Subdivision Regulations

of

Christian County, Kentucky

PUBLIC HEARING COPY

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Subdivision Regulations
Christian County, Kentucky

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ARTICLE I. GENERAL PROVISIONS

SECTION 1.01 PURPOSE

These subdivision regulations are designed to encourage the subdividing of land according to recognized standards which provide for sound, efficient, and economical development; to provide for safe, convenient, and efficient traffic circulation; to ensure that future growth will be orderly and conducive to a minimum outlay of public and private expenditures in providing services to developing areas; to provide for adequate and convenient open spaces for utilities, recreation, light, air, and access of emergency services; and to provide for the provision of public water and other county services.

SECTION 1.02 TITLE

These regulations shall be known and may be cited as the "Subdivision Regulations of Christian County, Kentucky". A certified copy of these regulations are on file with the Hopkinsville-Christian County Planning Commission and with the County Clerk of Christian County.

SECTION 1.03 LEGISLATIVE AUTHORITY

These regulations were prepared and adopted by the Hopkinsville-Christian County Planning Commission ['Planning Commission'] under authority granted by the Kentucky Revised Statutes (KRS), Chapter 100. Under these regulations, Christian County Government, through its Road Department, performs inspections related to the construction and installation of streets and right-of-way appurtenances and, as such, has adopted the standards contained in Article VI, Division 2 of these regulations by Ordinance.

SECTION 1.04 AREA OF JURISDICTION

The provisions of these regulations shall apply to all unincorporated lands within Christian County, Kentucky.

SECTION 1.05 ADMINISTRATION

These regulations shall be administered by the Hopkinsville-Christian County Planning Commission (see Article III). All applications, fees, maps, and documents required for subdivision approval shall be submitted to the Planning Commission. The Planning Commission is responsible for the administration of these regulations and may seek advice from local, regional, and state agencies regarding subdivision proposals. The Planning Commission shall coordinate the review of public improvements with the Christian County Road Department and affected utility providers.

SECTION 1.06 COMPLIANCE WITH APPLICABLE RULES AND STANDARDS

A. In addition to the regulations set forth herein, all subdivisions of land including the design, construction, and/or dedication of improvements shall comply with the following laws, rules, and regulations:

   1. All applicable federal laws including the administrative regulations promulgated by federal departments and agencies;
   2. All applicable provisions contained in the Kentucky Revised Statutes and Kentucky Administrative Regulations;
   3. All jurisdictional ordinances;

4. The requirements of the Christian County Health Department;
5. The requirements of the Kentucky Transportation Cabinet if the subdivision abuts a state highway or requires access to a road maintained by the Commonwealth of Kentucky or as may be required by KRS 100.287 or other applicable law; and
6. The standards and regulations promulgated by the affected utility providers.

B. No subdivision of land shall increase the nonconformity of a lot; however, the subdivision, redivision, or consolidation of a lot(s) that reduces such nonconformity shall be permitted.

SECTION 1.07 INTERPRETATION AND CONFLICT WITH PRIVATE PROVISIONS

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum for the promotion of the public health, safety, and general welfare of the citizens of Christian County. Minimum requirements shall be defined as those regulations and standards found herein and shall constitute the degree of compliance which must be maintained before approval can be granted.

B. Neither these regulations, nor any provision herein, is intended to repeal any easement, covenant, or any other private agreement or restriction.

SECTION 1.08 PLANNING COMMISSION APPROVAL REQUIRED FOR SUBDIVISIONS

A. No person or his agent shall subdivide any land before securing approval of the Hopkinsville-Christian County Planning Commission on a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the County Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the Chairman or Executive Director of the Hopkinsville-Christian County Planning Commission.

B. No person owning land composing a subdivision, or his agent, shall transfer or 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 or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the Planning Commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the Planning Commission.

C. Any street or other public ground which has been dedicated shall be accepted for maintenance by the Christian County Fiscal Court after it has received final plat approval by the Planning

Commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by the fiscal court forty-five (45) days after inspection and final approval.

D. Any instrument of transfer, sale, or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the Planning Commission.

SECTION 1.09 LAND SOLD IN VIOLATION OF THE SUBDIVISION REGULATIONS

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, the owner or owners of record shall file plats of the land in accordance with these regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of these regulations, the land shall be governed by the subdivision regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of these regulations. Plats filed pursuant to these regulations may be filed by the last transferee in the chain of title including holders of deeds, which may be otherwise void under KRS 100.277(2).

SECTION 1.10 ENFORCEMENT, VIOLATION, AND PENALTIES

A. The Planning Commission or a duly-appointed representative thereof shall administer and enforce these regulations. Any individual in violation of these regulations shall be notified by the Planning Commission and be given ten (10) days to respond to said notification. Inappropriate response and continued violation or lack of compliance with these regulations shall be brought to the attention of the Commission's Attorney (KRS 100.991).

B. Any person or entity who violates any of the provisions of KRS 100.273 to 100.292 or these subdivision regulations adopted pursuant thereto for which no other penalty is provided shall, upon conviction, be fined not less than ten dollars ($10) but not more than five hundred dollars ($500) for each conviction. Each day of violations shall constitute a separate violation.

C. Any person, owner, or agent who violates these regulations shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each lot or parcel which was subject to sale or transfer, or contract for sale or transfer.

D. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

SECTION 1.11 AMENDMENTS

The Hopkinsville-Christian County Planning Commission's Governing Board may, in accordance with the provisions of KRS 100, revise, modify, or amend these regulations by appropriate action after a public hearing has been held.

SECTION 1.12 SEPARABILITY AND REPEAL OF PREVIOUS REGULATIONS

A. Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations. It is the intention of the Hopkinsville-Christian County Planning Commission to adopt each provision of these regulations separately.

B. Any previously adopted subdivision regulations governing the unincorporated areas of Christian County, Kentucky are hereby repealed.

SECTION 1.13 EFFECTIVE DATE

These regulations shall be effective on January 1, 2027, following adoption by the Hopkinsville-Christian County Planning Commission's Governing Board and the adoption of Public Improvement Specifications (Article VI, Division 2), as contained herein, by the Christian County Fiscal Court. Any subdivision which has been properly submitted and accepted by the Planning Commission on or after the effective date of these regulations shall comply with all provisions herein. Any subdivision that has received preliminary plat approval prior to the effective date of these regulations shall continue to comply with the previous subdivision guidelines, provided such plat receives final approval and is recorded within two (2) years of the effective date of these regulations.

SECTIONS 1.14 TO 2.00 RESERVED

SECTION 2.01 USE OF WORDS AND TERMS

A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this Article.

B. Whenever any words and phrases used herein are not defined by this article but are defined in KRS 100 or other state laws regulating the creation and function of a planning commission, any such definition therein shall be deemed to apply to such words and phrases, except when the context otherwise requires.

C. For the purpose of these regulations, certain words and phrases shall be interpreted as follows:

1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity;
2. The masculine includes the feminine;
3. The present tense includes the past and future tense; the singular number includes the plural;
4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement;
5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied";
6. Whenever a number of days is specified in these regulations, including an approval, condition of approval, denial, or other required notice, the number of days shall mean calendar days unless otherwise specified; and
7. The word "lot" includes the words "plot", "parcel", and "tract".

D. In the case of any difference of meaning or implication between the text of these regulations and any caption, number, illustration, or table, the text shall govern, unless otherwise specifically noted.

SECTION 2.02 WORDS AND TERMS DEFINED

Certain words or terms used by these regulations are defined below and shall have the meaning ascribed to them:

ABUT – To physically touch or border upon, or to share a common property line (See Adjoining Lot or Land and Contiguous).

ACCESS – A way or means of approach to provide physical entrance to a property.

ACRE – A measure of land containing 43,560 square feet.

ADJOINING LOT OR LAND – A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land (See Abut and Contiguous).

AGRICULTURAL USE – An agricultural use as defined by KRS 100.111.

APPLICANT – The subdivider or the subdivider's agent.

APPROVED PLAN – A plan which has been granted final approval by the approving authority.

APPROVING AUTHORITY – The individual or entity authorized by these regulations and/or the provisions of the Kentucky Revised Statutes to grant final approval (or denial) to an application for a building permit, certificate of occupancy, subdivision plat, site or development plan, or other permit or certificate requisite to development or the division of property.

BASE FLOOD ELEVATION – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/A1-30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

BUILDING AREA – The area of a lot minus areas reserved for utilities, access easements and drives, septic systems and wells, and floodways and other natural features precluding development.

BUILDING SETBACK LINE – The line, established by ordinance, restrictive covenant, or plat illustration, beyond which a building shall not extend. The building setback line may also be referred to as the "building line".

CEMETERY – Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries (but excluding crematories) if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CERTIFICATION – A written statement by the appropriate authority that required construction, inspections, tests, or notices have been performed and comply with applicable requirements.

CHANNEL – A natural or artificial water course of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

COMPLETE APPLICATION – The submission by the subdivider of all documents, exhibits, and fees required by these regulations or applicable law necessary for a final action or determination by the Governing Board or Director to be made.

COMPREHENSIVE PLAN – A plan, or any portion thereof, adopted by the Planning Commission, with goals and objectives adopted by the Fiscal Court, showing the general location and extent of the present and proposed physical facilities including housing, industrial and commercial uses, parks, schools, transportation, and other community facilities. The plan may also include development policy or guidelines for future growth and development.

CONSOLIDATION – The removal of lot lines between continuous parcels.

CONSOLIDATION PLAT – A final plat which combines two or more lots of record, or platted portions thereof, into a single, undivided parcel.

CONTIGUOUS – Next to, abutting, or touching and having a boundary, or portion thereof, which is conterminous (See Abut and Adjoining Lot or Land).

CUL-DE-SAC – The turnaround at the end of a dead-end street.

DEDICATION – Gift or donation of a property by the owner to another party.

DEED – A legal document conveying ownership of real property.

DENSITY – The number of dwelling units permitted per net acre of land. For the purposes of these regulations, net acre shall mean the land area confined within the lot's boundaries, excluding public rights-of-way.

DETENTION BASIN – A pond, pool, or basin with controlled stormwater release used for the temporary storage of water runoff.

DEVELOPMENT REGULATION – All applicable laws, ordinances, rules, and regulations governing the subdivision or development of property (See Section 1.06).

DIRECTOR – The Executive Director of the Hopkinsville-Christian County Planning Commission including subordinate staff directly assigned.

DRAINAGE – (1) Surface water runoff; (2) The removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development and the prevention or alleviation of flooding.

DRAINAGE SYSTEM – Pipes, swales, natural features, and man-made improvements designed to carry drainage.

DWELLING UNIT – A room or group of rooms designed and equipped exclusively for the use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking, and eating.

EASEMENT – An authorization or grant of land by a property owner to specific person(s) or the general public to use said land for a specific/expressed purpose(s).

EASEMENT (DRAINAGE) – An easement reserved for the installation and maintenance of storm water sewers, drainage ditches, basins, and/or required for the preservation or maintenance of a natural stream or water course or other drainage system facilities.

EASEMENT (INGRESS AND EGRESS) – An easement reserved to allow for the perpetual, unobstructed right of access, typically from a subdivided parcel to a publicly maintained street.

EASEMENT (UTILITY) – An easement reserved to allow for the installation and maintenance of utility services such as water, sewer, natural gas, and electric.

EGRESS – An exit; to depart from a building or lot.

EMINENT DOMAIN – The authority of a government to take, or to authorize the taking of, private property for public use.

ENGINEER, PROFESSIONAL – An individual licensed by the Kentucky Boad of Licensure for Professional Engineers and Land Surveyors to practice engineering.

ENLARGEMENT – To increase the size of an existing structure, lot, or use.

EROSION – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

EXCAVATION – Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land or beneath the surface thereof, whether exposed or submerged.

EXCEPTED SUBDIVISION OR EXCEPTED PLAT – A plat depicting property not constituting a subdivision under these regulations or as defined by KRS 100.

EXISTING GRADE OR ELEVATION – The vertical location of the ground surface prior to excavation or filling.

FILL – Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

FINAL APPROVAL – The last official action of the Director, Governing Board, or Fiscal Court taken on a complete application which has been approved, after all conditions and requirements have been met and the required improvements have been installed or a surety instrument has been posted to guarantee the installation of required improvements.

FINAL PLAT – The plat of a subdivision intended for review and approval by the Planning Commission prior to recording.

FINAL (RECORD) PLAT – The plat constituting the legal instrument intended for filing at the Office of the Christian County Clerk and which has received all final approvals required by these regulations requisite to recording.

FLOOD (OR FLOODWATER) – An overflow or inundation of normal dry lands from a stream or other body of water; the high stream flow overtopping the banks of a stream; or a high flow as measured by each stage or discharge.

FLOOD, 100 YEAR – A flood having a peak discharge which can be expected to be equivalent to a probability of occurrence of one percent (1%) in any given year (a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year).

FLOOD HAZARD AREA – A flood plain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, or reservoirs.

FLOOD PLAIN – The relatively flat area of low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe.

FLOOD PLAIN, 100 YEAR – The Areas of Special Flood Hazard as defined by Christian County Ordinance 97-2 (as amended).

FLOODWAY – The channel of a river or stream and those portions of the flood plain adjoining the floodwater or flood flow of any river or stream.

FLOODWAY FRINGE – Those portions of the flood hazard area lying outside the floodway.

FRONTAGE – The side of a lot abutting on a street; the front lot line.

GOVERNING BOARD – The convened, duly appointed members of the Hopkinsville-Christian County Planning Commission constituting a quorum, acting as a decision making body at a regular or special called meeting.

GRADE – The average level of the finished surface of ground adjacent to the exterior walls of the building.

GRADE, FINISHED – The final elevation of the ground surface after development.

GRADE, NATURAL – The elevation of the ground surface in its natural state before man-made alterations (See Existing Grade or Elevation).

IMPERVIOUS SURFACE – A surface which does not absorb or percolate water. Impervious surfaces include all buildings; asphalt, concrete, or bricked parking areas, driveways, roads, sidewalks, and patios; compacted gravel and other man-made improvements which similarly impede the natural infiltration of stormwater; and water bodies including pools.

IMPERVIOUS SURFACE COVERAGE – The area, measured horizontally, of all impervious surfaces on a lot, expressed as a percentage of lot area.

IMPROVEMENT – Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

IMPROVEMENTS (REQUIRED) – Infrastructure necessary to provide essential services to a development or lot, the provision of which is required, or guaranteed through surety, prior to subdivision approval.

INFRASTRUCTURE – Facilities and services needed to sustain industry, residential, and commercial activities. Infrastructure may include, but is not limited to, water and sewer facilities, stormwater detention basins and drainage systems, public streets and sidewalks, and electric, gas, and telecommunications services.

INGRESS – Access or entry.

LAND USE – A description of how land is occupied or utilized.

LOT – A parcel, tract, or area of land established by a plat, deed, or otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA – The horizontal area within the exterior boundary lines of the lot, exclusive of streets, highways, alleys, roads or other rights-of-way.

LOT COVERAGE – The ratio of enclosed ground floor area (gross) of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE – The front of a lot abutting the street.

LOT LINE, FRONT – Lot line(s) bounding a lot as follows:

INTERIOR LOT – The line separating the lot from the street.

CORNER OR THROUGH LOT – The line separating the lot from either street.

LOT LINE, REAR – The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT LINE, SIDE – Any boundary of a lot which is not a front lot line or rear lot line.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or a parcel described by metes and bounds, the description of which has been recorded by deed.

LOT TYPES – Terminology used in these regulations with reference to different types of lots is as follows:

1. CORNER LOT – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.
2. INTERIOR LOT – A lot with only one frontage on a street.
3. REVERSED FRONTAGE LOT – A lot on which frontage is at right angles to the general pattern in the area. A REVERSED FRONTAGE LOT may also be a CORNER LOT.
4. THROUGH LOT – A lot other than a corner lot with frontage on more than one street. THROUGH LOTS abutting two streets may be referred to as double frontage lots.

MAJOR SUBDIVISION – Any division of property not constituting a minor subdivision or excepted subdivision as defined herein.

MINOR SUBDIVISION – The division of property into not more than ten (10) lots, including redivision or successive divisions occurring within a 12 month period, and not involving the construction or dedication of a street greater than 100 feet in length.

NONCONFORMING LOT – Any lot, lawfully existing on the effective date of these regulations or an amendment thereto, which fails by reason of such adoption or amendment to comply with the area, lot width, frontage, or other standards currently applicable to the lot.

NUISANCE – An interference with the enjoyment and use of property.

OFF-SITE – Located outside the lot lines of the lot or subdivision in question.

ON-SITE – Located on the lot(s) that is the subject of an application for subdivision.

ORDINANCE – Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

OWNER – Any person, group of persons, firm, association, organization, partnership, trust, company, corporation, or other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PEDESTRIAN – An individual who travels on foot.

PERMIT – Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

PLANNING COMMISSION – The Hopkinsville-Christian County Planning Commission (dba Community and Development Services). This term includes the Planning Commission's Governing Board and, where specified or delegated by these regulations, its Director and assigned staff.

PLAT – A graphic illustration, prepared by a licensed land surveyor, representing a tract of land, showing the boundaries and location of individual properties, streets, easements, and other surveyed features (See Preliminary Plat and Final Plat).

PRELIMINARY PLAT – The drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval. An approved preliminary plat shall not be used for the convenience of property but may, subject to the requirements of these regulations, permit an applicant to commence certain improvements necessary for the submission and approval of a final plat.

PREMISES – One (1) or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures, and improvements.

PUBLIC HEARING – A meeting announced, advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE – The advertisement of a public hearing in a paper of general circulation in the area and through other media sources, indicating the time, place, and nature of the public hearing.

PUBLIC RIGHT-OF-WAY – A right-of-way in which a unit of government owns, maintains, or has acquired an interest to through an irrevocable offer of dedication.

PUBLIC USES – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

RESTRICTION – A limitation on property which may be created in a property deed, lease, mortgage, through development regulations, or as a condition of approval of an application for subdivision.

RESTRICTIVE COVENANT – A legal instrument under which title to real estate is conveyed that provides restrictions or limitations of use, occupancy, future subdivision, transfer, leasing, or other disposition of a unit or the limitations on the use of common elements or building materials or other restrictions affecting the use, disposition, and enjoyment of property.

RETENTION BASIN – A pond, pool, or basin used for the permanent storage of water runoff.

RIGHT OF ACCESS – The legal authority to enter or leave a property.

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 or storm sewer main, 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 rights-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, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

SEPTIC SYSTEM – An underground system with a septic tank used for the decomposition of domestic wastes.

SETBACK – The minimum distance established by the development regulations or restriction, measured from the lot line (property line) or other specified feature, defining the limits of a yard in which no structure may be located above ground.

SEWERS, CENTRAL OR GROUP – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWERS, SANITARY – A publicly maintained system of pipes designed to convey sewage from individual development sites to a treatment plant.

SIDEWALK – The portion of the street's right-of-way outside the paved roadway, which is improved for the use of pedestrian traffic.

SIGHT TRIANGLE – An unobstructed triangular area at street intersections designed to ensure that drivers can adequately see approaching traffic or pedestrian.

STREET – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road,

thoroughfare, avenue, boulevard, lane, court, place and other such terms. Except as otherwise denoted by these regulations, the term "street" means a "public street".

1. ALLEY – A street intended to provide access to the rear or side of lots or to buildings in urban areas and not intended for the purpose of through vehicular traffic.

2. ARTERIAL – A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The "arterial" system is divided into major and minor categories.

    a. MAJOR – A street intended to collect and distribute traffic and service areas such as community-commercial areas, primary and secondary educational schools, plants, hospitals, major recreational areas, churches, and offices.

    b. MINOR – A street intended to move traffic from local roads to major arterials.

3. CUL-DE-SAC – A local street open at one end only and with a special provision for vehicles turning around.

4. DEAD-END – A local street open at one end only and without a special provision for vehicles turning around.

5. FRONTAGE – A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas and for the control of access.

6. HIGHWAY – A term applied to streets and roads that are under the jurisdiction of the Kentucky Department of Transportation.

7. LOCAL – A system of streets and roads which primarily provides land access service and access to higher order systems.

8. LOOP – A local street with both terminal points on the same street of origin.

9. PARTIAL – A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

10. PERIMETER – Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

11. PRIVATE – A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

12. PUBLIC – A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, carports, walls, fences, signs, radio and cell towers.

SUBDIVIDER – The legal owner or owners of any land to be subdivided including any lawfully authorized agent(s) thereof.

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

SUBDIVISION – The division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street 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 these regulations.

SURETY INSTRUMENT – A financial guarantee in the form of an irrevocable letter of credit, performance bond, or cash deposit. The amount of a surety instrument shall be based on an engineer's itemized construction estimate, deemed sufficient by the Planning Commission or, where applicable, Fiscal Court, to guarantee the installation and acceptance of improvements required by these regulations.

SURVEYOR, PROFESSIONAL LAND – A person licensed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors to practice land surveying.

USE – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

UTILITY, MAJOR – Facilities, structures, and other uses that are necessary for the generation, transmission, and/or distribution of essential services to support development, such as electrical generating facilities and substations including solar farms and wind turbines, electrical and telephone switching stations, sewage collection and disposal facilities, water plants, water storage tanks, and similar uses.

UTILITIES, MINOR – Facilities, structures, and other uses necessary to distribute utilities and services such as transmission lines and poles, pipes, conduits and buried utilities, pump and lift stations, pole mounted transformers, and similar devices.

VICINITY MAP – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WORKING DAY – The normal days of business for the Hopkinsville-Christian County Planning Commission, i.e., Monday through Friday, excluding observed holidays.

YARD – An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations. A required yard area is the yard space between the property line and the minimum setback as may be required by the development regulations.

1. FRONT YARD. An area extending across the full width of the lot between the front lot line and the setback.
2. REAR YARD. An area extending the full width of the lot between a rear lot line and the setback.
3. SIDE YARD. An area extending from the front yard to the rear yard between the nearest side lot line and the setback.
4. STREET SIDE YARD (CORNER LOT). An area extending from the front yard to the rear yard between the lot line abutting the public street and the setback.

SECTIONS 2.03 TO 3.00 RESERVED

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SECTION 3.01 PLANNING COMMISSION TO ADMINISTER REGULATIONS

A. These regulations shall be administered by the Hopkinsville-Christian County Planning Commission. All applications, fees, maps, and documents related to subdivision approval shall be submitted to the Planning Commission.

B. Under these regulations, certain authority is delegated to the Planning Commission's Director (see Section 3.02). Review and approval authority exclusive to the Planning Commission's Governing Board includes, but is not limited to:

(1) Review and final action on all major subdivisions (preliminary and final);

(2) The hearing and deciding of appeals from actions of the Director;

(3) Recommendation to the Fiscal Court regarding the acceptance of public streets;

(4) Amendments to these regulations;

(5) The approval of design modifications in cases of unusual circumstance or hardship pursuant to the terms of Article IV, Division 3;

(6) All matters referred by the Director or required by the Governing Board pursuant to Section 3.02B; and

(7) All matters not otherwise delegated by these regulations or that may be required under the provisions of the Kentucky Revised Statutes.

SECTION 3.02 DUTIES OF THE DIRECTOR UNDER SUBDIVISION REGULATIONS

A. The Director shall assist the Planning Commission's Governing Board in the administration and enforcement of these regulations. Under these regulations, the Director shall have the authority and responsibility to:

(1) Review and, where appropriate, issue administrative approvals and other determinations for minor subdivisions;

(2) Receive and, where appropriate, authorize the filing of major subdivision plats consistent with the approval(s) of the Governing Board and these regulations;

(3) Maintain records of all plats, plans, applications, including all resulting actions, and fees collected;

(4) Review, file, and forward to the Governing Board the records and applications related to major subdivisions, appeals, and all other matters requiring review and consideration by the commission;

(5) Ensure consultation and coordination with the Christian County Road Department and affected utility providers (see Section 3.03);

(6) Provide clerical, technical, and consultative assistance to the Governing Board in the exercise of its duties;

(7) Investigate and resolve violations;

(8) Conduct inspections of lands and public improvements to determine compliance;

(9) Issue all administrative determinations necessary for the daily implementation of these regulations, subject to the referral provisions of Subsection B; and

(10) Perform all other duties as assigned by these regulations or as may be delegated by the Governing Board.

B. **Referral of Matters to the Governing Board.** The Director may request or the Planning Commission's Governing Board may require the referral of any matter, otherwise delegated or as provided in Section 3.02A, to the Governing Board for its advisement, review, and/or a final decision. Any person aggrieved by a decision of the Director in the administration of these regulations may appeal such order, requirement, decision, or determination to the Planning Commission's Governing Board for a final determination.

SECTION 3.03 COORDINATION OF REVIEW

Under these regulations and KRS 100, the Planning Commission's Governing Board or its Director is responsible for the review and approval of all subdivisions within the unincorporated areas of Christian County; however, the implementation of certain improvements will require the review and approval of relevant construction documents, onsite inspections, and compliance determinations by other departments or agencies. In its review, the Planning Commission shall reasonably ensure timely coordination.

SECTION 3.04 APPEALS FROM PLANNING COMMISSION ACTION

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission in the administration of these regulations shall appeal from the final action to the Christian County Circuit Court. Such appeal shall be taken within thirty (30) days of such action. All appeals shall conform to the requirements prescribed by KRS 100.347.

SECTIONS 3.05 TO 4.00 RESERVED

DIVISION 1: MAJOR SUBDIVISION REVIEW AND APPROVAL

SECTION 4.01 PROCEDURE IN GENERAL

A. The procedure for the review and approval of major subdivisions, as defined herein, shall consist of two separate steps. These are: 1) review and approval of a preliminary plat; and 2) review and approval of a final plat. For all plat considerations, the Planning Commission's Governing Board may approve, approve with conditions, or disapprove a request consistent with the terms of these regulations.

B. Approval of a preliminary plat shall be completed prior to making any street, drainage system, or utility improvements on lands subject to subdivision. When improvements are to be installed following the approval of the preliminary plat, such improvements shall not commence prior to the submission of all required construction plans and approval by the Christian County Road Department and/or the affected utility. Improvements commencing prior to the approval and recording of a final plat shall be deemed to occur at the "subdivider's own risk." The Planning Commission, Christian County Government, and any affected utility provider assume no responsibilities or liability for the non-acceptance of any public improvement occurring in the absence of an approved and recorded final plat.

C. Requests for the review and approval of a preliminary or final subdivision plat shall be accompanied by a written application. The Planning Commission's Governing Board shall approve the form of all applications to be considered by it. The Director shall maintain a copy of all application forms and shall provide such forms to prospective subdivider upon request.

SECTION 4.02 REVIEW OF PRELIMINARY PLAT; ACTION BY COMMISSION

A. **Pre-application Conference.** Prior to the submission of a preliminary plat for a major subdivision, a pre-application conference is strongly encouraged. The pre-application conference is designed to provide the subdivider with an opportunity to discuss the subdivision proposal and applicable requirements with the Director, designated staff, and relevant departments or agencies.

B. **Submission of Preliminary Plat**. The subdivider shall submit two (2) copies of a complete application (including applicable review fees) and twenty-four (24) black line copies of the preliminary plat to the Director no less than thirty (30) days prior to the Planning Commission meeting on which the request is to be considered. Preliminary plats shall conform to the standards of Section 5.02. Exception: The Director may authorize a reduction in the number of black line copies required when the preliminary plat is provided in a transmittable electronic format.

C. **Director's Review and Report.** Upon receipt, the Director shall review the preliminary plat for conformity with these regulations and shall transmit copies of the plat to the Planning Commission's Governing Board. At the discretion of the Director or the Governing Board, copies of the plat may be distributed to other departments or agencies for their review and comment. The Director shall prepare and distribute a written report on the requested preliminary plat approval to the Governing Board and subdivider. The Director's report may include review comments received from other departments or agencies.

D. **Action by the Planning Commission.** Upon receipt of a complete application, the Planning

Commission's Governing Board shall act on the preliminary plat within the time prescribed by KRS 100.281. All decisions and other actions shall be recorded in the minutes of the Planning Commission. If approving, the Planning Commission shall indicate approval in writing and shall state the conditions of approval, if any. Preliminary approval shall be noted on the plat and certified by the Director. If disapproved, the Planning Commission shall express, in writing, its disapproval and its reasons thereof. The Director shall promptly provide notice of the Governing Board's decision to the subdivider.

E. **Effect of Preliminary Plat Approval.** An application for the approval of the final plat will be considered only after the requirements for preliminary plat approval as specified herein have been fulfilled and after all other conditions have been met. Upon approval of the preliminary subdivision plat by the Planning Commission, the subdivider may proceed to comply with the other requirements of these regulations and the preparation of the final subdivision plat.

F. **Expiration of Approval.** The subdivider shall have two (2) years from the date on which a preliminary plat was approved or conditionally approved by the Planning Commission to submit a final plat. Failure of the subdivider to submit a final plat within this time period shall void the approval of the preliminary plat. The subdivider may request and the Governing Board may grant an extension to this time limitation, not to exceed one (1) year for a single phased subdivision nor more than three (3) years when final plats are to be submitted in multiple phases. The failure of the applicant to formally request an extension shall void the preliminary plat's approval.

G. **Modifications to an Approved Preliminary Plat.** The subdivider may request and the Director may authorize minor modifications to an approved preliminary plat. Such modifications, when authorized, shall not require the resubmission or reconsideration of the preliminary plat prior to the preparation of the final plat. The subdivider's request for modification and the Director's authorization shall be in writing. Minor modifications do not include any change that would:

(1) Result in an increase in the number of lots;
(2) Alter the exterior boundary of the subdivision through the addition or removal of land;
(3) Alter the length or location of the proposed right-of-way by more than fifty (50) feet; and/or
(4) In the opinion of the Director, exceed the scope or intent of the Governing Board's original approval or consideration.

The Director shall coordinate the approval of modifications with the Christian County Road Department and any affected utility provider.

SECTION 4.03 REVIEW OF FINAL PLAT; ACTION BY COMMISSION; RECORDING

A. **Submission.** Following the approval of the preliminary plat and the completion of all conditions requisite to such approval, the subdivider may proceed with the submission of a final plat for consideration by the Planning Commission. The subdivider shall submit two (2) copies of a completed application form (including applicable review fees), twenty-four (24) signed (owner and surveyor) black line plat copies to the Director no less than thirty (30) days prior to the commission meeting on which the request is to be considered. Final plats shall conform to the standards of Section 5.03. Exception: The Director may authorize a reduction in the number of black line copies required when the final plat is provided in transmittable electronic format.

B. **Director's Review and Report.** Upon receipt, the Director shall review the final plat for conformity with these regulations and shall transmit copies of the plat to the Governing Board. At the discretion of the Director or the Governing Board, copies of the plat may be distributed to other departments or agencies for their review and comment. The Director shall prepare and distribute a written report on the requested final plat approval to the Governing Board and subdivider. The Director's report may include review comments received from other departments or agencies.

C. **Action by the Planning Commission.** Upon receipt of the complete application, the Governing Board shall act on the final plat within the time prescribed by KRS 100.281. All decisions and other actions shall be recorded in the minutes of the Planning Commission. If approved, the Planning Commission shall indicate approval in writing and shall state the conditions of approval, if any. If disapproved, the Planning Commission shall express its disapproval and its reasons thereof. The Director shall promptly provide written notice of the Governing Board's decision.

D. **Conditions Requisite to Signing the Final (Record) Plat**. Prior to the Planning Commission Chairman or Director signing an approved final plat for recording, the subdivider shall:

(1) Correct all deficiencies and make any other corrections to the final plat as specified in the Governing Board's approval;
(2) Meet all conditions specified in the Governing Board's approval. The subdivider shall provide documentation indicating that all conditions have been satisfied;
(3) Install all subdivision monuments as required by Section 6.07;
(4) Submit street, utility, storm water management (if applicable), and other construction documents and receive approvals as required in Article VI;
(5) Install and have accepted all required public improvements or provide a cost estimate and acceptable surety instrument to guarantee the installation and acceptance of public improvements (see Exhibits for Surety Template Documents);
(6) Pay any outstanding Planning Commission review fees: and
(7) Submit five (5) black line copies of the final (record) plat and one (1) digital copy as required by Section 5.04 to the Director. All certifications, as required by Section 5.03, shall be signed upon submission, excluding the "Commission's Certification."

E. **Signing and Recording of the Final (Record) Plat.** Upon the approval of the final plat and the subdivider's compliance with subsection (D) above, the Planning Commission Chairman or Director shall sign the plat's "Commission's Certification." This print becomes the instrument (record plat) to be recorded in the Office of the Christian County Clerk. The subdivider shall be responsible for promptly filing the plat and any accompanying Certificate of Land Use Restriction in the Office of the Christian County Clerk.

F. **Recording of Final (Record) Plat by the Planning Commission.** Upon receipt of a written request by the subdivider, the Director is authorized to file an approved plat and accompanying Certificate of Land Use Restriction in the Office of the Christian Clerk. The Planning Commission shall charge fees commensurate with the cost of recording.

G. **Expiration of Approval.** The subdivider shall have two (2) years from the date on which a final plat was approved or conditionally approved by the Governing Board to submit the plat for signature and recording. Failure of the subdivider to submit and record a final (record) plat within this time period shall void the plat's approval. The subdivider may request and the Governing Board may grant an extension to this time limitation, not to exceed one (1) year. The failure of the

applicant to formally request an extension shall void approval of the plat.

SECTION 4.04 EXPEDITED REVIEW AUTHORIZED

A. For major subdivision proposals of thirty-five (35) lots or less, the subdivider may concurrently submit the preliminary and final subdivision for combined review and consideration by the Governing Board, provided all required exhibits for preliminary and final plat approval are provided in the single application.

B. The provisions of subsection A do not apply to phased development or in situations where, in the opinion of the Governing Board, the parent tract contains the potential for further subdivision.

SECTION 4.05 TO 4.19 RESERVED

DIVISION 2: MINOR SUBDIVISION REVIEW AND APPROVAL

SECTION 4.20 REVIEW OF MINOR PLAT; ACTION BY THE DIRECTOR

A. **Director to Approve.** Minor subdivisions, as defined herein, may be reviewed and approved by the Director in conformance with these regulations. Unlike major subdivisions, the review and approval of a minor subdivision shall consist of only one (1) step, the final plat. Final plats for minor subdivisions shall conform to the same exhibit standards as required for major subdivisions pursuant to Section 5.03.

B. **Submission.** The subdivider shall submit to the Director a completed application form, six (6) black line copies, and a digital copy of the final plat as required by Section 5.04. The "Certificate of Ownership and Dedication" and the "Certificate of Accuracy" must be signed.

C. **Director's Review.** Upon receipt, the Director shall review the final plat for conformity with these regulations. At the discretion of the Director, copies of the plat may be distributed to other departments or agencies for their review and comment.

D. **Action by the Director.** Upon receipt of a complete application, the Director shall act on the final plat within the time prescribed by KRS 100.281. If approved, the Director shall provide notification to the subdivider and shall state the conditions of approval, if any. If disapproved, the Director shall provide written notice of the disapproval and the reasons therefore.

E. **Conditions Requisite to Signing of the Final (Record) Plat.** Prior to the Director signing an approved final plat for recording, the subdivider shall:

(1) Correct all deficiencies and make any other corrections to the final plat as specified in the Director's approval;
(2) Meet all conditions specified in the Director's approval. The subdivider shall provide documentation indicating that all conditions have been satisfied;
(3) Install all subdivision monuments as required in Article VI;
(4) If applicable, submit street, utility, and other construction documents and receive approvals as required in Article VI;
(5) Install and have accepted all required public improvements or provide an acceptable surety instrument to guarantee the installation and acceptance of public improvements;
(6) Pay all applicable review fees; and
(7) If corrected from the original submission, five (5) signed and stamped black line copies and a digital copy of the final (record) plat shall be submitted to the Director. All certifications, as required by Section 5.03, shall be signed upon submission, excluding the "Commission's Certification."

F. **Signing and Recording of the Final (Record) Plat.** Upon the approval of the final plat and the subdivider's compliance with subsection (E) above, the Director shall sign the plat's "Commission's Certification." This print becomes the instrument (record plat) to be recorded in the Office of the Christian County Clerk. The subdivider shall be responsible for promptly filing the plat and any accompanying Certificate of Land Use Restriction in the Office of the Christian County Clerk.

G. **Recording of Final (Record) Plat by the Planning Commission.** Upon receipt of a written request by the subdivider, the Director is authorized to file an approved plat and accompanying Certificate of Land Use Restriction in the Office of the Christian Clerk. The Planning Commission shall charge fees commensurate with the cost of recording.

H. **Expiration of Approval.** The subdivider shall have one (1) year from the date on which a final plat was approved or conditionally approved by the Director to submit such plat for signature and recording. Failure of the subdivider to submit and record a final (record) plat within this time period shall void the plat's approval and require resubmittal.

SECTION 4.21 TO 4.29 RESERVED

DIVISION 3: DESIGN MODIFICATIONS

SECTION 4.30 DESIGN MODIFICATIONS AUTHORIZED

The Planning Commission's Governing Board may grant, upon written request, modifications to the requirements contained in Article VI of these regulations for minor and major subdivisions. Design modifications shall only be granted by the Governing Board in cases where the strict application of the requirements of Article VI would create an unnecessary hardship in the subdivision or development of land.

SECTION 4.31 PROCEDURE FOR GRANTING DESIGN MODIFICATIONS

A. Requests for design modifications shall, when practicable, be submitted to the Director concurrent with the submission of the final plat (minor subdivisions) or preliminary plat (major subdivisions). The request shall be submitted by the subdivider on forms approved by the Governing Board and shall clearly state:
   (1) The modification or deviation requested;
   (2) The reason for the modification or deviation including any extenuating circumstances or unique conditions that would necessitate the requested modification; and
   (3) That the requested modification would not present a threat to the public health, safety, or welfare of the general area.

B. In reviewing a request for design modification, the Governing Board shall consider the public interest and endeavor to preserve the general intent and spirit of these regulations. The Governing Board may grant or grant with conditions requests for a design modification(s) upon determining:
   (1) The strict application of the regulations would create an unnecessary hardship in the subdivision or development of land;
   (2) The design modification(s) is justified because of special conditions unique to the property or proposal; and
   (3) The design modification(s) would not compromise the purpose or intent of these regulations and would not present a threat to the public health, safety or welfare of the general area.

C. Determinations of the Governing Board to approve, approve with conditions, or deny a request shall be in writing and entered into the minutes of the Planning Commission. The Director shall promptly notify, in writing, the subdivider and other parties in interest of the Governing Board's determination.

SECTION 4.32 LIMITATIONS

The Governing Board shall not grant a design modification that would: 1) conflict with any other local, state, or federal law; or 2) alter the composition and material standards affecting the dedication of public streets without the written approval of the Christian County Road Department.

SECTION 4.33 TO 4.39 RESERVED

DIVISION 4: EXCEPTED PLATS

SECTION 4.40 EXCEPTED PLATS NOT SUBJECT TO SUBDIVISION REGULATIONS

A. Excluding the provisions of this division, subdivisions and other plats defined as "excepted" are not subject to the requirements of these regulations. Prior to the recording of any plat purported to be excepted under the terms of KRS 100 and these regulations, the owner(s) of the property is strongly encouraged to submit three (3) black line copies of the plat to the Director for notification and a determination of compliance with this division.

B. When a review is requested prior to recording, within seven (7) working days of the plat's submission, the Director shall provide one of the following determinations:

(1) The subdivision or other depiction would constitute an excepted subdivision or plat as defined by these regulations and would conform to the requirements of this division. Upon such determination, the Director shall place a stamp of the plat, attested by signature, which reads, "This plat constitutes a subdivision or other depiction which is excepted by the terms of KRS 100 and the Subdivision Regulations of Christian County, Kentucky. No other determination of this plat's compliance with the requirements of said regulation has been made. This plat may be recorded in the Office of the Christian County Clerk." One stamped copy of the final (record) plat shall be returned to the owner. The owner may record the plat without further review; or

(2) The subdivision or other plat depiction would constitute an excepted subdivision; however, the form of the plat does not comply with the terms of this division. In such instance, the Director shall promptly notify the owner and shall state in writing the corrections required prior to the recording of the plat. Once corrections have been made, the owner may resubmit the plat to the Director for a determination; or

(3) The subdivision or other depiction would not constitute an excepted subdivision as defined herein and would be subject to review under the terms of these regulations. Upon such a determination, the Director shall promptly provide written notification to the subdivider and shall specify the process to be followed, i.e. minor subdivision or major subdivision, as required by these regulations.

C. When a review is requested by an owner and a determination of exception is provided by the Director, no fee shall be charged by the Planning Commission.

SECTION 4.41 EXCEPTED PLATS SUBJECT TO PLAT FORMAT STANDARDS

Excepted subdivisions and other plats shall be prepared consistent with the requirements for final plats as provided in Section 5.03. Such plats shall be prepared by a surveyor licensed by the Commonwealth of Kentucky to perform land surveying pursuant to the requirements of KRS 322.

SECTION 4.42 AGRICULTURAL EXCEPTION ATTESTATION; USE LIMITATIONS

When a plat is to be recorded pursuant to an agricultural use exception, the following certification and restrictions shall be placed on the plat and signed by all owners of the property:

(1) Certification. "WE CERTIFY AND AFFIRM AS FOLLOWS: 1) ALL OF THE PARCELS, INCLUDING THE REMAINING PARCEL: A) CONTAIN FIVE (5) OR MORE CONTIGUOUS ACRES; AND, B) HAVE FRONTAGE ON AN EXISTING PUBLIC ROAD OR STREET (DO NOT REQUIRE THE CONSTRUCTION OF A NEW STREET); AND 2) ALL OF THE OWNERS HAVE SIGNED BELOW.

(2) Restriction. "THE FOLLOWING RESTRICTIONS ARE PLACED ON THIS PARCEL: 1) ONLY THOSE USES SET OUT IN KRS 100.111(2) ARE PERMITTED ON THIS PARCEL; 2) NO RESIDENTIAL BUILDING DEVELOPMENT FOR SALE OR LEASE TO THE PUBLIC IS PERMITTED ON THIS PARCEL, BUT DWELLINGS FOR PERSONS AND THEIR FAMILIES WHO ARE ENGAGED IN THE KRS 100.111(2) AGRICULTURAL USE(S) ON THIS TRACT OR PARCEL ARE PERMITTED; AND 3) ONLY THE HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION CAN REMOVE THESE RESTRICTIONS PROVIDED THE PARCEL COMPLIES WITH SUBDIVISION REGULATIONS.

SECTION 4.43 EXCEPTED PLATS AND PARCELS SUBJECT TO OTHER REQUIREMENTS

All plats and parcels excepted under the terms of these regulations are subject to all other applicable federal, state, and local laws and regulations (see Section 1.06). This includes, but is not limited to, compliance with the Christian County Flood Damage Prevention Ordinance.

SECTION 4.44 TO 5.00 RESERVED

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ARTICLE V. PLAT FORMAT AND REQUIRED EXHIBITS

SECTION 5.01 GENERAL REQUIREMENTS

A. **Purpose.** The purpose of this Article is to establish minimum standards for the content and form of subdivision plats and plans to be reviewed by the Planning Commission's Governing Board or Director. The form and content provisions of this Article are to be regarded as the minimum standards. Where additional exhibits or depictions would be needed to demonstrate compliance with these regulations, the Planning Commission's Governing Board or Director may require such additional exhibits or depictions.

B. All plats and plans are to be legible and shall present information in a manner that is easily understood. In addition to the other requirements of these regulations, plats and plans may include "plat notes" and other explanatory information where, in the opinion of the Planning Commission's Governing Board or Director, such information would be necessary to state the purpose of a depiction or provide other pertinent advisements.

C. All subdivision plats shall be prepared by a professional land surveyor licensed to practice surveying pursuant to KRS 322. Such plats shall bear the signature, seal, and date of the surveyor. The date of surveyor's signature shall not be greater than two (2) years from the date the plat is submitted for approval; however, irrespective of the date of the survey, no plat shall be submitted for approval which has been rendered inaccurate by a subsequent conveyance or other change in property condition.

D. Plat preparation and content shall conform to the requirements of the Commonwealth of Kentucky's "Standards of Practice" (201 KAR 18:150). Where these standards provide a requirement for a plat depiction inconsistent with or in conflict with a requirement of these regulations, the requirements of the state standards shall govern. Where these regulations require a depiction or other plat data, in addition to but not in conflict with or preempted by the requirements contained in the state standards, the requirement of these regulations shall govern. Determinations of an alleged conflict and the applicability of this provision shall be made by the Director after consultation with the Kentucky Board of Licensure for Professional Engineers and Land Surveyors.

SECTION 5.02 REQUIREMENTS FOR PRELIMINARY PLATS

The preliminary plat of a proposed subdivision shall be clearly and legibly depicted at a scale not smaller than one hundred (100) feet to one (1) inch. The plat sheets shall be either eighteen (18) inches by twenty-four (24) inches or twenty-four (24) inches by thirty-six (36) inches. If the preliminary plat requires more than one sheet, a key diagram showing the relative location of the various sections shall be drawn on each sheet. The preliminary plat shall include or be accompanied by the following data.

(1) General Data. General data shall include:

(a) The proposed name of subdivision which does not duplicate or approximate any other subdivision name in Christian County;

(b) A legend to include a north arrow (magnetic, true, or grid north), graphic scale, written scale, coordinate system used, depictions and labeling of line types and other symbols used on the plat, date that the original drawing(s) was completed and dates of any revisions to the original drawing(s);

(c) Name of the owner, subdivider, and surveyor;

(d) The source of title (e.g. deed book and page number);

(e) Names, title source (deed book and page number) and locations of all owners of property abutting the subdivision; and

(f) A location sketch placed in the upper left-hand corner of the sheet showing the relationship of the subdivided property to the area surrounding it including streets or highways, schools, recreational areas, or other major landmarks so that the particular section of Christian County can be readily identified.

(2) Existing Data. Existing data shall include:

(a) The distance and bearing of one (1) of the corners of the boundary of the subdivision to the nearest intersection of existing streets;

(b) Tract boundaries of the property being subdivided, showing bearings and distances, and a statement of the total acreage of the property;

(c) Contour lines at vertical intervals of two (2) feet or less. The location and elevation of the bench mark to which the elevations refer shall be noted;

(d) All existing property lines, rights-of-way, easements, railroads, sewer lines including grades and invert elevations, water lines, fire hydrants, utility transmission lines, culverts, bridges, drainage systems, water courses, buildings, special flood hazard areas (Flood Plain, 100-year and Floodway), sinkholes, wooded areas, designated wetlands, cemeteries, and all other significant manmade or natural features within the property boundaries of the subdivision. Where the property borders or includes lands outside of unincorporated Christian County, the location of the corporate limits or county boundary shall be denoted; and

(e) All existing streets (including streets that are recorded, but not constructed) on or abutting the tract, including the names, right-of-way widths, pavement widths, and approximate grades.

(3) Proposed Site Data. Proposed site data, where applicable, shall include:

(a) Street rights-of-way, pavement widths, and street names;

(b) Lot lines, lot dimensions, lot and block numbers, and, if planned, the proposed front yard setbacks for buildings or structures;

(c) Other easements and rights-of-way, including their location, dimensions, and functions;

(d) Contour changes to be made by grading;

(e) Areas, other than streets and easements, designated for public use with any conditions governing their use;

(f) Construction Drawings (3 copies required): On separate plan sheets, preliminary plans prepared by a registered engineer for any planned streets, including profiles, grades,

pavement width and thickness, sidewalks, sanitary sewers, water lines, fire hydrants, storm sewers, culverts, headwalls, drainage systems including storm water basins, electric lines, and gas lines. Preliminary plans shall include all information and exhibits required under the applicable standards of the reviewing and/or approving department, agency, or utility. The construction of improvements may not commence until, at a minimum, the preliminary plat and final construction plans have been submitted and approved;

(g) If planned, areas to be used for parks and open spaces, with the purpose, location, and dimensions indicated;

(h) All planned encroachments by buildings, utilities, rights-of-way, easements, fill, or excavations into the 100-year flood plain. All proposed dredging, filling, or other alterations to the flood-prone areas shall be accompanied by a report prepared by a registered engineer containing, at a minimum, the following information:

1. The source and characteristics of all fill materials;
2. Proposed deposition of all spoil materials;
3. Engineering evaluation of proposed filling or dredging operations with specific reference to anticipated engineering problems such as drainage, siltation, slope erosion, fill settlement, etc.; and
4. The status of all regulatory permitting and documentation of conformance with the Christian County Flood Damage Prevention Ordinance;

(i) Sectionalization. To the extent practicable, the preliminary plat shall illustrate the full extent of the imminent and future divisions of property. When the subdivider's intent is to submit final plats in multiple, successive sections or phases, the preliminary plat should illustrate the planned phases of division; and

(4) Supplemental Data. Supplemental data shall include:

(a) A completed application as prescribed in Section 4.02; and

(b) Other information considered by the subdivider or the Planning Commission to be pertinent to the review of the preliminary plat.

SECTION 5.03 REQUIREMENTS FOR FINAL PLATS

The final plat of a proposed subdivision shall be clearly and legibly depicted at a scale not smaller than one hundred (100) feet to one (1) inch; except, the Director may authorize a scale not smaller than two hundred (200) feet to one (1) inch for large tract (50 acres or more) minor plat subdivisions. The plat sheets for subdivisions shall be either eighteen (18) inches by twenty-four (24) inches or twenty-four (24) inches by thirty-six (36) inches, or in the case of a minor subdivision, twelve (12) inches by eighteen (18) inches. In cases where the Office of the Christian County Clerk prescribes a dimensional standard for plat book entries contrary to this provision, the final plat shall be prepared to conform to the standards of the recording authority. If the final plat requires more than one (1) sheet, a key diagram showing the relative location of the various sections shall be drawn on each sheet. The final plat shall include the following data.

(1) General Data. General data shall include:

(a) The proposed name of subdivision which does not duplicate or approximate any other

subdivision name in Christian County (major subdivision only);

(b) A legend to include a north arrow (magnetic, true, or grid north), graphic scale, written scale, depictions and labeling of line types and other symbols used on the plat, coordinate system used, date that the original drawing(s) was completed and dates of any revisions to the original drawing(s);

(c) Name of the owner, subdivider, and surveyor;

(d) The source of title (e.g. deed book and page number);

(e) Names, title source (deed book and page number) and locations of all owners of property abutting the subdivision; and

(g) A location sketch placed in the upper left hand corner of the sheet showing the relationship of the subdivided property to the area surrounding it including streets or highways, schools, recreational areas, and other major landmarks so that the particular section of Christian County can be recognized.

(2) Platting Information. Platting information shall include:

(a) All lot lines with distances and bearings;

(b) Right-of-ways and easements to include their location, widths, and purposes;

(c) Minimum building setback lines, if any;

(d) Streets and alleys, to include radii, central angles, tangents, lengths of arcs and curvatures;

(e) The location of public sidewalks on or adjacent to the property;

(f) Street names (see Section 6.23);

(g) All watercourses, streams, lake shores, wetlands, and special flood hazard areas (Flood Plain, 100-year and Floodway). The base flood elevation for the special flood hazard area(s) shall be denoted on the plat;

(h) Lot numbers shown in numerical order, a statement of the total number of lots, the total acreage (or square footage) of all divided lots, and the total acreage (or square footage) of rights-of-way to be dedicated by the plat;

(i) Lot size, denoted in square feet if under one (1) acre;

(j) All reservations and dedications including the accurate outline of all property, whether offered for dedication to public use or reserved by covenant for the common use of the property owners of the subdivision, shall be shown with the purposes plainly marked;

(k) The location (and elevation, if established) of all existing and proposed street monuments as required by Article VI;

(l) Final construction drawings for streets and other improvements (if not submitted as part of the preliminary approval – see preliminary plat requirements); and

(m) All other data or illustrations needed to readily determine and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangent, and other data for curved property lines and curved street, to an appropriate accuracy and in conformance with 201 KAR 18:150.

(3) Certifications. The following certifications shall be placed along the bottom of the final plat. These certifications shall be signed prior to the recording of the final (record) plat:

(a) Owner's Certification

OWNER'S CERTIFICATION

I/We do hereby certify that I am/We are the only owner(s) of record of the property platted hereon said property being recorded in Deed Book ____, Page _____, in the Christian County Clerk's Office, and do hereby adopt this as my/our record plat for this property; and hereby dedicate the streets and other spaces so indicated to public use.

_____ _____

Owner's Signature Date

(b) Certificate of Accuracy

CERTIFICATE OF ACCURACY

I do hereby certify that this record plat was prepared under my direction and, to the best of my knowledge and belief, the boundaries of the property being subdivided are true and accurate, the owner has been made aware of the pertinent subdivision regulations, and the monuments have been placed as shown herein.

_____ _____ _____ Registered

Professional Land Surveyor Date Seal

(c) Commission's Certification

COMMISSION'S CERTIFICATION

I hereby certify that the subdivision plat shown hereon complies with all subdivision regulations with the exception of such design modifications, if any, as noted in the minutes of the commission or shown as notes on the plat and that it has been approved for recording in the Office of the Christian County Clerk.

_____ _____

Planning Commission Chairman or Director Date

(d) Flood Certification (to be completed by the Land Surveyor)

FLOOD CERTIFICATION

A portion of the property as illustrated on this Subdivision Plat

_____ IS

_____ IS NOT

within a Special Flood Hazard Area, as designated on the Flood Insurance Rate Map of Christian County, Kentucky or as may have been identified by field survey.

SECTION 5.04 DIGITAL DRAWING SUBMISSION REGULATIONS & STANDARDS

A. **Purpose.** The development of Geographic Information Systems (GIS) and computer aided drawing (CAD) have facilitated the reduction of the time and costs of subdivision processing, E911 addressing, and land use map updates. The intent of this program is to take advantage of new technology and reduce the cost of digital conversion. The standards and specifications contained within this section shall be used for digital drawing submissions to the Planning Commission for the purpose of development processing and GIS digital land use map updates. Specifications in this section for digital drawings are considered the minimum standards for minor subdivisions, replats, consolidation plats, boundary surveys, and preliminary and final major subdivision plats.

B. **Submission of Digital Drawing.** Submission of digital drawings does not supersede any requirement to submit hardcopy drawings for review and approval. Digital drawings shall be submitted at the time of approval for minor subdivisions, re-plats, consolidation plats, boundary surveys, and preliminary and final major subdivision plats.

C. **Digital Data Submission Completeness and Correctness.** All digital drawings submitted to the Planning Commission shall be in the correct format and in accordance with the standards contained herein. Incorrectly formatted data, unreadable data, and data missing required information shall be returned to the owner, developer, responsible agent or person for corrections and resubmittal. Final approval of overall development shall be contingent upon the delivery of correct and accurate digital data.

D. **Processing of Digital Data.** Only final drawings which have been approved by the Planning Commission and recorded will be incorporated into the appropriate layers of the GIS.

Preliminary and other types of drawings are processed as separate entities and shall be used for development processing (measuring building setbacks, etc.) and not to update the GIS database. Public improvement plans and construction plans are used to construct road edge of pavements, utilities, and other infrastructure related features in the GIS.

E. **Acceptable Data Formats.** The Planning Commission will accept information in the following format:

Graphic Data - Graphic data consists of vector information stored in CAD file formats. This information can be translated directly in to the GIS and is the preferred format. The Planning Commission will accept the following CAD file formats:

(1) AutoCad (.dwg);
(2) AutoCad (.dxf); or
(3) MicroStation (.dgn).

Other formats will be reviewed by the Planning Commission on a case-by-case basis to determine compatibility and use. A digital format not compatible with the existing GIS will be denied.

F. Digital Drawing Registration. All drawings of major subdivisions shall be referenced to existing Horizontal Control Station(s) and be shown in relation to the Kentucky State Plane South Coordinate System (i.e. bearing and distance). In the event that no Horizontal Control Stations are available, the drawing shall have two points located by GPS (Global Positioning System-GPS coordinates in Kentucky State Plane South Coordinate System, to third order accuracy).

G. Digital Drawing Scale and Accuracy. The information is to be drawn in U.S. Survey Feet and at 1:1 scale. All standards of accuracy which apply to plats submitted in hard copy format apply to plats in digital format. Those developing the CAD files shall maintain third order survey accuracy. All boundaries submitted in digital format shall close. All graphic features shall be checked against textual descriptions to ensure the proper representation of data.

H. Acceptable Transfer Media. Digital data will be accepted on the following media:

(1) CD-ROM, USB Flash Drives; or
(2) Electronic Mail (e-mail) “Preferred Method.”

SECTIONS 5.05 TO 6.00 RESERVED

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ARTICLE VI. SUBDIVISION AND IMPROVEMENT STANDARDS

DIVISION 1. SUBDIVISION IMPROVEMENTS IN GENERAL

SECTION 6.01 CONFORMANCE WITH STANDARDS

All streets and improvements regulated by this Article shall be constructed in accordance with the material and design specifications as set forth herein and all other jurisdictional standards applicable to the construction of a required improvement.

SECTION 6.02 IMPROVEMENT COST

Except as required by law, the costs for installing improvements shall, in all cases, be the responsibility of the subdivider of the property.

SECTION 6.03 STREET FRONTAGE REQUIREMENTS FOR NEW LOTS

A. No subdivision shall be approved unless the lot(s) to be subdivided shall have frontage on and access of at least fifty (50) feet from a publicly maintained street. Lot frontage on curved streets and cul-de-sacs may be reduced to a minimum of thirty-five (35) feet.

B. The requirement of fifty (50) feet of frontage may be reduced as part of a minor plat approval in the following instances:

1. The subdivided lot is five (5) acres or greater in area; or
2. The subdivided lot contains a documented residential dwelling that existed prior to the effective date of these regulations; or
3. The subdivided lot is designated for limited use, e.g. a cemetery, utility substation, cell tower, governmental, or similar use; or
4. A design modification has been granted by the Governing Board in accordance with Article IV, Division 3 of these regulations.

C. In reducing the frontage provisions of subsection A, the subdivided lot shall contain:

1. Fee simple frontage of no less than twenty (20) feet; or
2. A platted ingress and egress easement of not less than twenty (20) feet in width that provides unobstructed access from a publicly maintained street to the subdivided parcel. The provision of an ingress and egress easement shall include the term “and public utility easement” to allow for the provision of service to the subdivided parcel; and
3. The signature of the property owner(s) including the owner(s) granting the easement.

SECTION 6.04 ARRANGEMENT AND SIZE

A. Lot arrangement shall be such that there will be no foreseeable difficulties in compliance with the Christian County Health Department Regulations and in providing driveway access to buildings on such lots from a publicly maintained street.

B. Except as provided in subsections C and D below, the minimum lot area and lot width for any newly created lot are provided in Table 6.04:

Table 6.04 Minimum Lot Size and Lot Width by Availability and Service Use		
The subdivided lot has -	***Minimum Lot Area***	***Minimum Lot Width***
No public water and no public sanitary sewer	35,000 square feet	100 feet
Public water provided but no public sanitary sewer	25,000 square feet	75 feet
Public sanitary sewer but no public water	25,000 square feet	75 feet
Public water and public sanitary sewer provided	10,000 square feet	50 feet

C. Where the standards of the Christian County Health Department exceed the requirements of Subsection B above, all new lots shall comply with the lot area and width standards of the health department.

D. The lot area and lot width provisions of Subsection B do not apply to a lot designated for limited use, e.g. a cemetery, utility substation, cell tower, governmental or similar use.

SECTION 6.05 UNPLATTED REMAINDER PROHIBITED; EXCEPTIONS

A plat of subdivision, whether a minor or major subdivision, shall illustrate, by survey, the entire property. In the case of a minor subdivision with no new street construction, a un-platted remainder may be permitted provided the remainder is greater than three (3) acres in area and sufficient documentation is provided to demonstrate that the remaining (unplatted) portion of the property would conform to the requirements of these regulations.

SECTION 6.06 CONSOLIDATION PLAT; EXCEPTIONS

A. When a lot is divided which would not meet the lot size, lot width, or frontage requirements of these regulations but said lot is to be conveyed to an adjoining property owner, the requirements of these regulations may be satisfied through the submission of a consolidation plat. When provided, the consolidation plat shall conform to the depiction and formatting standards for final plats.

B. The Director is authorized to waive the requirement of a consolidation plat in cases where the noncompliant subdivided lot is to be consolidated with an adjacent parcel of five (5) acres or greater. Where authorized, the subdivision plat shall contain the following “Prohibitive Survey Statement” signed by the subdivider and purchaser of the property:

Prohibitive Survey Statement

I/we, _____ and _____understand that the lot as illustrated on this plat does not meet the minimum requirements of the Subdivision Regulations of Christian County, Kentucky for the division of property. The ___ acre tract is to be conveyed to and consolidated with the adjacent _____ property, Deed Book ____, Page ____ as recorded in the Office of the Christian County Clerk. The _____ acre tract cannot be sold or conveyed independent of the _____ property. A survey of the entire consolidated property is prohibitive.

_____ _____
Subdivider's Signature Date

_____ _____
Purchaser's Signature Date

_____ _____
Attest Date

SECTION 6.07 SUBDIVISION MONUMENTS

The subdivider shall install permanent monuments in the subdivision, as required by these regulations, and as approved and set by a professional land surveyor. Monuments shall consist of the following:

1. Concrete Monuments – Two (2) concrete monuments containing ferrous material at least twenty-four (24) inches in length shall be set in two (2) corners of the boundary of each block of a subdivision and they shall be buried flush with the ground.
2. Iron-pin Monuments – The iron-pin monuments at least eighteen (18) inches long shall be placed along the boundary lines when a change of direction occurs and at all corner lots. These pins shall be placed after all grading and other construction has been completed. The surveyor's Certificate of Accuracy shall be considered by the Planning Commission as assurance that the iron-pin monuments shall be installed in accordance with the final plat after all grading and other construction has been completed. The pins shall be buried flush with the ground.

SECTIONS 6.08 to 6.19 RESERVED

DIVISION 2. STREET DESIGN, IMPROVEMENTS, AND DEDICATION

SECTION 6.20 PURPOSE AND INTENT OF DIVISION

This division establishes basic design and improvement standards for new streets. This division specifies the process to be followed for the dedication and acceptance of streets and related improvements into public maintenance. The requirements of this division are considered the minimum standards. The Kentucky Transportation Cabinet has promulgated a construction standards manual entitled *Standard Specifications for Road and Bridge Construction* ['KYTC's Specifications']. The regulations contained in KYTC's Specifications (latest edition) are considered supplemental to the requirements of this division.

Where this division does not provide a specific standard for construction, material type, inspection, or testing, the requirements as contained in KYTC's Specifications shall apply and shall govern the occurrence. Where this division provides standards in excess of those contained in KYTC's Specifications, the provision of this division shall govern. All questions concerning an alleged conflict between the requirements of this division and those contained within KYTC's Specifications shall be referred to the Director for resolution in consultation with the Christian County Road Department.

SECTION 6.21 STREET DESIGN IN GENERAL

A. **Conformity with the Official Map.** The location and width of all proposed streets shall be in conformity with the Official Map as may be adopted by the Fiscal Court in accordance with KRS 100.293 et seq.

B. **Continuation of Adjoining Street System.** The proposed street layout shall be coordinated with the street system of the surrounding area.

C. **Access to Adjacent Properties.** Where it is desirable to provide street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided.

D. **Private Streets Prohibited.** There shall be no private streets platted in any subdivision. Private access may be granted through the platting of an ingress and egress easement as provided in Section 6.03.

E. **Topography.** Streets shall be laid out to conform, as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of new streets necessary to provide convenient and safe access to property.

F. **Reserve Strips.** Reserve strips at the terminus of a new street are prohibited. In addition, reserve strips extending parallel to planned rights-of-way are prohibited, except in cases where the Planning Commission determines that such reservations would be necessary to preserve public safety or to maintain the street's level of service.

SECTION 6.22 BLOCKS

Blocks shall be wide enough to accommodate a depth of two (2) lots. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major arterials, railroads, or waterways. In blocks over 1,000

feet in length, the Planning Commission may require one (1) or more public walkways or utility easements of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary to accommodate access, drainage, and utility extensions.

SECTION 6.23 STREET NAMES

The preliminary and final plat shall indicate the names of proposed streets. Proposed streets, which are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of a suffix, e.g. street, avenue, boulevard, drive, place, court, etc.

SECTION 6.24 RIGHT-OF-WAY AND PAVEMENT WIDTH

A. The minimum pavement and right-of-way width (in feet) for streets to be dedicated are illustrated in Table 6.24 below:

Table 6.24
Minimum Pavement, Right-of-Way, & Shoulder Widths

Street Type	Right-of-Way Width(2)	Pavement Width(1)(2)	Shoulder Width(3)
Frontage Street	40 feet	20 feet	4 feet
Cul-de-sac	50 feet	20 feet	4 feet
Local Street	50 feet	20 feet	4 feet
Collector	50 feet	22 feet	6 feet
Minor Arterial	60 feet	24 feet	8 feet
Major Arterial	70 feet	24 feet	10 feet

Table Notes: (1) Pavement width is measured from the edge of the pavement to the edge of the pavement and does not include the width of the curb, if provided. (2) The minimum pavement width and right-of-way width is for two lanes and does not include medians, left turn lanes, or service lanes. Where these features are provided, the right-of-way width and, where applicable, the pavement width shall be increased by a width equal to the width of these features. (3) Shoulder width shall be increased by five feet when sidewalks are planned.

B. Easements or additional rights-of-way will be required where cut, fill slopes, or other street appurtenances extend beyond the required minimum right-of-way as provided in Table 6.24. Slope areas beyond indicated right-of-way limits shall be kept clear of development until slopes have been constructed.

C. Where curb and gutter is provided as part of street design and construction, the Governing Board may reduce the right-of-way width as provided in Table 6.24 by up to ten (10) feet.

SECTION 6.25 DEDICATION OF ADDITIONAL RIGHT-OF-WAY

Where a major subdivision borders an existing narrow street or when future plans for realignment or widening of the street requires use of some of the land in the subdivision, the subdivider shall be required to dedicate on the final plat additional right-of-way necessary for the improvement of such street.

SECTION 6.26 CUL-DE-SACS AND DEAD END STREETS

A. Cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet and minimum outside edge-of-pavement radius of forty (40) feet.

B. Where a decorative or landscaped center island is provided, a cul-de-sac shall have a minimum lane width of fifteen (15) feet of unobstructed pavement. Where decorative or landscaped center islands are provided, the Governing Board may require right-of-way widths in addition to the minimum standards of this section to ensure the safe movement of vehicular traffic.

C. A cul-de-sac street shall not serve more than thirty (30) lots nor extend more than 1,200 feet from the common street intersection.

D. No dead-end streets shall be permitted except those ending in a cul-de-sac.

E. Where the platting of a dead end street involves the planned continuation of said street in a future phase of development, a temporary cul-de-sac shall be provided. The temporary cul-de-sac shall include a provision for easements, which may be abandoned upon the extended street's dedication. The temporary cul-de-sac is not required to be surfaced provided the continuation of the street occurs within 36 months; however, the temporary cul-de-sac must contain compacted subgrade and DGA. In addition, a surety instrument shall be provided to guarantee the surfacing of the cul-de-sac if the street's extension does not occur within the 36-month period.

SECTION 6.27 STREET GRADE

Street grade shall not exceed ten (10) percent. All streets shall have a minimum grade of not less than one-half (1/2) of one (1) percent. The finished street section shall have a slope of two (2) percent from the centerline crown to the curb or shoulder.

SECTION 6.28 INTERSECTIONS

A. Streets shall be laid out as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than eighty (80) degrees shall not be accepted.

B. Where any street intersection involves banks or vegetation within the thirty (30) foot sight triangle which would create a traffic hazard by limiting visibility, the subdivider shall cut such ground, and/or vegetation including trees in connection with the grading of the public right-of-way. Except as necessary to maintain adequate sight distances, vegetation should be maintained or preserved whenever possible and, in such case, replaced in order to maintain the character of the area.

SECTION 6.29 STREET CURVES

A. **Vertical Curves.** Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from the driver's eyes, which are assumed to be four (4) and one-half (1/2) feet above the pavement surface, to an

object four (4) inches high on the pavement. In addition to the above standard, for streets with a planned posted speed of 35 mph or greater, sight distances shall conform to KYTC's Specifications.

B. **Horizontal Curves.** Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On a street with a right-of-way of sixty (60) feet or more in width or on a street with a planned posted speed of 35 mph or greater, the centerline radius of curvature shall be not less than 300 feet. On all other streets, a minimum centerline radius of not less than one hundred (100) feet shall be provided.

SECTION 6.30 RAILROADS

Streets parallel to the railroad when intersecting a street which crosses the railroad at a grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

SECTION 6.31 CURBING AND STANDARDS FOR OPEN DITCHING

A. Except as provided in Section 6.33, the installation of concrete curb and gutters is optional. Where provided, concrete mountable curb and gutter shall be used. Extruded or barrier curbs may be authorized in cases where access to a street is restricted to delineated and platted points of ingress/egress.

B. Where ditching is provided, the slope of the in-right-of-way ditch shall not exceed 3 to 1 (three feet horizontal for every one foot vertical). A street shoulder, meeting the width requirements of Table 6.24, shall be maintained between the edge of the pavement and the ditch slope. The location of in-right-of-way ditching and utilities shall be coordinated. Utility lines running parallel to the street shall not be placed within the slope or line of any ditch.

SECTION 6.32 COMPACTION AND COMPOSITION OF NEW STREETS

All new streets shall be designed to carry the expected traffic loads and which shall conform with KYTC's Specifications for concrete pavement or for bituminous pavement. At a minimum, the following is required for all new streets and the extensions of existing streets within Christian County:

A. **Subgrade.** The subgrade shall be constructed in conformance with KYTC's *Standard Specifications for Road and Bridge Construction*. If the compacted subgrade method is used as listed in §207 then the finished, compacted thickness shall be at least 12 inches thick with a density of 95% as determined by the Method of Test for Moisture-Density Relation of Soils, A.A.S.H.T.O. Destination: T99. The in-place density will be determined by Method of Test for Density of Soil in Place by the Rubber-Balloon Method, ASTM Designation: D2167 or they may be performed by an acceptable Nuclear Density Meter. Tests will be made at such frequency as deemed necessary by the Christian County Road Department or their duly assigned representatives to assure the entire subgrade is compacted to the specified density. All density testing shall be the responsibility of the

subdivider or contractor under the direction and guidance of the Christian County Road Department (See Section 6.38).

1. If alternative subgrades are approved, they shall be constructed to the applicable standards and strengths specified in KYTC's Specifications.
2. The subgrade is the foundation upon which the pavement structure is to be constructed. The preparation of the subgrade shall, in addition to compaction include shaping to conform to the required lines, grades and cross-sections, all in accordance with the applicable provisions of these regulations.

B. **Dense-graded aggregate base.** The base courses shall consist of the required depth (compacted) of graded aggregate and water mix placed on the prepared subgrade and shaped and compacted to the lines, grades and cross-sections shown on the drawings, all in accordance with the regulations set out herein.
   1. The aggregate shall be crushed limestone meeting the requirements of KYTC's *Standard Specifications for Road and Bridge Construction* (See Division 300), compacted to a density of not less than 95% of solid oven-dry, bulk specific gravity, ASTM C 127, and the dry weight of the aggregate from the test hold. At least one density test shall be made at intervals of 500 feet or less and as many additional tests shall be made as deemed necessary by the Christian County Road Department to determine the extent of any low density sections.
   2. The in-place density will be determined by the Method of Test for Density of Soil in-place by the Rubber Balloon Method, ASTM Designation; C 2167 or an acceptable Nuclear Density meter. The subdivider/contractor shall provide all necessary labor and equipment for making the test.

C. **Bituminous concrete surface.** Bituminous concrete shall be used for surfacing new roads of bituminous construction. The bituminous concrete surface shall conform to the applicable requirements of Division 400 of KYTC's *Standard Specifications for Road and Bridge Construction* to the thicknesses set forth in this Article.

D. **Minimum thickness by classification.** The DGA base, bituminous concrete base course, and bituminous concrete surface course shall observe the minimum material thickness as illustrated in Table 6.32.

Table 6.32
MINIMUM MATERIAL THICKNESS

Street Type (Residential and Commercial)	DGA Base	Bituminous Concrete Base Course	Bituminous Concreate Surface Course
Frontage Street	8"	3"	1"
Cul-de-sac	8"	3"	1"
Local	8"	3"	1"
Collector	8"	3"	1"
Minor Arterial	8"	5"	1 ½"
Major Arterial	8"	5"	1 ½"

Street Type (Industrial)	DGA Base	Bituminous Concrete Base Course	Bituminous Concrete Surface Course
All types	8”	5”	1 ½”

E. **Alternatives.** If an alternative type of surface construction is used, it must be approved subject to the provisions of Section 6.37.

SECTION 6.33 SIDEWALKS

A. The construction of sidewalks is optional. Where provided, sidewalks shall be constructed in accordance with the requirements of this section and KYTC’s Specifications. The construction and dedication of sidewalks shall be concurrent with the construction and dedication of streets as provided by this division.

B. Concrete curb and gutter is required when sidewalks are provided.

C. Excluding frontage streets, sidewalks should, when practicable, be constructed on both sides of the street.

D. Sidewalks shall be constructed to a sufficient width, slope, and provide ramping to ensure accessibility as required by the Americans with Disabilities Act (ADA). The minimum width for newly constructed sidewalks is provided in Table 6.33 below:

Table 6.33
Sidewalk Width by Street Type

Street Type	Minimum Sidewalk Width
Frontage Street	5 feet
Cul-de-sac	5 feet
Local Street	5 feet
Collector	6 feet
Minor Arterial	6 feet
Major Arterial	8 feet

E. All sidewalks shall be constructed within the dedicated right-of-way. The sidewalk shall be setback a minimum of two (2) feet from the back of the street curb. The area between the sidewalk and the street curb or surface shall be landscaped with grass.

F. Except as provided by Section 6.37, sidewalks are to be constructed of Portland Concrete in accordance with KYTC Specifications.

SECTION 6.34 STREET SIGNS; DECORATIVE SIGNAGE AUTHORIZED

A. Materials and specifications for all street signs and markings shall be in accordance with the latest approved edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*.

B. The Christian County Road Department shall determine the type, location, and number of signs to be installed in the subdivision. The subdivider is responsible for the cost of street signs and shall reimburse the Christian County Road Department for sign fabrication and placement.

C. The subdivider may elect to install decorative street name signs subject to the approval of the Christian County Road Department and the E-911 Coordinator. Decorative signage is subject to the following standards:

1. Decorative vehicular (command) signs are not permitted in Christian County.
2. The subdivider is responsible for the purchase and installation of the sign(s). If the decorative street name sign is damaged or destroyed, the subdivider or homeowners association may replace the sign at their expense, or the Christian County Road Department will replace the sign with a standard sign at the county's expense. Christian County Government will not be responsible in any circumstance to replace a decorative sign with a decorative sign.
3. Plat notes and deed restrictions shall contain the following advisement: "Decorative street name signs have been installed in the _____ Subdivision for the sole enjoyment of the residents of said subdivision. Each home owner or lot owner is responsible for the maintenance and upkeep of the decorative name signs. As a home owner or lot owner of _____ Subdivision, I will not hold Christian County responsible for the maintenance of the decorative street name signs. I further acknowledge and agree that in the event a decorative name sign is damaged or destroyed, the decorative sign may be replaced by the Christian County Road Department with a standard "non-decorative" sign."

SECTION 6.35 STREET LIGHTING

A. **General Design Standards.** Major subdivisions, involving the creation or extension of streets and the use of public water and sewer, shall be designed to accommodate street lighting in accordance with this section.

1. Fixture types. The county will accept light fixtures, as recommended by Pennyrile Rural Electric Cooperative, from the following types:

(a) *Standard*. The standard street light shall be affixed to the existing utility poles associated with electric service. The light fixture shall be a 100 watt high pressure sodium, 120-volt open globe, LED equivalent, or alternate source equivalent. The globe will be mounted to a standard aluminum arm mount extended from the utility pole. This fixture type may change under commercial use or situation. If a request or proposed deviation is to be made, Fiscal Court approval will be required. In cases where there is a four lane divided or undivided street and there is an intersection and/or median cross-over, the utility may recommend a high wattage light fixture to illuminate the intersection and/or median crossover, but the wattage shall not exceed 250 watt high pressure sodium, LED equivalent, or alternate source equivalent.

(b) *Standard decorative.* The standard decorative street light shall be affixed to a 20-foot direct buried black or gray fiberglass pole. The pole will be chosen by the Pennyrile Rural Electric Cooperative to match its own stocking and maintenance system. The following wattage lamps for each fixture shall be a maximum of 150 watt high pressure sodium, 120-volt open globe,

LED equivalent, or alternate source equivalent. The decorative casing shall set on top of the black or gray fiberglass pole or be attached to an arm mount extended from the pole. Selection decisions on the type of fixture and casing shall be made by Pennyrile Rural Electric Cooperative subject to approval by the Christian County Road Department.

2. System design. The following applies to general design.
   (a) Regulatory responsibility. The installation of one of the street light systems defined by part 1 above shall be approved by Pennyrile Rural Electric Cooperative subject to the following criteria.

   (1) *Spacing*. No light pole will be placed in such a way to obstruct the frontal visibility of a dwelling unit.
   (2) *Location*. No street light pole or base will be located in the ditch line of the street. Where there are shoulders or a ditch line within the right-of-way, the street light pole or base will be located in the appropriate utility easement outside of the right-of-way. Where there is a joint utility and drainage easement, the light pole or base shall be installed so an obstruction is not created for the drainage way. In situations where the street has curbs or gutters and no ditch line within the right-of-way, the light pole or base may be placed within the right-of-way with the approval of the Christian County Road Department. The light pole and base for standard fixture types must observe a minimum seven (7) foot setback from the edge of pavement or back of curb. The light pole and base for decorative fixtures must observe a minimum two (2) foot setback from the edge of the back of the curb. In no instance shall a light pole or base be placed to interfere with or be located within a sidewalk.
   (3) *Medians.* Street light poles found in medians of streets shall be reviewed and approved by the Christian County Road Department with respect to location.
   (4) Only one type of light fixture shall be furnished for a subdivision.
   (5) The number, distance, and pattern of street lights installed within a new subdivision will be determined by the utility and be based on historical community lighting standards. Request to deviate from the historical community lighting standards as recommended by the utility shall be reviewed by the county. The County Judge Executive will then make a decision on the acceptable level of lighting.

B. **Standard Decorative Street Lights.** In addition to the requirements listed in Subsection A above, the following requirements will apply when a subdivider elects to install a standard decorative street light system.

1. Standard decorative street lights shall not exceed a maximum 150 wattage, LED equivalent, or alternate source equivalent.
2. Underground system. The standard decorative street lighting system shall be installed only when there is an underground electrical primary system.
3. Technical assistance. Pennyrile Rural Electric Cooperative will design the entire system under the following guidelines:

(a) The subdivision lighting system will be designed as if it is to be built on an overhead existing primary system. The lighting system will be designed by Pennyrile Rural Electric Cooperative and submitted to the county for approval.
(b) Cable will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
(c) Fixtures and poles will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
(d) Secondary fusing will be provided by Pennyrile Rural Electric Cooperative through the investment charge.
(e) Each light will be on its own separate photocell. Relays will not be used.

4. Subdivider installation responsibilities and costs. The subdivider will install the conduit as required by Pennyrile Rural Electric Cooperative. The subdivider will be responsible to open and close all ditches properly marked by tape. Pennyrile Rural Electric Cooperative shall inspect all ditches prior to closing and said ditches shall be a straight line from point to point. The subdivider will be responsible to install the direct burial fiberglass poles to manufacturer's specifications. All costs associated with conduit and pole installation shall be responsibility of the subdivider.

C. **Costs to the County.** Excluding subdivider installation costs (see above), all cost to Pennyrile Rural Electric Cooperative for the lighting system will be charged to the county through a monthly investment charge. The total charge shall include the investment charge and energy usage charge which will be calculated on a flat usage rate without the use of metering equipment and meters. Pennyrile Rural Electric shall provide to and receive the county's approval of the investment charge following lighting design but prior to the installation of the lighting system.

D. **Procedural and Equipment Changes.** Pennyrile Rural Electric Cooperative may request a deviation in the equipment and procedures of this section when needed. The county shall be notified of any request for deviation. The Christian County Fiscal Court may authorize such deviation.

SECTION 6.36 DECORATIVE MEDIANS

A. The subdivider may incorporate a decorative median or entrance median in the design of a major subdivision. The design of the proposed median shall be submitted with the street construction drawings and the location shown on the preliminary and final plats. The construction drawings shall include the longitudinal cross section of the median, including composition, construction, utility stubs, proposed plantings, lighting, and signage (if any).

B. During the subdivision review process, the county, through the Christian County Road Department, may:

1) Agree to maintain the median upon the dedication and formal acceptance of the right-of-way;
2) Approve the median as part of the subdivision and construction review process but determine that the future maintenance of the median will not be the responsibility of the county; or
3) Determine that the median, as designed, cannot be approved due to design or functional consideration that would impact the right-of-way (e.g. inadequate turn radii, lane width, or line-of-sight).

The determination of the Christian County Road Department shall be given to the Planning Commission for notification and advisement to the subdivider.

C. The county shall not be responsible for the maintenance of any decorative sign and decorative landscaping or plantings placed within a right-of-way median.

D. Where public maintenance is not provided upon street acceptance, plat notes and deed restrictions shall contain the following advisement: "A decorative median has been installed in the _____ Subdivision for the sole enjoyment of the residents of said subdivision. Each home owner or lot owner is responsible for the maintenance and upkeep of the median including any landscaping and/or decorative signage. As a home owner or lot owner of _____ Subdivision, I will not hold Christian County responsible for the maintenance of the decorative median to include any landscaping or signage. I further acknowledge and agree that in the event a decorative median, landscaping, or signage is damaged or destroyed, such in-right-of-way elements may be removed by the Christian County Road Department."

SECTION 6.37 DECORATIVE AND SUBSTITUTE MATERIALS

A. The Governing Board may approve sidewalks and/or street surfaces that incorporate decorative elements or substitute materials provided the request is accompanied by certification from the subdivider and the Christian County Road Superintendent indicating:

1. The substitute material(s) is of equal or comparable strength and durability;
2. The substitute material(s) or decorative elements can be maintained by the county without additional public expenditure; and
3. The substitute material(s) or decorative element(s) will not compromise the accessibility of the sidewalk or the functionality of the street.

B. The dedication and subsequent acceptance of streets and sidewalks containing decorative elements or substitute materials shall in no way obligate Christian County Government to repair or replace any damaged or deteriorated section to the original design standard.

C. Any determination by the Governing Board to permit decorative or substitute materials shall be provided to the Christian County Fiscal Court.

SECTION 6.38 REQUIRED PLANS; INSPECTIONS; AS-BUILTS; ACCEPTANCE

A. **Plan Required.** Street construction shall not commence until a preliminary plat, illustrating the proposed street, has been approved by the Planning Commission and street construction plans, consistent with the requirements of this Article, have been submitted to and approved by the Planning Commission and the Christian County Road Department. Construction plans shall consist of three (3) blue or black line copies of the proposed construction on sheet sizes of twenty-four (24) inches by thirty-six (36) inches. The following information shall be shown:

1. Street Profiles. The final grades of each street shall be shown at a horizontal scale equal to one-tenth (1/10th) of the horizontal scale;
2. Street Cross-Section. A scale of one (1) inch to ten (10) feet shall be used to show the cross-section of each new street. The cross-section shall include pavement width, curb, gutters, DGA and pavement thickness, sidewalks including composition, utility locations, and, where applicable, shoulders. Where a street's cross-sections differ due to variations in pavement width, composition, or other factors, multiple cross-sections representative of the construction shall be illustrated;
3. Miscellaneous Depictions. Drainage easements, rights-of-way improvements including the location of sidewalks, manholes, and catch basins, street signs, street lights, the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and all underground utilities including fire hydrant hook ups shall be illustrated; and
4. Other Materials. When the proposed subdivision or development is only a portion of the owner's holdings and intentions are for future development, a sketch plan illustrating the street layout and proposed lots of the remaining tract is required.

B. **Inspections.** Inspections are to be performed by the Christian County Road Department. A minimum of two (2) working days' notice must be given for any requested inspection. If subsequent work is done prior to inspection, it is done at the subdivider's own risk and may, upon a decision of the Road Superintendent, be required to be removed and reinstalled or have the quality substantiated by additional tests. In the event that weather or construction activities result in changes to approved conditions, re-inspection shall be required before proceeding to the next stage of construction. All approved inspections shall be valid for a maximum of thirty (30) days. Inspections will be required after each of the following stages of construction and shall meet the minimum requirements of this Article and, when applicable, the requirements of KYTC's Specifications:

1. Clearing and grubbing;
2. Drainage infrastructure installation;
3. Subgrade;
4. DGA installation;
5. Base course application;
6. Surface course installation;
7. Sidewalk installation;
8. Grass seeding of shoulders and ditches;
9. Sign installation including street name signs and traffic control signs; and
10. Final inspection of all completed infrastructure.

C. **As-Built Plan.** Following the completion of in-right-of-way construction, the subdivider shall submit to the Planning Commission three (3) copies of an "as-built" plan documenting the condition of the improvements. The plan shall be based on actual field surveys for location and elevation information. The plans shall bear the stamp, seal, and signature of the land surveyor or engineer who prepared the plan and the signature of the subdivider. In the event the "as-built" plan shows that field changes were made, or significant differences exist from the design plans, the

design engineer or another civil engineer shall certify that the changes or differences are not detrimental and that the improvements will still meet the minimum standards of these regulations.

D. **Street Improvement Acceptance.** The Fiscal Court shall accept a street and other in-right-of-way improvements into public maintenance, when such improvements are installed in accordance with these regulations. The acceptance by the Fiscal Court must be preceded by the referral of the acceptance request to the Governing Board for a recommendation. The Fiscal Court shall not be obligated to accept any improvement where the subdivider has failed to follow the design, construction, or procedural requirements of these regulations.

SECTIONS 6.39 TO 6.40 RESERVED

DIVISION 3. UTILITIES

SECTION 6.41 SUBDIVISIONS SERVED BY UTILITIES

A. Utilities include electric power, public water to include the installation of fire hydrants, and sewer service. Natural gas, telephone, and other utilities may also be provided. Where provided, the extension of utilities to service individual lots within a subdivision shall be at the subdivider's expense. Easements sufficient to convey such services shall be provided.

1. Water Supply and Fire Hydrants.

   (a) For major subdivisions containing lots of less than two (2) acres in area, public water lines and related infrastructure shall be extended to serve all subdivided lots when existing mains and connections of sufficient size and capacity are available with 250 feet of the property boundary of the subdivision. Water lines, when practicable, shall be located in a utility easement adjacent to the street right-of-way.
   (b) Where an extension would require placement within the right-of-way, the water line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five (5) feet from the paved surface of a street (excluding laterals and required crossovers) provided right-of-way width is sufficient to accommodate placement. Waterline placement shall not interfere with or impede the functionality of any street ditch line or slope.
   (c) The installation of water line improvements, where six (6) inches or greater in diameter, shall include fire hydrants in accordance with the requirements of the State Fire Code or other applicable regulations. Water line installations of less than six (6) inches in diameter shall include flush hydrants spaced in accordance with the standards of the water utility provider.
   (d) Exceptions. The Planning Commission's Governing Board may vary, through design modification, the requirements of subsection (a) where a water line extension is impractical due to topographic (elevation), geologic, or other site related impediments.
   (e) The installation of private wells are subject to the requirements of Christian County Health Department and the minimum lot size requirements of these regulations.

2. Sewerage System.

   (a) Where public sewer is provided, service lines, when practicable, shall be located in a utility easement adjacent to the street right-of-way. Where an extension would require placement within the right-of-way, the line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five (5) feet from the paved surface of a street (excluding laterals and required crossovers) provided right-of-way width is sufficient to accommodate such placement. Sewer line placement shall not interfere with or impede the functionality of any street ditch line or slope.
   (b) Where private septic systems are provided, such placements are subject to the requirements of the Christian County Health Department and the minimum lot size requirements of these regulations.

3. Natural Gas and other utility services. Where provided, natural gas lines and other utility services, when practicable, shall be located in a utility easement adjacent to the street right-of-way. Where an extension would require placement within the right-of-way, the line shall be setback no less than five (5) feet from the back of the street curb or, when no curb is provided, no less than five (5) feet from the paved surface of a street (excluding laterals and required crossovers).

4. Where questions or conflicts exist between the utility providers with respect to the allowable location of proposed utilities within the right-of-way or adjacent easement, such questions shall be referred to the Director, in consultation with the Christian County Road Department, for resolution and final determination.

SECTION 6.42 UTILITY EASEMENTS REQUIRED

A. **Utility Easements.** To provide for the installation and perpetual maintenance of natural gas, water and sewer, telephone, and electric services, utility easements shall be provided along the front property line adjacent to the street. Easements shall be not less than twenty (20) feet in width.

B. The individual utility providers may request, and the Planning Commission may require, easements of greater width or varied location than the minimum standards provided in Subsection A. Rear yard utility easements of twenty (20) feet in width, with connecting side yard easements for access from the street, may be required in circumstances where front yard easements are deemed impractical by the Planning Commission and the water, sewer, or electric utility provider.

C. All utility easements are to be platted consistent with the procedures specified in Article IV.

SECTION 6.43 PLAN SUBMISSION; INSPECTIONS; AS-BUILTS; ACCEPTANCE

A. Prior to the installation of utilities as provided by this Article, complete plans shall be submitted and approved by the applicable utility provider and the Christian County Road Department (when work is to occur within the right-of-way). The content of a complete plan shall conform to the requirements of the utility provider and these regulations.

B. When utility installation is to occur within a right-of-way or is to be performed in conjunction with construction of a new street, the inspection requirements of Section 6.38 shall apply.

SECTION 6.44 RESERVED

DIVISION 4. STORM WATER AND FLOODING

SECTION 6.45 GENERAL REQUIREMENTS

A. All subdivisions shall comply with the Christian County Flood Damage Prevention Ordinance. The Planning Commission may require documentation from the subdivider with accompanying certification prior to the approval of any subdivision.

B. Subdivision design shall provide satisfactory drainage of storm water by means of underground storm sewer pipes, surface ditches, and detention basins with appropriately sized easements. For all major subdivisions, the subdivider shall reasonably ensure that storm water falling on a given site shall be absorbed or detained onsite to the extent that after development the rate of water leaving the site shall not be significantly different than if the site had remained undeveloped.

C. The subdivider shall be responsible for controlling and minimizing soil erosion. The subdivider shall adhere to all applicable requirements affecting land disturbances as administered by the Kentucky Energy and Environment Cabinet.

SECTION 6.46 EASEMENTS REQUIRED

Easements required for the conveyance of storm water runoff shall be platted, including easements, where necessary, for the placement of storm water detention basins. Unobstructed easements at least fifteen (15) feet in width shall be provided across property with satisfactory access to a street, detention basin, or natural watercourse.

SECTION 6.47 FLOOD ELEVATION TO BE IDENTIFIED

Subdivision plats shall identify Special Flood Hazard Areas (100-year flood as illustrated on the Flood Insurance Rate Map for Christian County, Kentucky). In addition, subdivision plats that include storm water basins, natural or manmade depressions, and conveyance structures shall illustrate high water elevations anticipated during a designed storm event (at a minimum a 100-year, 3 hour event). All elevations shall, at a minimum, be identified to the nearest one-tenth (1/10th) of one (1) foot.

SECTION 6.48 SINKHOLES; PROHIBITIONS

A. Any subdivider proposing alterations, improvements, or other disturbance of any sinkholes or known subterranean water channel as part of a major subdivision shall submit to the Planning Commission certification from a licensed engineer that the alterations, improvements, or disturbance would not interfere with the drainage capability of the sinkhole or subterranean water channel. The certification shall include a plan sheet denoting the improvement and the erosion control methods to be used for any activities which would create erosion or sedimentation.

B. Sinkholes shall not be altered or covered in any way which would negatively affect the drainage capabilities of the sinkhole. Development within the 100-year flood plain of a sinkhole shall not be

permitted. For major subdivisions, the plat shall clearly denote the 100-year flood plain with accompanying easements and plat notes restricting development within the sinkhole's flood plain.

SECTION 6.49 STORM WATER MANAGEMENT PLAN REQUIRED FOR SIGNIFICANT DEVELOPMENTS

A. **Applicability.** The requirements of this section apply to any one (1) or more of the following:

1. Major subdivisions of more than (35) lots with a median lot size of one acre or less;
2. Major subdivisions, irrespective of lot number, where public sewer is provided;
3. Major subdivisions, irrespective of lot number, where street construction of greater than 2,000 linear feet is platted for public dedication; or
4. Any major subdivision that, by virtue of planned successive phases, would meet the applicability thresholds of subsections 1, 2, or 3 above.

B. **General Requirements.**

1. Major subdivisions undertaken as outlined in these regulations shall be done in such a way as to ensure that storm water falling on a given site shall be absorbed or retained onsite to the extent that after development the rate of water leaving the site shall not be significantly different than if the site had remained undeveloped.
2. A subdivider shall not be permitted to disturb the land in such a manner as to create significant water related damages to other landowners in the vicinity by having point discharge creating erosion across land or placing obstructions where the flood peak increases. If the point discharge is high enough to produce erosion, other measures shall be taken to dissipate the flow.
3. Where it can be demonstrated by the subdivider, through appropriate certification by a professional engineer, that a higher storm water release rate will not be contrary to the purpose and intent of these regulations and where such proposed release rate will not adversely affect properties in the downstream portion of the watershed, the Governing Body may, as a design modification, permit the release rate.

C. **Excess Storm Water Passages.**

1. An excess storm water passage shall be provided for all storm water areas. The passage shall have the capacity to convey through the proposed development the excess storm water. The capacity for a passage shall be such that it will be able to transport the peak rate of runoff from a 100-year return frequency storm.
2. There shall be no buildings or structures constructed within excess storm passages, however, parking lots, playgrounds and park areas, which shall not impair or endanger the water holding capability of a subdivision shall be considered compatible.
3. Appropriate land planning shall be undertaken to preserve the existing natural drainage of a proposed development as part of the excess storm water passage.
4. Open channels shall be protected from erosion by appropriate vegetative cover, lining, or other treatment and earthen channel side slopes shall be no steeper than two to one. Open channels with lining shall have a maximum gradient on side slopes of 67% and channel side slopes steeper than 67% shall be designed as structural retaining walls.

D. **Runoff and Storage Capacity.**

1. The volume of required storm water storage and runoff shall be calculated on the basis of the runoff from a 100-year frequency storm with a three-hour duration. The calculations can be made in accordance with the instantaneous runoff factor method, the rational method, or other methods deemed appropriate by the design engineer.
2. The use of sinkholes or subterranean water channels for direct drainage of excess storm water shall not be permitted although they may be used to drain a storm water storage area. The introduction of any foreign matter or the filling, clogging or interfering with the natural drainage capabilities of the sinkholes shall not be permitted.

E. **Storm Water Storage Areas.**

1. Storage areas may be designed if possible to provide secondary purposes for recreation, open spaces, parking lot or other types of use that will not be adversely affected by intermittent flooding.
2. All storm water storage areas must be designed to contain and safely pass storm water runoff. The combined capacity of these storage areas shall be sufficient to contain the storm from the subdivision. The detention facility must be designed for periodic maintenance and energy dissipater shall be provided at points necessary. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours.
3. Where applicable, the ponding of storm water runoff shall not exceed a depth of one foot on a recreational area or one and one-half feet maximum in parking lots. Where these areas are used for ponding, the maximum depth should occur in the most remote and least used areas.
4. The drainage and grading design shall be prepared to ensure that in a 100-year storm the depth of water runoff will not conflict with the minimum freeboard requirement as provided in the Christian County Flood Damage Prevention Ordinance applicable to any building.
5. For a 100-year storm, the ponding of surface water on a local, collector or arterial streets (to be dedicated under the subdivision plat) is not permitted. At a minimum, all planned local, collector, or arterial streets shall be elevated no less than two (2) foot above the 100-year storm elevation.
6. Overflow for each storm water storage area shall be provided in the event a storm in excess of the design capacity occurs. The overflow shall be constructed to function without specific attention and shall become part of the excess storm water passage.
7. For wet pond storage areas when calculating the storage capacity, only the volume available to store excess storm water shall be considered. Permanent water storage does not constitute control of excess storm runoff.

F. **Preliminary Certification.** The subdivider shall submit a “Preliminary Certification” signed by a professional engineer which certifies that upon construction, the subdivision’s design to include drainage improvements, will conform to the requirements of this section. The certification shall be accompanied by plan sheets denoting the location of proposed drainage improvements and a supporting narrative detailing the method of computation used to determine pre and post-development runoff.

G. **Final Certification.** Within 24 months of the recording of the subdivision plat, the subdivider shall complete all improvements and shall provide the Planning Commission with “Final Certification” signed by a professional engineer which certifies that all drainage improvements have been

installed in accordance with this section. The Director may, upon request from the subdivider, extend the time-limitation of this section by twelve (12) months.

SECTION 6.50 DRAINAGE IMPROVEMENT DESIGN; MAINTENANCE; RELIANCE

A. **Drainage System Design and Installation.** In its consideration of a significant development as defined by Section 6.49, the Planning Commission may procure and receive review comments from a professional engineer in its determination of a subdivider's conformance with this division. The Planning Commission may condition the approval of a storm water management plan's design or installation on review comments received.

   Christian County Government and the Hopkinsville-Christian County Planning Commission assume no responsibility or liability for the design and installation of a subdivision's storm water or drainage system. Such responsibility and liability shall, to the extent permitted by law, remain with the subdivider and the subdivider's design professional.

B. **Maintenance.** The repair and perpetual maintenance of drainage improvements, outside of an accepted street's right-of-way, shall be the responsibility of the owner of the property on which such improvements are located. The subdivider may assign, through deed restrictions or covenants, the provision for repair and perpetual maintenance to a homeowner's association or similar entity. In no event shall Christian County Government be responsible for the repair or perpetual maintenance of storm water or drainage improvements on privately owned property.

C. **Plat Notes.** The following note shall be placed on the record plat: "The drainage, detention, and/or retention areas, as illustrated on this plat, were determined by the subdivider's engineer and the approval of this plat by the Hopkinsville-Christian County Planning Commission does not warrant that floods or flooding is limited to the labeled drainage and/or retention areas."

D. **Deed Restrictions.** The following shall be placed within the subdivision's deed restrictions or included in the subdivision's Certificate of Land Use Restriction: "All easements marked "Utility and Drainage Easements" or "Drainage Easements," existing drainage swales within the building setback line along any street within the subdivision, and natural drains, shall be properly maintained continuously by each individual lot owner for the benefit of all lot owners. No permanent structure of any kind shall be placed over drainage easements, swales, or natural drains, nor shall the existing contours of swales or the detention basin be altered or changed by any person so as to interfere, obstruct, or retard the flow of surface water through the drainage easements or swales, or alter the established swale slope ratios, or create erosion with the existing swale."

DIVISION 5. PUBLIC USES

SECTION 6.51 PARKS, PLAYGROUNDS, RECREATIONAL AREAS, PUBLIC USES

The subdivider may dedicate suitable areas for parks, playgrounds, and other public uses. Where dedication to the county is desired, the size and location of the public use must be approved by the Christian County Fiscal Court. The Planning Commission will work with the subdivider in an attempt to coordinate the park, playground, or public use area with a desirable and functional location including ensuring adequate street frontage and ease of access. Before the Planning Commission approves a final plat showing the dedication of land, approval from the Fiscal Court and, if different, the maintaining entity is required.

SECTIONS 6.52 TO 6.60 RESERVED

DIVISION 6. SURETY

SECTION 6.61 PURPOSE

It is recognized that the subdivider's need to receive subdivision plat approval and record a plat may precede the installation and acceptance of certain improvements. It is the purpose of this Division to provide reasonable accommodation to a subdivider while guarding the financial interests of the county and ensuring that the requirements of these regulations are met. This section provides a mechanism by which a subdivider can receive subdivision plat approval and record said plat prior to the acceptance of required improvements, provided sufficient financial guarantees have been established to ensure timely installation and acceptance.

SECTION 6.62 SURETY INSTRUMENT AUTHORIZED

A surety instrument may be posted by a subdivider to allow for the approval and recording of a final plat prior to the installation and acceptance of required improvements. The sufficiency of a surety instrument shall be subject to review and approval by the Planning Commission and, in cases involving the construction and dedication of a street(s), approval by Christian County Government, through the Christian County Road Superintendent. The Planning Commission or Christian County Government has the right to refuse, for cause, the acceptance of a surety instrument. Required improvements may include the installation and acceptance of water and sewer infrastructures, fire hydrants, public streets and sidewalks, storm water infrastructure, and other improvements requisite to the Planning Commission's approval of a final plat.

SECTION 6.63 COST ESTIMATE AND SURETY POSTING

A. The subdivider shall submit to the Planning Commission a detailed itemized unit cost estimate for all incomplete improvements. The cost estimate shall include costs for engineering and design, materials, installation, and inspection. Upon acceptance by the Planning Commission or Christian County Government, the subdivider shall submit to the Planning Commission a surety instrument in an amount not less than 100% of the approved estimate; however, the Planning Commission or Fiscal Court may require funds in excess of 100% of the approved cost estimate to account for possible changes in material or installation costs over the duration of the surety's term. The surety instrument shall be for a term no greater than one (1) year. The Director may authorize the extension of surety for up to an additional twenty-four month period, for cause shown.

B. The Director is authorized to develop necessary applications and agreements requisite to the acceptance of a surety instrument.

SECTION 6.64 RELEASE OF SURETY; FAILURE TO PERFORM

Upon installation and acceptance of required improvements, the Director shall release the surety instrument. The Director is authorized to grant a partial reduction in the amount of the surety based on progress by the subdivider in installing required improvements. Failure to install and have those improvements accepted within the time period specified in the surety instrument shall be grounds for the Planning Commission to

recover proceeds from the surety instrument that are necessary for the county or the affected utility to install the required improvements.

SECTION 6.65 FAILURE TO PERFORM TO CONSTITUTE VIOLATION

The posting of surety instrument does not relieve a subdivider of the responsibility of installing improvements. A default or failure to perform under the terms of a surety instrument by a subdivider shall constitute a violation of these regulations and is subject to the enforcement provisions of Article I.

SECTIONS 6.66 TO 7.00 RESERVED

APPENDICES INTRODUCTION AND GUIDELINES FOR USE

The attached documents are supplemental to the text of the Subdivision Regulations of Christian County, Kentucky. These documents include:

A. Application for Major Subdivisions

B. Surety Documents

Exhibit B1: Application for Posting a Letter of Credit
Exhibit B2: Sample Irrevocable Letter of Credit
Exhibit B3: Sample Performance Bond
Exhibit B4: Application for Posting Cash Bond (Escrow)

C. Sample Request for Street Acceptance

D. Sample As-Built Certification (Streets)

E. Storm Water Documents

Exhibit E1: Preliminary Certification
Exhibit E2: Final Certification

F. Fee Schedule

These document templates contained in parts A, B, C, D, and E are designed to provide guidance to subdividers. These documents provide the basic information requirements and forms related to an application for subdivision approval, surety instruments, and requests for street acceptance, and storm water certifications. The Planning Commission may supplement such forms when determined that additional information or exhibits are required to ensure compliance with the provisions of these regulations, to meet the requirements of other applicable statutes, or where the customization of the attached forms would be necessary to address the particulars of a subdivision proposal.

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Exhibit A

Christian County (unincorporated)	**HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION** **Application for Major Subdivision Approval**	**Form S CC**

Submit this completed application, twenty (24) black line copies of the plat, one (1) digital copy of the plat, applicable fee, and additional exhibits (if needed) to: Community and Development Services, Attn. Planning Department, 311 West 9th Street, P.O. Box 1125, Hopkinsville, Kentucky 42241-1125.

APPLICANT INFORMATION

Property Owner(s) Please note that all property owners of record must be listed.	
Property Owner Agent (if different)	
Person to Contact with Respect to this Application	
Address	
Phone Number	
Email Address	
Property Surveyor	
Address	
Phone Number	
Email Address	

SUBDIVISION INFORMATION

Subdivision Name					
Subdivision Location					
PVA Property Number					
Type of Request (PRELIMINARY OR FINAL)					
Total Acreage		**Number of Lots**		**Smallest Lot Proposed**	
Existing Use(s) of Property					
Proposed Use(s) of Property					
Number of Dwelling Units Proposed (if applicable)					

Is any portion of the property within a Special Flood Hazard Area (100-year flood plain)?	YES	NO
Are there any known sinkholes on the property?	YES	NO

Signature _____ **Date** _____

Exhibit A

Christian County (unincorporated)	HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION Application for Major Subdivision Approval	Form S CC

Will the subdivision require the construction of a new street(s) or the extension of an existing street?	YES	NO
Will the subdivision require the construction of new water or sewer lines?	YES	NO

SUPPLEMENTAL EXHIBITS

Please list any supplemental exhibits accompanying this application (e.g. deed restrictions, construction drawings, etc).	
Are there any special conditions pertinent to the property that should be considered as part of this review or otherwise would affect this division of property? If yes, specify.	

CERTIFICATIONS

I (we) hereby certify that I (we) am (are) the owner(s) of the property subject to this application. I (we) certify that the information I (we) have provided herein is true and correct to the best of my (our) knowledge. I (we) agree to comply with all applicable county ordinances, the Subdivision Regulations of Christian County, Kentucky, and state and federal laws related to my request. I (we) understand that the review of this request may require entry onto my (our) property. I (we) give my consent to the Hopkinsville-Christian County Planning Commission to enter land(s) and improvement(s) covered by this application to verify the accuracy of the information provided herein and to certify my (our) compliance or noncompliance with applicable codes and regulations. I understand and agree that falsifying any information herein may result in the nullification of this request and/or other appropriate legal remedies.

(Designation of Agent if Applicable): I (we) authorize _____ to make representations and take other actions related to this application.

Owners Name (Print Name)	Owner's Signature	Date
Authorized Agent (Print Name)	**Agent's Signature**	**Date**

OFFICIAL USE ONLY

DATE SUBMITTED:		INITIAL:
FEE PAID:		INITIAL:
NOTES:		

Exhibit B1

Application, Conditions, and Compliance Agreement
Posting of Irrevocable Letter of Credit in Lieu of Public Improvement Completion/Acceptance

Name of Owner or Subdivider: _____

Name of Project: _____

Address of Owner or Subdivider: _____

_____

Phone Number: _____

FAX Number (if available):_____

Is there anyone in addition to yourself who may be contacted with respect to this Letter of Credit or the improvements required or covered by this surety?

_____Yes (please list below) _____No

Name: _____

Address: _____

_____

_____

Phone Number: _____

Cost Estimate for Improvement

I hereby certify that to the best of my knowledge and belief that the following estimates are accurate and that they have been prepared by a licensed engineer or by an individual, agency, or corporation qualified to provide estimates for the installation of said improvements (as applicable):

Street Construction (include all design elements): $_____

Storm Water Management (include design and installation): $_____

Sidewalks (include design and installation): $_____

Water/Sewer Improvements: $_____

Fire Hydrants: $ _____

Other (Specify: _____): $_____

Total: $_____

Please attach detailed estimates to this form.

I understand and agree that the estimates provided above and attached hereto will be provided to the agency or county department having inspection and/or approval responsibilities for the respective improvements. The agency or county department may require monies to be posted in surety which are in excess of those provided above if it is determined that the estimates provided are insufficient to guarantee installation and acceptance.

Conditions for Acceptance of Letters of Credit

Responsibility of a Subdivider in Posting Surety

I, the owner/Subdivider of the project as indicated above, understand and agree as follows:

1. Prior to the establishment of the Letter of Credit for my project, the cost estimates, as provided above, will be submitted to and approved by the Hopkinsville-Christian County Planning Commission ["Planning Commission"]. The Letter of Credit will be provided in an amount equal to 100% of the approved cost estimates for design and installation.
2. The Letter of Credit as issued by the bank must be in a format which is approved by the Planning Commission (Please see attached format).
3. The Letter of Credit's term may not be less than six months nor more than one year. Letters of Credit issued by or requiring document presentation at branches or main offices outside of Christian County must contain an automatic extension clause, as provided in the approved format. Letters of Credit issued by in-county banks with an in-county place of presentation office may, at the discretion of the lending institution, include the automatic extension clause.

Time Limitation and Responsibility to Notify

The public improvements as provided herein are to be installed and approved within one year of the posting of the letter of credit. In the event that hardship or unforeseen circumstances prevent the installation of improvements within one year, the Planning Commission may, at its discretion, allow the letter of credit to be extended for an additional term (Please see attached request form).

Prior to the granting of an extension, the Subdivider and/or owner understand and agree as follows:

1. The owner/Subdivider will notify the Planning Commission no less than thirty (30) days prior to the expiration of the letter of credit's term that the public improvements have not been completed and request an extension.
2. The granting of an extension for a term of an additional year may, at the Planning Commission's discretion, be granted administratively. The owner/Subdivider may be required to submit a revised cost estimate and a proposed timeline for project completion. If a revised cost estimate is required, the sum of the letter of credit may be increased to guarantee the installation of remaining improvements.
3. Letters of Credit that are posted for subdivision approval, specifically street construction, may not be extended cumulatively beyond thirty-six months unless approved by the Planning Commission's Governing Board. The Planning Commission will require that prior to any surety's extension, beyond a cumulative period of thirty-six months, that the owner/Subdivider provides a written timeline for completing the

required project. The timeline must be agreeable to and approved by the Governing Board.

4. When the extension of a letter of credit requires the issuing bank to provide an amended letter of credit, the amended letter of credit must be provided to the Planning Commission no less than ten (10) days prior to the expiration of the original letter of credit's term. In the event that an amendment is provided less than ten (10) days prior to expiration and said delay results in the preparation or delivery of "failure to perform drafts" by the Planning Commission, the owner/Subdivider is responsible to reimburse the Planning Commission for all costs associated with the preparation and/or delivery of drafts.

Nothing herein shall be construed as a guarantee or inference that an extension of surety will be automatically granted after a one year period as provided in the Subdivision Regulations nor limit the ability of the Planning Commission to declare the surety in default after the completion date specified in the original letter of credit.

Request for Surety Reduction

The Planning Commission may, at its discretion, grant reductions in the amount of a letter of credit to reflect progress by an owner/Subdivider in installing required improvements. The owner/Subdivider must provide requests for reduction no less than thirty (30) days prior to the expiration of a letter of credit. Request for reduction may accompany the notification and request for extension as provided above. The owner/Subdivider must provide cost estimates or documentation justifying the reduction (Please see attached reduction form).

Notification of Improvement Completion and Request For Release

Once all improvements covered by the letter of credit are installed and are accepted, the Planning Commission will release the letter of credit. The owner/Subdivider is responsible for notifying the Planning Commission of project completion and requesting acceptance of the improvements. Notification should be provided no less than thirty (30) days prior to the expiration of the letter of credit. The acceptance of county streets requires action by the Hopkinsville-Christian County Planning Commission's Governing Board and the Christian County Fiscal Court. Notification of street/roadway completion and requests for acceptance should be submitted no less than ninety (90) days prior to the expiration of the letter of credit. In the event that notification is provided less than ninety (90) days prior to the expiration and said delay results in the preparation or delivery of "failure to perform drafts" by the Planning Commission, the owner/Subdivider is responsible to reimburse the Planning Commission for all costs associated with the preparation and/or delivery of drafts. The letter of credit may not be released until the improvements are accepted and the Planning Commission provides written notification of completion and acceptance to the issuing bank.

The Letter of Credit is Not a Waiver of Liability

In the event of a failure to perform, default, or failure to extend a letter of credit, the Planning Commission and Christian County Government reserves the right to take all available legal and administrative actions necessary to compel the completion of the project by the owner/Subdivider, to secure all necessary easements and rights of entry, and/or to recoup any public funds expended by Christian County in the fulfillment of the owner/Subdivider's obligation.

Exhibit B1

Compliance Agreement

I, _____, as the owner/Subdivider and the provider of the Letter of Credit have read, understand, and agree to be bound by the conditions as provided herein. I understand and agree that I have been advised that I may forego the requirement to provide a Letter of Credit by having the required public improvements installed and approved prior to the recording of my subdivision plat. I understand and agree that I have been advised that alternate forms of surety, including the establishment of an escrow account or performance bond, are available and that I have voluntarily elected to provide a Letter of Credit. I understand and agree that my failure to perform the required improvements or comply with the conditions as outlined herein will constitute a violation of the Subdivision Regulations of Christian County, Kentucky.

_____ _____

Owner/Subdivider Signature DATE

_____ _____

Witness to Agreement DATE

Exhibit B2

Date

Executive Director
HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSON
311 West 9th Street
P.O. Box 1125
Hopkinsville, Kentucky 42241-1125

SUBJECT: Irrevocable Letter of Credit No. _____

Dear _____:

At the request of (Developer or Developers), d/b/a (Company or Corporation), and for the account of the same, we hereby extend in your favor Irrevocable Letter of Credit No. _____ for a sum not to exceed (Amount) ($_____), available by your draft, payable at sight on us, and accompanied by your statement certifying (Developer or Developers) have defaulted or failed to perform improvements to (Project), as described in the attached estimates, the contents of which are made a part hereof.

Acting through the Executive Director of the Hopkinsville-Christian County Planning Commission, you will provide us with a signed statement certifying either:

1. The improvements have been timely and satisfactorily completed by (Date, must be ten days prior to expiration of Letter of Credit) and the credit may be released; or

2. The developer has failed to perform or is in default with proof of such default as it relates to the attached estimates of improvements.

All drafts drawn under this Letter of Credit must be marked: "Drawn under (Developer or Developers), d/b/a (Company or Corporation), Letter of Credit No. ____ dated _____".

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credit (Latest Revision), International Chamber of Commerce Publication Number 600.

We engage with you that the draft(s) drawn under and in accordance with the terms of this Letter of Credit will be duly honored upon presentation and delivery of documents as specified if presented at this office on or before (date, usually one year from date of issue) {or any automatically extended date hereof as set forth in the following paragraph}.

It is a condition of this credit that it shall be deemed automatically extended, without amendment, for one (1) year from the present or any future expiration date hereof, unless sixty (60) days prior to any such date, we shall send you notice by courier service that we elect not to consider this credit renewed for such additional one (1) year period.

(Bank Executive Signature Block)

Exhibit B2

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Exhibit B3

PERFORMANCE BOND Bond No.:_____

STATE OF KENTUCKY:
COUNTY OF CHRISTIAN

KNOW ALL MEN BY THESE PRESENTS: That we, _____, a _____ corporation, authorized to do business in the State of Kentucky ["Principal"] and _____, a corporation organized and existing under and by virtue of the law of the State of _____ and authorized to do business in the State of Kentucky ["Surety"], are held and firmly bound unto the Hopkinsville-Christian County Planning Commission ["Planning Commission"] in the penal sum of _____ for the payment of which, well and truly to be made, we firmly bind ourselves, and each of our heirs, executors, administrators, and assigns, jointly and severally by these presents.

WHEREAS, the Principal has entered a construction contract agreement through the Planning Commission relevant to the construction of _____, Christian County, Kentucky, under which the attached breakdown of improvements must be completed and approved by the Planning Commission by _____. In the event a dispute arises between the Planning Commission and the Principal, it is understood that Principal and Surety will have 30 days in which to settle the claim. If the claim is not settled within 30 days, it is expressly understood that Surety will contract with another commercial general contractor to perform Principal's obligations under the construction contract agreement to the satisfaction of the Planning Commission.

THE CONDITION of this obligation is such that is the Principal shall well and truly do and perform the improvements outlined above, and shall pay all labor and material bills incurred relative thereto not to exceed the sum listed above, this obligation shall be void, otherwise to remain in full force and effect until the project is completed.

This performance bond may be released only upon a signed statement from the Planning Commission certifying that the improvements have been timely and satisfactorily completed by _____.

Signed, sealed, delivered and effective this _____ day of _____, 20__.

(company name)

_____ _____
Principal Signature

SEAL

Exhibit B3

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EXHIBIT B4

MUTUAL AGREEMENT FORM
FOR
SUBDIVISION DEVELOPMENT

BETWEEN

_____ The Developer of

_____ Subdivision Development

_____ The Local Lending Institution and,

THE HOPKINSVILLE-CHRISTIAN COUNTY PLANNING COMMISSION
ON BEHALF AND FOR

The above parties agree to the following conditions of this Agreement which is hereby established to fulfill the requirements for the _____ Subdivision Development,

A. The Developer agrees:

1. To the establishment of an escrow account, payable to the Hopkinsville-Christian County Planning Commission (Planning Commission), in a local lending institution of a sufficient amount to cover the entire cost of the improvements required for the Subdivision Development. These improvements shall include as a minimum, all improvements required in the adopted regulations. The amount of the escrow account shall be determined by the bids received from reputable contractors for each construction item and shall be the bids accepted and approved by the developer. The developer shall attach copies of the bids to this form.

2. The developer shall deposit cash or other instruments readily convertible into cash at face value into the escrow account. The use of any instrument other than cash and the lending institution utilized shall be subject to the approval of the Planning Commission.

3. The funds established in said account shall be used to install the required improvements and said funds shall not be dispersed except as authorized by the Planning Commission or its appointee.

4. Payments shall be made on the basis of the percentage of work satisfactorily completed, as stated in B-2. All required improvements shall be satisfactorily

installed within twelve (12) months of the date of the final subdivision project approval.

5. To notify the Planning Commission and Christian County Road Department at least two (2) working days prior to the construction of the improvement items.

6. To comply with the standards outlined in the Subdivision Regulations and other applicable County codes.

B. The local lending institution agrees:

1. That $_____ has been established in an escrow account for the purpose of installing the required improvements for said Subdivision Development which shall only be used to install said improvements.

2. To disperse funds from said account on a basis of the percentage of the improvements satisfactorily completed. This percentage shall be determined based upon the itemized cost figures states in A-1 and shall be the lesser of the percentage estimated by the local lending institution and the Planning Commission or its appointee.

3. Not to disperse any money from said account until the local lending institution has received written notice from the Planning Commission or its appointee that a specified percentage of the required improvements have been satisfactorily completed and approved by the County or its appointee.

C. The Planning Commission agrees:

1. To accept this Agreement in lieu of a letter of credit or performance bond or in lieu of the completed improvements required for the Subdivision Development.

2. To have the Planning Commission and County Staff periodically inspect said improvements while under construction and inspect completed improvements within seven (7) days after receiving written notice that the improvement item has been completed. The Planning Commission shall notify the local lending institution and the developer within ten (10) days after receiving written notice, as stated above, as to the percentage of improvements completed.

3. It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said Development Regulations, within twelve (12) months, the governing board may thereupon declare this account to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local government shall install such improvements as are covered by this account and commensurate with the extent of building development that has taken place in the Subdivision Development but not exceeding the amount of such proceeds.

EXHIBIT B4

4. Escrow account $_____ See attached estimate dated _____.

_____ Streets _____ Grading _____ Engineering

_____ Curb & Gutter _____ Storm Drainage _____ Sidewalks

_____ Water _____ Sewer _____ Other

_____, the Developers of

_____ (Subdivision Project)

_____, Local Lending Institution

_____, Planning Commission

_____, Date of Development Approval

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Exhibit C

Sample Request For Street Acceptance

Thomas Britton
Executive Director
Community and Development Services
PO Box 1125
311 West 9th Street
Hopkinsville Kentucky 42241-1125

RE: Request for Acceptance of Street(s) into Christian County Maintenance

Dear Mr. Britton:

_____ is the Owner/Subdivider of the _____subdivision as illustrated on a plat recorded in Plat Cabinet _____, File _____ at the Christian County Clerk's Office. The street(s) has been constructed to the standards of the Subdivision Regulations of Christian County, Kentucky. Further, the street's construction has been reviewed and inspected by the Christian County Road Department. _____ requests the acceptance of the street(s) in this subdivision into county ownership and maintenance.

Thank you for your consideration of this matter.

Sincerely,

Owner/Subdivider

cc: Christian County Judge Executive

Exhibit C

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EXHIBIT D

STREET CONSTRUCTION AND RIGHT-OF-WAY IMPROVEMENTS

AS-BUILT CERTIFICATION
(FINAL)

I hereby certify that the streets, sidewalks, and other right-of-way improvements in the _____ Subdivision were built in accordance with the permitted plans, and that drawings and calculations of any significant changes in the final construction of the project from what was shown on the originally permitted plans have been submitted to the Hopkinsville-Christian County Planning Commission and Christian County Road Department and such changes, if any, are denoted on the As-Built Drawings dated_____. I further certify that the changes or differences, if any, will meet the minimum standards of the Subdivision Regulations of the Christian County, Kentucky.

Certified by:

_____
Engineer Name

_____
Address

_____
City

_____
Date

_____
Kentucky Registration Number

Presented by:

_____
Developer Name

_____
Address

_____
City

_____
Date

Sworn and Subscribed this the_____Day of_____, 20____

_____
Notary

_____
Date of Expiration

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EXHIBIT E1

PRELIMINARY CERTIFICATION
STORM WATER AND DRAINAGE PLAN

I hereby certify that I have supervised the preparation of the submitted plans and calculation for the _____ Subdivision Development. The plans and calculations comply with the requirements of Article VI, Division 4 of the Subdivision Regulations of Christian County, Kentucky. I further certify that the implementation of these drainage plans will be undertaken concurrently with the development of the site and in accordance with the plans submitted.

Furthermore, I understand that I am responsible for performing periodic inspections during the construction of the storm water facilities in order to ensure that the facilities are being installed per the approved plan and will certify said installation through the submittal of an "As-Built" drawing and Final Certification (Completed Improvements).

Certified By:

ENGINEER	DEVELOPER
_____	_____
Signature	Signature
_____	_____
Address	Address
_____	_____
City	City
_____	_____
Date	Date

Sworn and Subscribed this the _____ Day of _____, 20___.

_____	_____
Notary	Date of Expiration

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EXHIBIT E2

FINAL CERTIFICATION
STORM WATER AND DRAINAGE PLAN

I hereby certify that I have supervised the installation of storm water and drainage improvements for the _____ Subdivision Development. The development's storm water and drainage facilities have been installed in accordance with the plan and in conformance with the requirements of Article VI, Division 4 of the Subdivision Regulations of Christian County, Kentucky.

Certified By:

ENGINEER	DEVELOPER
_____	_____
Signature	Signature
_____	_____
Address	Address
_____	_____
City	City
_____	_____
Date	Date

Sworn and Subscribed this the _____ Day of _____, 20___.

_____	_____
Notary	Date of Expiration

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FEES

A. The following fees are hereby established for the Hopkinsville-Christian County Planning Commission's review and approval of subdivision plats including all related exhibits, filings, and inspections:

1) Cursory Review (prior to formal submission) - $0
2) Minor Subdivision Plat (10 lots or less) - $50.00 plus $10 per lot
3) Preliminary Plat (Major Subdivision) - $500.00
4) Final Plat (Major Subdivision) - $500 plus $5 per lot
5) Certificate of Land Use Restriction - $10.50 or as established by state code
6) Recording of Plat (Staff recorded if requested by the owner) - Recording Costs + $10.00
7) Design Modification (Minor Subdivision) - $125.00
8) Design Modification (Major Subdivision) - $250.00
9) Storm Water Management Plan (Significant Development) - $4,500.00
10) Street Construction Drawing Review - $1.00 per linear foot of street improvement

B. Fees as provided herein are payable to the Hopkinsville-Christian County Planning Commission. Excluding minor plats, all fees are payable by the owner/subdivider prior to the commission's review.

C. This fee schedule may be amended by the Hopkinsville-Christian County Planning Commission in accordance with the requirements of KRS 100.

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