to record and/or develop a section of an approved major subdivision preliminary plan; or,
 - b. The lots involved are located in any major subdivision approved after October 8, 1991 (effective date of Jefferson County Kentucky Code of Ordinances, Section 150.065 - 150.073)
 2. A new lot is being created on private access easement and the new lot has no access from a publicly dedicated roadway.
 3. The minor plat crosses the Jefferson County Line.
 4. The property is located within a fire protection district other than the Louisville Division of Fire District or its successor.
- E. For minor subdivision plats that show roadways, structures or other encroachments into an easement, documentation of notice to the easement holder shall be submitted. Approval by additional agencies may be required if special circumstances warrant.

7.8.12 Administrative Approval

Commission Approval may be given by the Director of the Division of Planning and Design Services or any authorized staff member of the division when all of the following criteria are met:

- A. The existing tract, parcel, or lot is subdivided into not more than five tracts, parcels or lots including any remainder proposed to be retained by the owner(s);
- B. The existing tract was lawful under these regulations at the time the property description was recorded;
- C. The existing tract(s) have not been the subject of a previously approved preliminary plan for a residential subdivision.
- D. The subdivision does not include the dedication of a new public street or change in an existing public street;

- E. All resulting lots have frontage on an existing public or private street with pavement at least 18 feet wide, except that roads serving no more than 5 lots of 5 acres or more may be 12 feet wide with 3 foot shoulders on each side; provided, however, that the provisions of this subparagraph shall not apply to roads that are Designated Road under the System Development Charges for Roadways Ordinance [insert LMCO citation];
- F. The subdivision can satisfy these regulations and other applicable ordinances and statutes without the construction of streets, water facilities, storm drainage facilities or other improvements except as necessary to directly serve the lots created and to provide a direct connection to an existing and approved system;
- G. The subdivision is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations, and no substandard tracts, parcels, or lots will be created;
- H. Adequate provision will be made for access to a public roadway. If a private street is to be used, provisions for maintenance, acceptable to staff and Commission legal counsel, will be placed on applicable recorded documents;
- I. Along all road frontages, the plat dedicates additional right-of-way of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public roadway as indicated on the County Thoroughfare Plan or the Official Map and as prescribed in Chapter 6 Part 2 of the Land Development Code;
- J. Private roadways (e.g. access easement) and related facilities serving uses other than single family residential meet the requirements of Chapter 6 Part 2. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

Minor plats involving the following conditions are also eligible for approval by staff:

- K. Amending a record plat for minor corrections/shifting of lot lines; for revisions to lot lines where all signatures of adjoining property owners are obtained; for revisions to easements where consent letters from utility companies are received; or for revisions to building limit lines where a variance has been granted for the same encroachment.
- L. Creating a flag lot for obtaining utility service.
- M. Direct access to collector level road (where no new access is created).
- N. Creation of two or more lots on collector level road which share an access easement.
- O. Administrative waiver to dedicate right-of-way.
- P. Creating a lot in the area of an approved preliminary subdivision plan/district development plan for “buy-down” or a lot created in compliance with the approved plan.
- Q. Creating a lot with an existing accessory structure, prior to construction of a primary residential structure.
- R. Resulting lots have frontage on an existing public or private roadway that does not meet the minimum requirements for a public or private street as listed in Section 7.8.12.E, above. A plat creating such lots may be approved in accordance with the provisions of Section 7.8.85.
- S. The plat would create new proposed private roadway(s) (e.g., access easement(s)). If the proposed roadways have received necessary approvals, and related facilities meet the requirements of Chapter 6 Part 2 the plat may be approved in accordance with Section 7.8.90. The Division, based upon the recommendations of other governmental agencies, may increase the requirements for private roadways beyond those specified in Chapter 6 Part 2.

NOTE: County Clerk requires that a related deed or other recordable instrument be recorded with minor plat.

7.8.13 Appeal Process

No staff member shall be required to approve any delegated item if they have reason to question its accuracy, or its compliance with good planning principles, subdivision, zoning or other regulation(s). The property owner may request any minor plat, for which staff approval has been refused, to be placed on the docket of the LD&T Committee.

7.8.14 Approval and Recording of Plat

If approved and all conditions are met, the Director or any authorized staff member shall complete and sign the Certificate of Approval located on the face of the plat. Approval shall be valid for one year. During this period the approved minor subdivision plat shall be recorded in the office of the Clerk, Jefferson County, Kentucky.

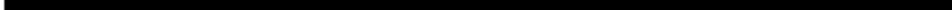
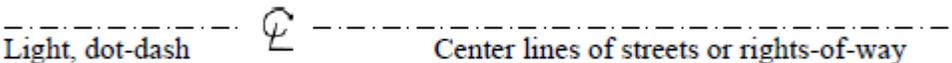
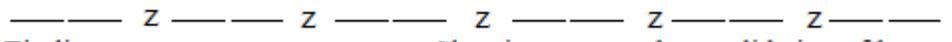
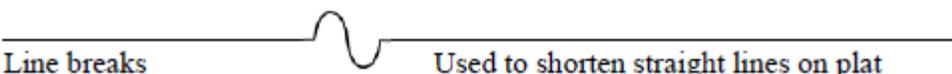
If the plat is not recorded within one year of the approval date, the applicant may request a one-year extension of the expiration date. Only one extension may be granted for the plat. The applicant shall submit a written request for extension. Division staff may grant requests for extension of the expiration date if they find that circumstances or hardship justify such requests. Extension requests beyond one year will be treated as new applications.

7.8.20 Plat - The plat submitted under Section 8.10 hereof shall conform to the following requirements:

- A. Format and Materials - The plat shall be on 8 1/2" x 14" paper or other media or size approved by Division staff at a scale large enough to be easily legible and containing a 1/2" border.
- B. Content - The plat shall include the following:
 - 1. A title block containing the title of the survey (e.g. Minor Subdivision Plat), the purpose of the plat, the name and address of the owner(s) of the property(ies) being subdivided, source of title, and the current tax block(s) and lot number(s) from the Property Valuation Administrator's maps and records, the location of the land surveyed, and the name and address of the land surveyor or the surveying firm who prepared the plat and the date of preparation.
 - 2. All dimensions expressed in feet and decimals of a foot, the area of each resulting lot, the zoning district and form district classification, a north arrow, designated meridian, and a written and graphic scale.
 - 3. The boundaries of the property being subdivided and of all resulting lots showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting lots shall bear a tract or lot enumeration.
 - 4. The location, description, and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines of all lots in the subdivision. - All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the lots or streets in the subdivision correctly by referring to the plat alone without any additional information. Witness monuments shall be set, on line if possible, whenever a monument cannot be set at the actual point of change in direction. Monuments set shall be of substantial size and shall be made of durable materials and shall include an element that makes it possible to detect the monument by means of some device for finding ferrous or magnetic objects. All monuments set by a Land Surveyor shall bear their registration number on a metallic cap or identifier as required by the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.
 - 5. The names and widths of all adjoining streets and easements, a stub property line approximating the

location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. Ownership shall be identified by an owner's name and deed book and page number or an owner's name and a plat book and page number. Where the width of a street right-of-way varies, the distance to the centerline of the street right-of-way shall be shown along all portions abutting the site.

6. The names, location and width of any areas to be dedicated to public use and any easements to be dedicated for the installation of utilities, all fully dimensioned.
7. All existing structures and buildings shall be shown to scale in solid lines, fully dimensioned, with distances to the existing and proposed property lines and identified as to use. Existing structures which utilize on-site sewage disposal systems shall have those systems shown on the plat.
8. In addition to showing existing easements, the plat shall show all new sanitary sewer easements necessary to provide sanitary sewers to each lot shown on the plat. When a sanitary sewer connection does not exist for any lot shown on the plat, the proposed method of sewage disposal for each such lot shall be shown on the plat.
9. The plat shall show all new drainage easements necessary to provide drainage to each lot shown on the plat.
10. The location of the 100 year flood elevation shown as an easement designated by ... - ... - ... - ... - ; or a note stating that the subject property is not located within a 100-year flood elevation.
11. The location and dimensions of landscape buffer areas and woodland protection areas, as designated on approved development plans and preliminary subdivision plans. Also, the location and dimensions of parkway buffer areas shall be shown, if applicable.
12. The location of perennial streams as designated on topographic maps Published by the U.S. Geologic Survey. [ORD 188-2014]
13. A key map showing the relative location (distance) of the proposed subdivision to the nearest existing arterial street intersection, nearest intersecting street created by record plat, or nearest commonly known street. The distance may be shown on the main body of the plat.
14. The following lines and symbols shall be used when drawing plats:

Heavy, solid		Enclosing all land included in the subdivision and any existing lot lines to remain
Medium, solid		Proposed lot lines of new tract or lot
Light, solid		Street or right-of-way lines and adjoining property line stubs
Light, dot-dash		Center lines of streets or rights-of-way
Light, short-dash		Easement boundaries
Tie-lines (Light, long-dash)		Showing proposed consolidation of lots or parcels to form new tracts and any existing lot lines to be removed
Line breaks		Used to shorten straight lines on plat

15. All signatures shall be made in ink on all prints of the original plat being submitted.
 16. The Planning Commission Certificate of Approval shall be on all pages of the plat which contain the drawing.
 17. If a street shown on a minor plat is not a public street or a private street created by minor plat, then the applicant must supply the following documentation, or other documentation approved by the Commission's legal counsel:
 - a. A copy of the deed(s) or other recorded document(s) originally creating the street which gives access to a recognized street.
 - b. A statement by an attorney or title insurance company that a title examination reveals that such street has existed continuously since before June 17, 1954, for the benefit of applicant's property.
 - c. A statement by a surveyor or engineer that the street referred to in the deed(s) submitted and referred to in the legal opinion, is the same as the street shown on the proposed plat as providing frontage to the resulting lots and access to a public street.
- C. If the total extent of the land to be shown on the plat cannot be shown at an appropriate scale on a single 8

1/2" x 14" sheet and/or use of a residual statement is not possible, then the plat may be composed of two drawing sheets. If two drawing sheets are used, then each drawing sheet shall contain the appropriate match line(s) relating it to the other drawing sheet, each sheet shall contain a key or index map showing the entire site, each sheet shall bear the land surveyor's signature and seal, and each sheet shall contain a Certificate of Approval.

7.8.30 Certificates

- A. The plat shall include a certificate of ownership and dedication, a certificate of acknowledgment, a land surveyor's certificate, a certificate of approval, a zoning conformance certificate, certificates reserving easements for utilities if applicable, residual land certificates if applicable, and certificate of sewer extension if applicable. All certificates shall conform to Article 9 hereof unless otherwise required by the Commission. For large format minor plats, all certificates are required on the face of the plat.
- B. The land surveyor's signature and seal on the plat shall apply to all certificates and/or statements (except the Certificate of Approval) on the face of the plat.

7.8.40 Dedications

Unless waived in writing by the Director of Public Works and the Director of Planning and Design Services, the subdivider shall make all dedications as required under Chapter 6, Part 2, before the Commission may approve the minor plat.

7.8.50 Minimum Physical Improvements for Private Roadways

Minimum physical improvements for private roadways shall be as provided in Chapter 6 Part 2.

7.8.55 Measurement of Setback

All applicable form district regulations as pertaining to minimum setback requirements shall be interpreted as being measured from the nearest boundary of the private access easement.

7.8.60 Lots

All new lots created by any subdivision of land hereafter proposed shall conform to the minimum requirements of the applicable zoning and form district regulations and shall also conform to the following standards of design:

- A. Lot Constraints. Excessive depth in relation to width shall be avoided, with a proportion of five to one normally being considered as a desirable maximum for lot width of sixty feet or greater. Pointed or very irregularly shaped lots and flag lots (except where required for utility connection) shall be avoided where possible. Additional depth shall be required on lots which abut to railroads, have frontage on major streets, or adjoin other conflicting land uses, as specified in applicable form districts. In case of unusual soil conditions or physical factors, including but not limited to steep slopes, sinkholes, and/or the location of any portion of the property in the flood plain, which may impair the health and safety of the persons in the neighborhood in which a subdivision may be located, the Commission may prohibit or limit disturbance of environmentally constrained sites as defined in Chapter 4 Part 6. Division staff may approve lot shapes which vary from these general guidelines.
- B. Access.
 - 1. All lots for any uses or structures shall have access to and abut a public or private street for at least twenty-five feet. No private street shall be used to provide access to more than twenty lots.
 - 2. All private streets, frontage roads or ingress/egress easements providing access to residential, commercial, industrial, or other properties or buildings shall be named in accordance with Chapter 6 Part 3.
 - 3. Any minor plat submitted which creates, extends, widens, or otherwise modifies a private street or

submitted for creation or modification of any lot(s) fronting on a private street, shall be accompanied by a properly prepared deed of restrictions for maintenance of the street which deed shall have been reviewed and approved by the Planning Commission's legal counsel (or authorized designee) prior to recording.

4. Direct access to major arterial, minor arterials and collector level roadways from individual single-family lots is prohibited.
- C. Continuation of existing street. Subdivisions shall be designed to ensure that existing public and private streets which stub into the subject property can be extended through the subject property. For subdivisions creating any lot that abuts or has access to any proposed stub street extension, right-of-way shall be dedicated sufficient to accommodate the extension of the street, and the street shall be constructed in accordance with the requirements of this Land Development Code for constructing public or private roads.

7.8.70 Easements

All easements shall be dedicated and shall conform to the following standards of design:

- A. Utility Easements - An easement for utilities, at least ten feet wide, may be required along any lot line or across lots whenever necessary to provide for extension of utility lines.
- B. Construction Easements - Whenever a proposed subdivision affects an existing or proposed road in such a way that will necessitate cuts and fills in adjoining property, construction easements on such adjoining property shall be required prior to recording of the plat.
- C. Sewer and Drainage Easement - Whenever necessary, sewer and drainage easements shall be provided, having adequate width for workmen with necessary equipment to install, maintain, or repair sewer and drainage facilities.

7.8.80 Large Format Minor Subdivision Plats

Minor subdivision plats exceeding 50 acres in area, consisting of more than two pages, or that contain an irregular configuration which staff determines cannot be adequately shown on legal-sized sheets, must be submitted as large format minor subdivision plats.

The large format minor subdivision plat shall be drawn on mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the Division's application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

All other sections of Part 8 shall apply to the large format minor subdivision plats.

7.8.85 Minor Subdivision Plats Requiring Road Improvements

Minor Plats creating lots with frontage on existing public or private streets that do not meet the pavement width standards specified in 7.8.12.E., above and therefore require improvements to the existing street(s) shall conform to the following standards:

- A. The minor subdivision plat shall be drawn on Mylar at a scale of not more than one hundred feet to the inch. One copy, as required by the application process, shall be submitted to Planning and Design Services. In case of an unusually large subdivision, division staff may modify this requirement and allow a scale of not more than two hundred feet to the inch. All distances and angles shall be drawn large enough to be legible

after photo-reduction of the plat by 50%. No sheet of the record plat may exceed 24 inches by 36 inches, unless the Planning Commission and the County Clerk has agreed in writing to record it. A two-inch by three inch space shall be reserved in the lower right hand corner for the County Clerk's stamp.

Sec. 150.065 073 of the Code of Ordinances requires roads to be 18 feet wide; roads serving no more than 5 lots 5 acres or greater may be 12 feet wide with 3 foot shoulders on each side.

All other sections of Part 8 shall apply .

- B. The plat shall show pavement depth details, sidewalk details if required, roadway cross-section, and other items necessary for compliance with Section 150.065 of the Louisville Metro Code of Ordinances and as required by Metro Public Works.
- C. Before Planning Commission approval may be shown on the record plat for recording, the subdivider shall deliver to the Director of Works the following items:
 - 1. Subdivider's Commitment - The subdivider shall be responsible for the installation, good repair and proper functioning of all improvements, including private roads, required by the approved minor plat and the installation of all reference monuments required by the record plat. Installation shall begin within a year after approval of the record plat, or within any one year extension granted by the Director of Works, and shall proceed in a manner which, in the judgment of the Director of Works, does not cause unreasonable harm, inconvenience or annoyance to any other property owner in or outside of the subdivision. The judgment of the Director of Works with respect to the manner of proceeding may not be questioned in any judicial proceeding by anyone except the subdivider, but said judgment when exercised in favor of the subdivider shall not constitute a defense to the subdivider in a judicial action against the subdivider by a complaining property owner. This obligation of the subdivider shall continue until the Director of Works, acting on behalf of the Planning Commission, has granted a release pursuant to Section 7.2.60.

The required installations shall be completed and properly functioning within five (5) years from the date of which construction plans are approved, unless an extension is requested by the subdivider and approved by the Director of Works in writing. If eighty percent (80%) of the lots do not have a completed structure on them, the subdivider may request that the Director of Works, also acting on behalf of MSD, waive the eighty percent (80%) requirement and notify the Planning Commission of such waiver. If the waiver is granted, the subdivider or design engineer, acting on behalf of the subdivider, shall initiate the bond release process by sending a written request for bond release inspection to Public Works, MSD, the Health Department, and the local fire protection district. At any time after the date of approval of the record plat, the subdivider shall abide by any time limits which the Director of Works may specify in writing. This obligation shall be evidenced in writing signed by the subdivider on forms provided by the Director of Works.

- 2. Security Required - There shall be filed with the Director of Works a bond instrument(s) approved by the Planning Commission and in the amounts determined by the Director of Works and MSD to insure fulfillment of the subdivider's commitment as set out above. Reduction of bond requirements shall not alter the subdivider's liability for fulfilling the obligations set out in Section 7.2.45 (1).

7.8.90 Minor Subdivision Plats Creating Private Streets

Minor Plats creating new private streets serving single family residential uses may be approved only after review and approval of a construction plan for the proposed private street. The construction plan shall conform to the following standards:

- A. Construction Plan Requirement

No construction of improvements for a subdivision shall begin until the subdivider has obtained a work order from the Director of Works, and no work order shall be issued by the Director of Works except in accordance with an approved construction plan, either for the subdivision in its entirety or for sections thereof, in accordance with the following procedure:

1. Time Limit - The construction plan shall be approved by Metro Public Works prior to the approval of the minor plat.
2. Preparation - The subdivider shall have the construction plan prepared by an engineer and land surveyor in conformance with the requirements of Part 4 and 6 and any variances and waivers which have received prior Commission approval in accordance with Sections 7.1.40 and 7.1.90.
3. Submission to Other Agencies - The subdivider shall submit that part of the construction plan as required for approval or comment to interested agencies which shall consist of the following:
 - a. Director of Works
 - b. Metropolitan Sewer District
 - c. The fire chief of the district having jurisdiction over property
 - d. Health Department
 - e. Utilities providing water, gas, electricity, and telephone service
 - f. If the proposed subdivision abuts on a street maintained by the Commonwealth of Kentucky, then to the district engineer for the Kentucky Department of Transportation.
4. Action Taken on Plan – Within 90 days of submittal of the construction plan and following notification of approval of the plan by M.S.D., the Director of Works shall take action on behalf of the Commission and shall notify the subdivider in writing of his action. The action of the Director of Works shall take one of the following forms:
 - a. Approval - The plan may be approved as submitted. A copy of the approved construction plan shall be submitted to the Planning Commission. Approval of the plan shall be valid for one year and extensions of approval may be granted by the Director of Works. Construction may not proceed without a work order issued by the Director of Works in accordance with the approved plan. The subdivider's request for a work order shall be submitted to the Works Department and MSD no less than five working days prior to the day on which construction is intended to begin.
 - b. Disapproval - The plan may be disapproved and the Director of Works shall state, in writing if requested by the subdivider, his reasons for disapproval. The subdivider must then submit a new construction plan if he wishes to create the subdivision.

Chapter 7 Part 9 Standard Certificate Forms

7.9.10 Certificate of Ownership and Dedication

(This certificate must be signed by the owner(s) of all property shown on the plat. Separate certificates for each owner may be used.)

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of _____

_____ shown thereon.
[for a major plat, fill in subdivision name; for a minor plat, fill in the owner's name(s) and deed book(s) and page(s)] and does hereby dedicate to public use _____

Owner(s) Signature

Owner(s) Signature

Owner(s) Signature

Address

7.9.20 Certification of Acknowledgment

Commonwealth of Kentucky
County of Jefferson

I, _____, a Notary Public in and for the County
aforesaid do hereby certify that the foregoing plat of _____
_____ was this day

[for a major plat, fill in the subdivision name; for a minor plat, fill in the owner's name(s) and deed book(s) and page(s)]

presented to me by _____, known to me, who executed these
Certificates in my presence and acknowledges it to be _____ free act and deed.
(her, his, their)

Witness my hand and seal this _____ day of _____, 20____
My Commission expires: _____ day of _____, 20 ____.

Notary Public

7.9.30 Land Surveyor's Certificate

(This certificate is used when a field survey and a drawing are required.)

I hereby certify that this plat and survey were made under my supervision, and that the angular and linear measurements as witnessed by monuments shown hereon, are true and correct to the best of my knowledge and belief. This survey and plat meets or exceeds the minimum standards of all applicable regulations.

Signature

RLS#

Date

Print Name

Seal

7.9.35 Inspection Certificate for Bond Reduction

Engineer's Certificate of Inspection

Re: _____
Name of Subdivision and Section No.

Planning Commission Docket No.

The undersigned certifies as follows:

I personally inspected this subdivision on _____ and to the best of my knowledge, the inspection showed that the following improvements required by the construction plans approved on _____ (date of approval letter) have been installed as indicated on the attached sheet and are functioning properly.

The attached sheet indicates roadway and/or drainage facilities installed and items remaining to be installed.

Signature of Engineer and Seal Number

Date

Name

Address

7.9.40 Certificate of Engineer / Land Surveyor (Field Inspector)

(This certificate is required for bond release.)

Re: _____
Name of Subdivision and Section No.

Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENT MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030
AND OF THE METROPOLITAN SUBDIVISION REGULATIONS.

Certificate of Field Inspector

The undersigned certifies as follows:

1. I personally inspected this subdivision on _____, 20____, and to the extent that can be determined from what is visible, the inspection showed that all improvements, including private streets, required by the approved construction plans dated _____, 20____, (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and that they are in good repair and functioning properly.
2. Unimproved lots refers to those on which no primary building has been constructed, and the number of such lots remaining in the subdivision does not exceed 20% of the total number of lots in the subdivision.
3. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of these improvements are not functioning properly.

Date

Signature of Field Inspector

Print Name

Certificate of Engineer / Land Surveyor

(This certificate is required for bond release.)

The undersigned licensed and practicing engineer certifies as follows:

1. , the field inspector for this subdivision, was employed under my supervision at the time of such inspection and is fully competent to perform it in a manner which is in keeping with the standards of the engineering profession, and I assume full responsibility for any inaccuracies in the inspector's inspection and certification.
2. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of those improvements are not functioning properly.

The undersigned licensed and practicing land surveyor certifies as follows:

1. Reference monuments have been installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments have been installed at all control points of the roadway at the right of way lines of the subdivision or subdivision section. These points shall include but not limited to PC (point of curvature), PT (point of tangency), PI (point of Intersection), and POT (point on tangent).

Date

Date

Signature of Land Surveyor

Signature of Engineer

Name P.L.S.#

Name P.E.#

Address

Address

Seal

Seal

7.9.41 Certificate of Engineer / Land Surveyor

Re: _____
Name of Subdivision and Section No.

Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENTS MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030
AND OF THE METROPOLITAN SUBDIVISION REGULATIONS.

The undersigned licensed and practicing engineer certifies as follows:

1. I personally inspected this subdivision on _____, 20____, and to the extent that can be determined from what is visible, the inspection showed that all improvements, including private streets, required by the approved construction plans dated _____, 20____, (except sidewalks on unimproved lots) have been installed in a good and workmanlike manner and that they are in good repair and functioning properly
2. Unimproved lots refers to those on which no primary building has been constructed, and the number of such lots remaining in the subdivision does not exceed 20% of the total number of lots in the subdivision.
3. I have no knowledge or information which would reasonably indicate that any of the required improvements have not been installed in a good and workmanlike manner or that any of these improvements are not functioning properly.

Date

Signature of Engineer

Name P.E.#

Address

Seal

The undersigned licensed and practicing land surveyor certifies as follows:

1. Reference monuments have been installed at all points of change in direction of all exterior boundary lines of the subdivision or subdivision section. Monuments have been installed at all control points of the roadway at the right of way lines of the subdivision or subdivision section. These points shall include but not limited to PC (point of curvature), PT (point of tangency), PI (point of intersection), and POT (point on tangent).

Date

Signature of Land Surveyor

Name P.L.S.#

Address

Seal

7.9.42 Builder's Certificate for Bond Release

Re: _____
Name of Subdivision and Section No.

Planning Commission Docket No.

NOTICE

ANY FALSE STATEMENT MADE IN THIS CERTIFICATE IS PUNISHABLE UNDER THE PROVISIONS OF KRS 523.030 AND the Enforcement provisions of the Land Development Code (Chapter 11 Part 10).

The undersigned certifies as follows:

1. All construction on this lot has been substantially completed and, if a site drainage plan was required, construction was accomplished in accordance with the plan.
2. Proper measures have been taken on this lot to prevent drainage related damage to improvements required by the approved construction plan applicable to this subdivision.
3. Disrepair or improper functioning of any installed improvements or reference monuments resulting, in whole or in part, from activity engaged in or allowed on this lot has been corrected in a good and workmanlike manner.

Date

Signature of Builder

Name

Address

7.9.50 Certificate of Reservation of Gas, Electric, and Telecommunication Easements

The spaces outlined by dashed lines and marked “gas, electric, and telecommunication easement” are hereby reserved as easements for gas, electric and telecommunication utility purposes, which include: (1) the right of ingress and egress across all lots, access areas, and ways to and from the easements; (2) the right to cut down or trim any trees within the easement; (3) the right to trim or cut down any trees outside easement area within 10’ of the closest conductor within the easement or a public way; (4) the right to cut down or trim any trees on private property that may be so defective as to present a hazard to the utility lines after reasonable notice to the property owner; (5) the right of any utility company using said easements to remove permanent structures or obstructions within the easement. No permanent structures shall be erected within the easement.

Fences, shrubbery and gardens may occupy easement area at property owner’s risk. The developer is to remove all trees that may interfere with the original construction of the gas lines, electric lines and telephone lines to serve this subdivision.

- a. All property owners’ electric utility service lines both overhead and underground shall be placed at locations designated by Louisville Gas and Electric Company (from LG&E’s termination point throughout length of service lines to customer’s buildings); and title thereto shall remain with, and the cost of installation and maintenance thereof shall be borne individually by the owner of the lot upon which the said service line is located.

Appropriate easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties to install, operate and maintain electric service lines connecting to LG&E’s termination points. Electric service lines, as installed, shall determine the exact location of said easements.

- b. All property owner’s gas utility supply lines shall be at locations designated by Louisville Gas and Electric Company (from LG&E’s termination point throughout length of service and house lines and through customer’s buildings); and title thereto shall remain in, and the cost of installation and maintenance thereof shall be borne individually by the respective lot owner upon which the said gas line serves.

Appropriate easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties to install, operate and maintain gas lines to LG&E’s termination points. Gas lines, as installed, shall determine the exact location of said easements.

- c. The gas, electric and telecommunication easements shown on this plat shall be maintained and preserved in the present condition and no encroachment therein and no change in the grade of elevation thereof shall be made by any person or lot owner without the consent in writing of the Louisville Gas and Electric Company and BellSouth Telecommunications.

- d. Easements for overhead electric transmission and distribution feeder lines, poles and equipment appropriate in connection therewith are reserved over, across, and under all spaces (including park, open and drainage space areas), outlined by dash lines and designated for underground and overhead facilities.

Above ground electric transformers and pedestals may be installed at appropriate points in any electric easement.

In consideration of LG&E bringing service to the property shown on this plat, it is granted the right to make further extensions of its lines from all overhead and underground distribution lines.

- e. Above ground telecommunications facilities and pedestals may be installed at appropriate points in any telecommunications easement.
- f. Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree

canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.

NOTE

Also, the right to overhang lots with service wires to serve adjoining lots.

OWNERS: _____

7.9.60 Certificate of Reservation of Gas Easement

The spaces outlined by dashed lines and marked "Gas Easement" are hereby reserved as easements for underground gas lines and appurtenances thereof, including the right to construct, operate, maintain, repair, and remove such underground gas lines and appurtenances, and the right of ingress and egress over all lots to and from the easements and the right to cut down any trees within the easement that may interfere with the installation or operation of the lines. No permanent structure shall be erected within the easement. Any gas utility using said easement may remove any permanent structure or obstruction within the easement. Fences, shrubbery, and gardens may occupy easement areas at the property owner's sole risk.

- (1) All property owners' gas utility supply lines shall be at locations designated by Louisville Gas and Electric Company (from LG&E's termination point throughout length of service and house lines and through customer's buildings); and title thereto shall remain in, and the cost of installation and maintenance thereof shall be borne individually by the owner of the lot upon which the said gas line serves.

Easements are hereby dedicated and reserved to each property owner, together with the right of ingress and egress over abutting lots or properties as may be necessary to install, operate and maintain gas lines to LG&E's termination points. Gas lines, as installed, shall determine the exact location of said easements.

OWNERS: _____

7.9.70 Certificate of Reservation of Sanitary Sewer and Drainage Easement

Easements for sanitary sewer and drainage purposes are hereby reserved on, over and under the strips of land and spaces as defined and bounded by dashed lines, marked "Sanitary Sewer and Drainage Easement", together with the right of ingress and egress over all lots to and from the easements, for construction, operation, maintenance of sewers and drains over, under and across said land. No permanent structure of any kind shall be placed on, over or under the land which is subject to said easements. The easements shall be for the benefit of the land in the subdivision and other land which naturally drains therein, and said sewers and drains may be constructed by the Metropolitan Sewer District, or by any other public agency having legal authority for such construction, or by others subject to the approval by the aforesaid sewer district.

OWNERS: _____

7.9.75 Certificate of Reservation of Water Line Easement

Permanent easement(s) for water lines and appurtenances are hereby reserved on, over, under, and through the strips of land as defined and bounded by dashed lines marked "Louisville Water Company Easement" together with the right of ingress and egress over all lots to and from the easement(s) for constructing, repairing, removing, replacing, relocating, reconstructing, maintaining and enlarging of water mains. No permanent structure of any kind shall be erected or the grade of the surface of the land changed within the said easement(s) without prior written consent of Louisville Water Company. Fences, shrubbery, and gardens may occupy easement area at the owner's risk. Temporary rights are hereby reserved to use land adjacent to the permanent easement(s) herein granted for storage and movement of excavated earth, rock, construction materials, tools, and equipment during construction of said water lines.

OWNERS: _____

7.9.76 CERTIFICATE OF RESERVATION OF DRAINAGE RETENTION BASIN EASEMENT

Easements for drainage and bonding purposes are hereby reserved on and over the land and spaces as defined and bounded by dashed lines, marked "Drainage Retention Basin Easement", together with the right of ingress and egress over all lots to and from the easements, for construction, operation, maintenance and reconstruction of retention basins and other drainage improvements. No permanent structure of any kind shall be placed on or over the land within said easements, except for drainage structures, pavements and landscape planting. The easements shall be for the benefit of the land in the subdivision and additional drainage improvements may be constructed by the Metropolitan Sewer District, or by any other public agency having legal authority for such construction, or by others subject to approval of the aforesaid sewer district or the Works Department. Until said easement areas are accepted for maintenance by said sewer district, or another responsible public agency, said areas shall be maintained by the owners of the underlying fee simple title.

OWNERS: _____

**7.9.77 Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements
(Two Lots on Minor Plat Only)**

This instrument made and entered into on this _____ day of _____, 20____, by (Name and address of owner(s) hereby {collectively} referred to as "GRANTOR"), confers the rights and obligations regarding certain real property as follows:

WHEREAS, GRANTOR is the owner of the land shown on the minor subdivision plat attached hereto and made a part hereof by deed of record in Deed Book _____, Page _____, in the Office of the Clerk of Jefferson County, Kentucky;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency is hereby acknowledged, GRANTOR hereby grants, covenants, and agrees as follows:

- A. **Public Utility, Sewer and Drainage Easement.** GRANTOR hereby grants a perpetual easement for public utilities, including, but not necessarily limited to, water, electric, gas, telephone, cable, sewers and drains on, over and under the strips of land and spaces designated on the attached plat as "Public Utility, Sewer, Drainage and Private Access Easement", together with the right of ingress and egress over GRANTOR'S property to and from the easement(s) for construction, operation, maintenance, and reconstruction of the aforesaid public utilities, sewers and drains. No permanent structure of any kind, other than a paved roadway, shall be placed on, over or under the land within the perpetual public utility, sewer, and drainage easement(s). The public utility, sewer and drainage easement(s) shall run with the land and shall be for the benefit and use of the GRANTOR'S property and all lands abutting the aforesaid easements. All costs or expenses incidental to the maintenance or repair of the easements granted by this paragraph, to the extent they are not occupied by a public utility, shall be borne [equally] by the owners of the Lots/Tracts _____ on the attached minor subdivision plat. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]
- B. **Private Access Easement.** GRANTOR hereby grants to the owners and occupants of Lots/Tracts _____ on the attached minor subdivision plat a private access easement for vehicular and pedestrian ingress and egress on, over, and across the property designated as "Public Utility, Sewer, Drainage, and Private Access Easement" on the attached minor subdivision plat. Said easement shall be for the benefit of the owners and occupants of Lots/Tracts _____, their guests and invitees. The rights conveyed by said private access easement shall be limited to such as is customarily incidental to _____ usage of the lot.

All costs or expenses incidental to the maintenance, repair, or rebuilding of said road so as to keep it in a good and passable condition as a _____ road shall be borne [equally] by the owners of

Lots/Tracts _____. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

The private access easement shall not be dedicated to or maintained by the public except by agreement of

the owners of all the Lots/Tracts and only with the approval of the Louisville and Jefferson County Planning Commission after finding that it meets all standards required for a newly created public road.

- C. Amendment. The provisions of this document may not be modified except by agreement of the owners of all the Lots/Tracts and the approval of the Louisville and Jefferson County Planning Commission.
- D. Binding Effect. The provisions of this document shall be considered a covenant running with the land, shall be binding on the parties hereto and their respective successors, heirs, and assigns, and may be enforced by any one or more of the owners of the Lots/Tracts subject to the attached minor subdivision plat in a civil action at law or in equity.
- E. Severability. The provisions hereof are severable, and if one or more of said provisions are held invalid, the remaining provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of the GRANTOR as of the day and year set out above.

GRANTOR's Signature

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The foregoing Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements was signed, sworn to, and acknowledged before me by _____, GRANTOR, this _____ day of _____, 20____.

My commission expires: _____

Notary Public, Kentucky State-At-Large

This Instrument prepared by:

_____ (Signature)

Name _____

Address _____

Phone _____

**7.9.78 Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements
(three or more lots on a minor plat only)**

This instrument made and entered into on this _____ day of _____, 20____, by

Name and address of owner[s] _____

(hereinafter[collectively] referred to as "GRANTOR"), confers the rights and obligations regarding certain real property as follows:

WHEREAS, GRANTOR is the owner of the land shown on the minor subdivision plat attached hereto and made a part hereof by deed of record in Deed Book _____, Page _____, in the Office of the Clerk of Jefferson County, Kentucky;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency is hereby acknowledged, GRANTOR hereby grants, covenants, and agrees as follows:

- A. **Public Utility, Sewer and Drainage Easement.** GRANTOR hereby grants a perpetual easement for public utilities, including, but not necessarily limited to, water, electric, gas, telephone, cable, sewers and drains on, over and under the strips of land and spaces designated on the attached plat as "Public Utility, Sewer, Drainage and Private Access Easement", together with the right of ingress and egress over GRANTOR'S property to and from the easement(s) for construction, operation, maintenance, and reconstruction of the aforesaid public utilities, sewers and drains. No permanent structure of any kind, other than a paved roadway, shall be placed on, over or under the land within the perpetual public utility, sewer, and drainage easement(s). The public utility, sewer and drainage easement(s) shall run with the land and shall be for the benefit and use of the GRANTOR'S property and all lands abutting the aforesaid easements.

All costs or expenses incidental to the maintenance or repair of the easements granted by this paragraph, to the extent they are not occupied by a public utility, shall be borne [equally] by the owners of the Lots/Tracts _____ on the attached minor subdivision plat. [Any owner who fails to pay his share of said expense promptly upon demand by the person who has initially borne it shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are foreclosed upon real property.]

- B. **Private Access Easement.** GRANTOR hereby grants to the owners and occupants of Lots/Tracts _____ on the attached minor subdivision plat a private access easement for vehicular and pedestrian ingress and egress on, over, and across the property designated as "Public Utility, Sewer, Drainage, and Private Access Easement" on the attached minor subdivision plat. Said easement shall be for the benefit of the owners and occupants of Lots/Tracts _____, their guests and invitees. The rights conveyed by said private access easement shall be limited to such as is customarily incidental to _____ usage of the lot.

The private access easement shall not be dedicated to or maintained by the public except by agreement of the owners of all the Lots/Tracts and only with the approval of the Louisville and Jefferson County Planning Commission after finding that it meets all standards required for a newly created public road.

All costs or expenses incidental to the maintenance, repair or rebuilding of said road so as to keep it in a good and passable condition as a _____ road shall be borne [equally] by Lots/Tracts _____ [Any owner who fails to pay the assessment promptly upon demand by the person who has borne said cost or expense shall be subject to a lien upon filing of an appropriate notice in the County Clerk's Office. Said lien may be enforced against the property in the same manner as mortgages are

foreclosed upon real property.]

The owners of Lots/Tracts shall have the power to make all decisions relating to the implementation of the purposes and provisions hereof and such decisions shall be made by a majority vote of those persons representing the owners who are present and voting at a regularly called meeting at which a quorum is present. The representatives shall have one vote for each lot represented.

A meeting may be called at any time by any owner by giving at least 21 days written notice to all other owners of the time, place and purpose thereof. Such meeting shall be held on the lot of the person calling the meeting, or other location just as convenient to said owners, and notice thereof shall be sent by first class mail to the last known address of the intended recipient. Notice to one owner of a given lot shall be considered notice to all owners of that lot.

Without limiting the generality of the preceding paragraphs, at such meeting decisions may relate to any of the following matters:

1. The manner and extent of maintenance, repair or rebuilding desired for said road.
 2. Delegation of authority to one or more persons relating to such matters as may be desirable, included but not limited to signing contracts, collecting funds, selecting a depository, signing checks, keeping records, or any other matter desired to carry out the purposes or provisions of this instrument.
 3. Whether contracts relating to the maintenance, repair or rebuilding should be taken on bids or otherwise.
 4. Whether litigation should be commenced for the purpose of enforcing the provisions hereof to be paid for from assessments collected or a fund maintained for the purposes of this instrument.
 5. Whether any person delegated authority to carry out the provisions of this instrument shall be compensated or required to be bonded.
 6. Any rules or regulations relating to the manner of the use of the road including but not limited to, speed limits, parking restrictions, weight limits, or other use of the paved or unpaved portion of the right-of-way including establishment of easements for water, gas, electricity, sewers and drainage.
 7. Whether payments determined in accordance with the preceding paragraphs should be made only as needed, or on a regular periodic basis (monthly, annual, etc.) in regular amounts, the time such payments are due, and the amount of any penalties required for delinquent payment or violation of any rules or regulations relating to the use of said road.
- C. Amendment. The provisions of this document may not be modified except by agreement of the owners of all the Lots/Tracts and the approval of the Louisville and Jefferson County Planning Commission.
- D. Binding Effect. The provisions of this document shall be considered a covenant running with the land, shall be binding on the parties hereto and their respective successors, heirs, and assigns, and may be enforced by any one or more of the owners of the Lots/Tracts subject to the attached minor subdivision plat in a civil action at law or in equity.
- E. Severability. The provisions hereof are severable, and if one or more of said provisions are held invalid, the remaining provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of the GRANTOR as of the day and year set out above.

GRANTOR's Signature

COMMONWEALTH OF KENTUCKY)
) COUNTY OF JEFFERSON)

The foregoing Dedication of Public Utility, Sewer and Drainage Easements and Private Access Easements was signed, sworn to, and acknowledged before me by _____, GRANTOR, this _____ day of _____, 20_____.

My commission expires: _____

Notary Public, Kentucky State-At-Large

This Instrument prepared by:

(Signature)

Name

Address

Phone

7.9.80 Certificate of Approval

Approved this _____ day of _____, 20 _____.

Invalid if not recorded before this date: _____

By:

Planning Commission

Approval subject to attached Certificates.

Special requirement(s): _____

Docket Number: _____

7.9.90 Certificate of Residual Land

- A. If the total extent of the land being subdivided, cannot reasonably be shown on the plat, because of its size, the following statement may be used:

The residual land of tract _____

herewith being subdivided is in a single parcel of _____ acres designated as tract _____ and has frontage of _____ feet on _____ which is (are) (a) public way(s).

Land Surveyor signature (Signature on Surveyor's Certificate is acceptable)

- B. If the total extent of the land being consolidated cannot reasonably be shown on the plat because of its size, the following statement may be used:

Tract _____, a parcel of land herewith being conveyed, will become a part of tract _____, a single parcel of _____ acres which has frontage of _____ feet on _____ which is (are) (a) public way(s).

Land Surveyor signature (Signature on Surveyor's Certificate is acceptable)

7.9.91 Zoning Certificate

This certificate must be signed by the owner(s) of all property shown on the plat.

With the exception of those existing encroachments which are not affected by the actions of this plat and are noted hereon, I / We hereby certify all of the lots of this minor subdivision and any existing buildings and improvements thereon and/or any buildings and improvements included in a building permit either applied for or approved thereon are in compliance with all the provisions of the Form District Regulations. With the exception of those encroachments noted on the face of the plat, any such buildings or improvements not in compliance with the Form District Regulations have been granted all necessary variances by the Board of Zoning Adjustment as described in Docket No. _____ or documentation of the existence of the buildings or improvements prior to the adoption of the applicable regulations has been submitted to Planning Commission staff.

Owner(s) Signature

(If the last sentence is not applicable, "N.A." should be placed in the space after "...Docket _____".)

7.9.92 Certificate of Sewer Extension

(This certificate must be signed by the owner(s) of all property shown on the plat. This includes owner(s) of residual tracts. Separate certificates for each owner may be used.)

This is to certify that the undersigned is the owner(s) of the land shown on this plat and hereby acknowledges that this plat is being approved with the condition that prior to any construction activity (including but not limited to clearing, grading, excavation or issuance of building permits) on any of the lots created hereby, a contract for extension of the sanitary sewer collection system (also known as a "lateral extension contract") shall be executed with the Metropolitan Sewer District.

Owner(s) Signature

Owner(s) Signature

Address

Title

7.9.93 Certificate of Signature Entrance

An easement for signature entrance purposes, including walls, fences and landscaping, is hereby reserved on, over and under the strip of land and spaces defined and bounded by dashed lines marked "Signature Entrance/Landscape Easement" for the installation, maintenance and repair of signature walls, fences and landscaping. The easement shall be for the benefit of _____ Homeowners' Association, Inc., and its assigns or agents.

Any public agency responsible for maintenance of facilities within the right-of-way may require for any reason the removal of a signature entrance located within the right-of-way. The removal shall be done at the owner's expense and within 30 days from receiving a written notice.

OWNERS: _____

Chapter 7 Part 10 Enforcement

A. Duties of Enforcement Officer

The enforcement officer, with the assistance of the officials of other departments of the city and county having jurisdiction, is hereby authorized and directed to enforce all provisions of these regulations; to review plans and specifications; to issue permits and certificates; to conduct inspections; and to perform such other services as may be necessary to execute the provisions of these regulations.

B. Right of Entry:

Upon representation of his official credentials, the enforcement officer, or his deputies, may enter during reasonable hours any premises covered by these regulations to perform the duties imposed upon him by these regulations.

C. Stop Orders:

Upon notice from the enforcement officer that any subdivision is being constructed contrary to the provisions of these regulations or contrary to any approved plans, being maintained contrary to the provisions of these regulations, such violation shall be stopped immediately. Notice shall be in writing and shall be given to the owner of the property or his agent, or to the person so developing the property, and shall state specifically the regulation or approved plan being violated. Said notice may be given by registered mail to the person so developing the property after two reasonable efforts personally to serve the notice have failed.

D. Citations:

Any person or entity who fails to stop use immediately as required by Section C hereof shall be issued a citation for such violation pursuant to the provisions of KRS 100.991.

E. Penalties

1. Any person or entity who violates any of these regulations, or any order of an enforcement officer, or any restriction or condition imposed pursuant to these regulations shall be fined not less than \$10.00 nor more than \$500.00 for each violation. Each day of violation shall constitute a separate offense.
2. Any person, owner or agency who sells or purports to sell land constituting a subdivision without an approved plat shall be fined not less than \$100.00 nor more than \$500.00 for each lot or parcel which was the subject of the sale of transfer or contract for sale or transfer.

Chapter 7 Part 11 Conservation Subdivisions

7.11.1 Relationship to the Comprehensive Plan

The purpose of these regulations is to achieve a balance between well-designed residential development, meaningful open space conservation, and natural resource protection in Louisville Metro by permitting Conservation Subdivisions as an alternative to conventional subdivisions as a form of residential development that fulfills multiple goals and objectives outlined in Cornerstone 2020.

In conformance with the state enabling legislation, this Part’s relationship to the Comprehensive Plan is as follows:

Goals	Objectives	Plan Elements
<i>Community Form:</i>	<i>Community Form:</i>	<i>Guidelines:</i>
A3, C2, C3,	A3.1, A3.5, C2.3, C2.4, C2.5,	1, 3, 4, 5, 7, 8,
<i>Mobility:</i>	C2.6, C2.7, C3.6, C4.1	9, 10, 11, 12,
C1, D1, H2	<i>Mobility:</i>	13
<i>Livability:</i>	C1.4, C1.5, D1.1, H2.4	
B1, B2, B4, E2, E3,E4, F1,	<i>Livability:</i>	
F2, F3, F4, G2, G3, G4,	B1.4, B1.8, B2.5, B4.2, E2.1, E2.2, E2.4, E3.1, E4.1, E4.2,	
H2, H3, H4, I1, I2, J4	F1.2, F2.2, F3.1, F3.2, F4.1, G2.1, G3.2, G4.1, G4.2, H2.1,	
	H2.2, H3.1, H3.2, H3.4, H4.1, H4.2, I1.1, I1.1, I2.1	

7.11.2 Definitions

Certain terms are defined for the purposes of this regulation. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise or is regulated in Chapter 1, Part 2 definitions.

<i>Definitions for the following list of terms used in this Part can be found in Chapter 1 Part 2</i>	
<i>Active Recreation Area</i>	<i>Average Lot Size</i>
<i>Conservation Area</i>	<i>Existing Resources and Site Analysis Plan</i>
<i>Lane</i>	<i>Minimum Required Conservation Area</i>
<i>Conservation Subdivision</i>	<i>Neighborhood Green</i>
<i>Maximum Density</i>	<i>Preliminary Conservation Area Ownership and Management Plan</i>
<i>Passive Recreation Area</i>	<i>Primary Conservation Areas (PCA)</i>
<i>Secondary Conservation Areas (SCA)</i>	<i>Vegetative Cover</i>
<i>Terminal Vista</i>	

7.11.3 Applicability

Zoning Code Requirements: Conservation Subdivisions are permitted in the RE, RR, R-1, R-2, R-3, R-4, and R-5 zoning districts.

- A. Minimum Area:** The minimum area of the subdivision shall be no less than five acres and shall contain a minimum of 5 units
- B. Exceptions to the Minimum Area.** The Planning Director or designee may consider a smaller area than required in subsection A above if the applicant can demonstrate one of the following
 - 1.** The proposed Conservation Areas provide a connection between unconnected, existing areas of Conservation Area or other protected areas and shall not result in providing only narrow or isolated

fragments of Conservation Area.

2. The Conservation Subdivision will ensure the protection of a unique natural, cultural or historical area.

7.11.4 Procedures

All preliminary and final subdivisions subject to this Part shall be subject to the following procedures:

- A. **Pre-application.** Prior to formal application, an applicant shall file a pre-application and accompanying materials required by Planning and Design Services. The filing shall include an Existing Resources and Site Analysis Plan. The plan shall be drawn on paper or other media approved by division staff at a legible scale, depending on the size of the subdivision, and shall follow the guidelines as outlined in **Section 7.5**. The Existing Resources and Site Analysis Plan shall be prepared in accordance with the requirements contained below:
 1. **Existing Resources and Site Analysis Plan.** The Existing Resources and Site Analysis Plan shall show the following:
 - a. Topography, the contour lines of which shall be at two-foot intervals. The determination of appropriate alternative contour intervals shall be made by the Planning Director or designee, which may result in a requirement of greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15-20 percent, 20-30 percent, and greater than 30 percent shall be clearly labeled.
 - b. Ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined in **Section 4.8** of the LDC.
 - c. Vegetative Cover conditions on the property according to general cover type including, but not limited to, cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland, individual and isolated, mature trees which have a caliper (measured at chest height) of at least 12-15 inches for Type A species, 8-12 inches for Type B species, and 6-8 inches for Type C species, and the actual canopy line of existing trees and woodlands. Vegetative Cover types shall be described by plant community, relative age, and condition.
 - d. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Jefferson County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
 - e. Ridge lines and watershed boundaries.
 - f. A view shed analysis showing the location and extent of views into the property from public roads, public parks, public forests, and other public lands.
 - g. Geologic formations, including, but not limited to, rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
 - h. All existing man-made features including, but not limited to, streets, driveways, farm lanes, woodland roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
 - i. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthen works, and graves.
 - j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, all-terrain vehicle and other similar trails), or private trails that will be integrated into the final plan.
 - k. All easements of property which are or have been filed of record with the Jefferson County Clerk's

Office.

- I. At least 100 feet into adjacent properties shall be depicted on the plan with the use of the property identified as well as any significant natural features shown as listed within items a-k above.
 2. **Site Visit.** Prior to the formal application of the Preliminary Plan, and in advance of the neighborhood meeting required in **Section 7.11.4.A.3** below, PDS staff, the applicant, along with interested public agencies and utility companies shall visit the site to gain a thorough understanding of the characteristics of the site. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
 3. **Neighborhood Meeting.** The applicant shall provide notice to all first tier property owners, neighborhood groups that have registered with Planning and Design Services, the Metro Council office representing the district in which the parcel lies, and to PDS staff stating that a subdivision is being proposed and announcing a neighborhood meeting held by the developer/owner to discuss the proposed project. The meeting shall be held no more than 90 days prior to filing the application. At the time of filing a Conservation Subdivision Preliminary Plan, the applicant shall provide a summary of the public meeting between the applicant and the adjacent property owners. The summary shall include a list of those invited, those in attendance and a summary of the issues discussed.
- B. Preliminary Plan Application.** The applicant shall file an application for preliminary plan approval on a form supplied by Planning and Design Services and shall submit therewith a preliminary plan prepared in conformance with the requirements of **Part 5** hereof. No application shall be complete unless it is accompanied by the appropriate review fee. Applications shall be accompanied by the following supporting documentation and any additional documentation as deemed necessary by the Planning Director or designee. Additional materials shall be required based on site conditions or potential impact of the development, or as needed to determine compliance with these regulations. In addition, technical studies required by other applicable sections of this Land Development Code, including traffic, air quality, wetland analysis, geo-technical studies, and hydro-geologic analyses may be required. Failure to submit all required material may result in delay of the application review. Staff of the Division may require submission of information, material and documents beyond that required in this section as necessary to determine compliance with these regulations. In addition to the requirements outlined in **Section 7.2.20**, the preliminary plan shall include the following:
1. All information required on the Existing Resources and Site Analysis Plan, as set forth in **Section 7.11.4.A.1**.
 2. Existing and approximate proposed lot lines, lot areas, existing easements and rights-of-way, and approximate boundaries of Conservation Area lands.
 3. Approximate location, alignment, width and temporary names, location, alignment, and width of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily-engineered profiles for proposed streets.
 4. Location of all percolation tests, including all failed and approved test sites or pits and including an approved alternate site for each lot requiring an alternative sewage disposal system. All approved alternative sewage disposal systems shall be clearly distinguished from unapproved sites.
 5. Limits-of-disturbance lines shown in relation to natural and cultural features to be saved.
 6. Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land to be dedicated or reserved for public use.

7. If the land to be subdivided lies partly in or abuts another jurisdiction, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on such land in the proposed site as lies within the adjacent municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of submittal of this information to appropriate officials of the adjoining municipalities also shall be submitted.
 8. Utilities and Easements.
 - a. Approximate locations of existing utility easements and approximate locations of proposed utility easements.
 - b. Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. (These data may be on a separate plan.)
 - c. The tentative location of proposed on-site sewage and water facilities.
 9. Letter of Explanation. The applicant must submit a detailed letter explaining the various key elements of the proposed conservation subdivision. The letter may include, but is not limited to, the following items:
 - a. Describe how the existing natural features of the site are being preserved and incorporated into the layout.
 - b. Explain how clustering of dwelling units will:
 - i. Minimize disturbance to woodlands, wetlands, grasslands, mature trees and steep slopes;
 - ii. Prevent downstream impacts due to runoff through storm water techniques including minimizing impermeable areas, using bio swales, rain gardens, permeable pavements, small-scale, infiltration and green roofs;
 - iii. Protect views of open land from existing adjacent roadways through practices such as orienting structures to align with topographic character of land, tucking structures behind tree lines or knolls, using vegetation as a backdrop to reduce prominence of the structures, varying setbacks, setting aside required conservation land as a visual amenity into and within the development site, or any combination of these practices;
 - iv. Protect archaeological site and existing historic buildings or incorporate them through adaptive reuse;
 - v. Avoid encroaching on sensitive areas such as rare plant communities, high quality habitats, or endangered species habitats identified by the Kentucky Department for Natural Resources.
 - c. Explain how the design and location of buildable lots will ensure compatibility with existing adjacent development.
 - d. Justification must be provided for any cases where proposed open space areas within the development will not abut existing open space areas on adjoining parcels.
 10. The Planning Director may also require the applicant to submit a traditional subdivision layout (non-conservation subdivision regulations) for the site for staff to compare to the conservation subdivision layout submitted.
- C. Staff Review.** PDS Staff's review of the plan shall proceed in accordance with the procedures set forth in **Section 7.2.20.B**. In addition, specific guidelines of this part shall apply.

7.11.5 DEVELOPMENT DESIGN STANDARDS

In addition to the Technical Standards for Conservation Subdivisions as set forth in **Section 7.11.9** the following criteria shall be followed to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this regulation:

- A. Lots and buildings must be clustered to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between incompatible uses.
- B. Open space shall abut with existing or potential open space lands on adjoining parcels and local or regional recreational trails. Written justification is required for open space that does not abut adjacent open space.

7.11.6 Conservation Areas

Conservation Areas are land to remain undisturbed as part of the development of a Conservation Subdivision. Conservation Areas shall consist of at least thirty percent (30%) of the total proposed subdivision acreage for property located in the R-5 and R-4 zoning districts and at least sixty percent (60%) of the total proposed subdivision acreage for property located in the R-R through R-3 zoning districts. Conservation Areas are made up of Primary and Secondary Conservation Areas. If the Primary Conservation Area makes up less than the required percentage of the tract, the balance of the required Conservation Areas shall be made up of Secondary Conservation Areas.

- A. **Primary Conservation Areas (PCA).** PCA's form the core of the Conservation Area to be protected. Active recreation areas are prohibited in PCA's unless approved by the Director. PCA's, as defined by this regulation, include the following:
 - 1. Cemeteries;
 - 2. Habitats for endangered or threatened species as defined by the Kentucky Department for Natural Resources;
 - 3. Alluvial soils identified by the Federal Emergency Management Agency (FEMA) and 100-Year floodplain;
 - 4. Unstable soils as determined by the Natural Resources Conservation Services and depicted in Core Graphic 5;
 - 5. Protected Waterways and their Buffer Areas (100 feet) including:
 - a. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;
 - b. Wetlands subject to the jurisdiction of the U.S. Environmental Protection Agency or the Army Corps of Engineers and additional standards established in **Section 4.8.5**;
 - c. Lakes of greater than three acres in size, and with a permanent pool elevation that constitute "waters of the Commonwealth" as defined in KRS Chapter 224.
 - d. Other bodies of water designated as Protected Water Bodies through official nomination and appropriate legislative approval.
 - 6. Karst features subject to development restrictions as defined in **Chapter 4.9**.
 - 7. Existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor or landscape architect and calculated using topographic maps from Louisville-Jefferson Geographic Information Consortium (LOJIC) or from a topographic survey prepared by a licensed land surveyor.
- B. **Secondary Conservation Areas (SCA).** SCAs consist of undeveloped,-unconstrained, buildable land, and protected, constrained but buildable lands. Because active recreation areas are cleared and graded and

therefore reduce natural resources and wildlife habitats, only 50% of active recreation areas and facilities may be counted as Conservation Area. SCAs, as defined by this ordinance, include the following:

1. Farmlands (fields, pastures, meadows, prime agriculture soils);
2. Woodlands, excluding riparian buffers;
3. Historic and/or archaeological sites as identified by the Kentucky Heritage Council or Louisville Landmarks Commission, excluding cemeteries;
4. Passive recreation areas, public and private, to include pedestrian, bicycle and equestrian trails, picnic areas, community commons or greens, and similar areas;
5. Active recreation areas and facilities, public and private, including parks as identified by the Metro Parks and Recreation Master Plan, playing fields, and playgrounds.

C. Conservation Area Design Review Standards. The configuration of Conservation Area land shall comply with the following standards:

1. Where the proposed development adjoins public park land, a conservation area of at least thirty (30) feet shall be provided within the development along its common boundary with the park land or conservation easement, within which no new structures shall be constructed and no clearing of trees or understory growth shall be permitted (except as necessary for street or trail construction). Where this buffer is unwooded, the Planning Director or designee may require that vegetative screening be planted or that the buffer be managed to encourage natural forest succession through “no-mow” policies and the periodic removal of invasive species. **EXCEPTION:** Housing facing park land or park boundary road is not required to have above listed conservation area.
2. Conservation Area land shall be interconnected to existing and potential Conservation Areas on adjacent properties as well as to other internal Conservation Areas on the development site to provide a continuous network of such lands within and adjoining the development site.
3. Except for civic and recreational spaces, such as squares and playing fields, Conservation Areas shall be free of all structures, excluding, however, historic buildings, stone walls, and structures related to Conservation Area land uses. Structures and improvements made for storm drainage, sewage treatment, and water supply may be located in the Conservation Area land. Acreage set aside for such uses shall not be credited towards the minimum required Conservation Area, unless the land remains appropriate for passive recreational use.
4. Except in those cases where a portion of the Conservation Area is located on private house lots, this Conservation Area land shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within Louisville Metro or an adjoining jurisdiction. Provisions shall be made for access to the Conservation Area land, as required for land management and emergency purposes.
5. Conservation Area land shall be suitably landscaped either by retaining existing natural cover and wooded areas or according to a landscaping plan to protect and enhance greenway resources. In any case, preservation and retention of natural cover is preferable and may be supplemented by additional landscaping where necessary.
6. The Conservation Area shall be contiguous. Contiguous shall be defined as being connected based on the following:
 - a. The minimum width of any Conservation Area is 30 feet and shall contain at least 6,000 square feet of contiguous area unless the Conservation Area is the terminus of a cul-de-sac, where the minimum width of 15 feet shall be permitted. Property perimeter buffers may only be considered

- as Conservation Areas if they include existing trees that are designated as Tree Canopy Protection Areas (TCPA).
- b. All Conservation Area networks shall provide connectivity to any common areas within the development and to any adjacent public places or rights-of-way. These connections could be provided through a pathway that may be paved, mulched, natural or grassy or other similar way to connect the areas.
 - c. Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by Public Works.
 - d. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges and tunnels as approved by Public Works.
7. Conservation Areas will still be considered connected if separated by a roadway. Planning & Design Services staff may waive the requirement of connectivity for all or part of the required Conservation Area where it is determined that allowing non-contiguous Conservation Area will promote the goals of this section or protect identified PCAs and SCAs.
8. Common and non-common areas in Conservation Area land shall be preserved for its designated uses and shall be made subject to such agreement with Louisville Metro Government and such conservation easements, duly recorded with the office of Jefferson County Clerk as may be required by Louisville Metro Government.
- a. The percentage of the Conservation Area that is wetlands shall not typically exceed the percentage of the tract which is wetlands; provided, however, the applicant may include a greater percentage of wetlands in such Conservation Area upon a demonstration that such inclusion promotes the purposes of this regulation.
9. Paths or walkways may be permitted within Wetland and Protected Waterway Buffer Areas if constructed of pervious materials and demonstrate compliance with standards established in **Chapter 4.8** of the LDC.

7.11.7 Legal Restrictions.

- A. Permanent Conservation. Dedicated Conservation Areas shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Planning Commission's Legal Counsel and duly recorded in the office of Jefferson County Clerk.
- B. Conservation Area Management Plan. Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all Conservation Area land shall be shown. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. A detailed ownership and management plan for the Conservation Areas shall be filed with the plat for any proposed Conservation Subdivision. The plan shall:
 1. Identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners' fees or assessments.
 2. Specify guidelines for how the maintenance of the Conservation Areas and any facilities eligible for location in the Conservation Areas will occur.
 3. Identify a board and procedures for oversight of an enforcement of the Management Plan.
- C. Ownership and Management. Any management organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its function (Management Entity). Options for ownership and

management of preserved area include:

1. Fee Simple dedication to Louisville Metro Government or other public entity subject to acceptance by and at the sole discretion of Louisville Metro Government or other public entity.
 2. Creation of or dedication to a Homeowners Association capable of carrying out the ownership and management plan. The Planning Commission Legal Counsel shall determine that, based on documents submitted with the development plan, the Association's bylaws or code of regulations specify the following requirements:
 - a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b. The Association shall be responsible for maintenance, control, and insurance of common areas, including the dedicated conservation areas.
 3. Establishment of an endowment where the principal generates sufficient annual interest to cover the yearly costs of ownership and maintenance of the preserved area.
 4. Dedication to a private or not-for-profit entity such as a land trust or similar conservation-oriented organization with the legal authority and financial capacity to accept such dedications.
 5. Dedication of a conservation easement on the Conservation Areas to any of the above entities with a right of enforcement in favor of Louisville Metro Government stated in the easement.
- D. Right of Enforcement.** In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
- E. Review.** The legal restrictions and ownership and Management Plan shall be subject to review and approval by the Planning Director or the Planning Commission Legal Counsel.

7.11.8 Dedication of Conservation Areas for Public Use.

Applicants shall comply with relevant standards in Chapter 10.5.4 of the LDC pertaining to dedicating a portion of the development site for public recreational use.

7.11.9 Technical Standards for Conservation Subdivisions

- A. Density Calculation:** The maximum total number of lots permitted for Conservation Subdivisions shall be based on the amount of dwelling units per acre permitted in the underlying zoning district, classes RR through R-5, minus the Primary Conservation Areas (PCA) and land typically allocated for infrastructure. For purpose of this calculation, a 10% bonus of maximum lots permitted (MLP) may be added to those sites pursuing conservation areas 50% or greater of the development site in R4 and R5 zoned districts. The resulting density shall serve as a guide and shall not exceed the underlying zoning district, unless the applicant chooses to pursue a zoning change. The base density allowed on the site shall be calculated by:

$$MLP = \frac{TA - PCA - IA}{\text{Zoning District Min. Lot Area}}$$

MLP = Maximum Lots Permitted
 TA = Total Land Area
 PCA = Primary Conservation Area
 IA = Infrastructure Area (10% of TA)

**EXAMPLE: Total Land Area (TA): 50 acres Primary Conservation Areas (PCA): 12 acres
Maximum Lot Calculation**

R4	R5
MLP=(50 -12-5 (acres))/9000 sf	MLP=(50 -12-5 (acres))/ 6000 sf
MLP = 33 acres ¹ / 9,000 sf.	MLP = 33 acres ¹ / 6,000 sf.
MLP = 1,437,480 sf./9,000sf.	MLP = 1,437,480 sf./6.000sf
MLP=160 lots	MLP = 239 lots
<i>With bonus 10%:</i>	<i>With bonus 10%:</i>
MLP = 176 lots or 3.52 du/acre	MLP = 263 or 5.26 du/acre

- B. Dimensional Standards.** Conservation Subdivision design encourages creative, flexible design; therefore no minimum or maximum lot size shall be imposed. Instead, an average lot size for the entire net development area is permissible. Each lot shall be designed according to **Table 1**:

Table 1 Conservation Subdivision Dimensional and Diversity Standards

Zoning District	Conservation Area Requirement	Maximum Attached/ Semi-Detached Units	Max. Contiguous Attached/ Semi-detached units	Average Lot Size	Minimum Side Yard	Min. Front & Street-side Yard	Max. Front Yard	Min. Lot Width	Minimum Rear Yard	Maximum Building Height	FAR
R-5	Min. 30%	30%	Attached=8 Semi-detached=2	≥4,500 S.F.	3 ft., 5 ft. if adjacent to alley; 0 ft if attached	15 ft.	25 ft.	25 ft If corner= 40 ft. If attached= 18 ft.	20 ft., 5 ft. adjacent to alley	35 ft. (NFD) 45 ft. (TNFD)	1.5
	Min. 50%	50%		≥3,000 S.F.							
R-4	Min. 30%	20%	Attached=8 Semi-detached=2	≥5,500 S.F.	5 ft.; 0 ft if attached	20 ft.	NA	35 ft.	25 ft., 5 ft. adjacent to alley	35 ft.	>6,000 S.F.= .5 <6,000 S.F.= 1.5
	Min. 50%	40%		≥4,500 S.F.							
R-3	Min. 60%	20%	Attached=4 Semi-detached=2	≥6,000 S.F.	5 ft.; 0 ft if attached	25 ft.	NA	50 ft.	25 ft., 5 ft. adjacent to alley	35 ft.	>40,000 S.F.= .3 <40,000= 5
R-2		20%	≥10,000 S.F.								
R-1 RE		NA	NA	≥20,000 S.F.	10 ft.	30 ft.		60 ft.			
RR		NA	NA	≥40,000 S.F.	15 ft.	40 ft.		75 ft.			

¹ Calculation is in acres. To convert acres to square feet, multiply result by 43,560.

C. Building and Lot Design Standards

1. Conservation subdivisions may include off-street guest parking areas within Secondary Conservation Areas only, particularly in blocks that contain lot widths less than 30 feet. Existing woodland areas may not be removed for the purposes of constructing off-street guest parking areas. The parking area shall be constructed using approved pervious paving methods and shall not occupy more than 15% of the total Conservation Area lot. The addition of parking spaces shall not be deemed a reduction in the size of the Conservation Area with regard to the minimum Conservation Area requirement.
2. Rear facades shall not be oriented to existing or proposed streets. Rear facades may face interstate highways, alleys or rear lanes.
3. Lot Frontage on a Conservation Area. Conservation subdivisions may be designed with lots fronting onto Conservation Areas with all vehicular access from alleys or lanes approved by Public Works and all other approving agencies. All alleys and rear lanes in Conservation Subdivisions are additionally subject to the requirements of Section 7.11.9.D.2.

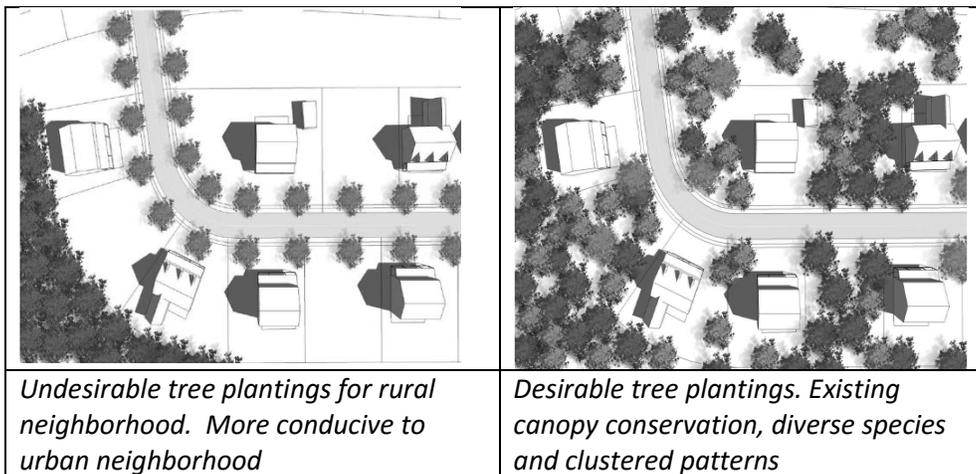
D. Streetscape Standards

For additional information regarding conservation subdivision streets refer to Appendix 7A.

1. Streets. The street network shall form a generally connected pattern, with a minimum of cul-de-sacs, and shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts to provide visual interest. Local street design shall adhere to the following standards:
 - a. Street patterns shall be designed to respect and follow the existing natural topography and to limit the amount of grading and tree removal. Street grades shall conform to standards established in Section 6.2.3 of the LDC.
 - b. All streets, with the exception of loop streets, cul-de-sacs, and loop lanes, shall terminate at other streets within the subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the subdivision.
 - c. To the greatest extent practicable, streets shall be designed to have maximum lengths of 600 feet between intersections and maximum lengths of 1,200 feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than 600 feet long shall provide a Conservation Area.
 - d. Loop lanes or cul-de-sacs shall be designed to not exceed 1000 feet in length. Loop lanes shall be designed as a single one-way lane, not less than 18 feet in pavement width, with a central median running the entire length. The median shall be at least 30 feet wide, and shall be planted with shade trees along both sides at intervals not less than 1 Large (Type A) tree per 50 lineal feet of right-of-way, or 1 medium (Type B) tree per 40 lineal feet, or 1 Small (Type C) tree per 30 lineal feet. Small trees are permitted only where utility lines or other site constraints will not allow planting of Large or Medium trees.

2. Street trees. Street trees shall:

- a. Be planted along each side of all streets in or adjacent to the development site, public or private, existing or proposed, including arterials (only the side adjacent to the development site), but excluding alleys and rear access lanes. Existing healthy and mature street trees may be counted toward the street tree planting requirement.
- b. New street trees shall be in accordance with recommended street tree types as listed in Appendix 10A of the LDC and be installed in groupings that appear natural rather than equally spaced rows.
- c. Be installed at intervals no greater than 40 ft, planted in a clustered pattern with spacing approved by PDS staff.



3. Sidewalks

For additional information regarding conservation subdivision sidewalks refer to Appendix 7A. Public sidewalks (including informal walkways and footpaths) shall:

- a. Create a linked network of walkways connecting all uses with parks and other greenway land areas.
- b. Link loop streets and the ends of cul-de-sacs with the street network, trails, or greenway land behind the lots served by those loop streets or cul-de-sacs.
- c. Be separated from street curbs by a verge not less than five feet in width, planted with shade trees in accordance with Section 7.11.9.D.2.
- d. Be provided along the front lot lines of all residential lots to ensure pedestrian access to each lot. Sidewalks shall be provided along the front lot lines of residential lots fronting directly onto common greens or parks.
- e. Be permitted along one side of the street rights-of-way only when a proposed walkway system provides pedestrian access equal to or better than the provision of sidewalks along both sides of the street. Walkways located in Primary Conservation Areas (PCAs) shall be constructed of pervious material such as pervious concrete, gravel, wood chips or other similar materials.

Appendix 7A Conservation Subdivision Street & Sidewalk Guidelines

In order to facilitate the intent of the Conservation Subdivision Regulations in the Land Development Code (Chapter 7, Part 11), which encourages reductions in impervious surfaces to reduce surface runoff and limit land disturbances, Public Works has set forth a series of guidelines to aid in the overall design process. This guideline is not meant to be all encompassing or rigidly applied to all sites equally, however it does establish various treatments to be considered within a proposed conservation subdivision.

A. Definitions**Road Classifications:**

For the purpose of this guideline, all roads within the Conservation Subdivision shall be classified based on interconnectivity, number of lots served, and the possibility of future extensions.

Main Road = provides direct access to the existing arterial or collector roadway and serves as the main entrance to the subdivision. Serves as the primary access to multiple secondary roadways and cul-de-sacs, but with few driveways directly abutting the roadway.

Secondary Road = connects directly to the main road and provides direct access to residential lots, cul-de-sacs, loop roads or connects two Main Roads.

Loop Road = provides direct access to residential lots and does not provide further access to cul-de-sacs or other stub roads. Should not provide access to more than 15 lots and can be designed as a one-way street.

Cul-De-Sac = connects directly to a Main or Secondary road and provides direct driveway access to residential lots. Cannot exceed 1,200 feet in length and should be limited to 50 single family lots or a mix of single and multi-family lots not exceeding 75 units. Designed to terminate with a bulb or half-bulb design, depending on number of lots served, that can accommodate emergency service trucks.

Stub Road = a roadway designed for future extension to an abutting property. Should be designed to Main Road standards. Temporary hammer-head turn-around shall be required if the Stub road exceeds 300 feet in length or serves more than 20 single and multi-family units.

B. Typical Roadway Cross-Sections

Roads may be designed as curb and gutter with concrete flume drainage or grass shoulders in order to reduce the overall impact of infrastructure construction. Other drainage treatments, such as inverted crown or pervious pavement, will be considered on a case by case basis, however the responsibility for maintenance shall be with the Conservation Subdivision's Owners Association and an agreement of continued maintenance shall be recorded prior to construction approval.

C. Sidewalks

Sidewalks are an integral part of any residential subdivision and provide a means of access to neighborhood serving uses and a source recreation by all residents of the subdivision. Sidewalks should be provided along both sides of any roads that provide direct or indirect access to more than 75 lots. This will include most Main Roads and should include any Stub Roads that may be further developed. Sidewalks should also be provided along both sides of any roads with pavement widths less than 20 feet with the exception of Loop Roads that only have lots abutting one side of the road. Sidewalks should be provided along at least one side of the road in Cul-De-Sacs with 25 or more lots or Secondary Roads with 60 or more lots.

As a general rule, sidewalks should be provided along any roads without adequate pavement width or grass shoulder to provide safe use by pedestrians or along any densely developed road frontage that may contain a mix of single and multi-family development. Sidewalks should also be provided along roadways that are used to connect two higher classified roads, thus providing pedestrian connectivity between main roads.

Sidewalks should also be located so as to provide pedestrian access to trail heads or other amenities located within the conservation areas.

D. Parking

On-street parking shall be restricted along any roads with pavement width less than 20 feet. No parking will be permitted on either side of the road and community parking areas will need to be provided. The total number of spaces necessary to accommodate the parking restriction shall be based on the total number of lots and be located so as to provide reasonable guest parking for all abutting lots.

On-street parking shall be restricted along one side of any roads with pavement widths less than 22 feet. No parking will be permitted on one side of the road and community parking areas will need to be provided. The total number of spaces necessary to accommodate the parking restriction shall be based on the total number of lots and be located so as to provide reasonable guest parking for all abutting lots.

E. Right-of-Way

The total width of the public Right-of-Way shall depend on the number of lots, pavement width, sidewalks and roadside drainage. Roads without sidewalks or shoulders will require less Right-of-Way than wider, shouldered roads serving more lots. Roadways may be constructed asymmetrically within the Right-of-Way in order to maximize the amount of infrastructure within a minimum Right-of-Way. This smaller footprint will allow greater flexibility in road design without impacting the surrounding area.

R/W	Pavement Width	Sidewalk	Roadside	Verge	Sidewalk Width	Total Width (Pavement + Verge + Sidewalk)
36'	14'	None	Shoulder	6'	0'	26'
36	14	None	Curb & Gutte	4	0	22
36	14	One	Shoulder	6	4	30
36	14	One	C & G	4	4	26
36	14	Both	Shoulder	6	4	34
36	14	Both	C & G	4	4	30
40	16	None	Shoulder	6	0	28
40	16	None	C & G	4	0	24
40	16	One	Shoulder	6	4	32
40	16	One	C & G	4	4	28
40	16	Both	Shoulder	6	4	36
40	16	Both	C & G	4	4	32
40	18	None	Shoulder	6	0	30
40	18	None	C & G	4	0	26
40	18	One	Shoulder	6	4	34
40	18	One	C & G	4	4	30
40	18	Both	Shoulder	6	4	38
40	18	Both	C & G	4	4	34
45	20	None	Shoulder	6	0	32
45	20	None	C & G	4	0	28
45	20	One	Shoulder	6	4	36
45	20	One	C & G	4	4	32
45	20	Both	Shoulder	6	4	40
45	20	Both	C & G	4	4	36
50	22	None	Shoulder	6	0	34
50	22	None	C & G	4	0	30
50	22	One	Shoulder	6	4	38
50	22	One	C & G	4	4	34
50	22	Both	Shoulder	6	4	42
50	22	Both	C & G	4	4	38
50	24	None	Shoulder	6	0	36
50	24	None	C & G	4	0	32
50	24	One	Shoulder	6	4	40
50	24	One	C & G	4	4	36
50	24	Both	Shoulder	6	4	44
50	24	Both	C & G	4	4	40
55	26	None	Shoulder	6	0	38
55	26	None	C & G	4	0	34
55	26	One	Shoulder	6	4	42
55	26	One	C & G	4	4	38
55	26	Both	Shoulder	6	4	46
55	26	Both	C & G	4	4	42

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