

LEBANON, KENTUCKY
SUBDIVISION REGULATIONS

Prepared for:

LEBANON PLANNING COMMISSION

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Chapter 153: Subdivision Regulations

153.01 ADMINISTRATION

(A) Title

The full title of these regulations shall be the "Subdivision Regulations of Lebanon, Kentucky." As a short title, these regulations shall be known and cited as the "Subdivision Regulations."

(B) Authority and Administrative Agency

The Lebanon Planning Commission has been empowered to prepare rules and regulations governing the subdivision of land within the City of Lebanon under the authority of Section 100.273 of the Kentucky Revised Statutes. Under the authority of Section 100.131 of the Kentucky Revised Statutes, the Lebanon Planning Commission also shall have jurisdiction and control over subdivisions of all land within unincorporated areas that are within three (3) miles beyond the corporate limits of the City of Lebanon and as measured from the nearest corporate limit boundary.

The Planning Commission shall be the administering agency for the Subdivision Regulations. The Planning Commission does hereby exercise the power and authority to review, approve, or disapprove plats for subdivision of land in the City of Lebanon and within three (3) miles beyond the corporate limits of the City of Lebanon.

(C) Purpose

The Subdivision Regulations are designed for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the City of Lebanon.
- (2) To guide the future growth and development of the City of Lebanon in accordance with the Comprehensive Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and social and economic stability of the City of Lebanon while encouraging orderly and beneficial development.
- (5) To protect and conserve the value of land throughout the City of Lebanon and the value of the buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and

efficient transportation, water, sewerage, drainage, recreation, and other public requirements and facilities.

- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City of Lebanon, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions, including the accurate surveying of land, preparing and recording of plats, and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both approving authority and subdividers.
- (9) To insure that the public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- (10) To minimize the pollution of air, streams, and ponds to assure the adequacy of drainage facilities; to safeguard the water table; to preserve the natural features; and, to encourage the wise use and management of natural resources throughout the City of Lebanon in order to preserve the integrity, stability, and character of the City and the value of the land.
- (11) To preserve the natural beauty and topography of the City of Lebanon and to insure appropriate development with regard to these natural features.

(D) Jurisdiction

All persons, firms, or developers subdividing, or platting lands within the City of Lebanon and within three (3) miles beyond the corporate limits of the City of Lebanon shall comply with these Subdivision Regulations. The extra territorial jurisdiction shall be measured from the nearest corporate limit boundary.

(E) Effect of Private Deed Restrictions

Nothing in these Subdivision Regulations shall be construed to exempt any applicant with regard to all local, state, and federal codes and regulations. It is permissible for private deed restrictions to exceed the otherwise minimum applicable legal requirements. However, private deed restrictions are beyond the enforcement jurisdiction of the Planning Commission.

(F) Conflict with Zoning Ordinance and Other Regulations

The Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law except as provided in these Subdivision Regulations.

Where there is a discrepancy between the minimum standards set forth in these regulations and those contained in the local zoning regulations, building code, or other regulations, law, or ordinance, the regulations which are more restrictive and impose

higher standards or requirements shall govern.

(G) Separability and Previous Regulations

Should any section, subsection, paragraph, or provisions of these Subdivision Regulations be adjudged by a court of competent jurisdiction to be invalid or unenforceable, such decision shall in no way affect the validity of any other provision of these regulations.

All previous subdivision regulations and procedures adopted by the Planning Commission and Lebanon City Council are hereby repealed by the adoption of these Subdivision Regulations.

(H) Amendments

The Planning Commission may from time to time revise, modify or amend these Subdivision Regulations. The Planning Commission in the manner prescribed by the Kentucky Revised Statutes shall hold a public hearing on all proposed amendments. It shall then make its recommendations on the proposed changes to the Lebanon City Council.

(I) Plat Approval and Recording

The Planning Commission shall review and grant final approval of any subdivision plat before said plat is eligible for recordation by the Marion County Clerk. A subdivision plat approved prior to the adoption of these regulations that has not been submitted for recordation with the Marion County Clerk shall be submitted for recordation within six (6) months of the adoption of these regulations. Any plat approved prior to the adoption of these regulations that is not submitted for recordation within six (6) months of the effective date of these regulations shall be null, void, and ineligible for recordation.

(J) Revocation of Subdivision Plat

- (1) Upon application of all persons owning land comprising subdivision, the Planning Commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements, and rights-of-way.
- (2) As part of their application for revocation, all subdividers shall state under oath that no person has purchased a lot shown on the plat before any plat shall be revoked.
- (3) A revocation shall become effective only upon:
 - (a) A notation on the margin of the recorded plat stating that the plat has been revoked, the date of such vote of revocation, and must be signed by the Chairman, Secretary, or Administrative Officer of the Planning Commission.
 - (b) A written approval of such revocation filed with the Planning Commission duly signed by each entity to which an offer of dedication of any public or private facility, easement right-of-way was made on the plat.
 - (c) The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the Planning Commission or any

interested party from filing an action in Circuit Court for such relief as may be appropriate.

(K) Interpretation

The Planning Commission shall interpret and apply these Subdivision Regulations as the minimum requirements applicable.

- (1) When requiring a higher standard than the minimum stated in these Subdivision Regulations, the Planning Commission shall be governed by the following standards:
 - (a) There are specific on-site or off-site conditions that adversely affects the properties under consideration that would otherwise cause the property to be unsuitable for development, or;
 - (b) The land to be subdivided shall be such a type and character that the additional requirements are required in order to insure that the property can be used for building purposes without threat from flooding, erosion, contamination, or other manmade or environmental hazards.

(L) Variances

- (1) These Subdivision Regulations are adopted only as minimum requirements, and all subdividers and developers should consider developing their subdivisions at higher standards. The Planning Commission may require standards above the minimum contained herein whenever it feels that public health, safety, or welfare purposes justify such increases.
- (2) The Planning Commission also may reduce or otherwise vary the requirements of these regulations whenever the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the Subdivision Regulations and/or the purpose of these Subdivision Regulations may be served to a greater extent by an alternative proposal. The Planning Commission may approve variances of these Subdivision Regulations so that substantial justice may be done and the public interest served. In granting a variance the Planning Commission may require whatever conditions it feels are necessary to secure the objective of the varied standards or requirements. The variance shall not have the effect of nullifying the intent and purpose of these Subdivision Regulations.
- (3) In granting variances, the Planning Commission shall make findings based upon the evidence presented to it that:
 - (a) The granting of a variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (b) Because of the particular physical surroundings, shape, or topographical conditions of the property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict application of these Subdivision Regulations is carried out;
 - (c) The granting of a variance will allow for complete neighborhood or other design innovations which still achieve the basic objectives of these Subdivision Regulations;
 - (d) The condition upon which the request is based was not caused by willful action

by the property owner subsequent to the adoption of the Subdivision Regulations; or,

- (e) The relief sought will not in any manner vary the provisions of the Subdivision Regulations, Comprehensive Plan, or official map, except that those documents may be amended in the manner prescribed by law.

(M) Fees

Fees for review of applications, subdivision plats, Improvements Plans, and inspections are hereby authorized and set by the Planning Commission. All applicable fees shall be tendered with the application.

Application/Subdivision	Fees
Minor Subdivision (less than 2 lots)	\$75
Major Subdivision (3 or more lots)	\$75 plus \$10 per lot over 2 lots
Plat amendment, revision, revocation	\$75

(N) Disclaimer of Liability

Notwithstanding any provisions of these regulations, no approval of any variance, improvements plan, subdivision plat, or portion thereof by the Planning Commission or any other public agency or official, whether employed, elected or appointed, shall operate as a warranty or guarantee of the safety or reasonableness of any variance, improvements plan, subdivision plat, or portion thereof, or act in any way to limit or alter any common-law duties imposed on the subdivider or authors of such plans or plats.

153.02 DEFINITION OF WORDS

- (A) Regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section and in Kentucky Revised Statutes (KRS) Chapter 100.
- (B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations;” and the word “regulations” means “these Subdivision Regulations.”
- (C) A “person” includes a corporation, partnership, limited liability corporation (LLC), and an unincorporated association such as a club; “shall” is always mandatory; a “building” includes a “structure;” a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

(D) As used by these regulations, the following are defined as follows:

Access: A point at which provisions are made for vehicular entrance to or exit from a street, and to or from a lot or other street.

Access Control: Control of access is the condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority, local, state, or federal.

Accessory Structures: Any structure other than the principal structure and detached there from, directly incidental to or required from the enjoyment of the permitted use of any premises.

Accessory Use: Any use directly incidental to the permitted principal use of any premise. Home occupations, as defined in the Zoning Ordinance, shall be deemed an accessory use.

Administrative Official: Any department, employee, or advisory elected or appointed body, which is authorized to administer the provisions of these Subdivision Regulations and authorized by the Lebanon Planning Commission.

Agricultural Use: The use of a tract of land 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, timber, 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 developments for sale or lease to the public.

Alley: A local public street used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

Arterial: A public street that serves major centers of activity. Arterials have the highest traffic volumes, speed limits, and right-of-way widths, and are used for moving vehicles safely and efficiently and providing direct connection between points of heavy traffic generation and neighborhoods at moderate speeds. Typical average daily traffic counts on arterial streets are 3,000 plus vehicles.

Average Daily Traffic (ADT): The average number of vehicles per day that pass over a given point.

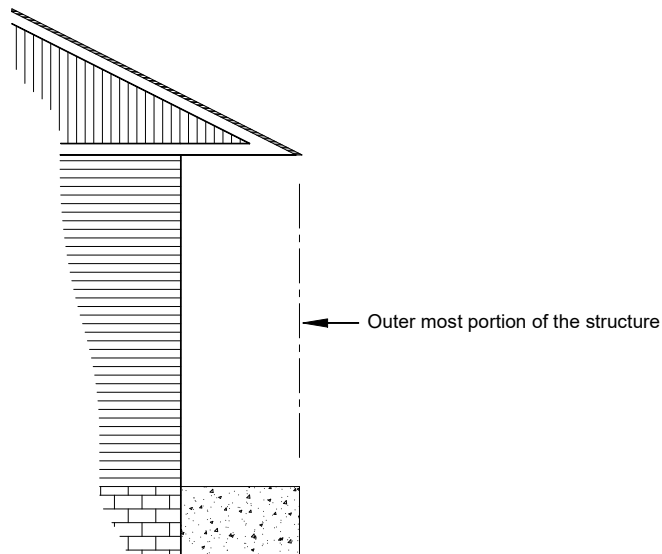
Block: A tract of land enclosed by streets or a combination of streets, waterways or lakes. The length of a block is measured between right-of-way lines of the through streets that intersect the streets running along one side of the block. The length of the block is the greatest distance between streets on opposite sides of the block.

Border Strip: A strip of land that is of insufficient width/depth to be considered a buildable lot that only serves to separate a dedicated public roadway from lands that would otherwise be adjacent. Border strips have no effect on otherwise adjacent properties with respect to access.

Buffer: An area within a property, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, or berms, designed to limit sight and sound from the site to adjacent properties.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. All buildings shall be required to be positioned within all building setback lines. When measuring the distance required for the building setback lines, the outer most portion of the structure shall be used.

EXAMPLE BUILDING PROFILE
NOT TO SCALE



Building Code: Rules and regulations adopted by local legislative bodies to regulate building and construction standards. These include, but are not limited to, the Kentucky Building Code and the BOCA one and two family Building Code, and the National Electrical Code.

Building Inspector: A person appointed by the applicable legislative body and whose responsibility it is to inspect items required by the Building Codes and these Subdivision Regulations.

Building Permit: A permit issued by the Building Inspector allowing a property owner or their agent to construct, alter, or remove a building, structure, etc., or engage in similar activity which would alter the character or the lot in question.

Building Setback Line: A line in the interior of a lot, generally parallel with and measured a specific distance from a lot line, defining the limits of a yard in which no building may be located.

Canopy: A roofed structure constructed of fabric or other material supported by a building or by support extending to the ground under the canopy.

Centerline: The center of the street established by survey, or when not established, center of a paved roadway.

Circle Street: A local street where both ends terminate at the same intersection.

City Limits: The term "City Limits" in these regulations refers to the municipal or corporate limits of the City of Lebanon.

Collector: A public street that functions to conduct traffic between major arterial streets, minor activity centers, and local streets and provides access to adjacent property. Collector streets may be further divided into major and minor collectors.

Commercial and Industrial Street: A local street with two (2) ends open to vehicular traffic or a cul-de-sac, which serves to conduct commercial traffic to and from place of business or industrial establishments, and constructed to sustain the weight and safety requirements imposed by commercial-industrial oriented traffic.

Commission: Lebanon Planning Commission.

Comprehensive Plan: The adopted plan for the City of Lebanon that serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in words, graphics, or other forms.

Corner Lot: A lot that abuts on two intersecting streets at their intersection. (See example lot diagrams on page 11).

County Clerk: Marion County Clerk.

Cul-De-Sac Street: A local street with only one (1) end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround.

Curb: A vertical or sloping edge of a roadway.

Dead-End Street: A local street similar to a cul-de-sac except that it provides no turnaround circle at the closed end and is not allowed in any proposed subdivision.

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

Design Standards: Standards that set forth specific improvement requirements.

Detention Basin: A manmade or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or manmade outlets.

Developer: An individual, partnership, corporation, Limited Liability Company (LLC) or other legal entity or agent thereof, which undertakes the activities covered by these Subdivision Regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring development, the term "developer" includes "subdivider," "owner," "builder," etc. although the persons and their precise interests may vary at different project stages.

Development: Land being subdivided by a developer in accordance with these Subdivision Regulations.

Double-Frontage Lot: Any lot, other than a corner lot, which abuts on two streets. (See example lot layouts on page 11).

Drainage Easement: A right-of-way granted, but not dedicated, 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.

Drainage Plan: A detailed study of the storm water flow and control within a designated area.

Driveway: A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

Easement: The right, not ownership of the land, to cross property with facilities, such as but not limited to sewer, water, and transmission lines, or the right distinct from the ownership of the land to reserve and hold an area for drainage, access or other specified purposes.

Engineer: A qualified person registered and currently licensed to practice civil engineering by the state Board of Registration for Professional Engineers and Land Surveyors in the Commonwealth of Kentucky.

Erosion: The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

Final Plat: The record plat of a subdivision prepared by a Registered Land Surveyor in accordance with the *Minimum Standards of Practice for Land Surveyors in Kentucky* established by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors and meet the minimum standards of these Subdivision Regulations

Flag Lot: An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or "panhandle"), which is part of the lot. The building site within a flag lot does not immediately abut a public street but is located at the terminus of the access strip described herein. Building setback lines are to be shown the appropriate distance from the terminus of the access strip. No building shall be placed in the access strip. Within the Lebanon corporate limits, flag lots shall only be used in those locations where, due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission. Outside the Lebanon corporate limits, one flag lot shall be permitted every five hundred (500) feet between access strips or "panhandles", and shall have a minimum of fifty (50) foot access strip or "panhandle". Before any flag lot can be further subdivided, the developer shall build and dedicate the access strip into a public right-of-way pursuant to these Subdivision Regulations. (See example lot layouts on page 11).

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland water, the unusual and rapid accumulation of runoff of surface waters from any source, and mudslides, which are caused or precipitated by accumulations of water on or underground.

Flood Plain: Any land designated as “Flood Plain” on the flood insurance maps of the Federal Emergency Management Agency (FEMA).

Frontage: That side of a lot abutting on a public street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage Road (Marginal Access Streets): Local streets parallel to and adjacent to arterial or collector streets and which serve to reduce the number of access points on these streets.

Front Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. No buildings shall be placed in the space between the front yard setback lines and the right-of-way. Lots that front on more than one street or right-of-way must have a front yard setback line and a principal front yard setback line.

Grade: The inclination with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage (%) of the horizontal distance.

Half Street: A partial street constructed on the boundary of a property typically only on one side of a centerline.

Health Department: Marion County Health Department.

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

Improvements Plan: Engineering and land surveying drawings that indicate the proposed manner or layout of specific design features and infrastructure improvements for a subdivision. Written and graphic material for the provision of a development, including but not limited to the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, roadways, parking facilities, signs, drainage of surface water, access points, plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

Land Surveyor: A person licensed as a “Land Surveyor” by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Legislative Body: Lebanon City Council.

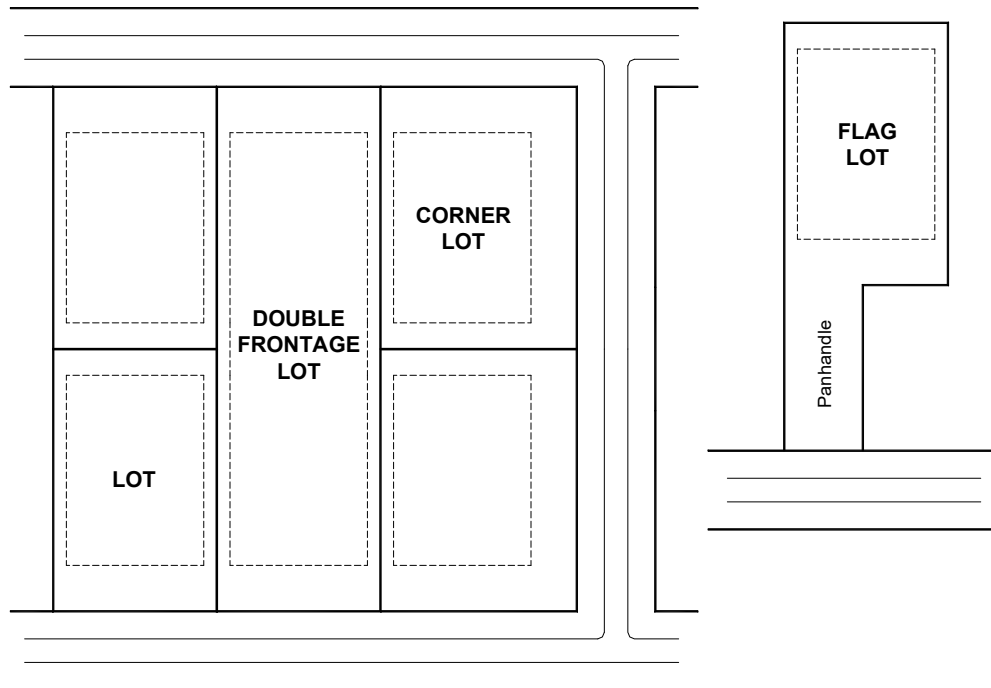
Local Street: Public streets providing vehicular access and services to abutting property. A local street has a directional flow served by one (1) lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic. Traffic volume should not exceed 300 ADT count per day. Local streets can be subdivided further into the following:

Loop Street: A local street where both ends terminate at an intersection with the same street

and with no other access to the loop street.

Lot: A portion of subdivision or other parcel of land occupied by or to be occupied by only one principal building and its accessory buildings. Lots are the basic unit of a subdivision plan or the smallest division of land owned by a person. The term “lot” is used interchangeably with the term “tract.”

EXAMPLE LOT LAYOUTS
Not to scale



Lot Area: The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot Depth: The horizontal distance between front and rear lot lines measured along the median between 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 lots lines.

Major Collector: A public street that carries the majority of traffic entering arterial streets. For major collectors, the concept of service to abutting land should be subordinate to the provision of travel for major traffic movements. Generally, major collectors are state-maintained roads. The major collector street should carry an average daily traffic count between 1,000 to 3,000 trips per day.

Major Construction of Site Improvements: Construction of the following improvements, including but not limited to: new streets, including improvement or widening of existing streets; storm water management facilities; water supply system installation; and, fire hydrant installation.

Major Street Plan: The official map of the City of Lebanon showing the existing and proposed public streets.

Major Subdivision: Division of land not classified as a minor subdivision and into three (3) lots or more from the parent tract, and/or where there is a need for major construction of site improvements. A Preliminary Plat, Improvements plan, and Final Plat are required for this type of subdivision.

Manufactured Home: A single-family residential dwelling constructed in accordance with the federal act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Buildings the construction of which is not preempted by the federal act are subject to building code requirements of KRS Chapter 198B.

Minor Collector: A public street primarily that serves residential or commercial development. Roadways within this classification are intended to convey traffic to an adjoining major collector or arterial street. Traffic volume should not exceed 1,000 average daily trips count per day.

Minor Subdivision: Division of land into two (2) lots or less from the parent tract for residential use; provided that there is no need for major construction of site improvements, including any new street or other public right-of-way or provision for a public area or public facility, and that the subdivision conforms to the setback line requirements and other requirements of the applicable zoning district, and conveys the right-of-way necessary for road widening and maintenance of city streets or county roads, where the granting of such right-of-way can be given without undue hardship.

Mobile Home: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when created on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile Home Park: A tract of land prepared and approved by the Planning Commission for the placement, either free of charge or for revenue purposes, of two or more spaces for mobile or manufactured homes, according to applicable Zoning Ordinance regulations.

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.

Multi-Building Development: Construction of two or more buildings on a single tract of land that will not be divided into smaller parcels.

Nonconforming Lot: An existing lot whose width, area, or other dimensions that did not conform

to these Subdivision Regulations when they became effective.

Off-Street Parking: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in the land sought to be subdivided under these regulations.

Parent Tract: Any existing parcel of land shown as a lot of record and as a contiguous unit in common ownership prior to the adoption of these Subdivision Regulations. The parent tract may be subdivided in accordance with these requirements of a minor or major subdivision.

Pavement: The actual road surface area from curblines to curblines and where there are no curbs, the pavement is that portion between the edges of the paved, or hard surface, width.

Planned Unit Developments: An area of minimum contiguous size, as specified by the Zoning Ordinance, to be planned, developed, operated, and maintained as a single entity containing multiple principal buildings to accommodate commercial or office uses, or both, and appurtenant common areas and other uses incidental to the predominant uses, and of common ownership on one lot. Commonly referred to as cluster developments.

Planning Commission: The Lebanon Planning Commission.

Plat: A map of subdivision showing the boundaries and location of individual properties, easements, streets, and other required information and prepared by a licensed land surveyor.

Preliminary Plat: A map or plan of proposed land subdivision containing the information and materials specified in the Lebanon Subdivision Regulations.

Principal Building: A building in which the principal use of the lot on which it is located is conducted. Any dwelling shall be deemed the principal building on its lot.

Principal Front Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the street right-of-way line. A principal front yard setback line establishes the direction a principal structure must face on a lot with multiple road frontages. No buildings shall be placed in the space between the principal front yard setback lines and the right-of-way.

Private Street: A means of access to a public street. A private street is owned and maintained by the property owners. No future resubdivision can occur on a private street.

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.

Public Street: A roadway set aside for vehicular traffic regardless of size or designation but

excluding private easements, rights-of-ways and driveways. The word “public street” is used interchangeably with the term “road,” “highway,” “thoroughfare,” “avenue,” “drive,” “circle,” “parkway,” “place,” “court,” or similar term.

Rear Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the rear property line. No buildings shall be placed in the space between the rear yard setback lines and the rear property line.

Reserve Strip: An area of land adjacent to a public right-of-way which is retained in ownership by the subdivider or developer for the purpose of denying access to the adjacent land.

Residential Street: A local street with two (2) ends open to vehicular traffic for dwelling units and serving to conduct traffic to and from dwelling units to other streets within the street system.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer main, shade trees, drainage facilities, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains and drainage facilities, shade trees, or the owner of the property on which such right-of-way is established shall dedicate any other use involving maintenance by a public agency to public use.

Roadway: That portion of a street intended for vehicular traffic.

Sale or Lease: Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Sedimentation: The process of transporting sediment from its site of origin and/or forming silt due to earth disturbing activities.

Septic Tank: A watertight receptacle that receives the discharge of sewerage.

Sidewalk: A paved path provided for pedestrian use and usually located at the side of a street within the right-of-way.

Side Yard Setback Line: A line in the interior of a lot, parallel with and measured a specific distance from the side property line. No buildings shall be placed in the space between the side yard setback lines and the side property line.

Sinkhole: A pit in the ground caused by the dissolving or collapse of underlying rock layers, generally limestone. Some sinkholes result from enlargement of joints or crevices, the overlying soil slumping into the hollow thus created. Others are formed by collapse of cave roofs.

Street: Any vehicular roadway.

Stub Streets: A local street used only as a temporary turnaround and constructed as part of a continuing street plan.

Subdivider: Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or develops any interest, lot, parcel site, unit, or plat in a subdivision, or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or develops a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or (4) directly or indirectly is controlled by, or under direct or indirect common control with any of the foregoing. The term "subdivider" includes "developer," "builder," etc., although the persons and their precise interest may vary at different project stages.

Subdivision: The division of a lot, tract, or parcel of land into two (2) or more lots, for the purpose, whether immediate or future, of sale, lease, or building developments 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 shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this definition.

Subdivision Agent: Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except any attorney-at-law whose representation of another person consists solely of rendering legal services.

Survey: The process of precisely ascertaining the area, dimensions, and location of a tract of land.

Temporary Building: A temporary building used for the storage of construction materials and equipment incidental to on-site permitted construction or for temporary storage incidental to that of a principal building.

Variance: A departure from the dimensional terms of these regulations pertaining to height, width, or location of structures, and the size of yards and open spaces.

153.03 GENERAL PROVISIONS

The standards of these regulations are adopted only as minimum requirements, and all subdividers should consider developing their subdivision at higher standards. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. No lots may be developed which create building sites that are impracticable to improve due to known

problems related to geological formations, soil conditions, and areas subject to floodprone conditions.

(A) Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (1) All applicable statutory provisions;
- (2) Local zoning ordinances, building codes, and all other applicable laws of the appropriate jurisdictions;
- (3) Lebanon Comprehensive Plan, official map, public utilities plan, and capital improvements program of the local government, including all streets, drainage systems, and parks shown on the official map or in the Comprehensive Plan as adopted;
- (4) Special requirements of these regulations and any rules of the Marion County Health Department and appropriate state agencies;
- (5) Rules of the Kentucky Transportation Cabinet if the subdivision of any lot contained therein abuts a state highway or connecting street;
- (6) Standards and regulations adopted by all boards, commissions, agencies, and officials of the Lebanon City Council.
- (7) Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy and purposes of these regulations established in these regulations.

(B) Community Standards

- (1) Community Assets.

In all subdivisions, due regard shall be shown for natural features, such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which if preserved will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction that it deems worthy of preservation.

- (2) Assessing the Need for Public Improvements and Community Facilities.

During the review of subdivision plats, the Planning Commission shall consider the adequacy of existing or proposed public improvements and community facilities that will serve the additional population to be housed in a proposed subdivision. Specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the Planning Commission of any subdivision plat. The Planning Commission may require a reservation, not to exceed two (2) years, for parks, open spaces, schools, and other public uses.

(C) Multi-Building Developments

(1) General Provisions.

Only one principal building shall be permitted on an individual lot, except for Planned Unit Developments, Horizontal Property, and Mobile Home Parks and as otherwise provided in the Zoning Ordinance. Where multi-building developments occurs, the Developer must establish lot lines for each principal building and setback lines to meet all requirements of these Subdivision Regulations and applicable Zoning Ordinance.

(2) Administrative Procedure.

All multi-building developments shall be reviewed in accordance with the subdivision application procedure and approval process and all other provisions of these Subdivision Regulations and Zoning Ordinance.

(D) Planned Unit Developments

(1) Planned Unit Developments, commonly referred to as cluster developments, establishes multiple principal buildings of common ownership on one lot. No principal building or unit shall be individually conveyed or sold as if it were independent of the other principal buildings or units of the development.

(2) Planned Unit Developments shall be reviewed in accordance to the Major Subdivision application procedure and approval process and all other provisions of these Subdivision Regulations and applicable Zoning Ordinance. No building permit may be issued until the proposed development has received Final Plat approval and complied with the applicable Zoning Ordinance.

(3) Variances and Waivers of Conditions.

Sections of these regulations may be modified by the Planning Commission in the case of plans for complete neighborhoods or other design innovations that achieve the basic objectives of these regulations.

- (a) Lot design standards may be varied to accommodate innovative building styles and methods.
- (b) Subdivision design standards may be varied to permit an internal private street system, use of physical land features, and a mixture of different land uses.
- (c) Variances or waivers may be granted for internal private street systems; however, all streets shall be constructed in accordance with the Subdivision Regulations and Zoning Ordinance.
- (d) No waivers or variances shall be granted for the required public utilities.

(E) Horizontal Property

(1) In accordance with the Horizontal Property law (KRS 381.805 – 308.910), whenever a Developer, the sole owner, or the co-owners of a building or buildings constructed or to be constructed, expressly declare through recordation of a master deed or lease, a condominium property regime may be established. Once the property is

submitted to the condominium property regime, a unit in the building(s) may be individually conveyed and may be the subject of ownership possession or sale and other acts as if it were sole and entirely independent of the other units in the building(s) of which they form a part and the corresponding individual titles and interest shall be recordable. It is the purpose of the condominium property regime plat to provide a process whereby condominiums, townhouses, office spaces, or other units in existing or proposed buildings or structures may be subdivided and offered or proposed to be offered for sale in accordance with requirements as established by these regulations. In order to be processed as a condominium property regime plat, the following requirements must be met in addition to the other requirements of the Subdiviosn Regulations, Zoning Ordinance, and applicable sections of KRS 381.805 to 381.910. The horizontal property developments shall be controlled by the zoning district classification in which the project is located.

- (2) The establishment, expansion, or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission, in the same manner as approval of a Major Subdivision, as outlined in these Subdivision Regulations and Zoning Ordinance.
- (3) One (1) copy of the master deed or lease, in accordance with the requirements of Kentucky Revised Statutes 381.835 to 381.837 shall be submitted with the final horizontal property regime plat.
- (4) Horizontal property regime plat fees shall be submitted and are the same as fees for major subdivision plats. The total dwelling units will be treated the same as total number of lots for a subdivision.

(F) Mobile Home Parks

- (1) Mobile home parks shall be reviewed in accordance to the Major Subdivision application procedure and approval process and all other provisions of these Subdivision Regulations and applicable Zoning Ordinance. The Final Plat shall also show the following information:
 - (a) Public areas such as visitors parking, recreational areas, etc., if such areas are proposed.
 - (b) Large-scale plan of one typical mobile home lot showing mobile home location, automobile parking space, etc.
 - (c) Location of planting for landscaping purposes or as required by protective buffer purposes as a special condition.
- (2) No building permit may be issued until the proposed development has received Final Plat approval and complied with the applicable Zoning Ordinance requirements.
- (3) Mobile home park fees shall be submitted and are the same as fees for major subdivision plats. The total mobile home units will be treated the same as total number of lots for a subdivision.
- (4) The expansion of existing mobile home parks either present at the adoption of these Subdivision Regulations or in the future shall conform to these Subdivision Regulations.

(G) Large Tracts or Parcels

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

(H) When a large tract of land is divided into 2 or more tracts, and all tracts contain 5 acres or more, and all tracts have frontage onto a public maintained street or road, such subdivision will not require approval from the planning and zoning commission.

153.04 SUBDIVISION DESIGN STANDARDS

(A) Minimum Design Standards

The design of subdivision development shall conform to the following design standards.

(B) Relationship to Streets

(1) All lots shall front on either:

- (a) Public street or road with an all-weather surface of asphalt concrete or Portland cement concrete which is capable of safely managing increased traffic volumes from the proposed development, and which has been accepted for maintenance by at the city, county, state, or federal governments.
- (b) A new street or road that meets the requirements of the current Subdivision Regulations for the City of Lebanon.
- (c) In no case shall a lot front on an alley.

(2) Minimum Lot Frontage

(a) Lots Served by Sewer.

- 1. All lots shall have frontage for a minimum distance of at least fifty (50) feet, except where local Zoning Ordinance allow different widths or except for those lots which front on cul-de-sacs in the corporate limits of the city.
- 2. Lots located within the corporate limits and fronting on cul-de-sacs shall front on such turnarounds for a minimum distance of at least thirty (30) feet and comply with the applicable zoning district requirements for building setback lines.
- 3. Corner lots shall have sufficient and additional width to meet the minimum building setback line established on each street frontage.
- 4. Double frontage lots shall be prohibited unless the lots are a minimum of three hundred (300) feet in depth.

(b) Lots Not Served by Sewer.

- 1. All lots shall have frontage for a minimum distance of at least one hundred (100) feet, except where local Zoning Ordinance allow different widths or except for those lots which front on cul-de-sacs in the unincorporated areas of the county regulated by these Subdivision Regulations.

2. Lots located outside the corporate limits and fronting on cul-de-sacs shall front on such turnarounds for a minimum distance of at least sixty (60) feet and be a minimum of one hundred (100) feet wide at the front building setback line.
3. Corner lots shall have sufficient and additional width to meet the minimum building setback line established on each street frontage.
4. Double frontage lots shall be prohibited unless the lots are a minimum of three hundred (300) feet in depth.

(3) Access to Lots

(a) State and Federal Highway Entrance Requirements.

New divisions of land that occur on state or federal highways must obtain approval from the Kentucky Transportation Cabinet before the Planning Commission will grant plat approval. An entrance constructed and not approved by the Kentucky Transportation Cabinet shall be removed. Subdivisions of land being sold or transferred to an adjoining property owner with an existing approved entrance are exempt from this requirement unless a new entrance is proposed.

(b) Lots on or Near Arterial Streets.

All points of access from an arterial street shall receive approval from the appropriate agency, which may require that several such lots be served by a combined marginal access street (frontage road) as specified in these regulations in order to limit possible traffic hazards on such street. A lot, which abuts a street that intersects an arterial street, shall have access only to a non-arterial street at a distance of not less than one hundred and twenty-five (125) feet from the intersection.

(c) Lots on or Near Collector Streets.

Direct access to lots abutting only on a collector should be discouraged whenever possible. A lot which abuts only on a collector street shall have access to the lot at a distance not less than one hundred (100) feet from an intersection. A lot which abuts a local street which connects with a collector street shall have access to only the local street at a distance not less than seventy-five (75) feet from the intersection. All points of access from a collector street shall receive approval from the applicable agency.

(d) Lots on Local Streets.

Lots that abut only on local streets shall have access at a distance not less than seventy-five (75) feet from an intersection. Lots that abut on a cul-de-sac shall have access only to a cul-de-sac. All points of access from a local street shall receive any applicable approval from the applicable agency.

(4) Block Length

Block length shall not exceed twelve hundred (1200) feet or be less than three

hundred (300) feet, except where the Planning Commission considers it necessary to secure efficient use of land or desired features of street layout.

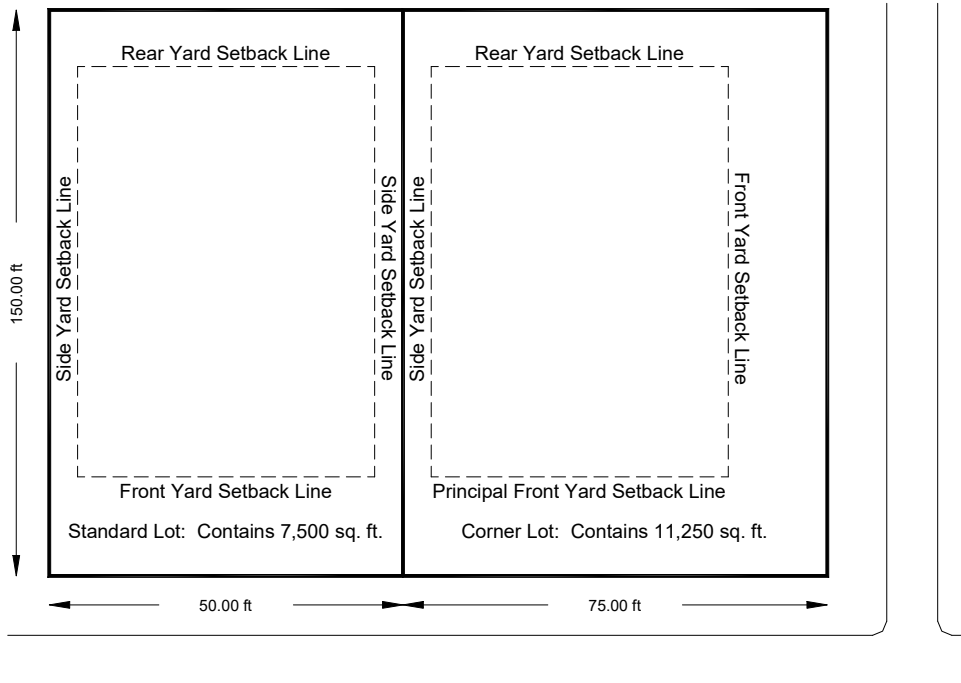
(C) Minimum Lot Standards

(1) Lot Dimensions Where There Are Applicable Zoning Regulations.

(a) Lots Served by Sewer.

1. The size, shape, and orientation of lots must be appropriate for the proposed type of development and conform to these Subdivision Regulations and applicable Zoning Ordinances. In no case shall a lot be less than fifty (50) feet wide and seventy-five hundred (7,500) square feet in lot area.
2. Flag lots shall only be used in those locations where, due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission.
3. Lots within the corporate limits and fronting on cul-de-sacs shall be at least thirty (30) feet wide at the right-of-way and comply with any and all building setback line requirements set forth in applicable zoning requirements.
4. Corner lots shall have sufficient and additional width to meet the minimum building setback line established on each street frontage.
5. Double frontage lots shall be prohibited unless the lots are a minimum of three hundred (300) feet in depth.

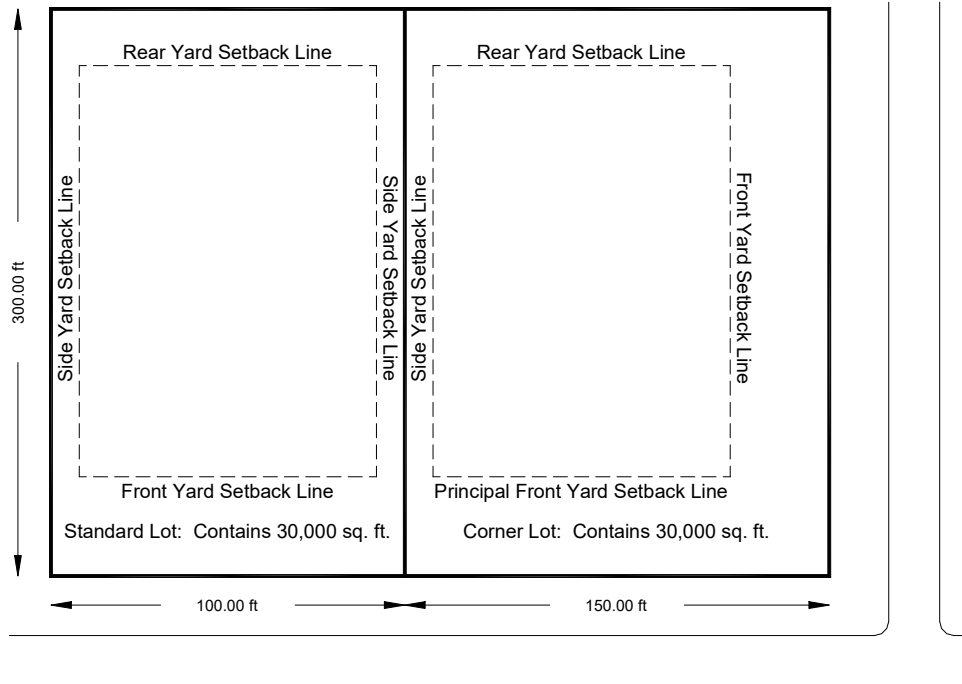
EXAMPLE LAYOUT OF LOTS SERVED BY SEWER
NOT TO SCALE



(b) Lots Not Served by Sewer.

1. The local District Health Department Environmentalist may determine the required minimum lot area for a new subdivision of land based on site evaluation or other health factors. However, in no case shall a lot served by sewer be less than one hundred (100) feet wide and thirty thousand (30,000) square feet in lot area.
2. Flag lots shall only be used in those locations where, due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas, as determined by the Planning Commission.
3. Lots within the corporate limits and fronting on cul-de-sacs shall be at least thirty (30) feet wide at the right-of-way and comply with any and all building setback line requirements set forth in applicable zoning requirements.
4. Lots outside the corporate limits of Lebanon and fronting on cul-de-sacs shall be at least sixty (60) feet wide at the right-of-way and one hundred (100) feet wide at the front yard setback line.
5. Corner lots shall have sufficient and additional width to meet the minimum building setback line established on each street frontage.
6. Double frontage lots shall be prohibited unless the lots are a minimum of three hundred (300) feet in depth.

EXAMPLE LAYOUT OF LOTS NOT SERVED BY SEWER
NOT TO SCALE



(2) Lot Dimensions Where There is No Applicable Zoning Regulations

- (a) All lots shall conform to these subdivision regulations. The local District Health Department Environmentalist may determine the required minimum lot area for a new subdivision of land based on site evaluation or other health factors. However, In no case shall a lot not served by sewer be less than one hundred (100) feet wide at the front yard setback line and thirty thousand (30,000) square feet in area.
- (b) One flag lot shall be permitted every five hundred (500) feet between access strips or “panhandles”, and shall have a minimum of fifty (50) foot access strip or “panhandle”. Before any flag lot can be further subdivided, the developer shall build and dedicate the access strip into a public right-of-way pursuant to these Subdivision Regulations.
- (c) Lots outside the corporate limits of Lebanon and fronting on cul-de-sacs shall be at least thirty (30) feet wide at the right-of-way and one hundred (100) feet wide at the front yard setback line.
- (d) Corner lots shall have sufficient and additional width to meet the minimum building setback line established on each street frontage.
- (e) Double frontage lots shall be prohibited unless the lots are a minimum of three hundred (300) feet in depth.

(3) Lot Depth

The maximum lot depth of a new subdivision of land shall be not greater than five (5) times its width at the front property line. The width/depth ratio for flag lots shall exclude the access strip or “panhandle”.

(4) Principal Buildings

Only one principal building shall be permitted on an individual lot, except for Planned Unit Developments, Horizontal Property, Mobile Home Parks, or as otherwise permitted by the Zoning Ordinance.

(D) Building Setback Lines

(1) A building setback line is a line located in the interior of a lot, which identifies where a building may not be located.

(2) Required Minimum Building Setback Line.

Minimum building setback lines, except as provided in local Zoning Ordinances:

(a) Front-Yard Setback Line.

1. The minimum front-yard setback line shall be one-half (1/2) the width of the street right-of-way, and in no case shall this distance be less than thirty (30) feet.
2. Lots outside the corporate limits of Lebanon and fronting on a cul-de-sac shall be minimum sixty (60) feet wide at the right-of-way and one hundred (100) feet at the front-yard setback line.
3. Lots inside the corporate limits of Lebanon and fronting on a cul-de-sac shall be minimum thirty (30) feet wide at the right-of-way and comply with applicable setback lines required by applicable zoning ordinances.

(b) Principal Front-Yard Setback Line.

The minimum front-yard setback line shall be one-half (1/2) the width of the street right-of-way, and in no case shall this distance be less than thirty (30) feet.

(c) Rear-Yard Setback Line.

The rear setback line must be appropriate for the proposed type of development and conform to these Subdivision Regulations and any applicable Zoning Ordinances, and in no case shall the minimum rear setback line be less than twenty-five (25) feet.

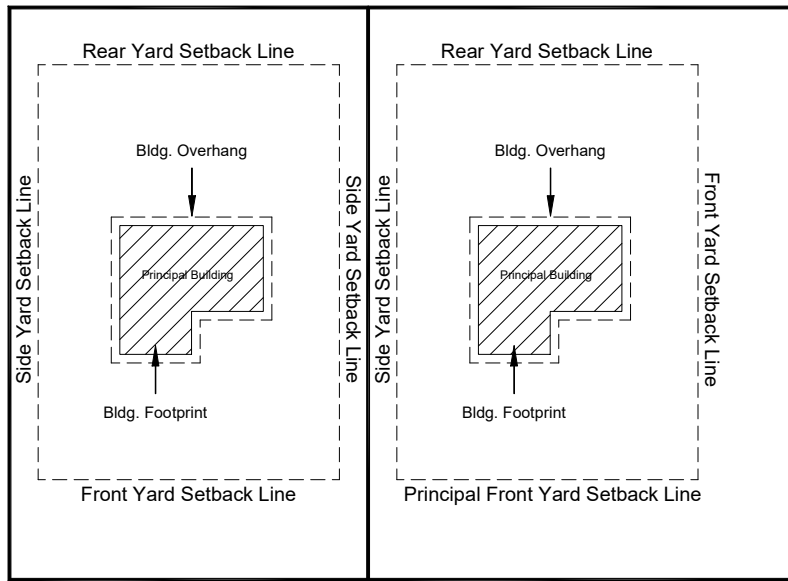
(d) Side-Yard Setback Line.

The rear setback line must be appropriate for the proposed type of development and conform to these Subdivision Regulations and any applicable Zoning Ordinances, and in no case shall the minimum side-yard setback line be less than eight (8) feet.

(e) The building setback line for accessory structures shall be five (5) feet from the property line.

EXAMPLE BUILDING SETBACK LINES

NOT TO SCALE



(E) Off-Street Loading and Parking Facilities

Off-street parking shall be provided in accordance with local Zoning Ordinances where such regulations are in effect.

(F) Easements

- (1) Provisions shall be made in every subdivision for a satisfactory electric, telephone, cable television, water, sewer, and gas supply system or any other appropriate utilities. Local utility companies serving the new developments may have the opportunity to review preliminary and Final Plats before approval is granted by the Planning Commission. Each local utility company may request specific easements regarding the proposed new improvements. The Planning Commission's Administrative Official will review the request and determine if the developer shall incorporate them within their Final Plat.
- (2) Except where alleys are permitted for the purpose, the Planning Commission shall require easements at least twelve (12) feet in width centered along all front, side or rear lots lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, and other utility facilities. Where necessary, the Planning Commission may require easements along side lot lines or across lots.
- (3) Dedication and Connection to Existing Utility Facilities.

Whenever land is being subdivided and existing utility facilities are shown on a plat

without a dedicated easement, the developer shall dedicate the necessary easements to accommodate the facilities. When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

(4) High Tension Power Lines and High Pressure Pipelines.

Where there exists any surface or underground utility, such as high-pressure pipelines, power lines or main lines for water and sewage, the plat shall indicate by centerline and all other data available from the utility company the exact location of such facilities and the area of the easement or right-of-way. To lessen the hazard of such pipe or power line, the developer shall comply with the conditions and requirements of the respective charters, ordinances, and/or specifications of the public or private utility owning the particular rights-of-way. Such subdivisions shall also meet the following special conditions:

- (a) Streets passing directly beneath high tension power lines or across high pressure pipelines shall run, as nearly as possible, at right angles to the easements and in no case shall make an angle of less than sixty (60) degrees with the easement at the intersection.
- (b) Subdivisions shall be designed so as to best minimize the encroachment of an easement on the lots within the subdivision.
- (c) Septic disposal fields, septic tanks and all appurtenances shall be on the same side of the easement as the building they will serve, unless a waiver is granted, in writing, by the local District Health Department, utility companies occupying the easement, and the Planning Commission

(G) Surveying and Monumentation Standards

Every boundary corner location which is determined by a land survey on the subdivision property shall be monumented or witness monumented as described and required of every Registered Land Surveyor in Kentucky as specified in *Minimum Standards of Practice for Land Surveyors in Kentucky (201 KAR 18.150)*.

(H) Sanitary Sewage Systems

- (1) Sanitary sewage systems should comply with any applicable rules and regulations.
- (2) Availability of Public Sanitary Sewer Collection System.

The Planning Commission shall utilize the following criteria to determine if a public sanitary sewer system should be connected to proposed development.

- (a) The distance from a proposed development site to the existing public sanitary sewer renders connection economically unfeasible; or
 - (b) Extraordinary measures would be required to construct a system acceptable to the local sewer agency due to the unusual topography or other factors.
- (3) Where the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the developer shall construct a subdivision sewer system in accordance with the applicable regulations and connect the subdivision system to the public system.

- (4) Where public sanitary sewer is not available, the developer shall complete one of the following:
 - (a) Secure approval of lot sizes for individual disposal systems from the Marion County Health Department Environmentalist; or
 - (b) Construct a complete package treatment system in accordance with the applicable law and regulations.

(I) Individual Disposal System.

An individual disposal system is a septic tank and disposal field or other approved system constructed, in accordance with the applicable law and regulations, to service an individual lot or tract. Once an individual disposal system is approved by the applicable agency the area of the system cannot be subdivided from the parcel it served unless a replacement system is installed in accordance with the applicable agency.

(J) Package Treatment System.

A package treatment system is designed to service multiple lots or tracts. All package treatment systems shall be constructed in accordance with the applicable law and regulations.

(K) Building Site Construction.

- (1) No building site shall be constructed to create or increase a flooding condition. The building site on each lot shall be at least twelve (12) inches above the elevation of the street pavement. Otherwise, the developer shall provide a certification by a professional engineer that the proposed drainage plan will render the site free from flooding.
- (2) Sinkholes and other similar depressions and the area within twenty-five (25) feet horizontally from the lowest point of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. In cases where it is proposed to fill a sinkhole the Developer shall have a geotechnical report, prepared by a professional engineer, with recommendations on the design and construction of the fill area. All subdivision plats shall show sinkhole areas.
- (3) All subdivision plats shall show the location of existing wells.
- (4) Any fill used on a building site shall be free from trash, foreign objects, organic material, topsoil, soft clay, spongy material, and other objectionable material. The fill material must be layered and compacted in layers not to exceed eight (8) inches in height before each compaction.

153.05 STREET DESIGN STANDARDS

(A) General.

All streets in a proposed subdivision shall conform in general alignment to the Major Street Plan and to the construction and inspection procedures and detail construction specifications of these Subdivision Regulations

(B) Responsibility for Street Construction.

The developer and any successor in title shall be liable and responsible for the construction, maintenance, or reconstruction of any improvements required by the Subdivision Regulations. Upon completion, inspection and approval of the street and other required improvements, the Planning Commission shall notify the appropriate legislative body that the development has been finally inspected and approved by the Planning Commission.

(C) Street Classification

(1) Arterial.

All streets classified as arterial streets by the Comprehensive Plan for Lebanon, Kentucky may be considered as limited access in accordance with the Kentucky Revised Statutes 177.220 to 177.310, defined herein as fully or partially controlled access. Subdivisions that occur on state or federal highways must obtain approval from the Kentucky Transportation Cabinet before the Planning Commission will grant plat approval.

(2) Collector.

A collector street functions to conduct traffic between major arterial streets, minor activity centers, and local streets. Direct access to abutting property should be discouraged whenever possible. Collector streets may be further divided into two classes:

(a) Major Collectors.

Major collectors carry the majority of traffic entering arterial streets. For major collectors, the concept of service to abutting land should be subordinate to the provision of travel for major traffic movements. Generally, major collectors are state maintained roads. One (1) or two (2) lanes in each direction may serve directional flow.

(b) Minor Collector.

A minor collector street primarily serves residential or commercial developments. Roadways within this classification are intended to convey traffic to an adjoining major collector or arterial street.

(3) Local.

For the purposes of providing vehicular access and for service to abutting property. Directional flow is served by one (1) lane in each direction. Layout should

discourage through traffic.

(a) Through-Streets.

A local street with two ends opens to vehicular traffic. The primary purpose of the residential-through street is to conduct traffic to and from dwelling units to other streets within the street system. The length of a residential-through street shall not extend over twelve hundred (1200) feet without an intersecting street.

(b) Cul-De-Sacs

Local streets that are designed to have one end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround. Cul-de-sac streets shall not be longer than fifteen hundred (1500) feet and shall have minimum turn-round pavement of forty (40) feet and a minimum radius outside of the right-of-way of fifty (50) feet.

(c) Stub Streets

Stub streets may be used for residential developments with proposed future expansion. Stub streets shall provide a temporary turn-around having a radius at the outside pavement edge of at least forty (40) feet and a radius at the outside edge of the right-of-way of at least fifty (50) feet. Once development occurs extending a proposed street beyond the stub street, the aforementioned right-of-way of the temporary turn-around may be deeded to the adjoining property owner(s) if the appropriate legislative body approves a recommendation by the Planning Commission to close the right-of-way of the temporary turn-around. A written application shall be filed with the Planning Commission and approval noted in the Planning Commission minutes before any temporary turn-around area shall be deeded.

(d) Loop and Circle Streets.

A loop street is a local street where both ends terminate at an intersection with the same street. A circle street is a local street where both ends terminate at the same intersection. The length of loop and circle streets shall not be more than three thousand (3000) feet from the intersecting street.

(f) Marginal Access (Frontage Roads).

Where the proposed subdivision abuts upon or contains an existing or proposed street or highway on which traffic volumes or vehicular speeds warrant special safety considerations, the Planning Commission may require that marginal access streets be provided in order that no lots will front on such existing or proposed street or highway.

(g) Alleys.

Alleys may be provided to give access to the rear of all lots used for commercial or industrial purposes. Alleys are not required in residential blocks, except in cases where the developer produces evidence of the need for alleys,

which are satisfactory to the Planning Commission.

(D) Street Right-of-way Standards

(1) Dedication of Right-of-Way. Sufficient right-of-way is required to contain the elements of:

- Sufficient street pavement;
- Curbing or drainage ditches;
- Sidewalks where required;
- On-street parking;
- Public utilities, such as water, sewer, and natural gas; and
- Turn lanes where required.

(2) Minimum Right-of-Way.

(1) Streets within the Corporate Limits.

For streets within the corporate limits of the City of Lebanon, the dedication of right-of-way for new streets shall be as shown on the Major Street Plan, or if not shown on the Major Street Plan, the minimum dedicated right-of-way width shall be as follows:

Street Type	Minimum Right-of-Way Width
Arterial	80 feet*
Collector	
Major Collector	60 feet
Minor Collector	50 feet
Local	
Residential Through Street	50 feet
Residential No-Through Street	50 feet
Commercial & Industrial Street	50 feet
Cul-de-Sac	50 feet

Street Type	Minimum Right-of-Way Width
Loop and Circle Streets	50 feet
Marginal Access Street (Frontage Road)	50 feet
Alley (Non-residential only)	20 feet

*The Major Street Plan may indicate greater right-of-way widths for certain arterial streets, but in no case shall the subdivider be required to dedicate more than eighty (80) feet for any one (1) street

(2) Streets Outside the Corporate Limits.

For streets outside the corporate limits of the City of Lebanon, the dedication of right-of-way for new streets shall be fifty (50) feet wide.

(3) Increased Right-of-Way Necessary.

The Planning Commission may require additional right-of-way width when the stated minimum is not adequate due to a dividing median, turning lanes, special ditch lines consideration, potential for future developments, or similar circumstances. Developments platted along existing streets shall dedicate additional right-of-way necessary to meet the minimum width requirements specified in these regulations. Should the possibility of obtaining additional right-of-way exist, the Planning Commission may reduce the increased dedication up to one-half (1/2) the total necessary to meet the minimum width requirements specified.

(4) Conflicting Traffic or Land Use.

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

(E) Existing Streets and Roads

(1) Existing Roadways.

Where the Planning Commission finds that an existing street abutting and/or giving access to a proposed subdivision has a roadway that is insufficient in width, grade, alignment, surface or drainage to provide adequate access for the traffic to be generated by the proposed subdivision without undue hazards to vehicles and pedestrians, the Improvements Plan for the proposed subdivision shall include the necessary improvements of the existing street as set forth by the Planning Commission. The above conditions and necessary improvements shall pertain to

that portion of the existing street abutting the subdivision or the entire street from the proposed subdivision to a suitable existing street as deemed necessary by the Planning Commission.

(2) Existing Grades.

Where the grade of an existing street will be materially higher or lower than the proposed lots fronting on it, the Planning Commission may, for reason of providing adequate sight distance on driveways, alleviating excessive or hazardous slope, or excessive run-off, require any lot or any part of such lot be regarded as necessary to be in harmony with the street grade and/or provide slope rights. In any case where the finished grading of a lot fronting on an existing street will cause drainage problems in that street, the developer shall, at his expense, install drains in the street or make such other provision as may be necessary to correct the condition.

(3) Subdivision on Both Sides of Street.

Where the subdivision is on both sides of an existing roadway, sufficient right-of-way shall be dedicated to give the street the required right-of-way.

(4) Subdivision on One Side of Street.

Where the subdivision is to take place on only one side of a street, one-half (1/2) of the right-of-way needed to give the street the required right-of-way shall be dedicated.

(5) Turning Lanes.

When the Planning Commission determines that vehicles turning into a proposed subdivision will adversely affect the capacity of the existing roadway, the developer shall dedicate sufficient right-of-way and construct a turning lane as necessary to maintain the capacity of the existing roadway.

(F) Street Extensions

(1) Extension of Present Streets.

The street layout of the proposed subdivision shall provide for the construction or extension of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.

^s
(2) Extension of Proposed Streets.

Where the Planning Commission determines it is desirable to provide street access to adjoining properties, stub streets shall be extended by dedication to the boundaries of such properties and shall provide a temporary turn-around as set forth in these regulations.

(3) Required Width.

The street system for the proposed subdivision shall provide for extending existing streets at the same or greater widths, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(4) 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.

(G) Private Streets and Reserve Strips

(1) Private Streets.

There shall be no private streets platted within subdivision.

(2) Reserve Strips.

There shall be no reserve strips in a subdivision except where there is a vested interest by a legislative body and the conditions of the reserved strip is approved by the appropriate legislative body.

(H) Street Names and Addresses

(1) For streets within the Lebanon corporate limits, the Planning Commission shall approve street names. For streets outside the corporate limits, the Marion County Fiscal Court shall approve street names.

(2) The Developer shall establish the principal front yard, or direction that a principal building must front, for all corner lots.

(3) Addresses will be assigned after approval of Minor and Major Subdivisions. One address will be assigned for each lot designating the appropriate street name and number. For lots within the Lebanon corporate limits, addresses shall be assigned by the Lebanon Planning Commission, and for lots outside the corporate limits, addresses shall be assigned by the Marion County Health Department.

(4) Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets, except in areas where the appropriate addressing agency determines that a new road name be assigned for addressing purposes.

(5) No duplication of street names shall exist, irrespective of the use of a different street suffix.

(6) Standard Suffix Abbreviations.

Periods, hyphens, commas, and question marks should not be included in road names. Standard abbreviations listed below shall be used:

Suffix	Abbreviation	Suffix	Abbreviation
Avenue	AVE	Pass	PASS
Boulevard	BLVD	Path	PATH
Cemetery	CEM	Place	PL
Circle	CIR	Plaza	PLZ
Court	CT	Road	RD
Drive	DR	South	S
East	E	Spur	SPUR
Estate(s)	EST	Square	SQ
Highway	HWY	Street	ST
Lane	LN	Terrace	TER
Manor	MNR	Trail	TRL
North	N	Trailer Park	TRLR PK
Park	PARK	Way	WAY
Parkway	PKY	West	WEST

(H) Street Intersections

(1) Number of Approaches.

Intersections involving more than four (4) basic street approaches shall be prohibited. Merging lanes and deceleration lanes are considered as parts of one (1) street approach.

(2) Angle of Intersection.

For a tangent distance of at least one hundred (100) feet, measured from the intersection of right-of-way lines, all streets should intersect at an angle of ninety (90) degrees.

(3) Radii at Intersection.

Radii of at least twenty (20) feet shall round street curb and edge intersection. When the smallest angle of intersection is less than sixty (60) degrees, the above-minimum radii shall be increased.

(4) Street Jogs.

Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be made. Street jogs in arterial streets shall not be allowed. Only direct approaches in a straight line across from an existing centerline shall be allowed within these minimum distances.

(I) Excessive Grades at Intersections.

When a street grade at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided with grades of not greater than three (3) percent for a distance of fifty (50) feet from the intersection of street centerlines. Vertical curves shall then be used to connect the intersecting grades.

(J) Minimum Intersection Spacing.

The minimum standards for intersection spacing measured from centerlines shall be as follows:

Street Type Intersected	Minimum Intersection Spacing
Arterial	500 feet*
Collector	
Major Collector	300 feet
Minor Collector	150 feet
Local	150 feet

*May vary based upon the recommendation of the Kentucky Transportation Cabinet.

(K) Sight Distances at Intersections.

The sight distance at intersections is the distance from the stopped vehicles to as far left or right, the driver can see. The minimum stopping sight distance shall be as follows:

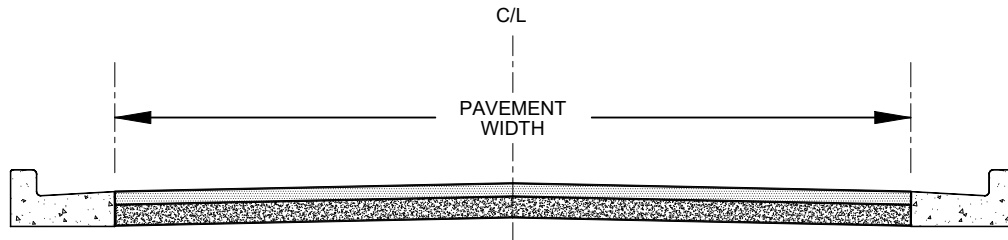
If intersecting with a:	Minimum Sight Distance
Arterial	KTC*
Collector	
Major Collector	250 feet
Minor Collector	200 feet
Local	200 feet

(L) Street Pavement Design.

Street Type	Subgrade (95% Standard Proctor)	Asphalt			Concrete	
		DGA (84% compaction)	Base	Surface	DGA	Concrete
Major & Minor Collector	12 inches	8 inches	4 inches	1 inch	8 inches	7 inches
Local						
Residential No-Through	6 inches	6 inches	2 inches	1 inch	6 inches	6 inches
Residential Through	6 inches	6 inches	3 inches	1 inch	6 inches	6 inches
Commercial & Industrial	12 inches	8 inches	4 inches	1 inch	8 inches	7 inches
Cul-De-Sac	6 inches	6 inches	2 inches	1 inch	6 inches	6 inches

(M) Minimum Pavement Widths.

- (1) Pavement widths shall be measured from edge of pavement to edge of pavement, excluding curb and gutter.



- (2) Streets within the Corporate Limits.

For streets within the corporate limits of the City of Lebanon, the minimum pavement widths shall be as follows:

Street Type	Minimum Pavement Width
Arterial (separated pavement each)	36 feet*
Collector	
Major Collector	26 feet
Minor Collector	22 feet
Local	
Residential Through & No-Through	22 feet
Commercial & Industrial	22 feet
Marginal Access (Frontage)	18 feet
Alley (Non-residential only)	18 feet

*The subdivider will not be required to grade or provide a pavement base or surface in excess of that required for collector streets since each additional construction is required for the benefit of the general public. The Planning Commission will recommend that the city (or county) bear the additional expenses associated with constructing the street to meet arterial street standards.

- (3) Streets outside the Corporate Limits.

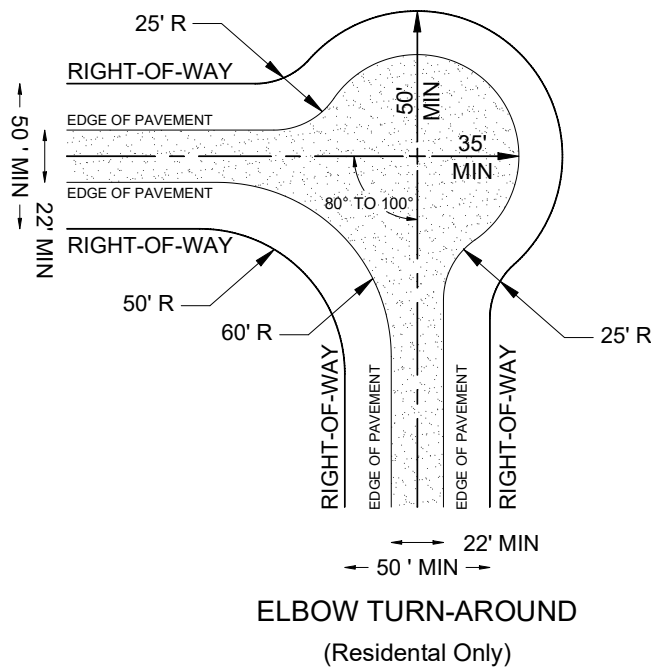
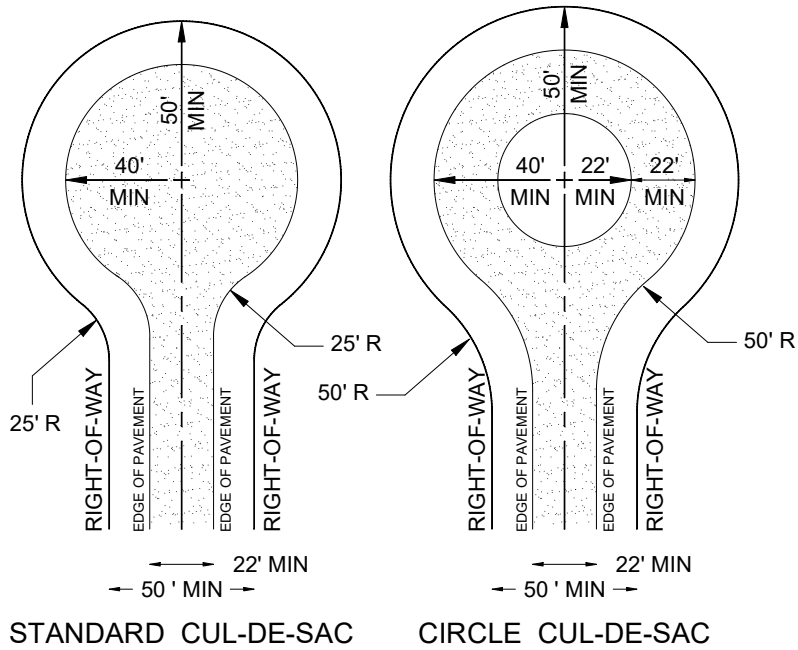
For streets outside the corporate limits of the City of Lebanon, the minimum pavement width shall be eighteen (18) feet.

All new encroachments such as streets and driveways onto county and state roads and highways shall require an encroachment permit to be obtained from Marion County Judge Executive for county roads and District 4 office in Elizabethtown for state highways.

Turn-Around Pavements.

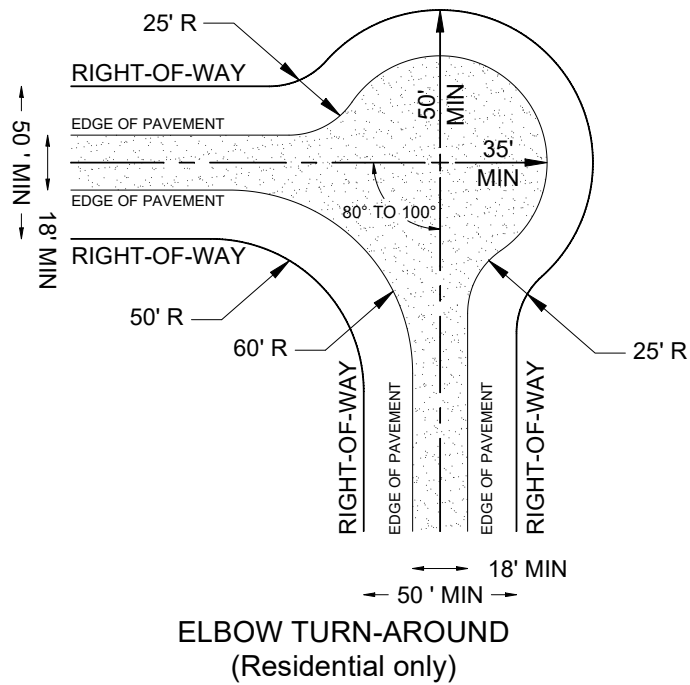
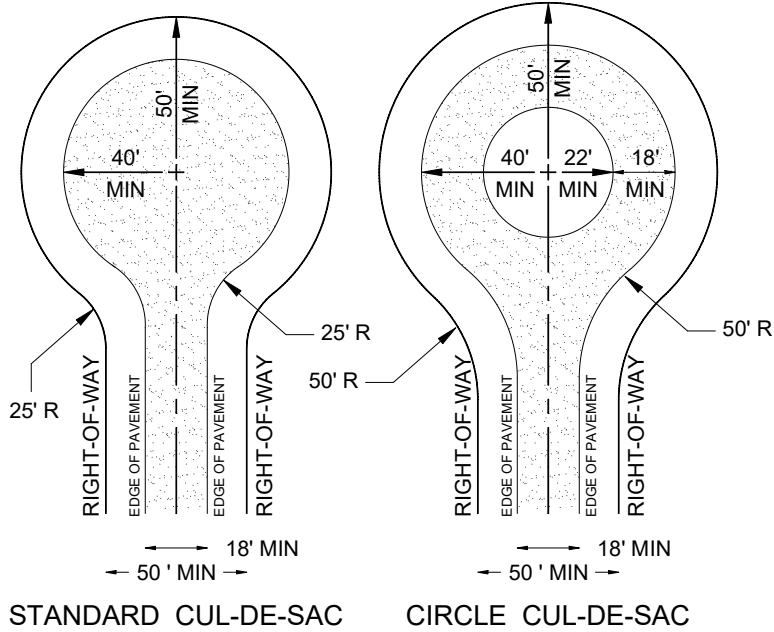
- (a) The following drawings shall be used for standard turn-arounds within the Lebanon corporate limits:

TURN-AROUND LAYOUTS WITHIN LEBANON CORPORATE LIMITS
NOT TO SCALE



- (B) The following drawings shall be used for standard turn-arounds outside the Lebanon corporate limits:

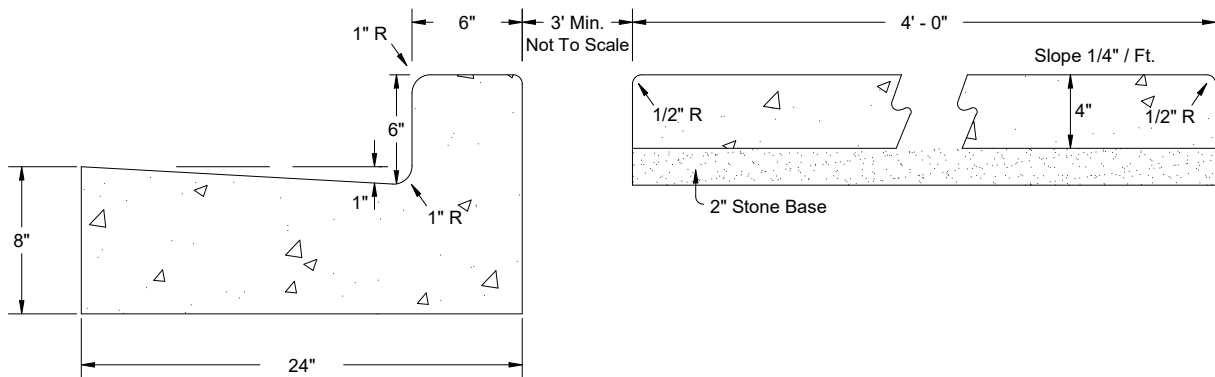
TURN-AROUND LAYOUTS OUTSIDE LEBANON CORPORATE LIMITS
NOT TO SCALE



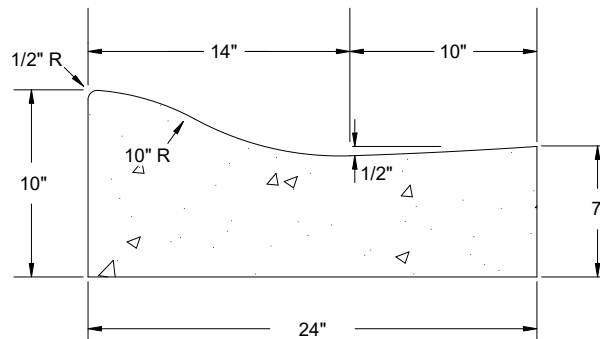
(N) Curb and Gutter

The Planning Commission may waive the requirement of curb and guttering where they are not deemed necessary for the proper drainage of storm water and where all lots have a width of eighty (80) feet or more. All curb and guttering shall be constructed according to the detail construction specifications set forth in these Subdivision Regulations. These typical drawings shall be used as specifications for sidewalk, curb, and guttering.

STANDARD SIDEWALK, CURB, AND GUTTER
NOT TO SCALE



ROLL CURB AND GUTTER
NOT TO SCALE



(A) Requirements when Curb and Gutter Are Waived

(1) Required Drainage Ditches.

Drainage ditches shall be constructed within the street right-of-way. The ditches shall be of adequate size to carry the run-off water and to prevent flooding. The Planning Commission may require concrete lined ditches, grass sod, riprap, or any other improvements needed to prevent flooding and erosion. The ditch line shall be a distance of ten (10) feet or more from the edge-of-pavement on an arterial or collector street. On local streets, the drainage ditch

line shall be at least six (6) feet from the edge-of-pavement. The shoulder, ditch, and remaining right-of-way shall be sowed in grass seed and covered with straw from the edge-of-pavement to the right-of-way line.

(2) Access Points.

Access to lots along streets where drainage ditches are used shall be either by a spill or over a culvert.

(3) Use of a Spill.

Where a spill is used, it shall be so designed as to prevent water from crossing the ditch. At the ditch line the spill shall be at least six (6) inches below the street pavement right-of-way line and constructed to allow the free flow of water through the ditch. The spill shall be constructed of Portland cement at least six (6) inches thick and it shall start at the edge-of-pavement and may stop at the right-of-way line.

(4) Use of a Culvert.

Where a culvert type access is used, an opening of at least fifteen (15) inches shall be made under the access at the ditch line. The Planning Commission may require a greater opening where necessary. Bulkheads shall be constructed on each side of the opening to prevent erosion. The opening shall be constructed so as to maintain the flow of water in the ditch. Steps shall also be taken to prevent the flow of water over the access either from the lot to the street or from the street to the lot.

(O) Sidewalks

(1) For the safety of pedestrians in Major Subdivisions, the developer shall construct sidewalks within the street right-of-way on one (1) side of the street unless the Planning Commission deems it necessary then both side of the street shall have sidewalks.

(2) Where all lots have a width of eighty (80) feet or more or where directed by the appropriate legislative body, the Planning Commission shall waive the requirement of sidewalks. The legislative directive shall be in writing and made a part of the regulations of the Planning Commission.

(3) All sidewalks shall be constructed according to the detail construction specifications set forth in these Subdivision Regulations, and the following specifications.

(4) Required Sidewalk Width and Size

Development Type	Sidewalk Width	Sidewalk Thickness
Commercial & Industrial	6 feet	4 inches
Residential		
Single-family	4 feet	4 inches
Multi-family	4 feet	4 inches

(5) Sidewalks along Marginal Access Streets

Where a marginal access road parallels an arterial street, the Planning Commission may waive sidewalks along the arterial street and on the inside of the marginal access street. Sidewalks shall be required on the outside of the marginal access street.

(6) Sidewalks Adjacent to Streets.

Sidewalks shall be placed in the right-of-way parallel to the street and at least three (3) feet from the back of the curb or pavement.

(P) Street Alignment

(1) Horizontal Curve Radius.

Where a deflection angle is more than ten (10) degrees in the alignment of a street, a curve with a radius adequate to insure adequate sight distance shall be made. The minimum horizontal curve radius shall be as follows:

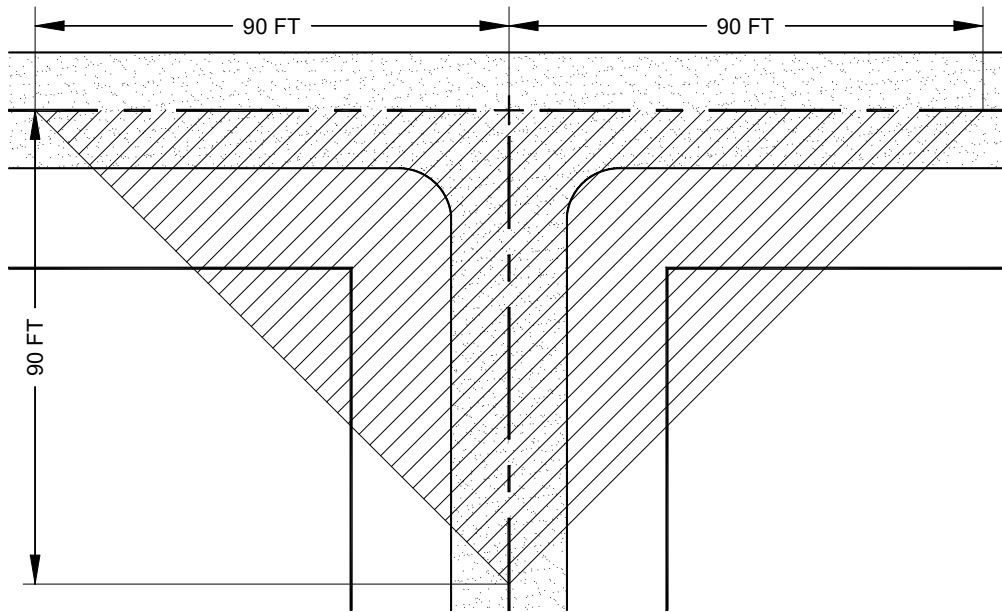
Street Type	Minimum Curve Radius
Arterial	300 feet
Collector	
Major Collector	300 feet
Minor Collector	100 feet
Local	100 feet

(2) A tangent of at least one hundred (100) feet shall be introduced between reverse curves on arterial and collector streets.

(Q) Clear Sight Distance

(1) For encroachments onto streets within the city limits of Lebanon no plant materials or manmade objects will be permitted which obstruct visibility from thirty (30) inches high upwards to the sky within the triangular area formed by a straight line connecting the points on the center lines of the street at a distance or ninety (90) feet from their intersections, see example below:

VISIBILITY TRIANGLE
NOT TO SCALE



- (2) For encroachments onto county maintained roads a sight distance of at least 250 feet shall be required as per Marion County Fiscal Court Ordinance 620.03.
- (3) For encroachments onto state maintained highways the sight distance shall be determined by the District 4 office in Elizabethtown.

(R) Street Grades

- (1) Maximum Grades.

The maximum and minimum street grades for all streets shall be as follows:

Street Type	Minimum Percent Grade	Maximum Percent Grade
Arterial	0.5	5
Collector		
Major Collector	0.5	7
Minor Collector	0.5	10
Local	0.5	10

Note: These maximum grades may be modified by the Planning Commission where extreme topographic conditions exist or in the interest of good site planning.

(S) Street Elevations

- (1) Streets Shall Be Flood Free.

The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. The Planning Commission shall require a plan and profile sheet and may require a storm water management plan for all new proposed streets.

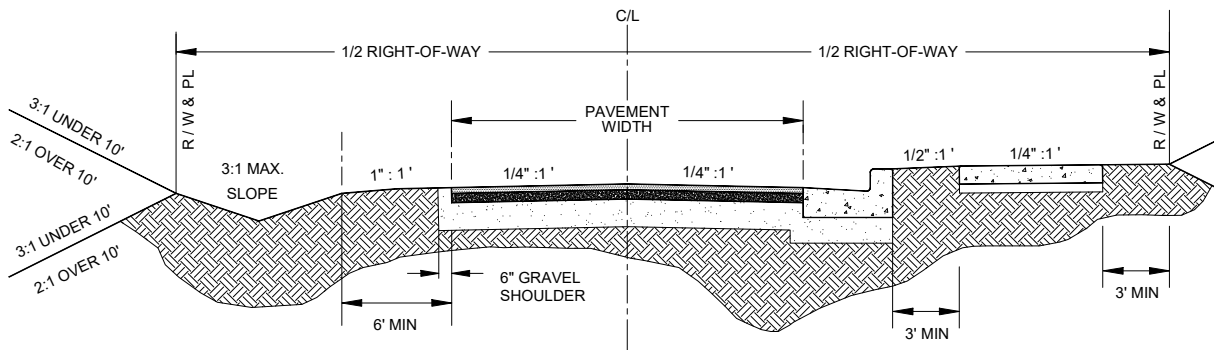
(2) Cut or Fill.

A cut or fill that is less than ten (10) feet shall have a maximum slope ratio of three (3) horizontal to one (1) vertical (3:1). A cut or fill that is more than ten (10) feet will have a maximum slope ratio of two (2) horizontal to one (1) vertical (2:1). The Planning Commission may require guardrail or other protective measures.

(3) Street Crown.

A street crown of one-fourth (1/4) per foot (1/4":1') of street width from the center of the street shall be required.

TYPICAL STREET CROSS-SECTION
NOT TO SCALE



(T) Equipment on Streets

- (1) The contractor shall be permitted to operate only rubber-tired equipment over any paved street surfaces and shall be responsible for correcting any damage to street surfaces resulting from the contractor's operation. Paved streets, adjacent to new improvements, shall have all loose soil or mud removed at the end of each day's work.

153.06 SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

(A) General.

No person or his agent shall sell, offer for sale, or subdivide any land before securing approval from the Planning Commission of a plat under the provisions of these Subdivision Regulations.

(B) Approval of Subdivision Plat Requirement

(1) Approval Prior to Recordation.

The Marion County Clerk shall record no plat until the plat has received final approval by the Planning Commission and the approval entered thereon in writing by the Planning Commission Chairman, Secretary, or other duly authorized officer of the Planning Commission.

(2) No Subdivision of Land Prior to Planning Commission Approval.

All subdivision of land shall receive Planning Commission approval:

- (a) No person or their agent shall subdivide any land, before securing the approval of the Planning Commission of a plat designating the areas to be subdivided.
- (b) No person owning land composing a subdivision, or their agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies they may otherwise have. No plat can be referenced or displayed in an advertisement for land being sold until it has received final approval from the Planning Commission and has been recorded.
- (c) The City of Lebanon shall not accept any street or other public ground that has been dedicated until it has received a recommendation from the Planning Commission.

(3) Plat Void if Revised After Approval.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after the Planning Commission has given approval. In the event that any subdivision plat, when recorded, contains such changes, the plat shall be considered null and void, and the Planning Commission shall institute proceedings to have said subdivision plat stricken from the records of the Marion County Clerk.

(C) Classification of Subdivisions

- (1) Subdivisions shall be classified as a Minor Subdivision or Major Subdivision in accordance with the provisions of this Section.
- (2) The Administrative Official in accordance with the definitions of these Subdivision Regulations shall make classification of the subdivision.

(D) Minor Subdivision Application Procedure and Approval Process

- (1) A Minor subdivision is any subdivision of two (2) lots or less from the parent tract for

residential use; provided there is no new street construction, including the improvement or widening of existing streets, or no new major construction of site improvements. A Minor Subdivision application, Preliminary Plat, and Final Plat must be submitted and approved by the Planning Commission before the Final Plat may be recorded. The Planning Commission may require an Improvements Plan or other requirements of these regulations for any Minor Subdivision to ensure proper improvements.

(2) Application Procedure and Approval Process.

(a) Preliminary Plat.

1. Pre-Application Conference.

Prior to any disturbance of the surface of the improvements site or performance of any survey or engineering work, the Developer is encouraged, but not required, to schedule a pre-application conference with the Planning Commission's Administrative Official to discuss the proposed development project and the applicable requirements for approval.

2. Application, Review, and Distribution.

The Developer shall file the following documents no fewer than ten (10) calendar days prior to the Planning Commission's scheduled meeting for consideration of the subject application:

- Application and applicable fees;
- Two (2) originals and fifteen (15) copies of the Preliminary Plat.

3. Commission Action.

The Planning Commission will approve or disapprove the Preliminary Plat within thirty (30) days of submission. If the Planning Commission within thirty (30) days of submission takes no action, the application shall be deemed disapproved. Planning Commission approval of the Preliminary Plat authorizes the Developer to proceed with site improvements. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. Preliminary Plat approval grants a Developer one (1) year within which they shall submit a Final Plat and construct all development improvements. Before expiration, the Planning Commission may extend the approval, in increments not to exceed one (1) year at a time, provided that the Planning Commission finds that progress has been made in the physical construction of improvements. In conjunction with such approval extensions, the Planning Commission shall have the right to require changes in the Improvements Plan when it finds that time has necessitated such changes for the health, safety, and welfare of the residents of the community, or where applicable ordinances and regulations have been changed. Upon the expiration of any approval periods specified in these regulations, the plat shall be deemed not in

conformance with these Subdivision Regulations and require resubmittal of the application, preliminary plat, and applicable fees.

(b) Final Plat

1. Application, Review and Distribution.

Subsequent to the approval of the Preliminary Plat, the Applicant shall file the following documents no fewer than ten (10) calendar days prior to the Planning Commission scheduled meeting to which the Final Plat is to be considered:

- Updated application and review fees;
- Two (2) originals and fifteen (15) copies of the Final Plat. The original copy of the Final Plat shall contain the appropriate signed certificates and other required information set forth in these regulations.
- Distribution. The applicant shall distribute one (1) copy of the Final Plat to each applicable agency.

2. Commission Action.

All Final Plats shall be approved or disapproved within thirty (30) business days from the date the Plat is filed with the Planning Commission. In the event that no action is taken within thirty (30) days, the Final Plat shall be deemed disapproved. Upon approval of the Final Plat by the Planning Commission, the Planning Commission's Administrative Official shall lodge the original plat for recordation in the Marion County Clerk's office within thirty (30) days of approval and shall submit an original plat to the appropriate legislative body for necessary action on dedication of public rights-of-way or facilities.

(3) Minor Subdivision Plat Revisions and Amendments.

Minor Subdivision plat revisions shall only require approval of the City of Lebanon Administrator and the Zoning Official when the revision involves lot line adjustments and does not result in lot creation or deletion. Other minor subdivision plat revisions and amendments shall require Planning Commission approval and shall be required to meet the requirements of this section.

(E) Major Subdivision Application Procedure and Approval Process

- (1) A major subdivision is any subdivision of three (3) or more lots from the parent tract and/or a subdivision, involving a new street; a subdivision involving the improvement or widening of an existing street or a subdivision involving the major construction of site improvements. A Major Subdivision application, Preliminary Plat, Improvements Plan, and Final Plat must be submitted and approved before the Final Plat may be recorded. Approval of a Major Subdivision shall consist of two (2) phases: (1) Preliminary Plat and Improvements Plan and (2) Final Plat.

(2) Application Procedure and Approval Process.

(a) Preliminary Plat.

1. Pre-Application Conference.

Prior to any disturbance of the surface of the development site or performance of any survey or engineering work, the Developer is encouraged, but not required, to schedule a pre-application conference with the Planning Commission's Administrative Official to discuss the proposed development project and the applicable requirements for approval.

2. Application and Review.

The Developer shall file the following documents no fewer than ten (10) calendar days prior to the Planning Commission's scheduled meeting for consideration of the subject application:

- Application and applicable fees;
- Two originals and fifteen (15) copies of the Preliminary Plat.
- An Improvements Plan, including the following:
 - Fifteen (15) copies of the Improvements Plan and any other supplementary material required by these regulations; and
 - One (1) copy of a Soil Erosion and Sedimentation Control Plan; and,
 - One (1) copy of a Storm Water Management Plan.
- Distribution. The applicant shall distribute one (1) copy of Preliminary Plat and Improvements Plan to each applicable agency.

3. Commission Action.

The Planning Commission will review the Preliminary Plat and Improvements Plan within thirty (30) days of submission. If the Planning Commission within thirty (30) days of submission takes no action, the application shall be deemed disapproved. Planning Commission approval of the Preliminary Plat and Improvements Plan authorizes the Developer to proceed with site improvements. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. Preliminary Plat approval grants a Developer one (1) year within which they shall submit a Final Plat and construct all development improvements. Before expiration, the Planning Commission may extend the approval, in increments not to exceed one (1) year at a time, provided that the Planning Commission finds that progress has been made in the physical construction of improvements. In conjunction with such approval extensions, the Planning Commission shall have the right to require changes in the Improvements Plan when it finds that time has

necessitated such changes for the health, safety, and welfare of the residents of the community, or where applicable ordinances and regulations have been changed. Upon the expiration of any approval periods specified by these regulations, the plat shall be deemed not in conformance with these Subdivision Regulations and require resubmittal of the application, preliminary plat, improvements plan, and applicable fees. The Planning Commission's Administrative Official may approve filed changes from the approved Improvements Plan.

(b) Final Plat

1. Application, Review and Distribution.

Subsequent to the approval of the Preliminary Plat, the Applicant shall file the following documents no fewer than ten (10) calendar days prior to the Planning Commission scheduled meeting to which the Final Plat is to be considered:

- Updated application and review fees;
- Two (2) originals and fifteen (15) copies of the Final Plat. The original copy of the Final Plat shall contain the appropriate signed certificates and other required information by these regulations.
- Distribution. The applicant shall distribute one (1) copy of the Final Plat to each applicable agency.
- Completion of Public Improvements. Developers may begin construction of public improvements after the Preliminary Plat and the Planning Commission has approved Improvements Plan. All public improvements shall be constructed and inspected in accordance with these Subdivision Regulations. In the event any improvements have not been completed at the time of consideration of the Final Plat by the Planning Commission, the Developer shall provide an acceptable Improvement Guarantee as set forth in these regulations.

2. Commission Action.

All Final Plats shall be approved or disapproved within thirty (30) business days from the date the Plat is filed with the Planning Commission. In the event that no action is taken within thirty (30) days, the Final Plat shall be deemed disapproved. Upon approval of the Final Plat by the Planning Commission, the Planning Commission's Administrative Official shall lodge the original plat for recordation in the Marion County Clerk's office within thirty (30) days of approval and shall submit an original plat to the appropriate legislative body for necessary action on dedication of public rights-of-way or facilities.

(3) Major Subdivision Plat and Improvement Plans Revisions and Amendments.

Major Subdivision plat revisions shall only require approval of the Administrative

Official when the revision involves lot line adjustments and does not result in lot creation or deletion. Other Major Subdivision plat and Improvements Plans revisions and amendments shall require Planning Commission and shall be required to meet the requirements of this section.

153.07 SUBDIVISION PLAT CONTENT

(A) Specifications for Submitted Plats.

A Registered Land Surveyor, licensed in the Commonwealth of Kentucky shall prepare all plats. All plats must meet the *Minimum Standards of Practice for Land Surveyors in Kentucky* established by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (201 KAR 18.150) and meet the minimum standards of these Subdivision Regulations. Plats shall be filed in accordance with these regulations and shall meet the design standards as set forth in these subdivision regulations.

- (1) All Preliminary Plats shall meet the following requirements and contain the information listed below:
- ❑ Shall be drawn on durable, dimensionally stable media of a size no larger than 24" x 36". More than (1) sheet may be used. Sheets shall be numbered in sequence if more than one (1) is used. Minor and Major Subdivisions shall be labeled as Preliminary Plat or Final Plat.
 - ❑ Shall be drawn at a convenient and standard scale.
 - ❑ Title block shall contain the following information:
 - ❑ Name of the subdivision, which shall not duplicate nor closely approximate the name of any other subdivision in the City of Lebanon and Marion County;
 - ❑ Name and mailing address of the property owner(s);
 - ❑ Name and mailing address of the developer(s), if different from the owner(s);
 - ❑ Name and address of the professional land surveyor, and if applicable, the firm that performed the survey.
 - ❑ Date of preparation;
 - ❑ All other pertinent data or information.
 - ❑ Graphic and written scale.
 - ❑ North arrow.
 - ❑ Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features.
 - ❑ All principal structures shall be labeled as they are currently constructed. For example: one-story frame, two-story brick, duplex, triplex, mobile home, manufactured home, etc.

- ❑ All accessory structures currently constructed shall be labeled. For example: barn, garage, shed, etc.
- ❑ Total calculated area of land being subdivided computed either to the nearest hundredth of an acre or nearest square foot.
- ❑ Lots numbered in numerical order.
- ❑ Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers, and minimum building setback lines. Tracts shall be laid out according to sound planning principles.
- ❑ All building setback lines, including requirements of any and all applicable and adopted Subdivision Regulations, Zoning Ordinance, and private restrictions.
- ❑ Current road names and road numbers, if applicable.
- ❑ Existing and proposed streets and their locations, rights-of-way widths, pavement widths, and pavement types.
- ❑ Existing easements visible or discernible during field survey or required research and proposed easements and their locations, widths and distances.
- ❑ Distance to the nearest intersection.
- ❑ Names, locations, and record sources of adjoining property owners along with intersecting property lines.
- ❑ Apparent encroachments discovered in the course of the survey.
- ❑ Names, locations, and record sources of adjoining subdivisions.
- ❑ Direction and length of each line as follows: (1) Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot or (2) A geometrically-curved line identified with a beginning point, terminus point, and with sufficient curve data to define the curve.
- ❑ Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research.
- ❑ All floodplain areas shall be shown and clearly labeled and if available, the actual computed elevation of the regulatory flood shall be noted, as well as the FIRM identification number.
- ❑ Accurate location, description and material of all monuments.
- ❑ Note on the plat indicating the approximate acreage and availability of frontage of residual tract(s).

(2) The following information also shall appear on all Final Plats:

- Land Surveyor's Seal and Certificate. The Final Plat shall have the seal of the Professional Land Surveyor in responsible charge of the survey and certificate, including statement disclosing the unadjusted error of closure, statement identifying the land classification of parcels surveyed, and statement as to whether the directions and distances shown on the plat are based on an adjusted traverse.

Land Surveyor's Certificate

I hereby certify that this plat depicts a survey made by me or under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This survey was made by method of random traverse with sideshots. The unadjusted precision ratio of the traverse was 1:_____ and was adjusted. The survey as shown hereon meets the minimum standards of governing authorities for a Class A survey. Further, I certify that this plat conforms to all provisions of the current Lebanon Subdivision Regulations.

Professional Land Surveyor, Number

Date

- Certificate of Ownership and Dedication. The Final Plat shall have the signature of the owners(s) of the land to be subdivided stating that they own the land and shall dedicate the necessary rights-of-way and easements to the appropriate governing body.

Certificate of Ownership and Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and dedicate all streets, alleys, walks, parks, easements, and other open spaces to public or private use as shown on the recording plat, unless otherwise noted.

Owner

Date

Owner

Date

- Certificate of Utility Easement and Dedication. If a utility easement is proposed or required, the Final Plat shall have the signature of the owner(s) of the land to be subdivided stated that they dedicate the necessary easements to the appropriate utility companies.

Certificate of Utility Easement and Dedication

The spaces outlined and designated as utility easements are hereby reserved for the purposes shown, including the right of ingress and egress over all lots to and from all easements and the right to remove any obstructions, natural or man-made therein for the proper installation, operation, and maintenance of the

utility by the agency or company using the easement. The easements shall be kept free of all obstructions, including permanent fences, trees, shrubbery, and gardens. It is understood that the Owner/Developer will remove all trees or other obstructions that will interfere with the new construction of utilities using the designated easements.

Owner Date _____

Owner Date _____

- Certificate of Approval of Onsite Sewage Disposal System. The Final Plat shall receive the approval of the District Health Department Environmentalist prior to the consideration by the Planning Commission. A Certificate of Approval of Onsite Sewage Disposal System shall be signed by the Environmentalist and appear on the Final Plat.

Certificate of Approval of Onsite Sewage Disposal System

Onsite sewage disposal system to any proposed residence or other building shall be installed pursuant to the Kentucky onsite sewage disposal system regulations, 902 KAR 10:081 and 902 KAR 10:085, and each individual lot shall stand on its own merit as to approval or disapproval.

Environmentalist, Marion County Health Department Date _____

- Certificate of Improvement Completion and Inspection. The Final Plat shall receive approval of the City Engineer or Public Works Director. A Certificate of Improvement Completion and Inspection shall appear on the Final Plat be signed by the City Engineer or Public Works Director.

Certificate of Improvement Completion and Inspection

I hereby certify that the Improvements Plan for this subdivision has been reviewed and is in conformance with all appropriate rules and regulations. I further certify that (1) all improvements have been completed and inspected in conformance with the Lebanon Subdivision Regulations and other applicable regulations or (2) that a contract guarantee in an approved amount has been posted to assure completion of all required improvements in case of default.

Zoning Administrator, Lebanon Planning Commission Date _____

City Engineer or Director of Public Works Date _____
City of Lebanon

- Certificate of Approval for Recording. The Final Plat shall receive approval of the Lebanon Planning Commission. A Certificate of Approval for Recording

shall be signed and dated by the Chairman and Zoning Administrator of the Lebanon Planning Commission and appear on the Final Plat.

Certificate of Approval for Recording

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

Chairman/Secretary, Lebanon Planning Commission

Date

- All other appropriate Certificates as required by the Planning Commission.

153.08 IMPROVEMENTS PLAN & “AS-BUILT” DRAWINGS REQUIREMENTS

(A) Purpose

The purpose of this section is to establish requirements for Improvements Plans and “As-Built” Drawings. The Improvements Plan is intended to provide a single uniform procedure for total review of a proposed development. The “As-Built” Drawings shall generally include the same information as required for Improvements Plans, except that “As-Built” drawings shall accurately reflect the actual installation of the improvements.

(B) Applicability.

An Improvements Plan and “As-Built” Drawings are required for all Major Subdivisions that in the estimation of the Planning Commission because of its location, magnitude, or unique character, such plans and drawings will best serve the interest of orderly urban growth in Lebanon. A developer must comply with the Improvements Plan requirements listed below and to the Improvements Plan requirements of local ordinances or regulations. The Planning Commission shall not approve a Major Subdivision Final Plat, until the Improvements Plan has first received approval.

(C) Improvements Plan Content Requirements.

The Improvements Plan shall show the proposed locations, sizes, types, grades, and general design features of each development area. The plan shall be based upon reliable field data. All Improvements Plans shall be prepared and signed by a Registered Land Surveyor and/or Registered Professional Engineer dependent upon development content.

(1) Improvements Plans shall meet the following requirements and contain the information listed below:

- Shall be drawn on durable, dimensionally stable media of a size no larger than 24” x 36.” More than one (1) sheet may be used. Sheets shall be numbered in sequence if more than one (1) sheet is used, and each shall be labeled “Improvements Plan.”

- ❑ Shall be drawn at a convenient and standard scale.
- ❑ Shall have a title block containing the following information:
 - ❑ Name of the subdivision, which shall not duplicate nor closely approximate the name of any other subdivision in Lebanon or Marion County;
 - ❑ Name and mailing address of the property owner(s);
 - ❑ Name and mailing address of the developer(s), if different from owner(s);
 - ❑ Name and mailing address of the professional land surveyor, if applicable, and name of the firm that performed the survey, if applicable;
 - ❑ Name and mailing address of the professional engineer;
 - ❑ Date of preparation;
 - ❑ All other pertinent data and information.
- ❑ Graphic and written scale;
- ❑ North arrow;
- ❑ Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features.
- ❑ Topographic map shall show the following:
 - ❑ Topographic contour lines must be depicted with sufficient accuracy to permit the planning of drainage, streets, and other proposed improvements. The plans must include two-foot (2') contours on land less than five (5) percent gradient and five-foot (5') contours on land more than five (5) percent gradient. The contour lines are not to be more than one hundred feet (100') apart horizontally and shall extend for at least forty (40) feet beyond the boundary lines of the proposed development.
 - ❑ Contours shall relate to the United States Geological Survey (USGS) of the area and shall relate to the nearest benchmark. All contours shall be marked in feet above sea level. The benchmark shall be clearly shown or identified.
 - ❑ Size, top of frame, and invert elevations for all culverts, manholes or catch basins and flow line elevations for all brooks at one hundred foot (100') stations. This data for at least forty (40) feet beyond the boundary lines of the proposed development.
 - ❑ Sinkholes shall be clearly labeled and their low point clearly marked.
 - ❑ All existing watercourses, inland wetlands, floodplains and flowage easements.
 - ❑ Present wooded areas indicated by foliage line.
- ❑ Names, locations, and record sources of adjoining subdivisions.
- ❑ Names, locations, and record sources of adjoining property owners along with intersecting property lines.
- ❑ Total calculated area of land being subdivided computed either to the nearest

hundredth of an acre or nearest square foot.

- ❑ Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers, and minimum building setback lines. Tracts shall be laid out according to sound planning principles.
- ❑ All existing and proposed structures shall be shown.
- ❑ Direction and length of each line as follows: (1) Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot or (2) A geometrically-curved line identified with a beginning point, terminus point, and with sufficient curve data to define the curve.
- ❑ Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research.
- ❑ Accurate location, description and material of all monuments
- ❑ Existing and proposed streets and their names, locations, and pavement widths and types, and rights-of-way widths and the distance to the nearest intersection.
- ❑ Plan and profile of each proposed street, with elevations and distances for the existing and proposed ground and street grade surfaces.
- ❑ Typical cross section of each proposed street or other construction item, showing the width of the pavement, location and width of curbs, gutters, and sidewalks, and rights-of-way shall be submitted.
- ❑ A Soil Erosion and Sedimentation Control Plan is required for all subdivisions that require Major Subdivisions being developed. Section 153.10 sets forth Soil Erosion and Sedimentation Control regulations.
- ❑ A Storm Water Management Plan shall be filed as part of the Improvements Plan requirements for proposed Major Subdivisions where curb and guttering is required for construction. Section 153.11 of these Subdivision Regulations sets forth the Storm Water Management requirements.
- ❑ Grading Plan. Grading plans showing proposed contours shall accompany all Storm Water Management Plans:
 - ❑ Lot Grading: Lot grading shall be accomplished as follows: Within the limits of public rights-of-way adjacent to street pavements; all final grading for grass strips, sidewalk, and yards to the building structure, shall comply with minimum and maximum grades in accordance with typical sections for streets as shown in these regulations.
 - ❑ Top Soil. If grading results in the stripping of topsoil, topsoil shall be uniformly spread over the lots as grading is finished. Temporary silt barriers should be installed around stockpiled topsoil for erosion and sediment control.
 - ❑ Trees. As many trees as can be reasonably utilized in the Improvements

Plan shall be retained and the grading adjusted to the existing grade of the trees where practicable.

- Typical Drawings. All typical drawings shall be in accordance with the specifications and drawings of these regulations and/or those of the Kentucky Transportation Cabinet’s design format, where appropriate.
- Land Surveyor’s Seal and Certificate. The Improvements Plan shall have the seal and certificate of the Professional Land Surveyor in responsible charge of the survey. The certificate shall include a statement disclosing the unadjusted error of closure, a statement identifying the land classification of parcels surveyed, and a statement as to whether the directions and distances shown on the plat are based on an adjusted traverse.

Land Surveyor’s Certificate

I hereby certify that this plat depicts a survey made by me or under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This survey was made by method of random traverse with sideshots. The unadjusted precision ratio of the traverse was 1: _____ and was adjusted. The survey as shown hereon meets the minimum standards of governing authorities for a Class A survey. Further, I certify that this plat conforms to all provisions of the current Lebanon Subdivision Regulations.

Professional Land Surveyor, Number

Date

- Engineer’s Seal and Certificate. The Improvements Plan shall have the seal and certificate of the Professional Engineer responsible for the improvements design.

Professional Engineer’s Certification

I hereby certify that the Improvements Plan submitted to the Planning Commission was prepared by me or under my supervision; and all requirements of Kentucky laws and regulations, the Subdivision Regulations of the City of Lebanon, and the regulations of local governing authorities have been fully complied with in all respects.

Professional Engineer, Number

Date

(D) “As-Built” Drawings Specifications

- (1) These drawings shall generally include the same information as required for Improvements Plans, except that “as-built” drawings shall accurately reflect the actual installation of the improvements.
- (2) Specifically, “as-built” drawings shall meet the following requirements and contain the information listed below:

- ❑ Shall be drawn on durable, dimensionally stable media of a size no larger than 24" x 36." More than one (1) sheet may be used. Sheets shall be numbered in sequence if more than one (1) sheet is used, and each shall be labeled "As-Built' Drawings."
- ❑ Shall be drawn at a convenient and standard scale.
- ❑ Shall have a title block containing the following information:
 - ❑ Name of the subdivision, which shall not duplicate nor closely approximate the name of any other subdivision in Lebanon or Marion County;
 - ❑ Name and mailing address of the property owner(s);
 - ❑ Name and mailing address of the developer(s), if different from owner(s);
 - ❑ Name and mailing address of the professional land surveyor, if applicable, and name of the firm that performed the survey, if applicable;
 - ❑ Name and mailing address of the professional engineer;
 - ❑ Date of preparation;
 - ❑ All other pertinent data and information.
- ❑ Graphic and written scale;
- ❑ North arrow;
- ❑ Vicinity map of sufficient detail to locate land being subdivided and showing major streets and other durable physical features.
- ❑ Total calculated area of land being subdivided computed either to the nearest hundredth of an acre or nearest square foot.
- ❑ Layout of proposed tracts of land, including dimensions of lots, lot lines, lot numbers, and minimum building setback lines. Tracts shall be laid out according to sound planning principles.
- ❑ All existing and proposed structures shall be shown.
- ❑ Existing and proposed streets adjacent to the tract and their locations, rights-of-way widths, pavement widths, and pavement types.
- ❑ Existing and proposed easements and their locations, widths, and distances.
- ❑ Distance to the nearest intersection.
- ❑ Names, locations, and record sources of adjoining subdivisions.
- ❑ Names, locations, and record sources of adjoining property owners along with intersecting property lines.
- ❑ Direction and length of each line as follows: (1) Bearings shown in degrees, minutes, and seconds and distances shown to hundredths of a foot or (2) A

geometrically-curved line identified with a beginning point, terminus point, and with sufficient curve data to define the curve.

- Cemetery or grave site, if discernible or of notice during the performance of the field survey or the required research.
- All floodplain areas shall be shown and clearly labeled and if available, the actual computed elevation of the regulatory flood shall be noted, as well as the FIRM identification number.
- Accurate location, description and material of all monuments.
- Profile of each street with elevation of ground and street grade.

- ❑ Cross-section of each street showing pavement width, rights-of-way and sidewalks.
- ❑ Size, location, and elevation, if applicable, of all storm water drainage improvements.
- ❑ Size, location, and elevation, if applicable, of all sewer lines, manholes and service connections.
- ❑ Size and locations of all water lines, fittings, valves, and hydrants.
- ❑ Size and locations of all natural gas lines.
- ❑ Land Surveyor's Seal and Certificate. The "As-Built" drawings shall have the seal and certificate of the Professional Land Surveyor in responsible charge of the survey, if applicable. The certificate shall include a statement disclosing the unadjusted error of closure, a statement identifying the land classification of parcels surveyed, and a statement as to whether the directions and distances shown on the plant are based on an adjusted traverse.

Land Surveyor's Certificate

I hereby certify that this plat depicts a survey made by me or under my supervision and that the angular and linear measurements as witnessed by monuments shown hereon are true and correct to the best of my knowledge and belief. This survey was made by method of random traverse with sideshots. The unadjusted precision ratio of the traverse was 1:_____ and was adjusted. The survey as shown hereon meets the minimum standards of governing authorities for a Class A survey. Further, I certify that this plat conforms to all provisions of the current Lebanon Subdivision Regulations.

Professional Land Surveyor, Number

Date

- ❑ Engineer's Seal and Certificate. The "As-Built" drawings shall have the seal and certificate of the Professional Engineer responsible for the improvements design.

Professional Engineer's Certification

I hereby certify that the "As-Built" drawings submitted to the Planning Commission was prepared by me or under my supervision; and all requirements of Kentucky laws and regulations, the Subdivision Regulations of the City of Lebanon, and the regulations of local governing authorities have been fully complied with in all respects.

Professional Engineer, Number

Date

153.09 WATER SUPPLY AND FIRE HYDRANT REQUIREMENTS

New developments should comply with the water supply system and fire hydrant installation requirements of the appropriate jurisdiction.

153.10 SOIL EROSION AND SEDIMENTATION REQUIREMENTS

(A) Purpose.

The purpose of this section is to establish requirements that would implement Best Management Practices (BMPs) to help control pollutants commonly discharged from development sites and to limit site runoff.

(B) Applicability

A Soil Erosion and Sedimentation Control Plan is required for all Subdivisions that require major construction of site improvements. The plan shall be submitted as part of the Improvements Plan (Section 153.08 of these Subdivision Regulations) and shall contain proposed methods to control site runoff, erosion control and water pollution abatement.

(C) Requirements

(1) Prior to Grading or Site Disturbance.

The natural ground surface of a proposed subdivision shall not be graded, stripped, excavated, filled, or otherwise disturbed so that slipping, erosion, or water pollution may occur until an Improvements Plan has been approved by the Planning Commission.

(2) Erosion Control Measures and Water Pollution Abatement.

- (a) All exposed and graded land will be covered by mulch, grass, sod, permanent seeding, or temporary seeding, or a combination of seeding and mulch (hay, straw, or other natural fiber spread for a seventy-five (75) percent or greater ground coverage) within sixty (60) days of exposure.
- (b) All exposed and graded land with grades of eight (8) percent (an average of eight (8) feet of fall per one hundred (100) feet of length) will be mulched at seventy-five (75) percent or greater coverage.
- (c) Sediment basins (debris basins, de-silting basins, or silt traps) shall be properly designed according to runoff and sedimentation load calculations and installed during initial grading at locations which will provide the best protection from off-site damages. A multi-purpose basin used for a silt trap then converted to a detention/retention basin is encouraged if properly designed and located. This combination structure will need to be dredged periodically during construction activities and after stabilization in order to provide adequate storage.
- (d) Concentrated flow areas, including storm sewer entrances, will need proper water control barriers to slow the runoff for rill and gully erosion control. These barriers will be a series of pegged straw bales or properly installed silt fence and rock riprap where needed.
- (e) Site perimeter silt fence or straw bale barriers shall be installed where bare land overflow is greater than a ratio of two (2) percent slope per four hundred (400) feet of slope length (i.e., 4%:200, 8%:100; etc.). These perimeter

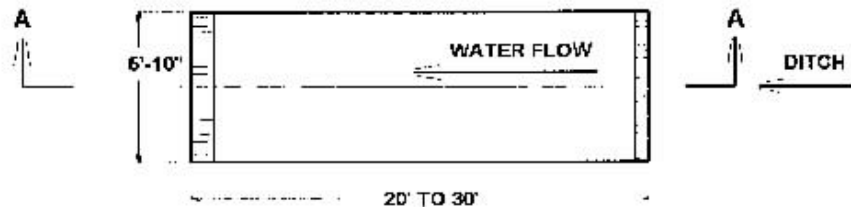
barriers will be installed at all toe slopes of land eight (8) percent or greater in slope and above grade over-falls (at the upper edges of grades) along site perimeters.

- (f) Individual building sites will need erosion control barriers (silt fence or straw bales) below all bare land sloping into established paved streets and storm sewer systems. Bale barriers are recommended for individual house site perimeters and storm sewer entrances.
- (g) Individual building sites will be seeded (temporary or permanent) and mulched within sixty (60) days of disturbance where land is void of grass vegetation.

(D) Procedure

- (1) The Administrative Official will periodically visit development sites to inspect the effectiveness of the soil erosion and sedimentation control measures. The Administrative Official may at any point make recommendations to improve control measures.
- (2) If the developer fails to accomplish adequate control measures to prevent erosion and sedimentation runoff, the Administrative Official will issue a warning. In the event the developer fails to take corrective action within five (5) days of issuance of the warning, a StopWork Order may be issued. In the event that the Administrative Official is unable to reach a resolution with the developer, a public hearing before the Planning Commission shall be scheduled with a minimum ten (10) days notice to the developer.

SILT TRAP TYPE A
NOT TO SCALE

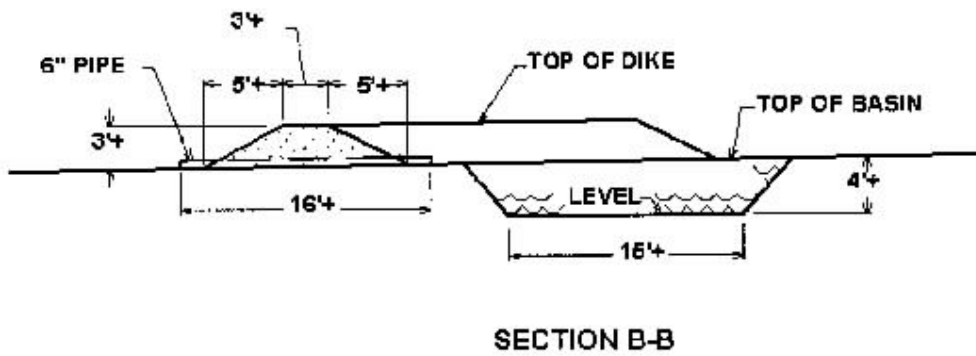
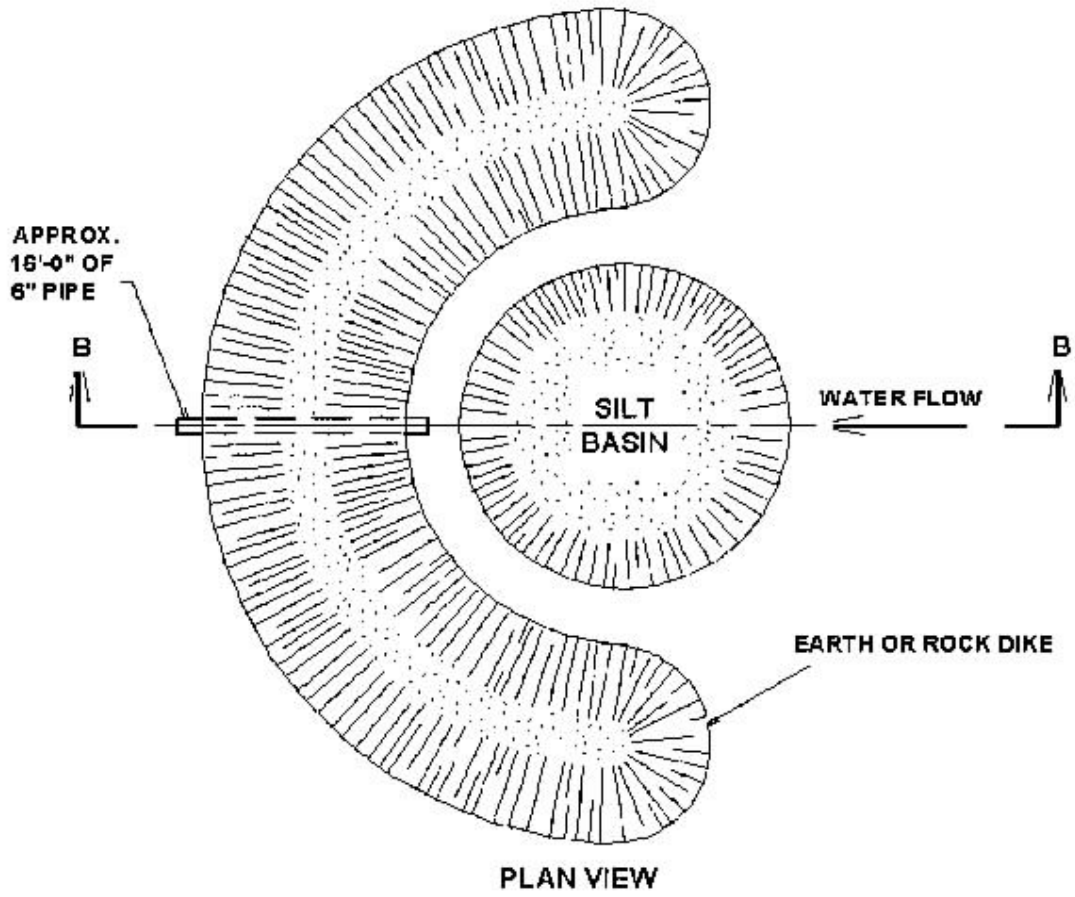


PLAN VIEW



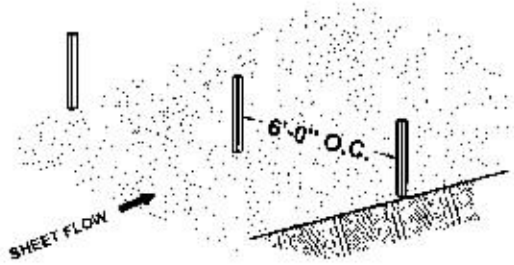
SECTION A-A

SILT TRAP TYPE B
NOT TO SCALE

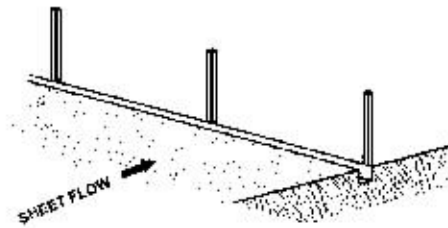


TEMPORARY SILT FENCE
NOT TO SCALE

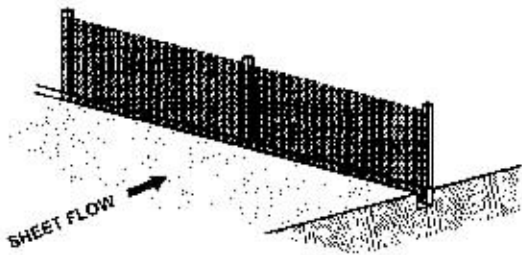
Step # 1



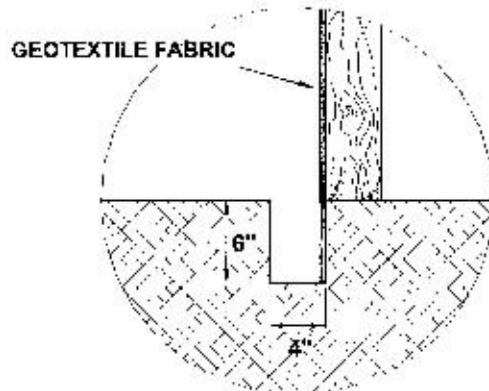
Step # 2 Excavate trench along line of posts.



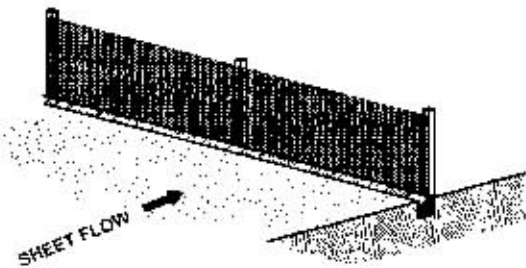
Step # 3 Line trench with geotextile fabric attached to posts.



Sectional Detail

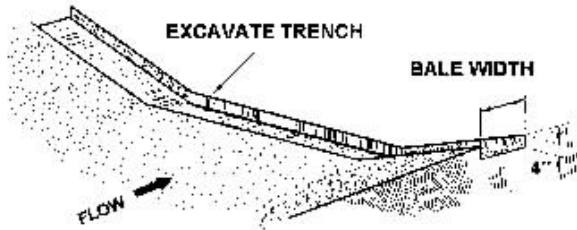


Step # 4 Backfill and compact excavated soil.

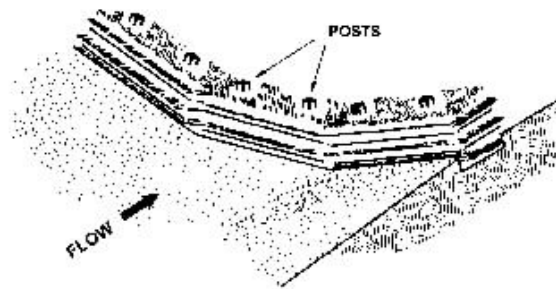


SILT STRAW BALE BARRIER
NOT TO SCALE

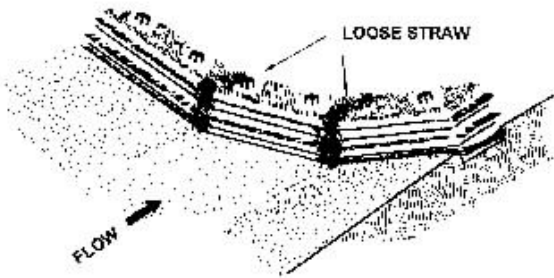
Step # 1 Excavate trench.



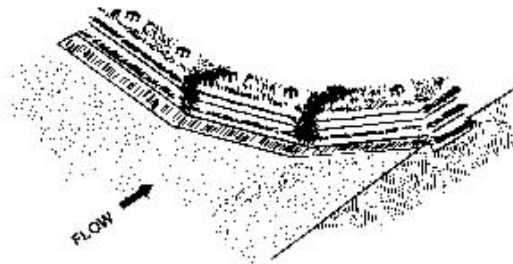
Step # 2 Post (2 Per Bale)



Step # 3 Wedge loose straw between bales.

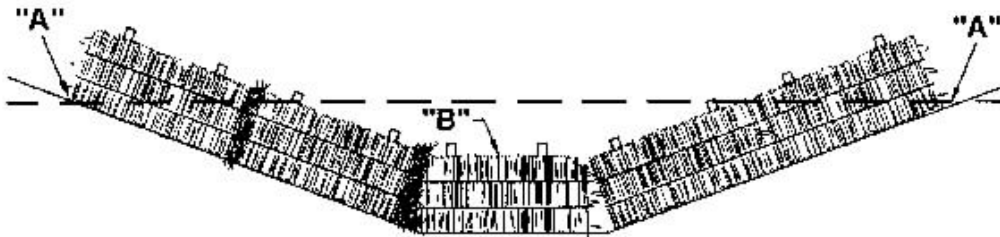


Step # 4 Backfill and compact excavated soil.



Proper Placement of Straw Barrier in Drainage Way

Points "A" shall be 1'-0" min. higher than point "B".



ELEVATION

153.11 STORM WATER MANAGEMENT REQUIREMENTS

(A) Purpose.

The purpose of this section is to establish standards for storm water management systems. Storm water management systems are designed to collect and convey storm water runoff from street inlets, runoff control structures, and other locations where the accumulation of storm water is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience.

(B) Applicability.

A Storm Water Management Plan shall be filed as part of the Improvements Plan requirement for proposed Major Subdivisions where curb and guttering is required or being constructed and for proposed Major Subdivisions. When a Storm Water Management Plan is required, the developer shall provide storm drainage improvements that will prevent aggravation of any existing downstream problem considering both the instantaneous flow rate and flood elevations caused by the increased run off from the development. Storm water facilities shall not be constructed until the Planning Commission has granted Improvements Plan approval. All drainage structures must meet the Kentucky Transportation Cabinet's design format.

(C) Storm Water Management Plan Content Requirements

A Storm Water Management Plan shall show the location and profiles of proposed storm water drainage sewers, channels or other drainage ways along proposed streets and easements. All drainage plans should indicate the following information as applicable:

- Statement of the criteria used in the drainage design, including the following:
 - Rate of precipitation.
 - Formula used in sizing draining structures.
 - Any constants or factors involved.
 - Flow calculations on all drainage ditches and storm sewer pipes.
 - Basin sizing calculations including the sizing of the throttling device if applicable.
- Contours of the project, both existing and proposed.
- Street layout and street names.
- Typical street sections, including street paving drainage at sides of pavement, rights-of-way data, proposed slopes, proposed finished centerline surface of the street and the original ground surface, street grades, stationing of vertical P.I.'s and the length of vertical curves, and construction of headwalls and inlets.
- Lotting pattern with lot numbers.

- ❑ Location of all drainage structures and appurtenances, such as drop boxes, curb and gutter inlets, flumes, headwalls, street culverts, etc.
- ❑ Pipes and ditch details.
- ❑ Entrance tile sizes for each lot.
- ❑ Direction of flow.
- ❑ Culverts. All culverts shall terminate at headwalls. Where culverts exist on lot lines between dwellings, necessary easements shall be shown.
- ❑ Size, invert elevations, and percent of grade of all storm drains, catch basins, and inlets and indicate the pipe materials used, such as concrete, metal, or polyethylene.
- ❑ Total drainage area contributory to each drainage pipe, including off-site area.
- ❑ Design and velocity of drainage ditches and method of erosion control to be used on banks and bottoms.
- ❑ Location and rim elevation of all drywells and sinkhole boxes.
- ❑ Plan, dimensional cross-sections, and flow line profiles of all proposed and existing ditches, including right and left bank profiles.
- ❑ Channel slope protection;
- ❑ Detention basins;
- ❑ Drainage easements;
- ❑ Drainage area contributing to the channel at control points, including off-site areas.
- ❑ Complete information for out-fall pipes or ditches, including off-site areas.
- ❑ Maximum flood stage elevations on any stream flowing through or adjacent to the property, or whose proximity may affect drainage or access to the property.
- ❑ Engineer's Seal and Certificate. The Storm Water Management Plan shall have the seal and certificate of the Professional Engineer responsible for the improvements design.

Professional Engineer's Certification

I hereby certify that the Storm Water Management Plan submitted to the Planning Commission was prepared by me or under my supervision; and all requirements of Kentucky laws and regulations, the Subdivision Regulations of the City of Lebanon, and the

regulations of local governing authorities have been fully complied with in all respects.

Professional Engineer, Number

Date

- All other appropriate certificates.
- All other information as required by the Planning Commission.

(D) Road Drainage System

- (1) The road drainage system shall serve as the primary drainage collection system and shall be designed to carry roadway, adjacent land, and building storm water drainage. No storm water shall be permitted to enter into the sanitary sewer system.
- (2) Road cross drains shall be constructed for the twenty-five (25) year storm rate. Gutters shall be constructed for the ten (10) year storm rate and checked against a twenty-five (25) year storm.
- (3) Where curb and the Planning Commission does not require gutter, headwalls on culvert pipes are required and acceptable provisions must be made to prevent erosion around the inlet and outlet of the pipe. Entrance pipes for each lot shall be sized and indicated on the drainage plan.

(E) Off-Road Drainage Systems

- (1) When the drainage system is outside of the road right-of-way, the developer shall make provisions for dedication of a drainage easement. The landowner shall properly maintain all on-site drainage easements.

(F) Detention Basins

- (1) All detention basins and methods to be approved by the Planning Commission.
- (2) Fencing may be required when the location of the detention area is not easily **observed** or if the design engineer determines a safety problem would exist.
- (3) A minimum basin volume shall be the difference between the post-development and pre-development twenty-five (25) year storm discharge (rates) discharged from the project area to the basin site, or such volume necessary to sufficiently reduce the post-development discharges to the pre-development rate as controlled by the discharge structure.
- (4) Maximum side slopes shall not be greater than a ratio of two (2) horizontal to one (1) vertical (2:1) and shall be maintainable by the proposed owner of the facility. All storage shall be contained with a drainage easement.

- (5) Discharge control structure shall be multi-stage and capable of limiting two (2), ten (10), and twenty-five (25) year post-development discharges to pre-development corresponding peak discharge rates and shall be constructed of concrete or other hardened materials, including pipe or approved alternate or equal.
- (6) The emergency spillway shall be sized to accommodate a flow equal to the one hundred (100) year storm post-development discharge and constructed of a non-erosive material.
- (7) The dam crest elevation shall not be less than one (1) foot above the emergency spillway invert or overflow elevation.
- (8) Spillways shall be protected from erosion and shall employ energy dissipation, if necessary.
- (9) Dry detention basins shall be fully discharged within thirty-six (36) hours of the storm event.

(G) Drainage Ditches

- (1) The side slopes of the ditch shall not be greater than a ratio of three (3) horizontal to one (1) vertical (3:1). The developer shall adequately protect all ditches from erosion. Ditches and open channels shall be seeded, sodded, rock rip-raped, or paved depending on grades and types of soils to stabilize the ditch and prevent erosion, as determined by the design engineer.

(I) Maintenance of Storm Water System

- (1) The owner of successors in title of a lot of property that contains any portion of a detention basin, drainage facility, or drainage easement shall be responsible for properly maintaining their area in order for such storm water management facility to function according to its design and purpose.
- (2) In residential subdivisions, the inlets structures and discharge control structures may be dedicated to the appropriate legislative body. The area of the detention basin shall be owned and maintained by the adjoining property owners. Maintenance for all drainage systems shall be included in the recorded deeds and the subdivision's restricted covenants shall be noted on the Improvements Plan and Final Plat.
- (3) Local county or municipality officials shall be authorized to enter onto any lot or property for the purpose of inspection or repair of any storm water management facility. If any deficiencies are found which might cause the facility to fail to operate as designed the county or local municipality shall notify the owner of the facility and demand that it be corrected within thirty (30) days. If the current property owner or any future owner fails to adequately maintain the storm water management facility, and does not make corrections after being notified in writing thirty (30) days prior, the county or local municipality may have the necessary work completed and assess the cost to the property owner.

(J) "As-Built" Drawings

- (1) "As-Built" Drawings are mandatory for developments that require a storm water management plan. "As-Built" Drawings shall be dated, signed, and meet the approval of the design engineer and approval of the Planning Commission.

153.12 DETAILED CONSTRUCTION SPECIFICATIONS

(A) Street, Curb and Gutter and Sidewalk Construction

The Developer shall furnish all labor, equipment, and materials, and perform all operations in connection with the construction of all improvements specified by these Subdivision Regulations and any and all applicable Improvements Plans.

(1) Grading

This term shall consist of all grading above or below subgrade elevations of whatever nature required to bring the street to proper subgrade elevations, including necessary excavation for curb, gutter, sidewalk, construction of embankments, excavation and proper sloping of all cuts, and other work incidental thereto.

(2) Excavations

All excavations shall be made to approximate grade or subgrade elevations consistent with approved Improvements Plans. Excavations under ten (10) feet shall not be steeper than a cut slope of 3 horizontal to 1 vertical (3:1). Excavations over (10) feet shall not be steeper than a cut slope of 2 horizontal to 1 vertical (2:1).

(3) Excavation Below Subgrade

Whenever excavations below subgrade elevation to remove spongy or unstable material, organic matter, or other materials is required, the contractor shall remove same and shall replace with compactable soils as set forth in Section 153.12(A)(4). The excavation can be backfilled with soils that were removed, provided they are clean clayey soils free of organic matter and other deleterious material, aerated and dried to near optimum moisture content or clean clayey borrow soils that have moisture contents near optimum moisture content.

(4) Construction of Embankment

All surface vegetation and heavy root system shall be removed to eliminate all vegetation from the area upon which the embankment is to be constructed. Soils so removed shall not be used in construction of embankment. These materials shall be stockpiled and respread across scarified areas after the scarified areas have been brought to within inches of finished grade. Embankments shall be constructed of approved soils to approximate subgrade elevation in shallow level layers, 6 to 8 inches, within two (2) percent of optimum moisture content on the dry side of the curve or within three (3) percent of optimum moisture content on the wet side of the curve, compacted with an appropriate type of compaction equipment to a density not less than 95 percent of maximum density, as determined by the standard Proctor moisture-density test (ASTM D698-78 or AASHTO T-99). Embankments greater than ten (10) feet in height shall have soils below ten (10) feet compacted to 95 percent of

maximum density, standard Proctor, respectively. Except as otherwise approved by a Qualified/Recognized Geotechnical Engineer, all soils placed in areas directly impacting public improvements shall be constructed to slopes no steeper than 2 horizontal to 1 vertical (2:1) and flatter where possible for ease of maintenance.

(5) Backfill

Clayey soils, granular soils, or Portland Cement concrete shall be used to backfill utility crossings beneath and within three (3) feet on either side of the pavement and compacted to the densities stated in Section 153.12(A)(4). Under no conditions shall granular backfill be flushed with water to obtain compaction. Utilities which are parallel and within three (3) feet either side of the pavement shall be compacted.

(6) Subgrade

- (a) The subgrade is defined as the top one (1) foot of the soil profile at finished grade prior to placing the pavement. This top one (1) foot of soil will consist of: (a) compacted fill placed for embankments as outlined in Section 153.12(A)(4); (b) undisturbed soils in the transitional areas from cut to fill immediately below the topsoil; or (c) undisturbed soils at depths greater than 3 feet below the original ground surface in cut areas. The top one (1) foot of subgrade shall be compacted to 95 percent of maximum density as determined by the standard proctor moisture-density test (ASTM D698-78 or AASHTO T-99) within three (3) percent of optimum moisture content on the dry side of the curve or four (4) percent of optimum moisture content on the wet side of the curve immediately prior to placing the pavement. This specification is similar to the compaction requirements in compacted fill areas since the embankment shall be compacted to 95 percent of maximum density as determined by the standard Proctor moisture-density test, respectively. In transitional areas from cut to fill, the soils have been subject to seasonal changes of freezing and thawing and wetting and drying. These soils will exist at moisture contents well above optimum moisture content and at densities on the order of 60 to 80 percent of maximum density (ASTM D698-78). These soils shall be scarified, aerated, and dried in order to obtain the specified percent compaction for subgrade. Soils in cut areas, three (3) feet below original grade, will exist at moisture contents above optimum moisture content and at densities on the order of 90 percent of maximum density (ASTM D 698-78). These soils shall be scarified, aerated, and dried in order to obtain the specified percent compaction for subgrade.
- (b) Any soft or yielding areas, resulting from high moisture content that are encountered at the time of construction shall be scarified, aerated, and dried to reduce the moisture content nearer to optimum moisture content, then recompacted to the specified density.

- (c) The subgrade shall be shaped to Improvements Plan elevations and cross-sections. Immediately prior to placing the concrete, the subgrade shall be checked for conformity with the cross-section shown on the plans by means of an approved template on the side forms. If necessary, the materials shall be removed or added, as required, to bring all portions of the subgrade to correct elevations. The subgrade shall be thoroughly compacted and again checked with the template. Concrete shall not be placed on any part of the subgrade, which has not been checked for correct elevation. The subgrade shall be clean of loose or wet material prior to placing concrete.
- (d) Prior to placing any pavement materials, the Planning Commission inspector may require the Contractor to proofroll the compacted subgrade with a piece of heavy rubber tired equipment, such as a road grader, loaded backhoe or a loaded single axle dump truck. This allows the Inspector to observe the proofrolling for consistency. Areas, which are subject to excessive pumping or rutting, shall be reworked and recompacted as described above.

(6) Equipment for Compaction of Backfill, Embankment, and Subgrade

Any compaction equipment capable of producing the required embankment and subgrade densities, without lamination, will be permitted. Clayey type or cohesive soils shall be compacted with a kneading type compaction equipment, such as a sheepsfoot roller. Cohesionless soils shall be compacted with vibratory type equipment, such as a vibrating plate or roller. All compaction equipment shall be in good condition and shall be operated efficiently to assure uniform compaction.

(7) Subgrade for Sidewalks and Driveways

Subgrade for driveways shall comply with Section 153.12(A)(6) except soil density tests are not required. Cohesive soils or lean concrete shall be used under driveways (i.e., apron and sidewalk portion of driveway minimum three (3) feet back of curb for single or two-family or five (5) feet for multifamily or commercial), provided compaction is performed per Section 153.12(A)(6). For sidewalks between driveways subgrade of cohesive soils shall be uniformly compacted per Section 153.12(A)(6). Cohesionless or granular soils may be used as a base on subgrade for sidewalks between driveways provided base thickness does not exceed four (4) inches or thickness equivalent to that of the sidewalk and compacted per Section 153.12(A)(6).

(8) Equipment Operated on Streets

The contractor shall be permitted to operate only rubber tired equipment over any paved street surfaces and shall be responsible for correcting any damage to street surfaces resulting from the contractor's operation. Paved streets, adjacent to new development, shall have all loose soil or mud removed at the end of each day's work.

(9) Utilities

Special precautions shall be taken by the contractor to avoid damage to existing overhead and underground utilities. Before proceeding with the work, the contractor shall confer with all public or private companies, agencies, or departments that own or operate utilities in the vicinity of the construction work. The contractor shall be

diligent in their efforts to use every possible means to locate existing utilities.

(10) Soil Density Test

- (a) Soil density tests, including moisture-density tests (ASTM D698-78 or ASTM D1557-78) and field density tests (ASTM D1556-64 or ASTM D2922-78), are required to determine the percent compaction in accordance with the following:
1. Embankments shall have a minimum of one (1) test for each three (3) feet in elevation per 400 lineal feet or every 2500 cubic yards, or fraction thereof, of embankment section;
 2. Utility backfill excavations for storm, sanitary sewer and water system crossings shall have a minimum of one (1) test for each two (2) feet in elevation per 100 lineal feet, or fraction thereof, of utility trench open cut beneath street subgrade and within three (3) feet outside of street pavements;
 3. Subgrades shall have a minimum of one (1) test per 100 lineal feet for streets 500 lineal feet or less one (1) test per 200 lineal feet for streets over 500 lineal feet at each of the following locations, where applicable:
 - aa. Compacted fill placed for embankments;
 - bb. Undisturbed soils in transitional areas from cut to fill immediately below the topsoil; and
 - cc. Undisturbed soils at depths greater than 3 feet below the original ground in cut areas.
 4. Density tests of soil embankment, utility excavations, or subgrade are not applicable when at least one of the following conditions exists:
 - aa. More than five (5) percent of the material contains greater than one (1) inch sieve size particles; or
 - bb. More than 60 percent of the material contains greater than No. 4 sieve size particles except DGA (dense graded aggregate).
 5. All soil density testing shall be at the expense of the Developer. The results of these tests shall be mailed directly to the Developer, design Engineer, Planning Commission, and the contractor. The results of all soil testing shall be compared to the densities, stated in Sections 153.12(A)(4) through 153.12(A)(6) of these regulations. Any deficiencies found in construction work must be remedied in the field or resolved between the Developer, contractor, and the Planning Commission inspector.

(B) Preparation of Existing Granular Base Courses of Surfacing

(1) Description and General Requirements

In areas where granular base course has been placed as a previous stage of street or road construction, the contractor shall blade, shape, and compact the base course in conformance with the required dimensions, line, grade, and cross-section to permit completion of the paving work. When directed by the Planning Commission inspector, additional base course aggregates shall be provided or excess aggregate removed and disposed of, by the contractor, as to provide conformance with the required roadway section.

(2) Thickness of Surfacing Required for Existing Granular Base Courses

The existing thickness of granular base comprises a portion of the required Design Thickness as specified in these regulations.

(3) Adjusting Manhole Tops

The contractor shall raise or lower existing manhole tops to coincide with the finished grade elevation of the paving.

(C) Asphalt Pavement

(1) Description and General Requirements

(a) This item shall consist of furnishing all materials and performing all construction procedures required to build an asphalt pavement, on a prepared and approved subgrade, conforming to the requirements of these specifications and to the pavement design shown on the approved Improvements Plans. It may include any, or all, but is not necessarily limited to, materials and methods specified under Section 153.12(C) only.

(b) Asphalt pavement shall consist of an asphalt surface course, or courses, constructed on an asphalt base course, or courses and/or subbase course, designed in compliance with the requirements of these regulations.

1. Asphalt Surface Course

The asphalt surface course or topcoat shall not be applied for a period of at least twelve (12) months after completion of the asphalt base construction. Asphalt surface course materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways, Specifications for Asphalt Concrete Surface and Binder (Section 401, 402).

2. Asphalt Base Course

Asphalt Base Course materials and construction shall conform to the current requirements of the Kentucky Department of Transportation, Bureau of Highways, Specifications for Asphalt Concrete Base Course (Section 401, 403).

3. Crushed Aggregate Base Course

- aa. Description. Crushed aggregate base course, when provided for in the approved structural design of the pavement, shall consist of a granular layer constructed on prepared subgrade or subbase in accord with these specifications and in conformity with the approved dimensions, lines, grades, and cross-sections.
- bb. Materials and Construction Methods. Crushed aggregate subbase course shall conform to all the current requirements for materials and construction methods of the Kentucky Department of Transportation for Dense Graded Aggregate Subbase Course (Section 303).

4. Granular Subbase Course

- aa. Description. Subbase, when provided for in the approved structural design of the pavement, shall consist of a granular layer conforming to the following material and construction specifications.
- bb. Materials and Construction Methods. Crushed aggregate subbase course shall conform to all the current requirements for materials and construction methods of the Kentucky Transportation Cabinet for Dense Graded Aggregate Subbase Course (Section 303).

5. Asphalt Prime Coat

Asphalt Prime Coat shall be applied to the surface of granular courses upon which asphalt base or surface courses will be constructed. Asphalt Prime shall conform to the Kentucky Department of Transportation requirements for Cutback Asphalt Emulsion Primer Type L, (Section 407). Prime shall be applied to the surface of granular base course at a rate of 0.25 to 0.50 gallons per square yard, as directed by the Planning Commission inspector, in conformance with requirements of the referred to specification.

6. Asphalt Tack Coat

Tack Coat shall consist of SS-1h, meeting the current requirements of the Kentucky Department of Transportation. It shall, when directed by the Planning Commission inspector, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Department of Transportation for Tack Coats (Section 407). Tack Coat shall be applied to the surface of asphalt courses that have become dusty or dry from traffic use at a rate of 0.10 gallons per square yard of the diluted SS-1h before the subsequent course is constructed or in other circumstances when the Planning Commission inspector so directs.

(2) Design of Asphalt Pavement Structure

- (a) Description.
Asphalt pavement structures for subdivision streets shall be designated in

conformance with the requirements of the specification. Thickness of the total pavement, and of component layers, shall be determined on the basis of Street Classification.

(b) Pavement Thickness Requirements

Thickness of component layers of the pavement for streets within the right-of-way and of the total pavement structure shall be determined by these Subdivision Regulations.

(D) Portland Cement Concrete Construction

The cement concrete pavement work shall consist of a single course of cement concrete, including reinforcement and longitudinal and transverse joints, where required, constructed on a prepared subgrade in general conformity with the lines, grades and cross-sections shown on the Improvements Plans.

(1) Materials

Concrete shall be composed of Portland Cement, air-entraining agent, aggregates, and water.

(2) Portland Cement

Cement of the type specified shall conform to requirements of the current ASTM specifications including Portland Cement Type I or Type II – High Early Strength (Designations C 150, C 175 or C 595). Cement, which for any reason has become partially set or which contains lumps of caked cement, shall be rejected. Either packaged or bulk cement may be used.

(3) Air-Entraining Agent

Air-entraining agents shall conform to the requirements of the current ASTM specifications for air-entraining admixtures for concrete (Designation C 260).

(4) Admixtures for Concrete

Chemical admixture of the type specified shall conform to requirements of the current ASTM specifications for Admixtures of Type A thru and Type E (Designation C 494). No pozzolans (Fly Ash) will be allowed as substitute for cement.

(5) Aggregates

All aggregates for concrete shall meet the current standard requirements for concrete pavements of the Kentucky Department for Transportation, Bureau of Highways, or the current ASTM specification for concrete aggregates (Designation C 33). Aggregates shall be so handled that moisture content and gradation are reasonably uniform and do not change appreciably from batch to batch or hour to hour. No aggregates shall be used which have become contaminated or intermixed. Frozen aggregates or aggregates containing frozen lumps shall be thawed before use.

(6) Water

Water used in mixing or curing concrete shall be clean and free from injurious amounts of oil, acids, salts, alkali, or organic materials or other substances harmful to concrete. Normally, water from public supplies, which is suitable for drinking, is satisfactory.

(7) Reinforcing Steel

Reinforcing steel, if specified, shall conform to current Standard Specifications of the Kentucky Department of Transportation, Bureau of Highways.

(8) Joints

- (a) Expansion joints shall be non-extruding pre-formed joint fillers and shall conform to current Standard Specifications of the Kentucky Department of Transportation. The selection of the type will be at the contractor's option.
- (b) Joint Sealing Compound. The material used for filling and sealing cracks and/or joints shall be W.R. Meadows Sealtight #164 – Hot Pour Rubber Asphalt Sealer, W.R. Meadows Sealtight Hi-Spec Hot Pour Joint Sealing Compound or approved equal (AASHTO M 173).

(9) Batching

Batching shall conform to Kentucky Department of Transportation, Bureau of Highways Specification 601.08 through 601.18.

(a) Strength of Concrete

Finished concrete shall attain a minimum expected strength at 28 days of 4000 pounds per square inch compressive strength and/or 570 pounds per square inch flexural strength "modulus of rupture".

Except for sidewalks, curb and gutters, and driveway aprons, at least three (3) test cylinders shall be made for each day's placement for each 100 cubic yards, or portion thereof, by a recognized testing laboratory. One (1) cylinder shall be broken at seven (7) days and two (2) cylinders at 28 days. The results of these tests shall be sent directly to the Planning Commission, Design Engineer, Contractor, and concrete supplier.

The fabricating, curing, breaking, and reporting the test cylinders, slump test, and air content test shall be made at the contractor's expense.

(b) Proportioning Concrete

The proper proportions of cement, water, and aggregates shall be determined in accordance with ACI Standard 613, "Recommended Practice for Selecting Proportions for Concrete", or the Portland Cement Association booklet, "Design and Control of Concrete Mixtures", latest editions.

The entrained air shall be obtained by using an air-entraining agent. All concrete shall be air-entrained in accordance with the following:

<u>Maximum Size of Aggregate (inches)</u>	<u>Air Content Percent by Volume</u>
1-1/2, 2, 2-1/2	5 + / - 1%
3/4, 1	6 + / - 1%
3/8, 1/2	7 - 1/2 + / - 1%

(a) Consistency

The slump of the concrete shall not exceed four (4) inches. Consistency shall be measured as described in the current ASTM Standard Method of Slump Test for Consistency of Portland Cement Concrete (Designation C 143 or Method of Test for Ball Penetration for Portland Cement Concrete, Designation C-360).

(b) Ready – Mixed Concrete

All ready-mixed concrete shall be furnished in accordance with current ASTM specifications for ready-mixed concrete (Designation C 94 or AASHTO M 157). Any concrete, which is not plastic and workable when it reaches the subgrade, shall be rejected.

(1) Time of Delivery

Concrete shall be delivered and discharged from a truck mixer or agitator truck within a period of one and one-half (1-1/2) hours at air temperatures up to eighty-five (85) degrees Fahrenheit, and one (1) hour at air temperatures higher than eighty-five (85) degrees Fahrenheit, after introduction of the water to the cement and aggregates or the cement to the aggregates. Delivery tickets shall have this time clearly shown thereon, and the Planning Commission inspector may check to be certain that delivery was made within the period specified.

(2) Type of Delivery Equipment

Concrete shall be delivered in truck mixers or agitator truck (i.e., trucks providing mechanical agitation by revolving drums or revolving blades in a stationary drum) operated after time required for thorough mixing of the concrete at the speed designated by the manufacturer as agitating speed.

(c) Job – Mixed Concrete

Job – mixed concrete shall be mixed in a drum mixer, which shall conform to the concrete paving mixer standards of the Mixer Manufacturers Bureau of the Association General Contractors of America. The mixer shall be capable of combining the aggregates, cement, and water into a thoroughly mixed and uniform mass within the specified time and of discharging the material without segregation. The entire contents of the drum shall be discharged before

recharging. The volume of the mixed materials per batch shall not exceed the manufacturer's guaranteed capacity of the mixer.

1. Time of Mixing. The mixing of each batch shall continue for not less than one minute after all materials, except water, are in the mixer. The mixer shall rotate at the rate recommended by its manufacturer. The mixer shall be provided with a batch timing device, which shall be subject to inspection and adjustment by the Planning Commission inspector.

(d) Adjusting Slump of Concrete

Measured amounts of water can be added. After adding water, an additional slump test must be made.

(10) Measuring Air Content

The air content shall be measured in accordance with ASTM Method of Test for Air Content of Freshly Mixed Concrete by the Pressure Method (Designation C 231) or ASTM Method of Test for Air Content of Freshly Mixed Concrete by the Volumetric Method (Designation C 173).

(11) Forms

Except for slipform paving methods, fixed forms may be made of wood or metal and shall have a depth equal to or greater than the prescribed edge of thickness of the pavement. Each section or form shall be straight, free from bends or wraps. The method of connections between the form sections shall be such that the joint thus formed is tight and free from movement in any direction. Forms shall be of such cross-sections and strength and so secured as to resist the pressure of the concrete when placed, and the impact and vibration of any equipment which they support without springing or settlement.

(a) Setting Forms

The subgrade under the forms shall be compacted and shaped so that the form set shall provide the specified elevation. The supply of forms shall be sufficient to permit their remaining in place for sufficient time, so when removed, the concrete will not be displaced. All forms shall be cleaned and oiled each time they are used.

(b) Grade and Alignment

The alignment and grade elevation of the forms shall be checked by the contractor immediately ahead of concrete placement and necessary corrections will be made. Any forms that have been disturbed or Subgrade that has become unstable shall be corrected and forms reset and rechecked. Any variations in grade and alignment shall be subject to approval of the Design Engineer and Planning Commission Inspector prior to placing concrete.

(12) Placing Concrete

The concrete shall be mixed in quantities required for immediate use and shall be deposited on the subgrade to the required depth and width of the construction lane in successive batches and in a continuous operation, without the use of intermediate forms or bulk-heads. The concrete shall be placed as uniformly as possible, in order to minimize the amount of additional spreading necessary. While being placed, the concrete shall be vibrated and compacted with suitable tools, so that the formation of voids or honeycomb pockets is prevented.

No concrete shall be placed around manholes or other structures until they have been brought to the required grade and alignment. Additional tamping and compaction will be required after raising manholes.

(a) Cold Weather Concreting

Concrete may be placed when the air temperature in the shade and away from artificial heat is thirty-five (35) degrees Fahrenheit or higher. No concrete shall be placed upon frozen subgrade. However, if subgrade has been protected from freezing and concrete temperature is 50 degrees or higher, concrete may be placed until ambient temperature drops to 25 degrees. Concrete shall be protected from freezing for a period up to three (3) days or until concrete reaches a compressive strength of 500 psi.

(b) Hot Weather Concreting

Except by approval of the Planning Commission inspector, concrete placing shall cease if the temperature of the plastic concrete cannot be maintained at ninety (90) degrees Fahrenheit or lower.

To facilitate the placement of concrete in hot weather, a retarding chemical admixture Type B or D, in conformance with ASTM C-494, may be used.

153.13 CONSTRUCTION AND INSPECTION PROCEDURES

(A) Purpose.

The purpose of this section is to set forth the Planning Commission's construction and inspection procedures. These procedures should create a closer continuity between the developer, contractor, engineer, and Planning Commission representatives.

(B) Inspection Procedures.

(1) Inspection of Erosion and Sedimentation Control.

- (a) After the Improvements Plans and Preliminary Plat are approved or conditionally approved, the developer proceeds with the preparation of erosion and sedimentation control measures.
- (b) Prior to any construction grading, stripping, excavation, filling, or other disturbance of the natural ground cover, the developer must implement proper erosion and sedimentation control plans to protect the existing developed areas. The Administrative Official shall review the erosion and sedimentation control for conformance to the approved or conditionally approved Improvements Plans and the requirements of the Subdivision Regulations, and notify developer of needed action.

(2) Inspection of Initial Grading Operation

The Administrative Official shall periodically inspect the initial grading operation. This field inspection will deal with a general review of the area to be graded within the limits of the roadway with emphasis on the subsoil in particular. The sod and topsoil should be removed from the roadway grading area. The developer's design engineer or their representatives shall review the alignment and grade stakes of the proposed roadway. The grade operations shall be inspected periodically throughout its construction period. Ninety-five (95) percent of the standard proctor as determined by a certified independent laboratory, paid for by the developer, will have to be attained before the grading operations will be acceptable. A graphical copy of the proctor test shall be supplied to the Planning Commission.

(3) Inspection of Culvert Pipe and Other Drainage Improvements

The developer's design engineer or their representatives shall inspect or be present when the installation of culvert pipes is started. Driveway drainage tiles shall have a minimum cover of six (6) inches. In general reference, the design Engineer shall inspect all proposed drainage improvements and certify that they were constructed in accordance with the approved Improvements Plans.

(4) Inspection of Subgrade Preparation

The subgrade shall meet the density requirements of ninety-five (95) percent of the standard proctor in each lift. All compaction density testing shall be conducted by an independent engineering firm and paid for the developer. A graphical copy of the test results shall be supplied to the Planning Commission's Administrative Official. The developer shall give the Administrative Official twenty-four (24) hour notice of

scheduled density testing. The Administrative Official will periodically inspect all subgrade preparation.

(5) Inspection of Curb, Gutter, and Sidewalk Construction

The developer shall give the Administrative Official twenty-four (24) hour notice of scheduled construction of any curb, gutter, or sidewalks. The Administrative Official shall periodically inspect the construction of all curb, gutter, or sidewalks.

(6) Inspection of Dense Graded Aggregate Base Construction

The developer shall give the Administrative Official twenty-four (24) hour notice of scheduled dense grade aggregate base construction. All DGA base shall be constructed to at least eighty-four (84) percent density. The Administrative Official shall periodically inspect the construction of the DGA base.

(7) Inspection of Asphalt Base Construction

The Administrative Official shall inspect the beginning of the asphalt base application and will periodically inspect the overall progress. If a deficiency develops in the asphalt base course of any consequence, adjustments will be made in the overlying or succeeding asphalt surface course to compensate for the deficiency. The developer shall give the Administrative Official twenty-four (24) hour notice of scheduled asphalt base construction.

(8) Inspection of Asphalt Tack Coat and Asphalt Surface Application

The Administrative Official shall inspect the beginning of the asphalt tack coat, if deemed necessary to apply, and the application of asphalt surface course. Periodic inspection will be made of this construction. The developer shall give the Administrative Official twenty-four (24) hour notice of scheduled surface applications. The asphalt surface or topcoat shall not be applied for a period of at least twelve (12) months after completion of the asphalt base construction.

(9) Inspection of Final Dressing

The Administrative Official will review the final dressing of shoulder and ditches, the backslopes in cuts, and embankment slopes.

(10) Inspection at Completion of Construction

The Administrative Official will inspect the new development in its entirety once all items, appurtenances, and incidentals have been completed in compliance with the approved Improvements Plan and these Subdivision Regulations. Upon approval of the development as a result of the Final Inspection, the Administrative Official shall issue a Certificate of Compliance pursuant to KRS 100.277(4) and forward said certificate to the appropriate legislative body.

153.14 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

(A) General.

No final Subdivision Plat shall be approved by the Planning Commission or accepted for record by the Marion County Clerk until the required improvement listed in these Subdivision Regulations are constructed in a satisfactory manner and certified as such by the developer's engineer and inspection approval is given by the Administrative Official. If such improvements have not been fully constructed at the time of consideration of the Final Plat, the Planning Commission may, but is not required to do so, permit the plat to be approved and recorded prior to completion of such improvements. For any such case, the Developer, to cover the full cost of completing all incomplete improvements, must post an acceptable improvement guarantee. The following requirements and procedures shall apply to such improvement guarantee:

(1) Improvement Guarantee

(a) Contract for Improvement Completion. If completion of all improvements, including but not limited to streets, sidewalks, curb and gutters, and storm water management facilities are not complete, or will not be completed prior to Final Plat consideration, the Planning Commission may enter into a contract with the subdivider whereby the Developer shall guarantee to complete all improvements required by these Subdivision Regulations or otherwise specified by the Planning Commission, in a manner satisfactory to the Planning Commission.

(b) Guarantee of Contract for Improvement Completion. To secure the contract authorized in this section of these Subdivision Regulations, the subdivider shall provide, subject to the approval of the Planning Commission and the Commission's attorney, one of the following guarantees:

1. Surety Bond.

The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the Commonwealth of Kentucky. The bond shall be payable to the Lebanon Planning Commission and shall be in the amount of two and one-half times the estimated costs of installing all required improvements, as estimated by the developer's engineer and approved by the Planning Commission. The duration of the bond shall be no longer than one (1) year.

2. Cash Deposit.

The subdivider shall deposit cash with the Planning Commission. The amount of the deposit shall be an amount of two and one-half times the estimated costs of installing all required improvements, as estimated by the developer's engineer and approved by the Planning Commission. The duration of the cash deposit shall be no longer than one (1) year.

3. Escrow Account.

In case of an escrow account, the subdivider shall file with the Planning Commission an agreement between the bank and the subdivider guaranteeing the following: That the funds of said escrow account shall be held in trust until released by the Planning Commission and may not be used, pledged, and/or assigned by the subdivider as collateral and/or security in any other matter during that period. The amount of the escrow account shall be an amount of two and one-half times the estimated costs of installing all required improvements, as estimated by the developer's engineer and approved by the Planning Commission. The duration of the escrow account shall be no longer than one (1) year.

4. Irrevocable Letter of Credit.

The subdivider shall provide, from a bank or other reputable institution, an irrevocable letter of credit. This letter shall be deposited with the Planning Commission and shall state the following:

- aa. That the creditor does guarantee funds in an amount twice the estimated costs of installing all required improvements, as estimated by the developer's engineer and approved by the Planning Commission;
- bb. That, in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the Planning Commission immediately, and without further action, such funds as are necessary to finance the completion of these improvements, up to the limit or credit stated in the letter of credit, and;
- cc. In the event that the proposed irrevocable letter of credit is for a term certain, the minimum term shall be for a period of twelve (12) months. The letter of irrevocable credit by its terms shall provide that in the event that the developer is found to be in default by the Planning Commission, the running of the time under the letter of irrevocable credit shall be suspended and the subject letter of irrevocable credit remain in effect for so long as necessary to secure completion of the improvements pursuant to the applicable law and regulations.
- dd. In the event the Planning Commission finds that the developer is in default and the developer appeals this decision to the appropriate Circuit Court, then the bank or other reputable institution shall direct payment of the irrevocable letter of credit to the appropriate Circuit Court for distribution pursuant to the order of the court.

5. Property

The subdivider may provide property as collateral. The subdivider shall provide evidence of clear title. The Planning Commission shall obtain a first mortgage on said property. The property fair market value must be in the amount of two and one-half times the estimated costs of installing all required improvements, as estimated by the developer's engineer and

approved by the Planning Commission.

- (2) If the developer is a corporation, limited partnership, limited liability Company (LLC), or business trust that limits the individual liability of the developer, the Planning Commission may require the individual developers to execute a personal guaranty of the contract required by these regulations.

(B) Reasonable Time Given for Completion of Improvement(s)

- (1) When the subdivider has provided surety for the contract as provided for in this section of these Subdivision Regulations, the Planning Commission shall set a reasonable time for the improvements to be properly installed; however, this period shall be no greater than twelve (12) months. At the end of the period, if it is shown that extraordinary conditions exists which will require a longer period of time for the installation of the improvements, the developer shall file an "Improvement Guarantee Change Application" requesting a time extension for the completion of the improvements. The Planning Commission may grant an additional period of time, up to six (6) months, in which the developer shall extend the improvement guarantee and properly install all improvements.

(C) Reduction of Improvement Guarantee

- (1) If progress has been made on the completion of improvements as provided in these Subdivision Regulations and in a manner satisfactory to the Planning Commission, then at its sole discretion, the Planning Commission may authorize a reduction of the contract for improvement completion.
- (2) The developer shall file an improvement guarantee change application when requesting any reduction of a contract for improvement completion. The developer's engineer shall certify that all completed improvements have been constructed and determine the amount necessary to construct all incomplete improvements. If the Planning Commission authorizes the reduction of an improvement guarantee, the reduction shall be based upon the following formula:

New improvement guarantee = $2 \frac{1}{2}$ x total value of incomplete improvements

(D) Default

- (1) In the event that the improvements for the development do not conform to these Subdivision Regulations or the improvements area not completed within the period of time allowed by the Planning Commission and the deficiency is not remedied within sixty (60) days of Notice being given by the Administrative Official, a hearing shall be scheduled before the Planning Commission to determine if the developer is in default. A minimum ten (10) day Notice of Hearing shall be given to the developer.

- (2) Based upon a preponderance of the evidence presented at the hearing, the Planning Commission shall hold a public adjudicatory hearing and determine the following:
 - (a) If the developer is in default for failure to construct the improvements pursuant to the Improvements Plan and the applicable regulations;
 - (b) Whether the improvements have been completed within the time allowed by the Planning Commission;
 - (c) The appropriate measures that should be taken to ensure that the improvements is completed in accordance with the Improvements Plan and the applicable regulations; and,
 - (d) Any penalties that are appropriate.

(E) “As-Built” Drawings

- (1) The Planning Commission shall require “As-Built” Drawings before any improvement guarantee is released for a proposed subdivision to check and ensure that all improvements were constructed according to proposed Improvements Plans. All “As-Built” Drawings shall be signed, dated, and approved by the design engineer and approved by the Planning Commission.

(F) Release

- (1) The Planning Commission will release the contract for improvement and accompanying guarantee when the required improvements have been constructed and carried out in accordance with these Subdivision Regulations. Upon final inspection and approval of the improvements as provided in these Subdivision Regulations, the Planning Commission shall release the developer and the applicable improvement guarantee.

153.15 ENFORCEMENT

(A) General.

Much of the authority for regulating land subdivision comes from the necessity for recording tracts of land with the County Clerk as a condition for transfer of ownership. These conditions are set forth in Section 100 of the Kentucky Revised Statutes and in these Subdivision Regulations.

(B) Penalties.

If any subdivider, County Clerk, public official, or other persons who does not comply with these Subdivision Regulations, Section 100 of the Kentucky Revised Statutes, the conditions set forth by the Planning Commission, Board of Adjustments, or any court, or does not comply with the plans presented and approved, the Planning Commission may take the following action or may seek any other remedy as provided by state law:

(1) Injunctions.

The Planning Commission may apply for an injunction against any type of subdivision construction by a subdivider or a landowner.

(2) Permits.

The Planning Commission may direct the local Building Inspector to issue a stop work order or not to issue building permits or a certificate of occupancy in the subdivision in question.

(3) Fines.

The Planning Commission may take action to fine any person or entity that is in violation of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided. Upon conviction, the persons or entity shall be fined not less than one hundred (100) dollars but not more than five hundred (500) dollars for each violation. Each day of violation shall constitute a separate offense.

(C) Administrative Personnel.

Kentucky Revised Statutes place the authority of enforcement with the Planning Commission. However, the Planning Commission may delegate its administrative and enforcement authority to various agents. In other situations, it may depend on other municipal or county departments for information and advice, as in the case of public utilities inspection.

(1) Administrative Official.

An Administrative Official shall be designated by the Planning Commission to administer the Subdivision 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 regulations, 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 these Subdivision Regulations.

(D) Appeals.

A developer or any approved party before the Planning Commission may appeal a final decision of the Planning Commission in accordance with the applicable provision of state law.

(1) Appeals of Final Decisions of Planning Commissions.

Any appeal of a final decision of the Planning Commission may be taken in the following manner:

- (a) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission may appeal from the action to the Circuit Court of Marion County. Such appeal shall be taken within thirty (30) days after the final action of the Planning Commission. Final action shall not include Planning Commission's recommendations made to other governmental bodies.
- (b) All appeals shall be taken in the appropriate Circuit Court within thirty (30) days after the action or decision of the Planning Commission, and all decisions that have not been appealed within thirty (30) days shall become final in

accordance with and subject to applicable state law. After the appeal is taken the procedure shall be governed by the rules of civil procedure.