

**PIKEVILLE SUBDIVISION REGULATIONS
PIKEVILLE, KENTUCKY**

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PIKEVILLE SUBDIVISION REGULATIONS

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ARTICLE 1

GENERAL PROVISIONS

100 Title - These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the City of Pikeville, Kentucky" and shall hereinafter be referred to as "These Regulations".

110 Authorization - These subdivision regulations are adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Section 100.273 through 100.291 and 100.334. The Pikeville, Elkhorn City, Pike County Joint Planning Commission (Planning Commission), established under the Kentucky Revised Statutes Chapter 100, Section 100.117 has fulfilled the requirements set forth in KRS 100.273 as a prerequisite to the adoption of these regulations and is thereby designated as the administering agency.

120 Purpose - Land subdivision is the first step in the process of community development. Oftentimes, not enough thought is given to the process. Once land has been divided into streets, blocks, lots, and open spaces, a pattern has been established which usually determines how well community needs for residential, commercial, public, and industrial land will be met. It also determines to a great extent how well the community will be able to handle its traffic circulation problems, how well it will be able to meet the demands for home sites, and how efficiently and economically it will be able to provide the many services demanded of it.

After land has been subdivided and publicly recorded, it is very difficult and costly to correct defects and deficiencies in the subdivision layout and in the facilities provided. In addition, a subdivided area sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. The guidance of land development in harmony with community objectives is therefore a matter of serious public concern, and it is in the interest of the public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards.

These subdivision regulations are designed to provide for the harmonious development of the subdivided area; for a coordinated layout; for the proper arrangement of streets; for adequate and convenient open spaces; for traffic, utilities, recreation, light, air, and access of fire-fighting equipment; for avoidance of population congestion through requirements for minimum lot widths and lot areas; for adequate provision of water, drainage, sewer and other sanitary facilities; and for reducing flood damage potentials to the greatest extent possible.

130 Jurisdiction - On and after the date of adoption, these regulations shall govern each and every subdivision of land within the corporate limits of the City of Pikeville, Kentucky.

140 Inconsistency With Other Provisions - Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rules, regulations, ordinance or resolutions, the most restrictive or highest standards shall apply.

150 Separability and Severability - Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision thereof which is not itself void or invalid.

160 Amendments - The Planning Commission may from time to time adopt amendments that will tend to increase the effectiveness of these Subdivision Regulations or expedite the approval of subdivision plats. These Subdivision Regulations and amendments thereto may be changed or amended by the Planning Commission after public hearing by giving due notice as required by KRS 424.

170 Authority - The Commission's authority and responsibilities for these purposes is stated in the Kentucky Revised Statutes, Chapter 100, Section 100.277 as follows.

- 1) No person or his agent shall subdivide any land, before securing the planning commission's approval of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairperson, secretary, or other duly authorized officer of the commission.
- 2) No person owning land comprising a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any right or remedies he may otherwise have.
- 3) Any street, or other public ground which has been dedicated shall not be accepted by the legislative body until it has received recommendations from the Planning Commission.

The subdivider or developer is required to submit certain maps of his proposed subdivision (plats) to the Commission which contain such information as to permit the evaluation of the proposed project by the Commission and other agencies of the City.

ARTICLE 2

ADMINISTRATIVE PROCEDURES

200 General Procedures - The following procedures shall be utilized in processing and developing subdivisions within the City. The new review and approval of subdivisions will include three steps.

- 1) Advisory Meeting
- 2) Preliminary Plat Review
- 3) Final Plat Review

205 Technical Advisory Committee

205.1 The Mayor of the City of Pikeville shall appoint with the approval of the City Commission a three (3) member Technical Advisory Committee, which shall; (i) advise the Joint Planning and Zoning Commission as to the technical qualifications and parameters of any proposed subdivision plan; (ii) advise the Commission with respect to any proposed subdivision plans complicity with respect to any proposed subdivision restrictions applicable thereto; and (iii) advise the Commission and recomend any variance which may be warranted herein and/or warranted due to any of the factors set forth under the variance provisions hereof.

205.2 Members of the Technical Advisory Committee shall have either architectural, civil engineering, development, site preparation, and/or other construction expertise in order to provide the Commission with appropriate technical data and expert analysis, which the Commission would otherwise be unable to acquire, without a Consulting Engineer.

205.3 Members of the Technical Advisory Committee shall comply with the City of Pikeville's Ethics Ordinance.

205.4 The members of the Technical Advisory Committee shall be appointed to staggered terms, the initail terms as follows:

- Member No. 1 for a term of One Year;
 - Member No. 2 for a term of Two Years; and,
 - Member No. 3 for a term of Three Years.
- All Subsequent appointments shall be made for a term of Three Years.

205.5 All meetings of the Technical Advisory Committee shall be subject to the open meetings law.

205.6 All expenses of the Committee shall be paid by the City of Pikeville, provided said expenses are responsible and are pre-approved by the City Manager.

210 Advisory Meeting With The Planning Commission - Before preparing a Preliminary Plan and submitting it to the Planning Commission for approval, the subdivider shall meet and consult informally with the Planning Commission or its representative for the purpose of informing the Commission of the impending proposal for development, and for securing information on any provision for that land in City's adopted plans, and the subdivision and zoning process.

This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a formal plat with the Planning Commission is not required for this informal advisory meeting. However, a sketch plan shall be submitted in accordance with the following procedures:

210.1 Notification - The subdivider shall notify the Chairperson or designee no less than ten working days before a regularly scheduled meeting of the Commission of his intention to subdivide property, and request an advisory meeting with the Commission for review of the sketch plat.

210.2 Plat Preparation - The subdivider shall submit a sketch plat containing the information specified in Section 212 of these Regulations. This plat may be in pencil, on a sheet of paper or other suitable material of adequate size to show the subdivided area at a scale of 100 feet per inch, or other suitable scale. The sketch plat does not have to be prepared or certified by a registered engineer. (See Typical Page I-1.)

210.3 Classification - At the advisory meeting the proposed subdivision will be classified as a Major or Minor subdivision and the subdivider advised accordingly of the proper procedure to follow. Minor plats shall be classified and processed according to Section 240.

211 Fees - There shall be no fees charged for the review of a sketch plat or an advisory meeting when held at a regularly scheduled meeting of the Commission.

212 Sketch Plat Requirements and Check List

212.1 - The following items should be included on sketch plats presented for review at initial project presentations:

- A) Name of subdivision, date, north arrow, scale.
- B) Name and address of property owner(s) and developer(s).
- C) A generalized vicinity sketch showing existing roads and their names, the subject property, and major streams.
- D) Generalized shape of the subject property at scale of 100 feet per inch (or larger) with boundary dimensions and total acreage.
- E) Generalized layout of proposed streets and lots.
- F) Names of adjacent land owners or subdivisions.

212.2 - The following items of supplementary information are to be included with the submission of a sketch plat.

- A) Existing and proposed zoning.
- B) Location within the City or unincorporated area of county.
- C) Available utilities and proposed methods of service for water supply, sanitary sewer, storm water drainage.
- D) Intended land use for all parcels.

220 Preliminary Plat - The purpose of the preliminary plat is to provide the Commission with a graphic statement of the proposed improvements to the subject tract of land. Once the sketch plat has been approved, no improvements shall be made on the land to be subdivided, until the preliminary plat has been approved. In the case of a minor plat, improvements may take place following the approval of the final plat. The preliminary plat is "preliminary" only in the sense that the Commission may make suggestions or request suggestions from other qualified agencies towards improving the design or improvement standards presented by the subdivider. Upon Commission approval of the preliminary plat, the subdivider is authorized to proceed with the development of the approved plan and construction of public facilities. (Sample preliminary plat is depicted on Page I-2). No construction shall proceed preliminary plat approval.

221 Processing

221.1 Submittal - Within six months of the advisory meeting, the subdivider shall file an application of the consideration of a preliminary subdivision plat in the form described in Section 222. **An extension** of six months **may be granted** provided the subdivider submits a written request to the Planning Commission and they approve such request. Such application shall be filed with the commission along with the plat and the information specified in Section 222 at least ten (10) working days prior to a regular scheduled meeting date of the Commission. The preliminary plat shall be prepared by a qualified registered engineer or surveyor, at a scale of not less than one hundred (100) feet per inch and shall be on one or more sheets 24 x 36 inches in size.

221.2 Number of Copies - The subdivider shall submit twelve copies of the preliminary plat and required supplementary information to the Chairperson or a designee for distribution to the Planning Commission members and the Technical Advisory Committee for the purpose of review and recommendations.

221.3 Plat Review - The preliminary plat shall first be reviewed by the Technical Advisory Committee. The report of the Technical Advisory Committee shall be forwarded to the Planning Commission for consideration in its review. The findings will be presented and evaluated at a public meeting by the Commission. The subdivider will be mailed notice of such meeting at least five days prior to the meeting at which the plat is to be considered. The subdivider or a representative is expected to be present at this meeting.

221.30 Review By Kentucky Bureau of Highways - If the Bureau of Highways has filed corridor maps with the Commission in accordance with KRS 100.287, the Commission will provide a copy of any affected plat and defer approval until comments have been received from the Bureau.

221.31 - In determining whether a preliminary plat shall be granted approval, the Commission shall consider the following:

- A) Conformance with plat specifications.
- B) Conformance with the applicable provisions of the Zoning Regulations.

- C) Coordination with the elements of existing land use and the adopted Comprehensive Plan.
- D) Fair allocation of areas for streets, parks, homes, utilities, business, and industry.
- E) Distribution of population and traffic in a manner to create conditions favorable to health, safety, convenience, and the harmonious development of the community.
- F) Review comments from agencies and officials.
- G) Comments expressed by the public at the Commission review meeting.

221.4 Commission Action - Within thirty (30) days of the Commission meeting on the preliminary plat, it shall take one of the following actions: (1) approve the plat, (2) approve the plat subject to conditions, (3) disapprove the plat, unless such time is extended by agreement of the Commission and the subdivider, or (4) postpone taking action for specific stated reasons for up to thirty (30) days. If the Commission finds that the preliminary plat does not meet the requirements of these Regulations, it shall either disapprove the plat, or conditionally approve the plat, subject to specified revisions, within the same time period. Failure of the Commission to act on the plat within the specified time shall be considered as approval of the plat.

Approval of the preliminary plat by the Commission does not constitute approval of the subdivision but is merely an authorization to proceed with the preparation of the final plat and construction of public facilities.

In the event of disapproval or conditional approval of the preliminary plat, a statement in writing by the Commission setting forth the reasons for disapproval or the conditions of approval, shall be mailed to the subdivider and entered into the records of the Commission.

221.5 Effective Period of Approval - At such time as a preliminary plat has been approved by the commission, one copy shall be returned to the subdivider for compliance with final approval requirements. Such approval shall be effective for one year from the date of the approval. During that time the general terms and conditions under which the preliminary approval was granted will not be affected by any changes to these Regulations. An extension of six months may be granted provided the subdivider submits a written request to the Planning Commission and they approve such request.

221.6 Adjustment of Preliminary Plat Requirements - The Planning Commission may waive the requirements in any individual case, where, in the Commission's judgement, such a waiver would be in the public interest and would eliminate undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of these Regulations. In granting any adjustment, the Commission shall attach such conditions as are necessary, in its judgement, to secure substantially the objectives of the standards or requirements so adjusted.

A Planned Unit Development (PUD) comprised of the large scale construction of housing units together with related uses and necessary ways of access may be approved by the Commission although the design of the project does not follow standard street, lot or subdivision arrangements; provided that the departure can be made without destroying their intent. The Commission may require such covenants or other legal provisions, which it determines are necessary to insure conformity to the proposed plan and the intent of these Regulations.

Any waiver of these Regulations shall be specifically requested in writing by the subdivider with reference to the particular section to be waived. This request shall be accompanied by the submission of the preliminary plat and be entered in the minutes of the review meeting.

221.7 Amendment of Preliminary Plat - If, after the Commission has approved a preliminary plat, the Subdivider desires to make a change in the number of lots, alignment or other substantial changes, of streets, or use of previously dedicated property, and "Amended Preliminary Plat" shall be filed for review according to the procedures previously described.

222 Preliminary Plat Requirements

222.1 - The following information shall be included on the Preliminary Plat unless accompanied by a request for waiver:

- A) Name of subdivision, date, label "Preliminary Plat", graphic scale, north arrow, acreage to be divided.
- B) Name and address of property owner, subdivider (if other than owner) and developer.
- C) Name, address and seal of the registered professional engineer or land surveyor responsible for preparation of the plans and supplementary plans.

- D) Names of adjacent property owners of record and abutting subdivisions and streets.
- E) Vicinity sketch map at a scale of two-thousand (2,000) feet per inch or greater shall be placed on, or included with the preliminary plat. The vicinity map shall show the subject property and surrounding land within one-half (1/2) mile and include existing roads with at least one intersection of common reference, scale, north arrow, streams, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown and how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and proposed shopping facilities, schools and parks should be designated.
- F) The proposed subdivision shall be shown at a scale of not less than one hundred (100) feet per inch (except where sheet size is prohibitive). Boundaries of the tract will be drawn showing approximate bearings and distances.
- G) The plat will show physical features including streams, wooded areas, existing structures, ponds, and sink holes.
- H) Existing topographic contours at an interval of not greater than ten (10) feet shall be shown for the subject property. Where topographic conditions warrant, a contour interval of five (5) feet may be required.
- I) Location, dimensions and names of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat for a minimum distance of two-hundred (200) feet.
- J) Zoning classification of the tract and adjoining property shall be indicated as well as a description of proposed zone changes, if any, and political jurisdiction.
- K) Location of existing sewers, fire hydrants, water mains, storm drains, power transmission lines with capacities and direction of flow within and adjacent to the tract and showing proposed connections.

- L) Location, right-of-way and pavement width of proposed streets, fire hydrants, and utility easements laid out according to sound planning principles.
- M) Radii of streets, points of curvature, lengths of arcs.
- N) Street names selected so as not to duplicate any other within the City.
- O) Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and front, side, and rear building setback lines. Side and rear setback lines may be written in on the deed. Lot or parcels shall be laid out according to sound planning principles.
- P) Designation and acreage of all parcels and areas to be used for nonresidential purposes including parcels reserved or dedicated for public use and utility installations. All such parcels shall be assigned parcel numbers.
- Q) Location of monuments and pins, which shall be placed at the intersection of property lines, the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.
- R) Note indicating the lot number and area in square feet of the smallest lot in the subdivision.
- S) Subdivision plats being submitted for industrial or commercial development shall also show access points, building masses and dimensions, including proposed entrances, parking, and loading areas, and when possible, the number and type of establishments to be contained within, expected employment, types of products, and plans for eliminating odors, fumes, gases, smoke, and other noxious or toxic matter.

222.2 - The following items of supplementary information shall be submitted with and considered as part of the preliminary subdivision plat as specified in Section 220.

- A) Copy of completed subdivision application form.
- B) Description of physiographic characteristics including soil types, slope, permeability rates, ground water, depth to bedrock, sink holes, flood frequency and relative location of previous mining activities.

- C) Statement of deed restrictions and protective covenants, if any.
- D) Typical street-cross sections showing roadbed construction, curbs, gutters, sidewalks and relationship of underground utilities.
- E) A plan showing provisions for sanitary sewage disposal, storm water disposal, and domestic water supply (as described in Sections 341 - 343 of these Regulations) on a separate map of property lines, street and easement right-of-ways.
- F) Request for modification, variance or waiver of preliminary plat requirements or design standard. (Optional).
- G) Certification by the (Technical Advisory Committee) or other qualified representative, that the proposed plans for streets, sanitary sewage collection system, storm water drainage system, and water distribution system are adequate for the proposed development, plus oversized facilities as are feasible.
- H) If a preliminary plat includes land to be subdivided at a later date, a sketch plan for the entire tract shall be submitted to the Planning Commission along with the preliminary plat for the first unit or part of the tract being developed.

230 Final Plat Approval - The Final Subdivision Plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements have been met. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop. No final plat shall be approved until at least two weeks following approval of the preliminary plat.

231 Processing

231.1 Submittal - Within one year of approval of the preliminary plat, the subdivider shall file the final subdivision plat for review and action by the Planning Commission. Failure to submit the final plat within a year's time shall require reapproval of the expired preliminary plat. An extension of six months may be granted provided the subdivider submits a written request to the Planning commission and they approve such a request. Application for processing must be filed with the commission at least ten (10) working days prior to the review.

231.2 Number of Copies - Sufficient copies of the final plat together with any street profiles or other plans that may be required, **shall be submitted** to the Chairperson of the Planning Commission by the subdivider **at least ten (10) working days** prior to the meeting at which it is to be reviewed.

231.3 Plat Review - Sufficient copies of the final plat shall be transmitted to the Technical Advisory Committee or other qualified representatives who will check said plat as to computations, certifications, monuments, etc., and will insure that all the required improvements have been completed to the satisfaction of the City engineering standards. In case a security bond, or certified check, has been posted, the Committee will verify that it is sufficient to cover the cost of the required improvements. If found satisfactory, they will return the copy of the final plat to the Planning Commission with a statement of their approval within ten (10) days of receipt thereof.

231.4 Commission Action - Within thirty-five days after the review of the final plat, the Planning Commission shall approve or disapprove the plat. **Failure of the Planning Commission to act upon this final plat within thirty-five (35) days shall be deemed approval of the plat.** If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and the developer will be notified in writing of the reasons for disapproval. Approval by the Planning commission shall not constitute acceptance by the public of the dedication of any streets, other public way, or ground.

When the final plat has been approved by the Planning Commission, one (1) copy shall be returned to the subdivider with the approval of the Planning Commission certified thereon for filing with the County Clerk as an official plat of record. Another copy certified by the Commission will be transmitted to the City (or County) legislative body for necessary action on any proposed dedication, or reservation.

231.5 Amended Plats - Final Plats - substantial revisions to an approved final plat, as determined by the Planning Commission, must be refiled as a "new amended final plat" according to the procedures and requirements set forth in Article 2, Section 221.7. Substantial revisions shall be changes as stated in the preliminary plat, plus any major revisions in the location or specifications of required improvements.

Plat amendments determined not to be "substantial" shall still be reviewed by the Planning Commission, but may not require filing a new plat.

231.6 Plat Review Charge - A charge shall be made for the examination and approval or disapproval of every final plat reviewed by the Planning Commission. At the time the final plats are filed with the Planning Commission, the subdivider shall deposit with the Commission checks payable to the Planning Commission in the amount of \$50.00 for each plat and \$2.00 for each lot shown on such plat.

232 Final Plat Requirements

232.1 - The final plat shall give the following information:

- A)** The plat shall be at a scale of one hundred (100) feet to one (1) inch or larger.
- B)** Date, title, name and location of subdivision, graphic scale, and true north line with date of reading.
- C)** All dimensions, angles, bearings, and similar data on the plat shall be shown.
- D)** Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sides with accurate dimensions to the nearest one hundredth of a foot; bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute.
- E)** Name and right-of-way width of each street, easement, or other right-of-way.
- F)** Vicinity sketch drawn at a scale of two thousand (2,000) feet to one (1) inch.
- G)** Proposed sidewalks, if any.
- H)** Street address numbers.
- I)** Preliminary plat changes and conditions incorporated.
- J)** Lot numbers, lot lines, and frontage dimension. All building front, rear, and side set-backs shall be shown by dimensions.
- K)** Purpose for which sites other than residential lots, are dedicated or reserved.

- L) Location and description of Monuments.
- M) Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the names and addresses of the owners of adjoining unplatted properties.
- N) Deed restrictions or protective covenants, if any.

232.2 - The following items of supplementary information shall be submitted with and included as part of the final subdivision plat as specified in Section 240.

- A) Certification on plat showing that streets and utilities have been approved by the appropriate agencies and conform to general requirements and minimum standards of design.
- B) Certification on plat of title showing that the applicant is the owner, and a statement by such owner dedicating streets, rights-of-way, and other sites for public use. See applicable form for Certification.
- C) Certification on plat by surveyor as to the accuracy of survey and plat. See appropriate form.
- D) Certification on plat by the County Health Officer when individual sewage disposal or water systems are to be installed. See appropriate form.
- E) Certification that the subdivider has complied with one of the following alternatives:
 - All the improvements have been installed in accordance with the requirements of these Regulations.
 - A security bond, certified check, or irrevocable letter of credit has been posted with the City in sufficient amount to assure such completion of all required improvements.
- F) Final construction plans (As-Built Drawings) for sanitary facilities, storm water disposal, water supply system, other utilities, and streets (including all underground services).

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

240 Minor Plats - At the advisory meeting (Section 210.3) the Commission will determine whether the proposed subdivision constitutes a Major or Minor Subdivision. In the case of a minor subdivision, the lesser impact on the long range development of the community is considered justification of simplifying and expediting the processing of such plats. Subdivision plats submitted for commercial and/or industrial development shall not be considered minor plats.

241 Minor Plat Requirements - To qualify for consideration as a Minor subdivision plat, a subdivision must meet one of the following situations:

- A) Where a subdivision contains two (2) lots, counting the remainder of the original tract; fronts on an existing public street; involves no widening or extension of streets or utilities; and conforms to the adopted zoning and subdivision regulations and Comprehensive Plan for the City of Pikeville.
- B) Where a subdivision provides for a transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
- C) Where up to and including two (2) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.
- D) Where there is a need to make technical revisions to a recorded final plat of an engineering or drafting nature.

242 Minor Plat Processing - Upon the determination that the proposed subdivision meets the above requirements, the following procedure may be followed by the Planning Commission:

- A) The Commission (or Chairperson) may waive the Preliminary Plat procedure. In this case, the subdivider shall proceed directly with the preparing of a final plat as described in Sections 231 and 232 (as applicable).

243 Variances

243.1 The Commission shall have the power to hear and decide requests for design and improvement standards variances where by reason of the exceptional topographic, geologic, slope or soil composition characteristics or conditions of the land or some other extraordinary situation or condition of the subdivision site, the literal enforcement of certain design and improvement standards contained herein would deprive the applicant of the reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zoning zone.

243.2 A variance can not violate any provision of the City of Pikeville zoning code, ordinance or statute, rule or law of the Commonwealth.

243.3 Before any variance is granted the Commission must find that the variance will not result in an adverse impact on adjacent property or result in economic burden to the property or to the City of Pikeville.

243.4 The Commission may attach to the variance such conditions or restrictions as it may deem advisable to the furtherance of the purpose of this chapter.

243.5 An appeal to the City Commission may be taken by any person aggrieved or affected by the Planning Commission's decision in regard to a variance only. Such an appeal shall be taken within 15 days after the date of the decision and is taken by filing with the City Clerk a "Notice of Appeal" specifying the grounds thereof. The City Commission shall consider the appeal within 45 days at its regular or special meetings. Thereafter, appeals may be taken from the City Commission's decision as provided in Subsection 440.

250 Division of Family Property - The owner of a tract of land may, for purposes of giving a residential building lot to a member of the immediate family, sever and convey a parcel of land from the existing tract. For purposes of this ordinance, the term "immediate family member" shall include only one son, daughter, father, mother, brother, sister, stepfather, stepmother, stepsister and stepbrother. Each proposed division shall require the submission and approval of a plat prepared by a Register Surveyor in good standing in the State of Kentucky and is otherwise exempt from the provision of these regulations except for any specific design or improvement standards that the Commission may deem necessary to prevent an adverse impact on adjacent property or result in an prevent an economic burden to the City of Pikeville.

The applicant shall be required to submit an affidavit in the form attached hereto which shall be signed and notarized by both grantor(s) and grantee(s). The Planning Commission shall have the power to refuse to approve a division of family property, if, in the opinion of the membership of the Commission, the purpose of the division is speculative in nature or to circumvent the regulation of subdivision development.

A one time (one-lot) division for a non-family sell may be permitted for a tract of property. Such division shall require the submission and approval of a plat prepared by a Registered Land Surveyor.

AFFIDAVIT

I/We, the owners, and I/we the immediate family member(s) of the owner(s), do hereby swear or affirm that the proposed off-conveyance to the immediate family member shall be in compliance with the Pikeville Zoning Ordinance and that the proposed off-conveyance is not speculative in nature, for resale or being done to circumvent the Pikeville Subdivision Regulations. I/We further acknowledge that the representations made in this Affidavit are being given to induce the Planning and Zoning Commission to approve the proposed off-conveyance.

The foregoing facts are true and correct to the best of our knowledge and belief.

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Subscribed, sworn and acknowledged before me by _____
(owners), on this the _____ day of _____, 19__.

My Commission Expires: _____

NOTARY PUBLIC STATE ATE LARGE, KY

COMMONWEALTH OF KENTUCKY

COUNTY OF _____

Subscribed, sworn and acknowledged before me by _____
(owners), on this the _____ day of _____, 19__.

My Commission Expires: _____

NOTARY PUBLIC STATE ATE LARGE, KY

ARTICLE 3

DESIGN AND IMPROVEMENT STANDARDS

300 Minimum Design and Improvement Standards - The Planning Commission is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, blocks, lots, utilities, recreation areas, other public facilities, and hazardous areas including land subject to flooding within the City of Pikeville. Furthermore, the Commission is responsible for insuring that such standards are enforced during development as a condition of subdivision plat approval.

These standards for public improvements shall be utilized to assure the conformance of subdivisions to the Comprehensive Plan and Zoning Ordinance.

The standards set forth in this section are considered to be **minimum** acceptable standards of design for safe, efficient, and economical community development. Where the Commission determines that excess capacity facilities are needed, as defined in the respective sections, the legislative body shall be responsible for arrangements to cover the cost of that capacity required beyond what is needed to serve the immediate development.

310 Lot Design Standards - The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Many of these characteristic are determined through the zoning regulations governing the use of land (i.e. minimum lot size, yard requirements, building setback and lot coverage). Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

311 General Lot Layout Guidelines

311.1 Conform to Zoning Requirements - The site and proportions of lots in any subdivision shall conform to the zoning of the property in effect at the time of final plat submission (if applicable).

311.2 Public Street - All lots shall front on a public street as per minimum widths established in the Pikeville Zoning Ordinance.

311.3 One Building Per Lot - Each separate principle use building within the planning area shall be situated on a separate and single subdivided lot of record.

311.4 Lot Lines - N/A

311.5 Corner Lots - Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least fifty (50) feet from the intersection.

311.6 Topography - All parcels shall be laid out as related to topography and shall provide a building site of adequate size, free from drainage problems.

311.7 Lot Area Requirements - Where public sewers are available and zoning is in effect, minimum residential lot area requirements shall conform to the zoning ordinance. Where public sewers are available, and zoning is not in effect, residential lots shall be at least **fifty (50)** feet wide and seven thousand (7,000) square feet in area. Wherever no public sewers are available, residential lots shall meet the minimum square footage requirements of the County Health Department. A greater area than that specified above may be required if, in the opinion of the County Health Officer, there are potential health hazards due to drainage, soil, or other factors.

311.8 Building Setback Line - Where not otherwise specified by zoning requirements, the minimum building setback line from the street right-of-way shall be fifteen (15) feet.

311.9 Monuments - Permanent monuments of concrete or steel rods shall be set at all lot corners, angle points, and points of curves in streets and their location marked on the final plat.

311.10 Double Frontage Lots - Lots shall not be laid out so that they have frontage on more than one street except: (a) corner lots, or (b) when the rear of the lot faces an arterial, freeway or railroad right-of-way and the front of the lot faces on a minor street.

311.11 Lot Numbers - All parcels of land in a subdivision other than streets, shall be given a consecutive lot number. This applies also to lots intended for non-residential use.

311.12 Property Numbering System - Individual lots shall be given a street address in accordance with the Pikeville Street Number and Address System.

312 Non-Residential Lots - Lots to be used for commercial or industrial purposes shall contain such area as required by zoning regulations; or in lieu of zoning regulations, such as necessary to accommodate proposed buildings, necessary parking, off-street loading, landscaping, and buffer areas as required.

320 Subdivision Design Principles - The following sections specify the interrelationships between characteristics of the land (slope, soil composition, woodlands) and the components of urban development (street, blocks, utilities). It is intended that the development of land under these regulations be carried out in harmony with the limitations of the land. Within these limitations, it is intended that flexibility with regard to innovative design and new technology be encouraged.

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

321.1 Unsuitable Land Conditions - If the Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or other such conditions which may endanger health, life or property, the Commission shall not approve the land for subdivision unless adequate methods are proposed by the subdivider for solving problems that will be created by the development.

321.2 Areas Premature For Development - The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, or welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services.

322 Residential Development - The subdivision of land for residential purposes shall adhere to sound planning processes in the relationship of land to buildings and to movement systems.

322.1 Blocks - The width of a residential block should accommodate two tiers of lots, where reasonable. Block length should be at least five hundred (500) feet.

322.2 Street Pattern - The arrangement, location, character, width, grade, and construction of all streets shall conform to the standards presented herein and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety. The street pattern shall discourage through traffic in the interior of a subdivision. Residential development should not front on arterial class streets. See also Section 331.2 of these Regulations.

322.3 Land Remnants - If remnants of land exist after subdividing and have no apparent future use which can be properly controlled, they shall be incorporated into the lot pattern of the proposed subdivision.

322.4 Relationship To Existing Subdivision - Relationship to existing subdivision. In order to reduce the impact of a Proposed subdivision on an adjacent pre-existing subdivision and to preserve property values, buffer zones shall be required in accordance with the following provisions of this section.

322.4.1 A buffer zone consist of a horizontal distance from the property line of a pre-existing adjacent subdivision which zone shall be platted similarly to the pre-existing subdivision as a to the size, shape, configuration and character of the pre-existing lots and homes, if any constructed thereon, thereby blending the subdivision into the pre-existing subdivision.

322.4.2 A buffer zone (running horizontal to the adjacent subdivision) shall be not less than one lot in depth. The depth of the primary buffer zone may be extended to create a secondary buffer zone running horizontally to the primary buffer zone, being one additional lot in depth so that the size of the lots in the secondary buffer zone running horizontal to the primary buffer zone) shall be not less than 75% of the size of the required lot size in the primary buffer zone. (The purpose of the secondary buffer zone is to gradually blend the size of proposed subdivision lots into the pre-existing subdivision where the proposed subdivision lots are substantially smaller than the pre-existing subdivision lots).

For purposes hereof: (i) "Subdivision" shall mean residential area.

The term "One Lot" shall mean the lot(s) in the primary buffer zone shall be of comparable size and dimension to those of the pre-existing "Subdivision". The lots in the secondary buffer zone(s) shall comply with the provisions hereof.

Provided, secondary buffer zones shall be subject to automatic variance reviewed by the Technical Advisory Committee.

322.4.3 Where the adjacent pre-existing subdivisions lots' size shape and configuration is smaller or less than the lots of the proposed subdivision, the buffer zone may consist of screening by a row of deciduous or evergreen trees which are not less than 15 feet high and are spaced not more than 15 feet apart or a row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least six feet in height, in lieu of compliance with buffer zone requirement of Section 322.4.2.

322.4.4 Where the configuration of the lots contained in the primary buffer zone are such that the back lot line (or backyard) is adjacent to the front lot line (ft. yard), of an adjacent subdivision screening shall be required pursuant to Section 322.4.3.

323 Commercial And Industrial Development - The location and orientation of commercial and industrial land subdivision shall be consistent with the intent of the land use plan for the City of Pikeville.

323.1 Minimize Impact - Lot layout and building arrangement shall be so organized as to minimize the adverse effects of normal business operations and vehicular activities on adjacent land. Streets serving commercial and industrial activities shall be planned to connect with arterial or collector streets so as not to generate traffic on minor streets.

323.2 Public Improvements - The Planning Commission may require of the Developer public improvements, including streets and utilities, of capacities adequate to avoid overloading by recommended development in the immediate area, and off-site.

324 Mobile Home Development - Development of mobile home sites for rental, lease, or sale shall conform to the requirements of the City's mobile home park regulations or Kentucky Revised Statute Chapter 219, whichever is more restrictive.

324.1 Permit Application - The Developer of a mobile home park shall apply to the Kentucky Department of Health to obtain a permit to construct or alter a mobile home park prior to filing a preliminary or minor subdivision plat with the Planning Commission.

324.2 Construction Plan - The complete Construction Plan as required by the Kentucky Department of Health shall be considered a suitable substitute for all plat requirements of these Regulations in regard to mobile home parks.

325 Planned Unit Development - Sections of these Regulations may be modified

by the Planning Commission in the case of plans for complete neighborhoods or other design innovations which, in the opinion of the Commission, achieve the basic objectives of these regulations, and provided they are in keeping with the intent of the Pikeville Zoning Ordinance.

326 Cemeteries - These Regulations shall not apply to the subdivision of burial lots in cemeteries except for the requirement to file a plat of record with the Pike County Clerk.

330 Transportation Design Standards - The Planning Commission shall assure that transportation improvements conform to the requirements prescribed herein. Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public conveniences and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation including pedestrian and bicycle.

331 Streets - Streets, as ways for the movement of vehicular traffic, serve two principle functions: First, the movement of people and goods and second, access to adjoining properties. Unfortunately these two functions are of conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two basic functions. Freeways with access limited to controlled points, are exclusively movement corridors. Arterial streets are also primarily movement streets, but also serve adjacent properties through controlled access points. Collector streets are major streets whose function is to collect traffic from local streets and channel it to arterials. Local streets are the opposite from Freeways as locals primarily provide access to lots which front on the street. Other types of streets which primarily intend to provide accessibility to adjacent property include cul-de-sac streets, frontage roads, and alleys.

331.1 Responsibility For Streets - The Developer shall construct streets including all clearing, grading, laying of sub-base, base, pavements, curbs and gutters, culverts, bridges, sidewalks, storm sewer mains and structures, if applicable, in accordance with current City standards. The respective legislative body is not required to accept any street until it has been inspected by the Technical Advisory Committee and has been determined that such construction is in conformance with the approved plans and adopted standards. To achieve the purposes of the Comprehensive Plan, the City may require that certain streets serving a subdivision be constructed to higher standards than would be necessary to serve the particular subdivision. When

higher standards are required, the City may assume a proportionate share of the increased cost of construction. Such cost shall not exceed the difference between that required for construction of the minimum street capable of adequately serving the subdivision and the cost of street construction required by the City.

Developers may request a waiver from the requirement of installing curbs, gutters and sidewalks, which waiver may be granted by Planning Commission after consideration of the relationship of the proposed subdivision to the surrounding neighborhood.

331.1.1 Sidewalk Curb and Guttering

331.1.1 It is the intention of this Commission to promote the construction of sidewalks, when and where the same are feasible, along with curbs and guttering. Provided, in instances of neighborhoods or subdivisions which will not be subject to through traffic or other arterial street, sidewalks will not normally be mandatory and shall remain the option of the developer (provided the other requirements for streets size and width are met by the proposed subdivision plan). Furthermore, sidewalks shall not normally be required in instances where the economics do not warrant the construction, thereof.

331.1.2 The Developer shall construct sidewalks in accordance with the current city standards along expressways, arterial streets and collector (major) streets unless waived by the Planning Commission after consideration of the relationship of the proposed subdivision to the surrounding neighborhood. Strong consideration should be given to continuing existing sidewalks from consideration should be given to continuing exiting sidewalks from adjacent properties. Sidewalks shall not be required along streets that provide access within the subdivision only.

331.1.3 For example sidewalks shall not be required in areas which:

- (i) have dead-end streets as the only or primary access routes;
- (ii) are closed subdivisions with one or two access points;
- (iii) are not subdivisions constructed along an arterial street or highway with unlimited access;
- (iv) provide for off-street parking, and have adequate subdivision streets to provide safe pedestrian and/or bicycle traffic, etc....
- (v) have topographical features (steep grades) which would render a sidewalk unsafe, unusable, and/or impractical.

331.2 General Street Design Criteria - The following guidelines shall be used in the review of subdivision layout.

331.21 Conformance With Comprehensive Plan - The location of streets in a proposed subdivision shall conform in general alignment to the recommendations of the major street plan.

331.22 Dead End Streets - Dead end streets, shall be discouraged. When practical, the Commission may require that dedicated right-of-way on dead end streets shall extend to the tract boundary.

331.23 Street Intersections - Multiple intersections involving the junction of more than two streets shall be avoided. Street intersections shall be aligned opposite one another, otherwise offsets between intersections shall be greater than one hundred twenty five (125) feet between center lines.

Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measured in each direction across the corner between points, each fifty (50) feet back from the theoretical intersection of the centers of the pavement extended and between two (2) and ten (10) feet above the surface of the pavement. The space so described shall not be blocked by bushes, trees, structures or other obstructions.

331.24 Half Streets - Dedication of new half streets along tract boundaries shall not be permitted except to complete the other half where such a street has been previously platted.

331.25 Multi Family Areas - Streets serving multi-family areas shall connect to collector or arterial streets so as not to generate large volumes of traffic on local streets.

331.26 Street Names - Street names shall be selected which will not duplicate nor be confused with names of other existing streets in Pikeville. Proposed streets, which are clearly in alignment with existing streets, shall bear the name of existing street. Street signs conforming to local specifications shall be the responsibility of the developer. Generally, no street should change direction by more than 90 degrees without

change in name.

331.27 Dedication of Right-Of-Way - Subdivisions along existing streets shall dedicate such additional right-of-way as needed to meet standards. When the subdivision is located on only one side of an existing street, only one-half of the additional right-of-way shall be provided.

331.28 Street Trees - the Commission may request trees indigenous to the area to be planted between the curb and sidewalk, if any, or in front yards, by the developer. Trees should be planted according to landscaping standards and not conflict with utility installations.

331.29 Street Signs - Subdivision shall have permanent street signs provided by the developer, according to City standards.

331.3 Street Classification System - The following functional street classification shall be considered in the planning of a subdivision and the implementation of the Comprehensive Plan.

331.31 Expressways - For the purpose of moving vehicles intercity or between major parts of a city at high speed. Access is limited to continuous flow, grade-separated interchanges with Arterial Streets. Directional flow is served by two or more lanes in each direction and is separated by a grass or barrier median.

331.32 Arterial Streets - Primarily for the purpose of moving vehicles intercity (Highways) and connecting sections of the city at moderate speeds. Directional flow may be separated by mountable, non-mountable or barrier medians and be served by one to three lanes in each direction. Additional lanes may be designated for left and right turns. Parking may be permitted. Access from adjacent properties is controlled and where Arterial Streets are state highways, require an Access Permit from the State Road Engineer of the District office of the Bureau of Highways.

331.33 Collector (Major) Streets - For the purpose of "collecting" traffic from Local Streets for distribution to Arterial Streets and to provide access to adjacent property. Directional flow may be served by one or two lanes in each direction with additional turning lanes as needed. Parking may be permitted.

331.34 Local (Minor) Streets - For the purpose of providing vehicular access to adjacent properties. Directional flow is served by one lane in each direction. Posted speed limits are low. Parking is permitted and may require additional roadway width. Layout should discourage through traffic.

331.341 Cul-De-Sac Streets - A local street with only one end open to vehicular traffic and the other end terminated by a permanent vehicular turn-around. The length of Cul-De-Sac Streets shall not exceed six hundred (600) feet, except where topographic conditions may require a waiver.

331.35 Frontage (Marginal Access) Roads - For the exclusive purpose of providing access to properties adjacent to Arterial Streets and Expressways. Frontage roads provide for two way traffic at a slow-rate of speed and parallel the Arterial Street with access points to it not more than every four hundred (400) feet. The Commission may require Frontage Roads as a condition to approval of development along designated or proposed Arterials or Expressways.

331.36 Alleys - For the purpose of providing secondary vehicular access to adjacent properties along the rear of side lot lines in commercial or industrial areas. Alleys shall not be used for residential subdivisions.

331.37 Dead End Streets - A street having an outlet at only one end and terminated at the other end by undeveloped property. Dead end streets that extend beyond the corner lot shall be served by temporary turn-around facilities.

331.38 Street Geometric Standards - All streets shall at a minimum conform to the applicable geometric, cross-section, and sight triangle standards of Exhibits "A", "B", and "C".

EXHIBIT "A"

*¹STREET GEOMETRICS

Local Streets	
STREET DIMENSIONS Right-of-Way (Minimum) Roadway (Paved) Driveway Access Street Grade, Maximum Street Grade, Minimum	30' + 6' Permanent Easement 22 Yes 12% 0.5%
STREET ALIGNMENT Horizontal Curve Radius Stopping Sight Distance Crest Vertical Curve Formula Crest Vertical Curve, Minimum Sag Vertical Curve Formula Sag Vertical Curve, Minimum	150' 200' $L = 22A$ 100' Min. $1 = 35A$ 100' Min.
STREET INTERSECTIONS Maximum Street Legs Intersection Angle (Pref. & Min.) Intersection Spacing Curb Radius Along Street	4 90°-80° *2 20'

- * Typical cross sections are described in Exhibit "B".
- *1 Due to the mountainous terrain encountered within the City limits, variations of the above geometrics may be approved on a case by case basis.
- *2 Intersection spacing shall apply as described in 331.39(k).

L = Length Vertical Curve; A = Algebraic Grade Difference (Percent)

EXHIBIT "B"
TYPICAL STREET CROSS-SECTIONS

REQUIRED MINIMUM
CRITERIA

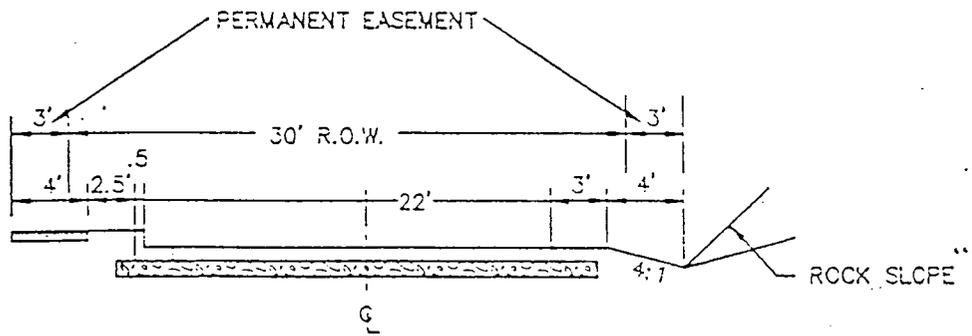


EXHIBIT "C"

CORNER SIGHT DISTANCES AT INTERSECTIONS

MINOR INTERSECTION

M
A
J
O
R

I
N
T
E
R
S
E
C
T
I
O
N

TYPE OF ROADWAY	PUBLIC OR PRIVATE STREET	DRIVEWAY
Major Arterial	325L/150R/15M*	325L/150R/15M
Minor Arterial	275L/150R/15M	275L/150R/15M
Collector	200L/150R/15M	200L/150R/15M (Non-Res.) 150L/120R/15M (Res.)
Local	175L/130R/15M	75L/55R/10M

* 325L/150R/15M - Sight triangle to the left/sight triangle to the right/distance from edge of curb on minor street or drive approach.

NOTE: This table assumes right angle intersections and straight major street movement within the sight distance. Situations involving skewed intersections, curvilinear streets and other mitigating factors shall have sight distances determined by the Technical Advisory Committee.

331.39 Street Construction - Streets shall be constructed in conformance with the following requirements.

- A) **Grading and Embankments** - The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside of the limits of the typical section. Prior to the construction of embankments, any unsuitable material, on which the embankment will be superimposed, should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness, loose depth. Each layer shall be thoroughly compacted by rolling with a ten ton three wheel roller, sheepsfoot roller, or other approved type roller.
- B) **Cut Section Excavation** - Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.
- C) **Solid Rock Excavation** - If solid rock is encountered in connection with the grading operations, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and backfilled to meet the grading and embankment requirements.
- D) **Subgrade Preparation** - Prior to construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.
- E) **Concrete Streets** - Shall have a minimum depth of six (6) inches and shall meet requirements for Class "A" Concrete, Kentucky Department of Transportation, Bureau of Highways, Standard Specifications, Current Edition. Construction and finishing methods shall be as approved by the current edition of the Kentucky Department of Transportation, Bureau of Highways, Standard Specifications. Actual pavement design shall be based upon soil data (California Bearing Ratio (CBR) to be provided by the developer and the functional classification of the street in accordance with Exhibit "D" herein. The Technical Advisory Committee shall have the authority to approve alternative designs which equal or exceed the specified requirements.

- F) **Bituminous Concrete (Asphalt) Base and Surface** - The design of flexible pavements shall be based on soil data (California Bearing Ratio (CBR) supplied by the developer and the functional classification of the street in accordance with Exhibit "D" herein. If dense graded aggregate is a component of the approved design it shall be compacted to a density no less than 84% of solid volume as specified by the Kentucky Department of Transportation, Bureau of Highway Standard Specifications, current edition. The bituminous courses shall be Bituminous Plant Mixed pavement placed generally in two lifts, base and surface. A tack coat between the bituminous base and the surface course may be required by the Technical Advisory Committee. The Technical Advisory Committee shall have the authority to approve alternative designs which equal or exceed the specified requirements.

EXHIBIT "D"

PAVING SPECIFICATIONS

Func. Class	Residential Local (Minor)			Residential Collector			Non-Residential and Arterials		
	Bit. w/ Gran. Base (In.)	Full Depth Bit. (In.)	Conc. ² (In.)	Bit. w/ Gran. Base (In.)	Full Depth Bit. (In.)	Conc. ² (In.)	Bit. w/ Gran. Base (In.)	Full Depth Bit. (In.)	Conc. ² (In.)
4	3.5-7 ³	6	5	4-8	7.5	5	4-8	8	5
5	3.5-7	6	5	4-8	7	5	4-8	7.5	5
6	3-6	6	5	4-6	6.5	5	4-6	7	5

- 1) California Bearing Ratios of less than 4 will require soil stabilization. Paving thickness may be reduced if CBR's are greater than 6 - information to be submitted to Technical Advisory Committee by developer's Engineer.
- 2) A 3" insulation course of DGA shall be required under rigid pavement.
- 3) 3.5-7 => 3.5" asphalt over 7 inches stone.

GENERAL: Bituminous surface course will be 1" thick unless otherwise directed by the Technical Advisory Committee. Thickness of and number of lifts to be approved by the Technical Advisory Committee.

Tack coat of SS-1 or SS-1h (0.1 gal./yd²) required between bituminous base and surface.

Pavement components presented in this chart are examples of acceptable specifications. Alternative designs using different materials and/or component ratios will be considered when submitted by the developer's Engineer.

EXHIBIT "E"

ALTERNATE CUL-DE-SAC DESIGNS

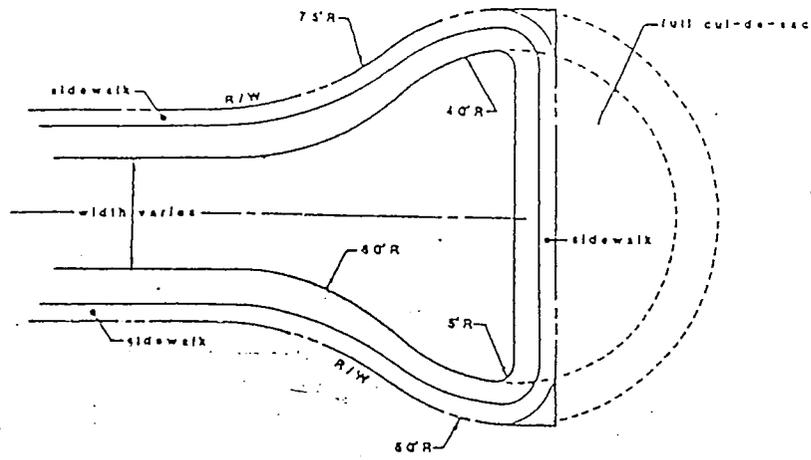


FIG. 1 HALF-CIRCLE

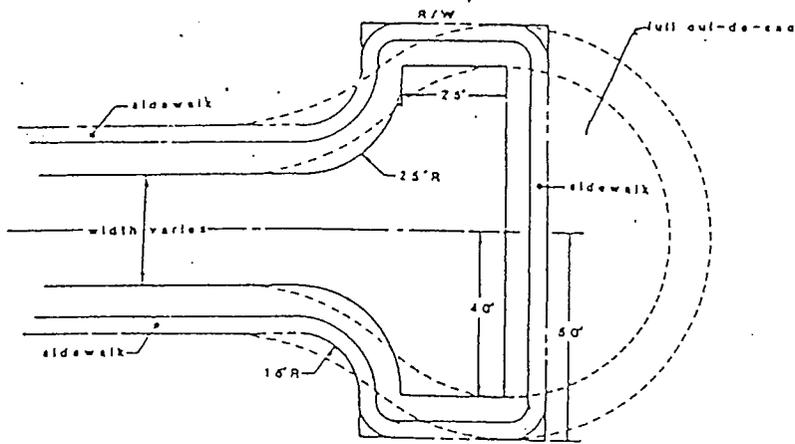


FIG. 2 HAMMERHEAD

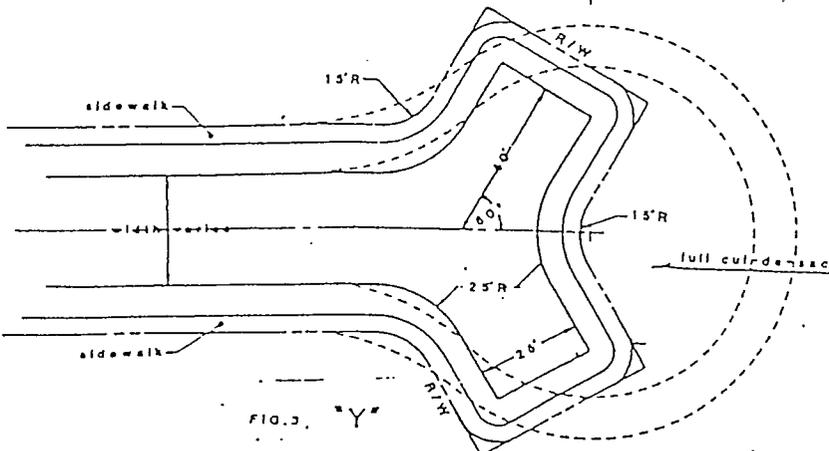


FIG. 3

- G) **Street Crown** - A street crown of 1/4" per each foot of street width from the center of the street shall be required.
- H) **Concrete Box Curb and Gutter** - Concrete box curb and gutter may be an optional requirement for public streets; and when installed shall measure twenty-four (24) inches from back of curb to the outer edge of gutter. The back of curb form shall be full twelve (12) inches in depth. The curb shall be full six (6) inches in thickness for its entire width. The gutter shall slope one (1) inch toward the curb. Subgrade for curb and gutter shall be thoroughly compacted. Compaction shall be either by approved type of self propelled roller, or by approved type mechanical tamper. Concrete shall meet requirements for Class "A", Kentucky Department of Transportation, Bureau of Highways, Standard Specifications, Current Edition.
- I) **Lip Curb and Gutter** - A 4" concrete lip curb may be permitted on residential local public street.
- J) **Requirements for Development Adjoining Existing Roadways** - Whenever a commercial development is proposed abutting an existing public roadway which does not meet the right-of-way and pavement width standards contained herein for the functional classification of the street, and the Commission finds that development of the subdivision will increase the volume of traffic on such street to a significant degree, the following requirements shall apply:
 - 1) The developer shall be required to dedicate right-of-way along the entire street frontage to a width which will provide one-half of the total right-of-way width necessary to comply with the standards contained herein. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width.
 - 2) Roadway widening improvements (including paving, curb, gutter, and sidewalk where appropriate) shall be required as necessary to bring the roadway up to the full cross section requirements contained in these Subdivision Regulations. The physical construction of such improvements by the developer shall be required; however, in certain cases, the Commission may require a cash payment or long term performance bond or letter of credit in lieu of construction if recommended by the Technical Advisory Committee.

- 3) The maximum liability of any developer under this Section 331.39 (J) shall not exceed right-of-way and improvements as for collector streets contained herein. In cases where the ultimate proposed cross section would be a four lane arterial highway, developers may be required to dedicate excess right-of-ways above the collector standard. In consideration of such dedication widening improvements usually shall not be required in such cases for full road frontage, but rather improvements such as turn lanes shall generally be required in association with new intersecting streets or other access points when necessary to provide as safe a situation as possible under the circumstances.

K) **Intersection and Access Spacing Guidelines** - The following guidelines shall be the basis for the determination of proper spacing for street subdivisions. It is recognized that these guidelines will not be able to be adhered to in all cases, especially in areas where existing development is present. The Planning Commission shall attempt in all cases, however, to apply these guidelines to the greatest extent feasible in order to create safe and efficient traffic movement systems.

- 1) **Local Streets** - Local streets shall have intersections with collectors and other local streets. Some designs may warrant exceptions. The spacing of intersections on local streets shall be as follows (variances may be granted due to terrain restrictions):

- 1) Between one collector and another collector -- minimum 800'.
- 2) Between a collector and a local -- minimum 250'.
- 3) Between a local and another local -- minimum 250'.

2) **Land Use Access**

- a) **Residential** - All single family residential structures shall be allowed one access per lot. An additional point of access may be permitted for corner lots, loop driveways, or other instances where public safety will

not be impaired by utilizing a second point of access. Duplexes and fourplexes shall be permitted two accesses. Subdivisions shall be designed such that these uses have no direct driveway to either principal or minor arterials.

Apartment complexes, condominium developments, as well as all other developments which are accessed through a common private drive or street system, shall be treated as high density residential developments regardless of the actual overall density of the development. These developments shall not have access to principal arterials. However, they may be allowed access to minor arterials provided that the private driveways are allowed consistent with the access spacing standards governing the access of collector streets to minor arterial streets. The access of these private driveways to collector streets shall be spaced according to the minimum distances produced by the following formula:

$$A = 50 (X)^{1/2}$$

Where: A = the required access spacing in feet from the nearest intersecting street or another high density private driveway. (This figure should be rounded to the nearest 10 feet).

X = The number of units in the development

50 = The minimum access spacing (in feet).

The minimum spacing requirement shall not exceed the spacing standards established for the spacing of local streets along collector street.

Distances for high density private driveway access shall be measured from the center line of the driveway to the right-of-way line of the nearest intersecting street or to the center line of another high density private driveway access. High density private driveways should not intersect local streets. All other residential accesses shall not be less than 50' from any public intersection.

- b) **Non-Residential** - All non-residential land uses may have access to principal arterial streets via service roads. Non-residential land uses may also have access to minor arterials and to collector streets. Non-residential land uses shall generally not have access to residential local streets. The spacing of these accesses shall be measured from the right-of-way line of the nearest intersecting street or the center line of the nearest intersecting non-residential access point (i.e., driveway). The minimum spacing on non-residential access points shall be based upon the maximum potential trip generation of the contiguous area which has been zoned and/or planned for non-residential land use that abuts the subject road facility and encompasses the area which has been proposed for development by the developer.

Access to a minor arterial via a service road shall be allowed only in accordance with the spacing standards based upon the trip generation of the total area immediately served by the service road. The determination of potential trip generation shall be made using sources and methods approved by the Technical Advisory Committee. The spacing of access points shall be determined as follows:

$$D = 1400 - (1,000 (1 - TE/3000))$$

Where: D = the required distance between access points (in feet).

TE = the maximum potential trip ends of the area in which the development will take place.

If D exceeds 1400 feet, then the minimum standard of 1400 feet shall apply to all access points of that development. D shall be rounded to the nearest 50 feet. For properties fronting along street facilities where the required spacing would not allow an individual access to properties adjacent to the property currently being developed, and arrangement shall be made for the joint use of entrances or the construction of service roads by developers.

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

341 Sanitary Sewage Treatment Service - Where a public sanitary sewer system is reasonably accessible, as determined by the Planning Commission, sanitary sewers shall be installed by the developer to adequately serve all lots with connections to the public system.

341.1 Package Treatment Plants - Where a public sanitary sewer system is not reasonably accessible, a neighborhood or "Package" disposal system may be installed according to standards determined by the County Health Officer and the Kentucky Department of Natural Resources and Environmental Protection.

341.2 Individual Disposal Systems - Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed in accordance with Section 311.07 of these regulations and subject to the approval and certification of the County Health Officer and/or Kentucky Department of Health based on the review of a soils analysis and percolation data or other pertinent data for each lot in the proposed subdivision.

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

341.4 General Standards - Subject to the specific determination to the contrary by the Commission or other agency, the sanitary sewers shall be designed and constructed in accordance with the specifications in the current edition of "Water System, Sanitary Systems, and Storm System Improvements Specifications, City of Pikeville, Kentucky" (Pikeville Utility Specifications).

341.5 Plans Required - In compliance with Section 222.2E of these regulations, the subdivider shall submit plans for the proposed sanitary sewage treatment facilities with the filing of the preliminary plat for Commission approval. Such plans shall be prepared by a Registered Engineer and shall show pipe sizes, type of pipe, the locations, type and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, rock soundings, and length of drainage fields required.

341.6 Oversized Facilities - When it is determined necessary to comply with the Comprehensive Plan, the developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision. In these cases, the City (County) may reimburse the developer for the difference in cost between the facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

342 Storm Water Drainage System - Provisions shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle the runoff from storms occurring on an average frequency of ten (10) years. The proposed system shall be designed and constructed in accordance with the specifications in the current edition of "Water System, Sanitary Sewer System, and Storm Sewer System Improvement Specifications, City of Pikeville, Kentucky". The proposed system shall be subject to the review and approval of the Planning Commission and the City Engineer.

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

342.2 Plans Required - In compliance with Section 222.2F of these regulations the subdivider shall submit plans for the proposed storm water drainage system with the filing of the preliminary plat for Commission approval. Such plans shall show **contours, inlets, drainage easements, pipe, storm drains, ditches, and holding ponds indicating size and material, culverts, and headwalls, bridges, pump stations, and discharge points.**

342.3 Oversized Facilities - When it is determined necessary to comply with the Comprehensive Plan, the developer may be required to install drainage structures in excess of those required to serve the subdivision. In these cases the City (County) may reimburse the developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

343 Water Supply System - Where a public water supply is available, the subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire

protection. the distribution system shall be so designed and constructed as to form an integral part of the City's or rural water district or association's distribution system, and be in conformity with the Comprehensive Plan. The distribution system shall be in accordance with the "Water System, Sanitary Sewer System, and Storm Sewer Improvement Specifications, City of Pikeville, Kentucky" as well as the standards of the Department for Natural Resources and Environmental Protection, and the State Fire Rating Bureau.

343.1 Plans Required - In compliance with Section 223.2F of these regulations, the subdivider shall submit plans for the proposed water system. These plans shall show location of connections to existing system, location and size of proposed mains, and fire hydrants.

343.2 Residential Subdivisions - (Includes Mobile Home Parks)

343.21 Water Supply

- a) Water mains shall be not less than six inches in diameter, including fire hydrant branch connections, installed in conformity with the minimum requirements of the Pikeville Fire Department and the current edition of "Water System, Sanitary Sewer System, and Storm Sewer System Improvement Specifications, City of Pikeville, Kentucky". Where size and physical characteristics indicate, the developer may be required to install mains of a larger diameter.
- b) Water mains shall be so arranged that the distance between intersecting mains does not exceed 800 feet. If intersecting mains are at a distance in excess of 800 feet, eight-inch or larger mains must be used.
- c) Six-inch mains shall be used where dead end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.
- d) The distribution system shall be equipped with a sufficient number of valves so located that breakage or other interruption will not cause the shut down of any portion of a main greater than 800 feet.
- e) Approval of the Kentucky Division of Water, Pikeville Fire Department and Pikeville Public Works shall be obtained prior to the issuance of a building permit.

343.22 Fire Hydrant Installation - Fire hydrants shall be spaced not further than 500 feet apart as measured over hard surface roads. In no event shall the distance between a fire hydrant and a building exceed 300 feet as measured on an all weather road.

343.23 Fire Hydrant Type

- a) Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the Pikeville Utility Specifications.
- b) Fire hydrants shall be able to deliver 500 gallons per minute with a friction loss of not more than 2 1/2 pounds per square inch in the hydrant, and a total loss of not more than 5 pounds per square inch between the street main and outlet.
- c) An accessible gate valve must be installed between the main and the hydrant.

343.3 Industrial, Commercial, and High Density Residential Development

343.31 Water Supply

- a) Water mains shall be not less than eight inches in diameter and fire hydrant branch connections shall be not less than 6 inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b) Approval of the Kentucky Division of Water, Pikeville Fire Department, and Pikeville Public Works Department shall be obtained prior to the issuance of a building permit.

343.32 Fire Hydrant Installation

- a) Fire hydrant spacing shall be not less than that required for a residential areas referred to above, and, in addition, each building shall have hydrants within the following distances:
 - 1) 300 feet distance - 1 hydrant.
 - 2) 500 feet distance - 3 hydrants.
 - 3) 1000 feet distance - 5 hydrants.

- b) No part of the exterior of the buildings, other than dwellings, shall be further than 500 feet from a hydrant. Distances are to be measured along the shortest feasible exterior route (never measured through buildings) for laying hose.
- c) Fire hydrants must be located at least 25 feet from the exterior wall of any masonry building, and at least 50 feet from any exterior wall of frame or equivalent construction, including brick and stone veneer.

343.33 Fire Hydrant Type

- a) Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the Pikeville Utility Ordinance.
- b) Fire hydrants shall be able to deliver 1000 gallons per minute with a friction loss of not more than 2 1/2 pound per square inch in the hydrant, and a total loss of not more than 5 pounds per square inch between the street main and outlet.
- c) Fire hydrant shall be equipped with not less than two 2 1/2 inch outlets and a large pumper outlet of 4 1/2 inch I.D.
- d) A gate valve must be installed between the main and the hydrant.

343.4 Administrative Procedure

- a) During the installation of all water lines and fire hydrants, the developer and/or his contractor must notify the Technical Advisory Committee or Pikeville Fire Department and Pikeville Public Works Department so they may inspect said improvements. No improvements shall be covered or concealed until they have been approved by proper authorities.
- b) Upon completion and approval, the certified (by Engineer) as-built plans must be submitted prior to Planning Commission approval.
- c) No building permits may be approved until this certification has been made.

343.5 Oversized Facilities - Whenever the City or rural water service deems it appropriate and necessary, in keeping with and in facilitating development of the Comprehensive Plan, the subdivider may be required to install water mains, fire hydrants and valves in excess of stated requirements. In these

cases, the City may reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

343.6 Public Water Unavailable - In subdivisions where City water supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the preliminary plat. Wells should be located twenty-five feet from property lines, one hundred feet uphill from septic tanks or other sewage systems and forty feet from lakes or drainage ways.

344 Electric, Telephone and Gas Service - Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits and cables may be constructed underground, but should not be constructed within 5' of water or sewer utilities.

345 Provisions of Utility and Drainage Easements - The subdivider shall set aside easements for placement and access to maintenance of public and private utilities and drainage, in accordance with the requirements of Sections 233.1L and 243.1E of these Regulations.

345.1 Location of Easements - Where utilities do not follow streets, easements shall follow lot lines in order not to restrict the placement of the building.

345.2 Dimensions of Easements - The minimum width for utility easements shall be twenty (20) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten feet provided on each lot. Dead end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least 15 feet in width.

346 Soil Erosion and Sediment Control - Significant erosion results from rainfall and runoff over unprotected soil. Erosion is increased by intense rainfalls, long slopes, steep slopes and lack of vegetative cover. These conditions are in part caused or aggravated by improper construction, grading, or excavation practices which fail to adequately provide for erosion control.

This section of the regulations is designed to reduce soil erosion in the Pikeville Planning Area, and to provide procedures for submission, review, and approval of erosion control plans.

346.1 Scope of Coverage - The following are included within the scope of these regulations:

346.11 - All persons submitting subdivision or development plans must include a note on the preliminary plat stating that no grading, excavating, stripping, filling, or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. The erosion control plan will be submitted along with the preliminary plat, or minor plat if applicable.

345.12 **Exceptions** - No erosion control plan shall be required for the following:

- 1) Finished grading and excavation below finished grade (a) for basements and footings of a single-family or duplex residential structure, (b) for retaining walls, (c) for swimming pools, (d) for cemeteries for human or animal burial, or (e) for accessory structures related to single-family residences or duplex structures authorized by a valid building permit.
- 2) Individual single-family residential lots.
- 3) Accepted agricultural land management practices such as structures, nursery operations such as removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing root mat intact.
- 4) Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels.
- 5) Installation of lateral sewer lines, telephone lines, electricity lines, gas lines, or other public service facilities.
- 6) Subdivision for which a preliminary or final plat is approved prior to the effective date of this regulation.

346.2 Procedures and Standards for Approving Soil Erosion Control Plans and For Issuing Permits

346.21 **Administrative Procedure** - Applications for approval of erosion control plans shall be submitted to the Codes Enforcement Officer. The application shall contain the applicant's name and address and other relevant information requested on the application forms provided by each

office. It shall also contain a proposed erosion control plan containing the information required by Section 346.3. The application must be signed by the owner of the property or an authorized agent.

The erosion control plan shall be reviewed by the Technical Advisory Committee who will make recommendations to the Planning Commission. Upon approval of the plan by the Planning Commission, the developer can begin work. When work on the erosion control plan is completed, a representative of the City will certify the work.

Erosion control plans shall expire six (6) months after approval by the Planning Commission. The developer may request an extension of six (6) months by submitting a letter to the Codes Enforcement Officer.

346.3 Contents of The Soil Erosion Plan - The following information must be included in the Soil Erosion Plan:

- 1) The erosion control plan shall be drawn at a scale of 1" = 100' (or less) indicating (a) the site location as well as the adjacent properties; and (b) identification of any structure or natural feature on the land adjacent to the site and within 250' which has a significant impact on drainage or siltation controls.
- 2) Property boundary bearings and distances for the site on which the work is to be performed.
- 3) A soil survey or a description of the main soil types (available from the Pike County Soil Conservation District).
- 4) The anticipated time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- 5) Existing topography at contour intervals not exceeding ten (10) feet; five (5) feet where conditions warrant.
- 6) Location and identification of any proposed additional structures or development on the site, except single-family and two-family residential structures and their accessory structures in a subdivision.
- 7) Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (whether temporary or permanent) to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and a statement explaining the amount of estimated

runoff used to determine the design characteristics of any drainage device. Upstream drainage must be considered and explained if any adverse effect is possible.

- 9) If a sedimentation basin is required, it should be designed by a registered Engineer and approved by Codes Enforcement Officer.

346.31 Principles to be Considered in Reviewing Applications

- 1) The erosion control plan should relate to the specific site conditions.
- 2) The plan should keep land grading and land disturbance to a minimum under the circumstances.
- 3) Both surface and storm water drainage systems should be integrated to accommodate the increased runoff incurred during land grading.
- 4) To prevent soil erosion existing, temporary and future protective vegetative cover should be emphasized.
- 5) The plan shall coordinate grading operation and sediment control measures so as to minimize land exposure to erosion.
- 6) Sediment basins below high sediment producing areas should be planned, installed, and maintained as safety devices to catch and trap excessive sediment from the development site.
- 7) The plan should utilize available technology to keep soil erosion to a minimum level.

346.32 Special Conditions Attached to Plans - Upon consideration of the factors listed above and for the purposes of this ordinance, conditions may be attached to the approval of erosion control plans. It is intended that these conditions be added to a plan for certain areas or problems to provide two basic results: (1) that during project construction, off-site and on-site siltation and erosion be minimized; and (2) that after project completion, the total erosion control plan will be effective so as to preclude all significant on-site erosion. No special conditions shall be attached to the plan which impose duties or liabilities upon the subdivision after a lot is sold.

346.5 Violations and Penalties

346.51 **Violations** - Whenever by the provisions of this ordinance, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions shall constitute a violation of this ordinance.

346.52 **Correction of Violation** - All violations shall be corrected within a time period as specified by written notice issued by the Codes Enforcement Officer. The time period determination shall be at the discretion of the Codes Enforcement Officer and dependent upon weather and soil conditions, and the type and scope of off-site damages being induced by the violation, but in no case shall the time period impose unrealistic requirements under prevailing weather and working site soil conditions. If the violation is not corrected as specified in the written notice, the Codes Enforcement Officer may issue an order to the violator to cease all work on the property in violation. Immediately thereafter the Codes Enforcement Officer shall request instructions from the Pikeville City Attorney as to further action to be taken.

346.53 **Penalties** - Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this ordinance, or any permit or exceptions granted hereunder, or any lawful requirement of the Codes Enforcement Officer, shall be fined on conviction in accordance with Section 422 of this ordinance. Each day that a violation is maintained shall be deemed a separate offense. The time of violation shall be measured from the time written notice to correct is given to the permittee. The imposition of any penalty shall not exempt the offender from compliance with the provisions of the ordinance.

360 Construction Guarantees

361 Completion of Improvement - Prior to the submission of the final plat to the Commission for approval, the developer shall complete all required improvements to the satisfaction of the Technical Advisory Committee (or delegated representative) who will certify their satisfactory completion in writing to the Commission.

362 Performance Bonds - The developer may execute and file guarantees of construction with the City in lieu of actual installation or completion of the required improvements when requesting approval of the final plat. The development may be bonded in increment phases.

A bond shall be filed with the City of Pikeville in an amount not less than 100% of the cost as the Planning Commission shall estimate and determine to be reasonably necessary to complete all of the improvements required to be done by the developer (including measures to control erosion and sedimentation, when applicable). The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or Irrevocable Commercial Letter of Credit approved by the Planning commission and the City Attorney. The bond shall be executed by the developer as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint bond and several obligations, faithful performance of any and all work and the construction and installation of all improvements required to be done by the developer. The bond shall contain the further condition that should the developer fail to complete all work and improvements required to be done by him within twenty-four (24) consecutive calendar months of the date of approval of the Final Plat, or within mutually agreed upon extension not to exceed twelve (12) consecutive calendar months, that the City of Pikeville may, at its option cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the developer elects to deposit cash, certified check or approve negotiable United States Treasury Certificates, the City shall be authorized, in the event of any default on the part of the developer in the performance of any work or construction of any improvements for which the cash or negotiable bonds has been deposited, to cause the required work to be done and to withdraw that amount require for payment of all costs therefore. The bond shall be filed with the City Clerk of the City of Pikeville, Kentucky.

At such time the developer has completed such improvements specified in the bond guarantee, he shall notify the Technical Advisory Committee, who will inspect the improvements, and, if all are in conformance with the requirements, will notify the Commission in writing and recommend the release of seventy-five percent (75%) of the bond. Twenty-five percent (25%) shall be retained as guarantee of the improvements against the incorporation of faulty materials or poor workmanship for a period of one year after the date that the construction was accepted by the City.

363 Maintenance and Repair of Improvements - The developer is responsible for the maintenance and repair of the improvements installed. The developer shall be responsible for any damage done to the improvements by construction traffic, local traffic, or by any other means and shall insure the accessibility to all occupied lots until final acceptance for maintenance by the City. Upon completion of work and before public acceptance, the developer shall clean up all ground occupied or affected in connection with the work. Failure to maintain or repair improvements may result in withholding approval of subsequent units of the subdivision or the billing of the developer for such service performed by the City. Payment shall be guaranteed by the performance bond.

364 Liability Insurance - The developer shall furnish such insurance as deemed necessary by the Planning Commission which shall indemnify and save harmless the City from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Commission but in no case shall be allowed to expire earlier than one year from the date that construction of improvements is accepted for maintenance by the City. A copy of the insurance policy shall be filed with the City Clerk of Pikeville, Kentucky.

ARTICLE 4

ENFORCEMENT

400 Purpose - Chapter 100 of the Kentucky Revised Statutes enables the Planning Commission to establish community standards for local development as well as to establish the procedures necessary for implementing these standards within the context of an adopted Comprehensive Plan. The Statutes also include specific provisions for the enforcement of these Regulations and penalties for the violation thereof. These provisions are set forth as follows:

410 Plats of Record - Much of the authority for regulating land subdivision comes from the necessity for recording parcels of land with the County Clerk as a condition for transfer of ownership. These conditions are set forth in KRS 100.277 and cited in Section 200 of these regulations.

411 Recording of Plats (KRS 100.341) - All final plats approved by the Planning Commission shall be recorded at the expense of the applicant in the office of the County Court Clerk.

412 Land Sold in Violation (KRS 100.341) - When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of this chapter pertaining to the regulation of subdivisions, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for sale or transfer of land in violations of this chapter, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record, as if a plat had been filed in accordance with the provisions of this chapter pertaining to subdivision regulations.

420 Penalties - The Kentucky Revised Statutes further specify the powers and penalties available to the Planning Commission for insuring compliance with these regulations.

421 Enforcement by Commission (KRS 100.337) - The Planning Commission shall have a cause of action for all appropriate relief including injunctions against governmental bodies or any aggrieved person who violates this chapter or regulations adopted hereunder.

422 Penalties (KRS 100.91) - (1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991 (2) or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined no less than ten but no more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense. (3) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) no more than five hundred dollars (\$500.00) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.

430 Administrative Personnel - Kentucky Statutes place the authority of enforcement with the Planning Commission. The Commission, however, may delegate its administrative and enforcement authority to various agents responsible to it. In other situations, it depends on other municipal or County Departments for information and advice as in the case of public utilities inspection of the City or County Engineer.

431 Administrative Officer (KRS 100.271) - Administrator of zoning regulations, powers; an administrative official shall be designated by the City or County to administer the zoning regulations, and, if delegated, housing or building regulations. The administrative official may be designated to issue building regulations. The administrative official may be designated to issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulations.

432 Delegation of Authority (KRS 100.281) - Contents of subdivision regulations. All subdivision regulations shall be based on the Comprehensive Plan and shall contain; (1) the procedure for the submission and approval of preliminary and final plat and the recordation of final plats. The commission may delegate to its secretary or any other officer or employee the power to approve plats in accordance with the Commission's adopted requirements, but all plats, preliminary and final, shall be approved or disapproved within ninety days.

433 Planning Commission Staff (KRS 100.173) - Employing planners or other persons. The Planning Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties under this chapter.

440 Appeals - State statutes also specify the course of action available to persons or entities who disagree or claim be injured or aggrieved by action of the Commission.

441 Appeals From Commission Action (KRS 100.347) - Appeals from Commission or Board of Adjustment. Any appeal from Commission action may be taken in the following manner: (1) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal from the action to the Circuit Court of the County in which the land lies. Such appeals shall be taken within thirty (30) days after the final action of the Commission or Board. Final action shall not include Commission's recommendations made to other governmental bodies. (2) All appeals shall be taken in the appropriate Circuit Court within thirty (30) days after the action or decision of the Planning Commission or Board of Adjustments and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

ARTICLE 5

DEFINITIONS

500 Definitions - For the purpose of these Subdivision Regulations, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the **person** includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word **structure** includes building; the word **occupied** includes arranged, designed or intended to be occupied; the word **used** includes arranged, designed or intended to be used; the word **shall** is always mandatory and not merely directive; the word **may** is permissive. Other words and terms shall have the following respective meanings:

Administrative Official - Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

As-Built Plans - Engineering plans of public facilities, particularly water and sewage systems, prepared after construction to show the exact location and dimensions of the systems as they have actually been installed.

Building Setback Line - A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way lines.

City - Refers to the incorporated area of the City of Pikeville as it existed at the time of the adoption of these Regulations and including any revisions thereto.

City (County) Engineer - Refers to the Engineer employed or contracted by the City (County) for the purpose of administering the operation of public facilities and inspecting the plans and construction of these public facilities.

Chairperson - The elected chairperson of the Planning Commission or, in his/her absence, the vice chairperson or other delegated representative.

Commission - The Planning Commission administering these regulations.

Comprehensive Plan - A plan, or portion thereof, adopted by the Planning Commission and/or City Commission of the City of Pikeville in accordance with KRS, 100.183 - 100.197 showing the general location and extent of present and proposed physical facilities including housing, commercial and industrial uses, major streets, parks, schools and other community facilities. This plan also established the goals, objectives, and policies of the Community.

County - Refers to the territory of Pike County.

Developer - Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined herein, for himself or for another.

Grade - The inclination from the horizontal of a road, unimproved land, etc. and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

Improvements - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for man's activities. Typical improvements in these regulations would be grading, cutting and filling, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers. Utility lines of all types, street name signs, property number signs, trees, etc.

Legislative Body - The chief body of a City or a County with legislative power.

Lot or Parcel - A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds; for the purpose of sale, lease, or separate use. Such lot shall have frontage on an approved public street.

Lot Area - The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

Lot, Corner - A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth - The average horizontal distance between the front and rear property lines of a lot.

Lot Frontage - The front of a lot is that portion nearest to the street. For the purpose of determining yard requirements for corner and through lots, all sides of a lot adjacent to the street shall be considered frontage.

Lot-Of-Record - A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has also been recorded.

Lot, Through or Double Frontage - A lot of which the opposite ends abut one streets.

Lot Width - The distance between the two side property lines of a lot measured along the building setback line.

Major Street Plan - That portion of the comprehensive plan pertaining to transportation and existing and proposed streets.

Minor Subdivision Plat - See Section 244 of these Regulations.

Mobile Home Park - A parcel of land available to the public in which two or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure, or other facility used as a part of the park.

Official Public Properties Map or Official Map - A map prepared in accordance with KRS 100.293 thru 100.317 and adopted by the Planning Commission and the City Commission body, showing the location and extent of the existing and proposed public streets, including right-of-way, water courses, parks and playgrounds, public schools and building sites, and other public facility needs.

Owner - Any individual, firm, association, corporation, governmental agency or any other legal entity whose name last appears on the tax roles as owner of the land proposed to be subdivided.

Planned Unit Development - An area of land which a variety of housing types and/or related commercial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

Plat - A map or layout of a subdivision indicating the location and boundaries of individual properties.

Sketch Plat: A preliminary sketch indicating the subdivider's general objectives and desires in regard to the future development of his land, presented to the Planning Commission for its informal consideration.

Preliminary Plat: The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Final Subdivision Plat: The final map, drawing, or chart upon which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the County Clerk for recording.

Public Facility - Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

Right-Of-Way - Land used generally for streets, sidewalks, alleys, easements, or other public uses. Right-of-way also refers to the distance between lot property lines which generally contains not only the street pavement, but also sidewalks, grass area, and underground and above ground utilities.

Setback Line - See "Building Setback Line".

Sidewalk - A way or portion of a way intended primarily for pedestrian traffic.

Street - A way for vehicular traffic, however designated and regardless of size or ownership, but excluding private driveways serving only one parcel of land.

Street Classification - See Section 331.3 of these Regulations.

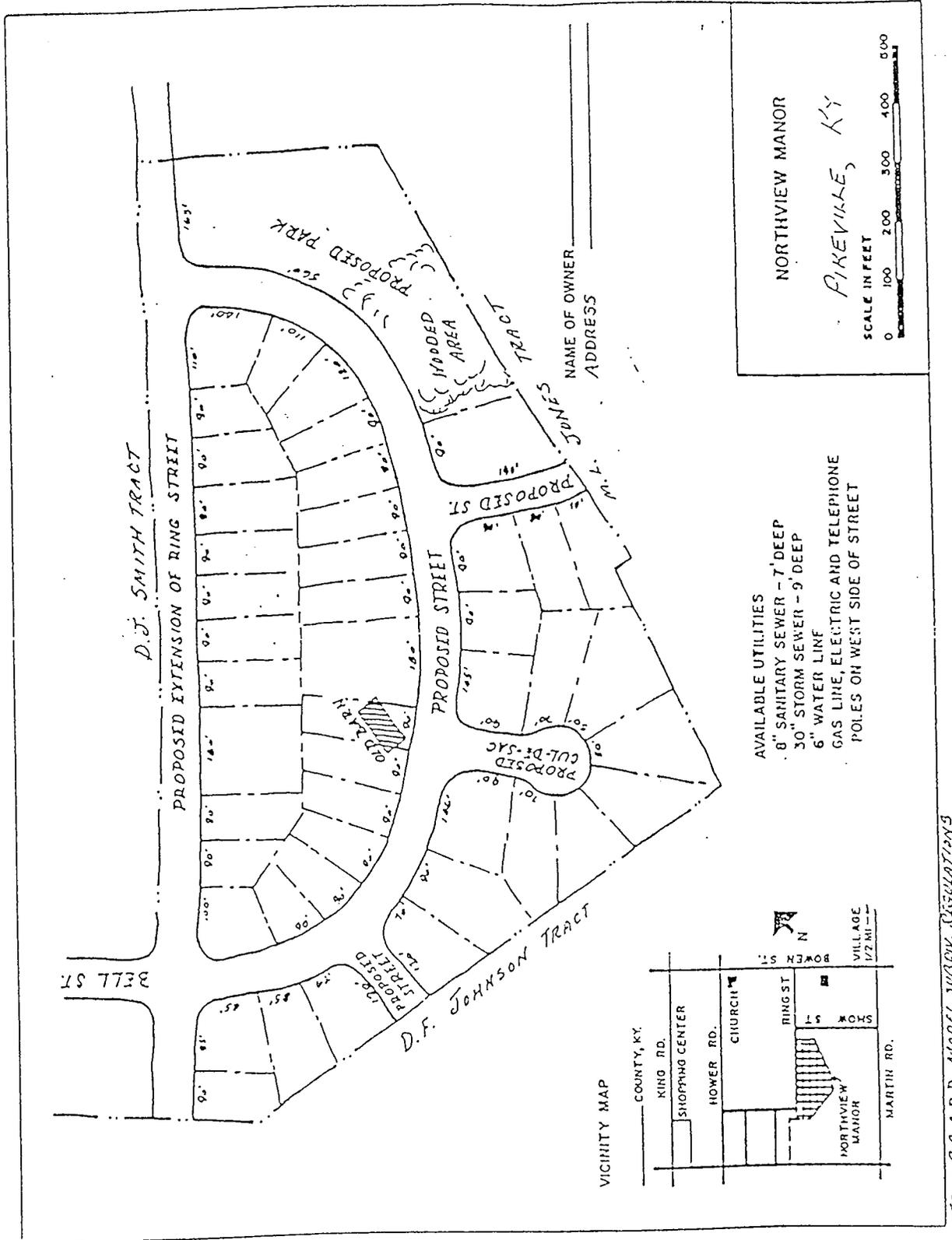
Subdivider - Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under the regulations, to create a subdivision of land as defined herein for himself or for another.

Subdivision - The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, provided that a division of land for agricultural use and not involving a new street should not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or, to the land subdivides; and division or redivision of land occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

Unit - A portion of a subdivision selected for development as one of a series of stages.

TYPICAL PREAPPLICATION SKETCH

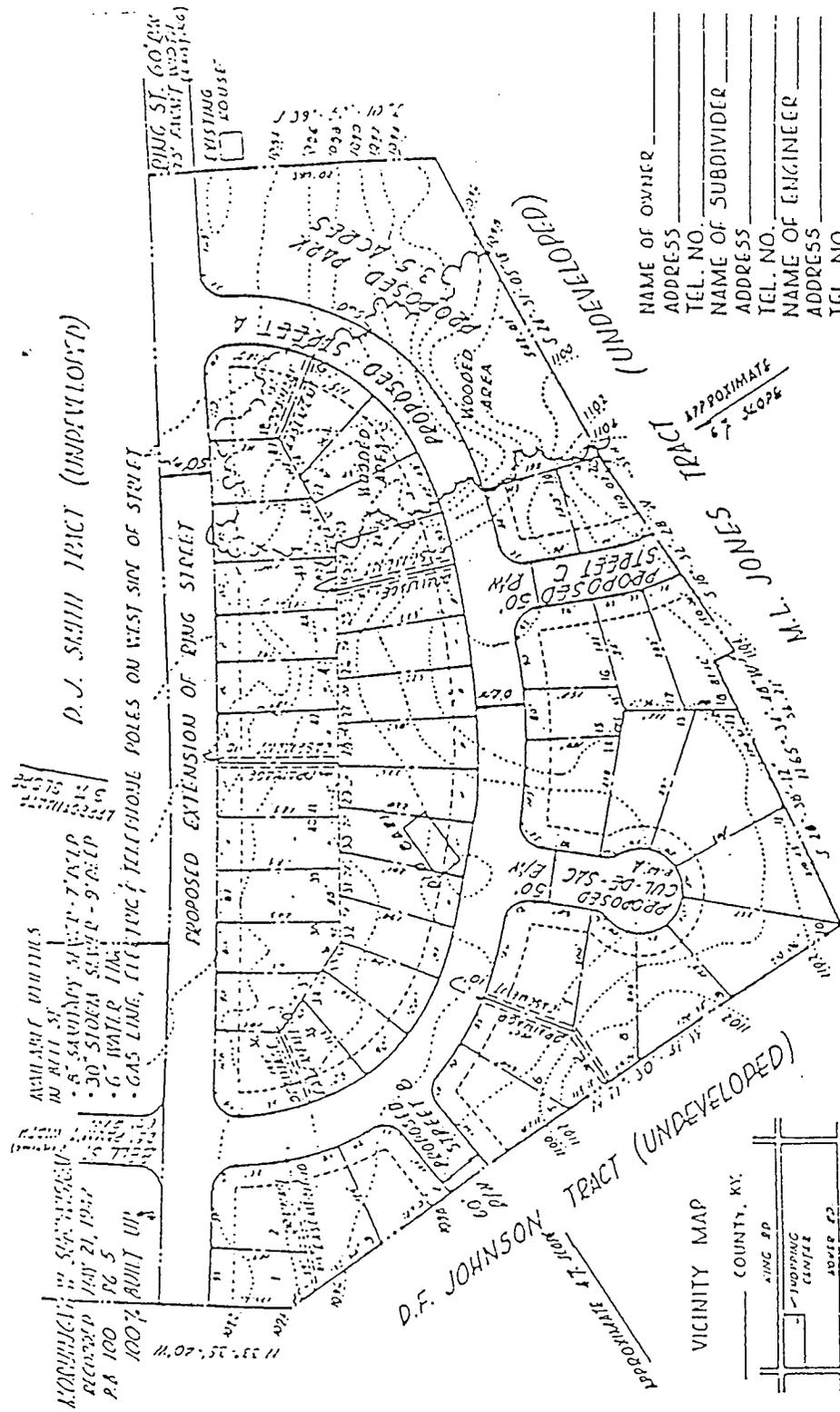
FIG. 1



FROM B.O.A.D.D. MODEL SUBDIV. REGULATIONS

TYPICAL PRELIMINARY SUBDIVISION PLAT

FIG. 2



AVAILABILITY UTILITIES
IN RING ST
- 8" SANITARY SEWER - 7" ASP
- 30" STORM SEWER - 9" ASP
- 6" WATER LIA
- GAS LINE, TELEPHONE POLES ON WEST SIDE OF STREET

D.J. SMITH TRACT (UNDEVELOPED)

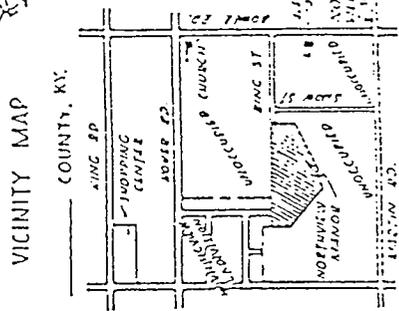
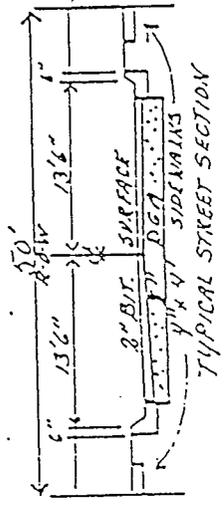
D.F. JOHNSON TRACT (UNDEVELOPED)

NAME OF OWNER _____
ADDRESS _____
TEL. NO. _____
NAME OF SUBDIVIDER _____
ADDRESS _____
TEL. NO. _____
NAME OF ENGINEER _____
ADDRESS _____
TEL. NO. _____

PRELIMINARY SUBDIVISION PLAT
NORTHVIEW MANOR
PIKEVILLE, KY
PART OF ORIGINAL LOT 604222 95

REGISTERED CASE NO. 11111
DRAWING # 11111

1" = 100' 10" V



FROM U.S.A.R.D. MODEL SUBDIV. REGULATIONS

CERTIFICATIONS

UTILITY EASEMENTS

SEWAGE DISPOSAL

STREETS & DRAINAGE

FIRE PROTECTION

DEED RESTRICTIONS

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____

