

LEITCHFIELD, KENTUCKY

SUBDIVISION REGULATIONS

Prepared For
CITY OF LEITCHFIELD PLANNING COMMISSION

SEPTEMBER 1, 2000

By
Lincoln Trail Area Development District
Elizabethtown, Kentucky

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SECTION I

INTRODUCTION

1.1 Title

This regulation shall be known as and cited as the
SUBDIVISION REGULATIONS FOR LEITCHFIELD, KENTUCKY.

1.2 Purpose

The purpose of these regulations is to establish rules and standards to guide land subdivision within the City of Leitchfield in order to promote the public health, safety, convenience and general welfare of the citizenry.

1.3 Authority

Pursuant to the authority granted to cities and counties by the Kentucky Revised Statutes (KRS) 100.273 to 100.291 and 100.334 and upon adoption of these regulations, the City of Leitchfield Planning Commission does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land.

1.4 Jurisdiction

The Leitchfield Planning Commission, through these standards, shall have jurisdiction and control over the subdivisions of all land within the corporate boundaries of the City of Leitchfield.

1.5 Severability Clause

If any word or words, phrase or phrases, sentence or sentences and/or paragraph or paragraphs of this regulation should be declared unconstitutional, it shall not invalidate any other portion of the regulation

SECTION II

DEFINITIONS

Terms used herein that are defined in the "Zoning Ordinance for Leitchfield, Kentucky" are deemed to be given the same meaning as that contained in the "Zoning Ordinance" and such definitions are incorporated herein by reference. Terms not defined in this regulation or in the "Zoning Ordinance" are to be defined and used as they would be used in normal conversation.

For the purpose of these regulations, certain words, terms and phrases are to be used and interpreted as defined herein.

Block: a unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, public parks, cemeteries corporate boundary lines or other barriers (except alleys or crosswalks) or any combination thereof.

County Clerk: the County Clerk of Grayson County.

Cul-de-sac: a short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Design: the arrangement of land for lots, rights-of-way, easements, setback lines and improvements to include alignment, grade, length and width of these elements.

Drainage Right-of-Way: the land required for the installation of storm water sewers or drainage ditches providing for the flow of water within a natural stream or from surface runoff to safeguard the public against flood damage.

Easement: a grant by the property owner of the use of a strip of land for a specific purpose by the general public or utility companies.

Flood-Hazard Area: all land subject to periodic inundation by the overflow of natural waterways.

Health Department: the commonwealth of Kentucky or Grayson County Health Department.

Improvements: the totality of grading, crosswalks, culverts, bridges, sanitary or storm sewers, water mains, street pavements, curbs and gutters, pedestrian ways, or all other appropriate improvements required to render land use suitable for the proposed use.

Legislative Body: the chief body of the City, (Leitchfield City Council).

Lot: a parcel of land devoted to a common use or occupied by a single principal building and its accessory structures having its principal frontage upon a street or road.

Lot Depth: the horizontal distance between front and rear lot lines measured along the median between the two (2) side lot lines.

Lot Width: the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Monument: an object (concrete, iron pin or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station.

Plat: the map of a subdivision.

Plat, Preliminary: a map or plan of a proposed land subdivision containing the information and materials specified in Section V.

Plat, Final: the record plat of a subdivision prepared by a registered land surveyor in accordance with the requirements of Section V.

Right-of-Way: the land opened or dedicated for a street, road, sidewalk, drainage way, railroad or other public purpose (refer to section 6.4).

Public Street: Streets which are dedicated to the public use and which are maintained by a public governmental body.

Private Street: A way open to vehicular ingress and egress established as a right-of-way easement for the benefit of certain adjacent properties.

Arterial Street: Streets serving the major traffic movements entering, leaving or moving within an area. The principal function is to move traffic and, in cases of high traffic volumes, requires limited access or controlled points of access. Access to property is of secondary importance. These streets are normally characterized by traffic controls and parking restrictions. Arterial streets are further divided into two (2) classes, "principal" and "minor". Principal arterial streets carry the major portion of trips entering and leaving the urban areas, as well as the majority of through movements through or around the urban area. Minor arterial streets interconnect with

and augment the principal arterial streets and provide service for trips of moderate length at a somewhat lower level of average daily traffic (ADT).

Collector Street: streets, which provide for traffic movement between arterials and local streets and direct access to abutting properties.

Local Street: a street designed to provide vehicle access to abutting properties and designed to discourage through traffic. Continuous, cul-de-sac, dead end, loop, and service (also called access) streets and alleys are classified as a local streets.

Continuing Street: Local streets having two open ends; each and generally connected with different streets; one or more other streets may intersect it between its two open ends; and property fronting on both sides of the street.

Cul-de-sac Street: A street with a single common ingress and egress and with a turnaround at the end.

Dead End Street: A street with a single common ingress and egress without a turnaround at the end. Dead end streets are not permitted as a street in any provision of the subdivision regulations. Stub streets with temporary turnarounds, planned for future continuation, are not considered to be dead end streets.

Loop Street: A local street that has its only ingress and egress at two points on the same collector street.

Service or Access Street: A street running parallel to an arterial or collector street and serving abutting properties.

Subdivider: a person, firm, corporation, partnership, association, estate or any other group or combination acting as a unit for the purpose of subdividing or re-subdividing a lot, tract or parcel of land into three (3) or more lots for the purpose of transfer of ownership or development.

Subdivision: the division of a parcel of land into four (4) or more lots or parcels except in a county containing a city of the first, second or third class or in an urban county government where a subdivision means 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: providing that a division of land for agricultural purposes into lots or parcels of fifteen (15) acres, or more and not involving a new street shall not be deemed a subdivision. The term includes re-

subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided: any division or redivision of land into parcels of less than one acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this act.

Subdivision (minor): the division of land into not more than three (3) lots for residential purposes and:

- a. does not include any new street, easements, rights-of-way, rights of ingress or egress (except an approved sewer and water system);
- b. does not include a provision for a public area or public facility;
- c. conforms to the setback line requirements and other requirements of the applicable zoning district and
- d. conveys the right-of-way necessary for road widening and maintenance of city roads, where the granting of such right-of-way can be given without undue hardship.

SECTION III

GENERAL REQUIREMENTS

3.1 Subdivision of Land

No person or his agent shall subdivide any land before securing the approval of the Commission of the plat designating the areas to be subdivided.

3.2 Recording of Plats

No plat of a subdivision of land within the jurisdiction of this regulation shall be recorded by the Grayson County Clerk until the plat has been approved by the Commission and the approval entered thereon in writing by the Chairman, Secretary or other duly authorized officer of the Commission.

3.3 Sale Prior to Approval of Final Plat

No person owning land composing a subdivision, or his agent, shall transfer, sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision before such plat has received final approval of the Commission and has been recorded. Any such instrument of transfer sale or contract shall be voidable and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

3.4 Injunction

The Commission shall have the power to apply for an injunction against any type of subdivision construction by a subdivider or a landowner in violation of the provisions of this regulation.

3.5 Improvements

No improvements, such as sidewalks, water supply system, storm water drainage, sewerage lines and treatment facilities, gas service, electric service or street

lighting, or grading, paving, or surfacing of any street shall be made within any such subdivision by any owner or owners or his or their agent, or by any public service corporation at the request of said owner or owners or by his or their agent until the plats for the subdivision and the plans for the improvements have been properly reviewed and approved by the Commission.

3.6 Development in Phases

Where a tract of land is proposed to be subdivided in several stages over a period of years and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate sectioning to demonstrate to the Commission that the total design as proposed for the entire subdivision is feasible. The Commission shall give preliminary approval or disapproval to the overall plan and final approval or disapproval on the parts as submitted from time to time. In the event of disapproval of the overall plan or any part or parts thereof, the action shall be written upon the record of the Commission stating the specific regulation or regulations of nonconformance.

SECTION IV

PROCEDURES

4.1 Minor Subdivisions

A. All subdivision of land shall be subject to the preliminary and final plat requirements presented herein except where a subdivision is deemed a minor subdivision, or with the exception of the first and only division of a tract that existed prior to effective date (recorded in the Grayson County Clerk's Office prior to that date), and that the division does not require the construction of a road or street, per the definitions (such an exception must follow the final plat approval procedure). Such a division must meet current subdivision regulations.

B. Upon request by the subdivider, a subdivision may be classified as a minor subdivision by the Commission as defined in Section II.

C. Upon meeting the requirements established in Section II and 4.1 B, the subdivider may follow the final plat procedure presented in 4.3.

D. The owner or subdivider of land that has been subject of at least two (2) minor subdivisions shall be required hereafter to comply with the provisions pertaining to preliminary and final plats.

4.2 Preliminary Plat

A. Prior to formal application for a major subdivision approval, the developer or his agent shall have a conference with the Commission staff for the purpose of obtaining advice and assistance on the requirements for major subdivision approval. The developer shall present for discussion a rough sketch showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, and other pertinent information. Other pertinent information may include current or proposed zone changes, subdividers intention to request permitted waivers, or relief from strict application of other provisions of these regulations. This advisory meeting does not require formal application or fees.

B. The preliminary plat shall be prepared by a registered land surveyor in accordance with the format design and improvement requirements of these regulations. All required engineering data shall be prepared by a registered

professional engineer. Utility companies and other concerned city and county agencies shall be consulted prior to the preparation of the preliminary plat.

C. Five (5) copies of the preliminary plat and supplementary materials specified in Section V shall be submitted to the Commission with a written application (secured from the Administrative Official) and fees a minimum of ten (10) working days prior to the meeting at which the preliminary plat is to receive consideration.

D. The Commission shall review the preliminary plat and supplementary materials for conformity with these regulations and within forty-five (45) days approve, approve with conditions or disapprove said plat. Failure of the Commission to act on the preliminary plat within forty-five (45) days shall constitute approval.

E. The action of the Commission regarding the preliminary plat shall be recorded in the minutes of the meeting.

4.3 Final Plat

A. The final plat shall be prepared by a registered land surveyor and all required engineering data shall be prepared by a registered professional engineer in accordance with these regulations subject to all conditions placed upon the preliminary plat by the Commission.

B. Five (5) copies of the final plat, supplementary materials specified in Section V, and a fee sufficient to record the final plat, shall be submitted to the administrative official or planning director a minimum of ten (20) (10) working days prior to the meeting at which the final plat is to receive consideration. *Revised 07/08/2013

C. The administrative official or planning director shall review the final plat and supplementary materials for conformity with these regulations and the conditions for approval placed on the preliminary plat by the Commission. The administrative official shall approve the final plat only if the subdivider has met all of the regulations pertaining to the final plats and all the conditions for approval placed on the preliminary plat by the Commission.

D. The action of the Commission regarding the final plat shall be recorded in the minutes of the meeting and for final plats receiving approval; the appropriate signatures shall be affixed to three (3) copies of the final plat. One

(1) signed copy of the final plat shall be retained by the commission, one (1) signed copy shall be returned to the subdivider and one (1) signed copy shall be forwarded to the appropriate legislative body.

E. The administrative official shall notify the subdivider in writing, of the decision to approve or deny the final plat. If the decision is denial of the final plat, the administrative official shall set out the reasons for denial in the notice to the subdivider and reimburse the subdivider of the recording fee.

F. The subdivider may appeal in writing to the Commission, the decision of disapproval by the administrative official. The appeal shall state the reasons for the appeal and the reasons why the Commission should reverse the decision of the Administrative Official and grant approval of the final plat. The appeal, with a fee sufficient to record the final plat, shall be submitted ten (10) days prior to the Commission meeting at which the appeal of the denial of final plat is to receive consideration.

G. The action of the administrative official regarding the final plat shall be reported to the Commission at its next meeting and shall be recorded in the minutes of the meeting. When the final plat is approved, the appropriate signatures shall be affixed to three (3) copies of the final plat. One (1) signed copy of the final plat shall be retained by the Commission, one (1) signed copy shall be retained to the subdivider and one (1) signed copy shall be forwarded to the appropriate legislative body.

H. One copy of the final plat shall be filed for recording by the administrative official in the Office of the County Clerk within ten (10) days after approval of said final plat by the Commission.

I. Acceptance by the applicable legislative body is evidenced by the signature of their designated representative on the Final Plat.

SECTION V

PLAT FORMAT AND CONTENT

5.1 Preliminary Plat

A. Format and Identification

1. The preliminary plat shall be prepared at the scale of one (1) inch equals one hundred (100) feet or less on durable paper or mylar in a clear and legible manner.
2. A vicinity map, at an approximate scale of one (1) inch equals one thousand (1,000) feet, indicating the general location of the subdivision shall be placed in the upper right or left corner of the sheet.
3. The title block shall be placed at the bottom of the sheet and shall contain the following information:
 - a. The name of the proposed subdivision which shall not duplicate or approximate the name of any other subdivision within the City of Leitchfield.
 - b. The name and address of the owner of the land to be subdivided and the name and address of the subdivider if other than the owner.
 - c. The name, address and number of the registered land surveyor responsible for the preparation of the plat.
 - d. A legend containing a graphic and written scale, north arrow, date of plat preparation and acreage of land to be subdivided.

B. Site Data

1. The preliminary plat shall indicate the subdivision boundaries with bearings and distances, all existing easements and railroad, street and road rights-of-way.
2. The names of all property owners abutting the boundaries of the subdivision.

3. Composite Drainage Plan

a. The construction plan shall include a composite drainage plan showing all improvements, including all proposed streets, easements, parks, storm sewers, ditches, hydraulic calculations, reserved areas and lot drainage and existing drainage designed in acres contiguous to the subdivision.

b. The plan shall contain a note indicating that a minimum 12-inch diameter corrugated metal pipe or equivalent 16 feet long shall be used for all driveway entrance pipes where required for proper drainage.

c. Details of typical catch basins, manholes, drainage structures, junction boxes and other incidental structures shall be included in the plan.

d. This plan shall bear the engineer's dated signature and seal.

4. Existing drainage channels, water courses, ponds and poorly drained areas.

5. Existing contours preferably at two (2) foot vertical intervals, not to exceed five (5) foot vertical intervals, reference to established and published sea level datum, and of sufficient detail to show the general character of the land.

6. The location, right-of-way and pavement widths and name of the nearest streets, roads or alleys to the subdivision. Recorded but unimproved streets or roads shall be indicated with dashed lines.

7. Soils Review Certification from the Grayson County Health Department for all proposed individual septic tanks.

8. The acreage of all residual land.

C. Proposed Design and Improvements

1. Standards for the construction of roadways are adopted by the Leitchfield City Council, by Ordinance, are contained in "The Criteria for the

Dedication of Newly Constructed Streets to the City of Leitchfield" and are adopted herein by reference. (Ordinance #95-13)

2. Sidewalks (Specifications Section VI, 6.5)

- a. Sidewalks shall be required on both sides of the streets in residential and commercial subdivisions, at shopping centers, playgrounds and schools.
- b. Sidewalks along arterial and collector streets, and along multi-family developments shall be five (5) feet wide except along commercial developments where they shall be six (6) feet wide. Otherwise sidewalks shall be four (4) feet wide. Sidewalks shall be constructed per specifications contained in "General Provisions for the Design and Construction of Sidewalks in Leitchfield, KY". (Section VI, 6.5)
- c. Sidewalks may be waived by the Planning Commission with due consideration to the size of the proposed subdivision, number and length of streets, size of lots and all other relevant factors. The subdivider shall be required to request the sidewalk waiver in writing. In addition, the subdivider must provide along with the written waiver request a letter of approval from the appropriate legislative body within whose jurisdiction maintenance of the particular sidewalk would fall. An automatic waiver is granted for roadways serving single family residential lots that have greater than (125 feet) of road frontage on any single street.
- d. Sidewalks to be constructed by lot owner. After five (5) years and 70% of lots built on, developer will fill in unbuilt sections. After eight (8) years developer will complete all sidewalks.
- e. Sidewalks to be constructed on state or federal right-of-ways shall be required to obtain the proper permit from the

applicable governing authority, and sidewalks will be constructed to the governing authority's specifications.

f. Where sidewalks are optional, sidewalks will be required on-site to continue or extend to an existing off-site sidewalk system on an existing street.

3. All lots shall be consecutively numbered and shall indicate the approximate dimensions and area in square feet.

4. The location of front and side yard setback lines shall be indicated for each lot.

5. The location, width and names of all proposed streets shall be shown.

6. The location of all existing and proposed monuments shall be shown.

7. The approximate location, dimension and area of all existing and proposed utility easements shall be indicated.

8. The proposed layout and connections with existing systems shall be shown for public water and public sewer systems, and\or well locations and individual septic location, including the general layout of the septic field (lateral lines).

D. Additional Data Required

1. One (1) copy of an application for approval of the subdivision and a receipt or the appropriate fees.

2. Two (2) copies of any deed restrictions or covenants proposed by the subdivider.

3. A letter from the appropriate authority having jurisdiction indicating the availability of water or sewerage service if the subdivision is to be connected to a public water or sewer system.

5.2

Final Plat

A. Format and Identification

1. The final plat shall be legibly drawn in black waterproof ink on mylar or similar reproducible material at a scale no smaller than one (1) inch equals one-hundred (100) feet.
2. The final plat shall be labeled RECORD PLAT in large letters immediately above the name of the subdivision.
3. A vicinity map, at an approximate scale of one (1) inch equals one thousand (1,000) feet, indicating the general location of the subdivision shall be placed in the upper right or left corner of the sheet.
4. The legend shall contain the graphic and written scale, north arrow, date of plat preparation and acreage of the land contained within the subdivision.

B. Design Data

1. The final plat shall indicate lot dimensions in feet to hundredths of a foot, bearings to the nearest one (1) minute and the number of each lot.
2. The plat shall indicate the accurate location of all permanent reference monuments. Every survey point shall be marked with a material detectable by a metal detector.
3. The minimum front yard setback line shall be indicated for each lot.
4. The plat shall indicate the names, bearings and angles of intersection and width for each proposed street or road right-of-way.
5. The plat shall show the exact location of streets adjacent to the subdivision and the width along the property lines for existing or recorded streets intersecting or paralleling the boundaries of the subdivision.
6. The plat shall show the location and width of all proposed utility and drainage easements.

C. Additional Data Required

1. Three (3) copies of any deed restrictions or covenants proposed by the developer shall be submitted as part of the final plat.

2. Drawings showing cross-sections, profiles, construction details and specifications for all required improvements shall be prepared by a registered professional engineer and submitted as part of the final plat for the following if required by the Commission:

- a. Sanitary Sewer System Plan
- b. Water System Plan
- c. Streets and Roads Plan
- d. Storm Drainage Plan
- e. Erosion or Sedimentation Control Plan

D. Certifications

The following certification blocks shall be shown on the final plat and signed prior to recording of the plat. The owner's certificate must include all signatures of those who have been conveyed the property by deed.

OWNER'S CERTIFICATION

I (we) do hereby certify that I am (we are) the owner(s) of record of the property shown and described hereon which is recorded in Deed Book _____, page _____, in the Office of the Grayson County Clerk; and do hereby adopt this plan of lots with my (our) free consent for this property; do establish the minimum building restriction line; and do hereby dedicate all streets, rights-of-way and any other spaces so indicated to public use; except those specifically indicated as private; that I or my successors in title will maintain all such areas until the offer of dedication is accepted by the appropriate authority, and do establish and reserve the easements indicated for public utility and drainage purposes.

Date

Owner(s)

CERTIFICATION OF SURVEY AND ACCURACY

I hereby certify that this plat was prepared by me or under my direction from an actual survey made by, or under my supervision; that the error of closure as calculated by latitudes and departures is 1: _____; all monuments indicated hereon actually exist and their location, size and material are correctly indicated; the information shown hereon is correct to the best of my knowledge and belief; and all requirements of Kentucky laws and regulations and the Subdivision Regulations of Leitchfield, Kentucky have been fully complied with.

Date

Surveyor's Name, Number & Seal

GRAYSON COUNTY HEALTH DEPARTMENT
CERTIFICATIONS AND NOTES FOR SUBDIVISION PLATS

The following certification is used on subdivision plats when full site evaluations are performed on each lot of a subdivision. The developer pays the fee, and after the lots are approved for on site sewage disposal systems, a signature from the Health Department on the certification is obtained.

<i>GRAYSON COUNTY HEALTH DEPARTMENT CERTIFICATION</i>	
<i>I certify that the sewage disposal systems installed or proposed for installation in this subdivision fully meet the requirements of this jurisdiction and are approved.</i>	
<i>_____ Grayson County Health Department Official</i>	<i>_____ Date</i>

The following certification is to be used on subdivision plats when only preliminary site evaluations are performed not full site evaluations on each lot. The developer pays reduced fees to the Health Department. The property owner will pay for a full evaluation prior to getting a permit to install a sewage disposal system on the property.

<i>GRAYSON COUNTY HEALTH DEPARTMENT CERTIFICATION</i>	
<i>These subdivision lots have received tentative approval for on site sewage disposal system usage by the Grayson County Health Department. This approval is granted only to the general feasibility of on site sewage disposal system usage for the subdivision as a whole. Each lot must be approved prior to system installation.</i>	
<i>_____ Grayson County Health Department Official</i>	<i>_____ Date</i>

The following note is to be used on subdivision plats when the lots are five (5) acres or greater and a site evaluation will not be performed by the Grayson County Health Department. For these proposed subdivisions, no fees are paid to the Health Department and no Health Department signature is required. The future property owners will pay the fee to have a full on site sewage system evaluation performed prior to obtaining a permit for a sewage system installation.

GRAYSON COUNTY HEALTH DEPARTMENT - EXCEPTION

The lots shown on this subdivision plat, being five (5) acres or greater, have not been evaluated for an on site sewage disposal system as permitted by ordinance of the Grayson County Board of Health. This exception from the City of Leitchfield Subdivision Regulations, which requires the Health Department Certification, was granted by the City of Leitchfield Planning Commission on _____ day of _____.

APPROVED 11/13/00

CERTIFICATION OF APPROVAL OF UTILITIES

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

Utility Agent of other Approving Agent Date

Approved 11/13/00

CERTIFICATION OF IMPROVEMENTS

I hereby certify that street improvement, and storm drainage plans for this subdivision have been reviewed by me and are in conformance with the City of Leitchfield Subdivision Regulations. I further certify that all streets and other improvements shown on this plat have been installed and completed to the construction standards contained in the City of Leitchfield Subdivision Regulations and the road specifications for new roads as adopted by the City of Leitchfield; or that their installation, within two years of the date below, has been assured by the posting of a sufficient surety bond or irrevocable letter of credit in the amount of \$ _____, has been posted with the City of Leitchfield Council or Planning Commission. The purpose of this surety is to assure completion of all required improvements in case of default.

Date

Authorized Representative

CERTIFICATION OF COMMISSION

I hereby certify that this RECORD PLAT has been found to comply with the City of Leitchfield Subdivision Regulations, with the exception of variances as set out on this plat and that this record plat was approved by the City of Leitchfield Planning Commission on, _____, 20__ and is now eligible for recording in the Office of the County Clerk.

Date

*Commission Chairman or Secretary
City of Leitchfield Planning
Commission*

*Zoning Administrator
City of Leitchfield Planning
Commission*

GENERAL UTILITY NOTES

- There is a 20 ft. general utility easement across the front of each lot.
- There is a 10 ft. general utility across the rear of each lot.
- There is a 10 ft. general utility and drainage easement centered on each side lot line, being 5 ft. on each side of said line.
- Easements grant and convey to overhead Utilities and Licensees, and their successors, the right to trim or remove any and all trees, structures and obstacles located on the easements or in such proximity thereof that in falling they might interfere with the operation and maintenance of said facilities. No building or other structure shall be erected, and no landfill or excavation or other change of grade shall be performed upon said easements after installation of said facilities. Be it also granted that the right of ingress and egress be granted to the users of the utility easements as required to construct, operate, maintain, and reinforce facilities within said easements.
- Electric Utility Company Easement - A distance of 15 ft. on the property side of the road R/W (running parallel to the road R/W on both sides of the streets. Also a guying easement 10 ft. wide (5 ft. on each side of property line) and 30 ft. deep (from road R/W) wherever a utility pole is erected.
- All entrances providing access to State and Federal right-of-way must receive an entrance permit from the Kentucky Department of Highways. Approval of the plat does not relieve property owners of the responsibility to obtain an entrance permit, nor does it guarantee approval of an access permit even if properly applied for.

UTILITY EASEMENTS RESTRICTIONS

The undersigned hereby grants unto the below named utility companies, easements over the spaces indicated by dashed lines and marked "utility easements", said easement to include:

1. The right to construct, maintain, operate, replace, upgrade or rebuild any and all underground utilities.
2. The right of ingress and egress over all lots from said easements indicated.
3. The right to trim or remove any tree necessary to maintain proper service.
4. The right to keep said easements free of any structures or obstacles that the company deems a hazard to the utility companies.
5. The right to prohibit any excavation within five (5) feet of any underground utility or change of grade that interferes with overhead or underground lines.

Lot owners may use and enjoy said land included in easement shown hereon by the right herein granted to the companies including the use of the land for planting, cultivating, and maintenance of shrubbery and other small plants and plantings, construction and maintenance of hard surfaced streets, sidewalks, driveways, roads, parking lots or areas, or of private or public facilities and drains, on, access, or through the above described easement areas, but may not construct any buildings or similar structures upon the easement areas.

_____	_____
Owner(s)	Date
(Applicable Utilities & Licensee)	Date
_____	_____
_____	_____
_____	_____

The undersigned hereby grants to the City of Leitchfield Storm Water Easements over all watercourses, drainage ways, channels or streams. Said easements are 20 feet in width, centered on each primary drain, being 10 feet on each side of said flow line or thread of stream. The storm water easement is a non-buildable area. No building or structure may be constructed within or pertrude into this non-buildable area. Designation of said easement does not imply that other areas of the property will not flood. The City of Leitchfield assumes no liability for property damage because of storm water.

_____	_____
Owner(s)	Date

SECTION VI

DESIGN AND IMPROVEMENT STANDARDS

6.1 Lots

A. All lots shall abut for at least seventy five (75) feet upon a street dedicated for public use, or a private street as authorized by ~~6.4.F~~ 6.4 (A-E), except a lot fronting on the curved portion of a cul-de-sac may be reduced to a minimum of fifty (50) feet provided the lot is one hundred (100) feet wide at the front yard setback line. *Revised 07/08/2013

B. Lot dimensions shall comply with the requirements of the zoning district, however, residential lots not served by a public sanitary sewer system shall contain a minimum of thirty-two thousand (32,000) square feet with a width of no less than one hundred (100) feet and a depth of no less than two hundred (200) feet.

C. Lots located on land subject to flooding, subsidence or other hazards to the health and safety of potential users may be declared unsuitable for residential development by the Commission and such plans or portions thereof may be disapproved by the Commission.

D. Corner lots shall be of sufficient width to permit compliance with the required minimum side yard setback line.

6.2 Blocks

A. Residential blocks shall not exceed twelve hundred (1,200) feet nor be less than four hundred (400) feet in length.

B. The width of blocks shall be sufficient to provide two (2) tiers of lots of appropriate depth except where reverse frontage lots are used to alleviate conflicting traffic or uses.

C. Blocks used for non-residential purposes shall be of such length, width and design to incorporate adequate provision of off-street parking, loading and unloading and control of vehicular access to adjacent streets.

6.3 Utility and Drainage Easements

- A. Utility easements twenty (20) feet in width may be required between, at the rear or across lots. Easements of a greater width may be required if deemed appropriate by the Commission.
- B. Storm water easements or drainage rights-of-way may be required if necessary to provide proper drainage within or through a subdivision.
- C. Utility and drainage easements shall connect with existing easements on adjoining properties.

6.4 Streets

- A. The location of all streets in a proposed subdivision shall conform in general alignment to the Major Street Plan.
- B. The proposed street layout shall provide for the continuation of existing streets to adjoining tracts.
- C. Streets shall be designed with respect to topography to provide proper drainage and grades.
- D. Proposed streets in alignment with existing streets shall bear the name of the existing street. Proposed street names shall not duplicate or be confused with names of existing streets.
- E. The entire minimum right-of-way shall be dedicated when a subdivision is located on one or both sides of a street.
- F. Intersections involving more than four (4) basic street approaches shall be prohibited.
- G. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- H. The minimum radius at property lines at all intersections shall be twenty (20) feet for all streets.
- I. No private streets or reserve strips shall be allowed except as they meet the following criteria:

~~B.A.~~ Private streets may be approved by the Commission in order to encourage the development of residential subdivisions, which foster and strengthen Leitchfield's sense of rural character

and community. The approval of preliminary plans and record plats containing private streets shall conform to all requirements of the subdivision regulations unless different requirements are specifically listed for private streets. No private streets or reserve strips shall be allowed except as they meet the following criteria:

1. The minimum right-of-way of the proposed private street meets those standards set for local streets by City of Leitchfield Ordinance #95-13.
2. The maximum number of parcels to be accessed by a private street shall not exceed ten (10) parcels.
3. A private street may only serve the parcels that front on and gain their access from the private street. The private street shall be a dead end street or loop street, and may not function as a through or stub street.
4. The proposed private street must intersect with a public street or road.
5. The proposed private street may not be built off another private street or road.

C.B. Maintenance Responsibility - The maintenance responsibility for private streets shall be completely assumed by the property owners who gain access from the private roads. Maintenance responsibility involves all construction, reconstruction, cleaning, snow removal, or any other needs related to the maintenance of the private streets. A copy of the agreement for road maintenance shall be filed with the office of the County Clerk. A record plat and deed of restrictions for a subdivision containing private streets shall have the roads labeled as private and shall contain the following signed certification by the owner:

Private Road Maintenance Responsibilities

The owners of this property and any successors in title do hereby agree to assume complete liability and responsibility for any construction, reconstruction, cleaning, snow removal, or any other needs related to the maintenance of the private street designated on this record plat. The owners of this property do hereby fully relieve local government from any maintenance responsibilities and fully understand that the private streets will not result in any reduction or reimbursement of taxes required and payable to local government. If the owners of this property should ever request local government to accept maintenance responsibility of these streets, the owners do fully agree to upgrade the private streets to public streets in conformity with all applicable standards and provisions specified in the Leitchfield Subdivision regulations.

Owners: (Owner's signature and date)

D.C. Governmental, Utility, and Emergency Access - Property Owners who gain access from a private street shall maintain the street in an open and unimpeded manner in order to ensure continuous governmental and emergency access. A record plat for a subdivision containing a private street shall contain the following signed certification by the owner;

Government and Emergency Access

The owners of this property and any successors in title do hereby agree to grant for government and emergency access purposes continuous rights of access to properties on this recorded plat over all designated street, utility, and access easements for purposes of government and emergency access.

Owners: (Owner's signature and date)

~~E.~~ D. Local Government Acceptance of Maintenance Responsibility - Should property owners request that the maintenance responsibility of the private street be assumed by local government, the following specifications shall be satisfied:

1. The requesting property owners will bear full expense for the reconstruction or any necessary actions to upgrade the private streets into public streets. This upgrading shall conform with the applicable public street construction standards and inspections at the time of the property owners' request.
2. The requesting property owners will agree to dedicate the newly upgraded public street to the local government without any compensation to the property owners.
3. The acceptance of public dedication and public maintenance of such upgraded streets shall remain with the local legislative body.

~~D.~~ E. Liberalization - The Commission may liberally apply the provisions of these Subdivision Regulations where strict application would result in practical difficulties and/or unnecessary hardships upon the owner of such property. The owner and/or applicant for subdivision approval must document specifically the practical difficulties or hardships created, their unique nature, the particular section of the regulations involved and the extent of the waiver requested. In granting waivers, the Commission may impose such conditions as it deems appropriate.

J. Entrances-All entrances providing access to Local, State and Federal Right-of-Way must receive an entrance permit or authorization from the appropriate agency. Permit or authorization must be attached to the plat.

Signature and date - Kentucky Transportation Cabinet

Signature and date - City of Leitchfield Representative

*Revised 07/08/2013

6.5 **Sidewalks**

General Provisions for the Design and Construction of Sidewalks in Leitchfield, Kentucky.

Minimum sidewalk specifications for residential areas;

5-½ inch thickness

3500 psi Class A concrete

5 x 5 x 10 ga. Wire mesh or fiber

2 inch compacted DGA base

4 feet minimum width

Non-Slip surface finish

Curing compound

Grooved Joints shall be placed at a distance equal to the sidewalk width.

Control Joints shall be sawed at intervals using the following formula:

Sidewalk thickness in inches x 2.5 = Distance in feet between control joints

Control Joints shall be 1/3 of depth of concrete and sealed with a urethane based joint sealant.

SECTION VII

ADMINISTRATION AND ENFORCEMENT

7.1 Administrative Official

The Commission shall designate, with the concurrence of the appropriate legislative bodies, an Administrative Official to be charged with and provided the authority to enforce these regulations.

7.2 Filing Fee

The Plan Commission shall establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed Preliminary and Final plats. The subdivider shall pay the specified fee at the time of filing the application for preliminary plat approval. Contact the Commission for the current fee schedule.

7.3 Variances

The Commission may vary the requirements of these regulations where strict application would result in extreme practical difficulties because of exceptional or unique topographic conditions or other physical conditions.

7.4 Penalties

Any person who violates the provisions of this regulation shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. Each day of violation shall constitute a separate offense.

7.5 Liabilities

Any member of the Commission or any employee thereof, shall not render himself liable personally in the discharge of his duties. Any legal suit brought against any member of the Commission or employee because of such act performed by him in the enforcement of any provision of this regulation shall be defended by legal representation of the Commission until the final termination of the proceedings.

7.6 Surety Requirements

Required surety bonds or irrevocable letters of credit shall be set at cost plus 10%. The amount of the surety may be reduced as improvements are completed and approved or accepted by the appropriate authority.

SECTION VIII

8.1 **FEES**

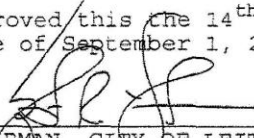
Subdivision Plan Assessment	
Preliminary Plat, Street, Sidewalk and Drainage Plans	
10 Lots or Less	\$300.00
11 - 20 Lots	\$400.00
21 Lots and Over	\$500.00
Record Plat	\$140.00 + \$10.00/Lot
Amended Plat Revised & Corrected Plats	\$ 50.00
Replatting & Resubdividing Plats	\$140.00 + \$10.00/Lot
Revocation of Subdivision Plat	\$ 75.00
Recording Fees	
Record Plat & Amended Plat	\$ 20.00
Certificate of Land Use Restrictions	\$ 20.00

SECTION IX

EFFECTIVE DATE

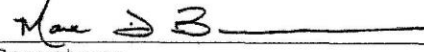
This regulation is hereby declared to be a measure necessary in the interest and for the promotion of safety, convenience and public welfare. This regulation shall be in full force and effect from and after its passage and approval as provided by law.

Approved this the 14th day of August 2000. With the effective date of September 1, 2000.



CHAIRMAN, CITY OF LEITCHFIELD
PLANNING COMMISSION

ATTEST:



Secretary

ORDINANCE NO. 2009-07

AN ORDINANCE AMENDING THE TEXT IN
THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS

WHEREAS, the City of Leitchfield Planning Commission of Leitchfield, Kentucky, on August 10, 2009, held a public hearing to adopt text amendments to the Zoning Ordinance and Subdivision Regulations as recommended by a special committee appointed by the Mayor at the April 13, 2009 Planning Commission meeting, said committee met and formulated recommended text amendments approved by the Planning Commission and contained within, and

WHEREAS, The Zoning Ordinance and Subdivision Regulations were previously adopted by the City of Leitchfield by ordinance.

NOW THEREFORE, be it ordained by the City of Leitchfield, Kentucky, that the Zoning Ordinance and Subdivision Regulations be readopted in its entirety with the following text amendments:

PARKING ISSUES

Zoning Ordinance, Page 63, Article 4.42

In 4.42.6 change the area from 1,800 square feet to 4,200 square feet.

PRE-APPLICATION

Subdivision Regulations

Replace 4.2.A with the following:

Prior to formal application for a major subdivision approval, the developer or his agent shall have a conference with the Commission staff for the purpose of obtaining advice and assistance on the requirements for major subdivision approval. The developer shall present for discussion a rough sketch showing generally the boundaries of the proposed subdivision, the proposed street and lot pattern, and other pertinent information. Other pertinent information may include current or proposed zone changes, subdividers intention to request permitted waivers, or relief from strict application of other provisions of these regulations. This advisory meeting does not require formal application or fee.

STREETS

Subdivision Regulations

5.1.C.5 Restate to read:

The location, width, and names of all proposed streets shall be shown.

DELETE the remainder of 5.1.C.5 (a. - f.) and 5.1.C.6.

5.1.C.7, 8, and 9. remain and are re-numbered 5.1.C.6, 7, and 8 respectively.

DELETE 6.4.B, D, and E.

Revise 6.4.I in its entirety. 6.4.I.8. (Liberalization Clause) will remain as

6.4.I.D. (See Private Streets Page)

SIDEWALKS

Subdivision Regulations

Add the following to 5.1.C.2:

Where sidewalks are optional, sidewalks will be required on-site to continue or extend to an existing off-site sidewalk system on an existing street.

DEVELOPMENT IN PHASES

Subdivision Regulations, Page 9, Section 3.6

Currently the requirement is for a "detailed" description of the remaining parts upon submission of the first part. As "detailed" is subjective, we have a great deal of latitude in what we may require based primarily on what those future parts or phases of development may entail.

MINOR SUBDIVISION & SUBDIVISION

Subdivision Regulations

Section II, Definitions

Minor Subdivision - Change two (2) to three (3)

Subdivision - Change three (3) to four (4)

PLAT FORMAT AND CONTENT

Subdivision Regulations

Section 5.1.5. Contours

Delete the current contour requirement and replace with the following:

- Existing contours preferably at two (2) foot vertical intervals, not to exceed five (5) foot vertical intervals, referenced to established and published sea level datum, and of sufficient detail to show the general character of the land.

PRIVATE STREETS

Subdivision Regulations

with; Definitions - Delete the current definition(s) for Private Street and replace

A way open to vehicular ingress and egress established as a right-of-way easement for the benefit of certain adjacent properties.

6.4.1 Replace in its entirety with;

Private streets may be approved by the Commission in order to encourage the development of residential subdivisions, which foster and strengthen Leitchfield's sense of rural character and community. The approval of preliminary plans and record plats containing private streets shall conform to all requirements of the subdivision regulations unless different requirements are specifically listed for private streets.

No private streets or reserve strips shall be allowed except as they meet the following criteria:

1. The minimum right-of-way of the proposed private street meets those standards set for local streets by City of Leitchfield Ordinance #95-13.
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Owners: (Owner's signature and date)

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Owners: (Owner's signature and date)

C. Local Government Acceptance of Maintenance Responsibility - Should property owners request that the maintenance responsibility of the private street be assumed by local government, the following specifications shall be satisfied:

4. The requesting property owners will bear full expense for the reconstruction or any necessary actions to upgrade the private streets into public streets. This upgrading shall conform with the applicable public street construction standards and inspections at the time of the property owners' request.
5. The requesting property owners will agree to dedicate the newly upgraded public street to the local government without any compensation to the property owners.
6. The acceptance of public dedication and public maintenance of such upgraded streets shall remain with the local legislative body.

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practical difficulties or hardships created, their unique nature, the particular section of the regulations involved and the extent of the waiver requested. In granting waivers, the Commission may impose such conditions as it deems appropriate.

PROVISIONAL *****IMPORTANT*****
If private streets are authorized, then 6.1.A. requires revision as well; ...upon a street dedicated for public use, or a private street as authorized by 6.4.I except....

UPON MOTION OF Council member Leon Shaw, duly seconded by Council member Kelly Stevenson and carried, the City Council approved the text amendments to the Zoning Ordinance and Subdivision Regulations.

This ordinance shall be in full force and in effect following publication as required by law. Given a second reading and duly enacted by the legislative body of the City of Leitchfield, Kentucky, on the 8th day of September, 2009 after having been first read on August 17, 2009.

ATTEST:

s:/Erin Embry
Erin Embry, City Clerk

Dated: September 9, 2009

CITY OF LEITCHFIELD

s:/William H. Thomason
William H. Thomason, Mayor