

930.3



**AN ORDINANCE RELATING TO  
AMENDMENTS TO THE REGULATION OF  
THE SUBDIVISION OF LAND  
IN TRIMBLE COUNTY, KENTUCKY**

**BE IT ORDAINED BY THE FISCAL COURT OF TRIMBLE COUNTY,  
KENTUCKY,**

**WHEREAS,** the Fiscal Court of Trimble County, Kentucky finds that it is in the best interest of the citizens of Trimble County to amend the previously enacted regulations with regard to the subdivision of land,

**NOW THEREFORE,** the following Amended Ordinance is adopted in order to regulate the Subdivision of Land in Trimble County, Kentucky to wit:

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## **ARTICLE I**

### **General Provisions**

#### **100 Title**

These regulations shall be known and may be cited and referred to as the “Subdivision Regulations of Trimble County, Kentucky” and shall hereinafter be referred to as “These Regulations.”

#### **101 Authorization**

These regulations are adopted under the authority granted by the Kentucky Revised Statutes, Chapter 100, Sections 100.273(2), 100.111(22), 100.277, 1090.281, 100.283, 100.287, 100.291 and 67.083. The Trimble County Fiscal Court has fulfilled the requirements set forth in KRS 100.273(2) as a prerequisite to the adoption of these regulations, and is thereby designated as the administering agency.

#### **102 Purpose**

Land Subdivision is the first step in the process of community development. Once land has been divided into streets, blocks, lots, etc. a pattern has been established which usually determines how well community needs for the various land uses will be met. It also determines, to a great extent, how well the community will be able to meet these needs.

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

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

#### **103 Jurisdiction**

On and after the date of adoption, these regulations shall govern each and every subdivision of land within the limits of Trimble County, excluding that within the incorporated area of the Cities of Bedford and Milton.

**104 Consistency with Other Provisions**

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or highest standard shall apply.

**105 Separability and Severability**

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

**106 Amendment**

The Fiscal Court may from time to time adopt amendments that will tend to increase the effectiveness of these regulations. These regulations and amendments thereto may be changed or amended by the Fiscal Court after a public hearing by giving due notice as required by KRS 424.

**107 Authority**

The Fiscal Court's authority and responsibilities for these regulations are stated in KRS 100.277 as follows:

1. No person or his agent shall subdivide any land before securing the Fiscal Court's approval of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit's jurisdiction shall be recorded by the County Clerk until the plat has been approved by the Fiscal Court and the approval entered thereon in writing by the Judge/Executive or other duly authorized officer of the Fiscal Court. Provided however, that any person may sell a maximum number of one (1) lot or parcel of land in any one (1) calendar year to the grantor's child, stepchild, grandchild, stepgrandchild, mother, stepmother, father, stepfather, brother, stepbrother, sister, stepsister or grandparent and the transfer of the lots or parcels shall not be considered a subdivision under these regulations. In addition, there shall be no minimum lot size with regard to the transfer by any person to one of the named relatives listed in this subsection.
2. No person owning land comprising a subdivision, or his agent, shall transfer, sell, or agree to sell, any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Fiscal Court, and has been recorded. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided, or deprive the purchaser of any right or remedies he may otherwise have.

3. Any street or other public ground which has been dedicated shall not be accepted by the Fiscal Court until final plat approval has been granted.

The subdivider or developer is required to submit certain maps (plats) of his subdivision to the Trimble County Fiscal Court which contain such information s to permit a proper evaluation by the Trimble County Fiscal Court and other agencies of the County.

### **108 Minimum Requirements**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. The Trimble County Fiscal Court may require standards above the minimum contained herein whenever it finds that public health, safety and general welfare justify such increases.

### **109 Granting Waivers**

Where the Trimble County Fiscal Court finds that strict compliance with these regulations would create an undue hardship because of exceptional, unique, physical, or human conditions, it may modify these regulations to the extent necessary to relieve the undue hardship. The granting of any waiver shall be based upon the subdivider or applicant making a written request to the Trimble County Fiscal Court. In granting such modifications, the Trimble County Fiscal Court may attach and require whatever conditions it feels are necessary to secure the basic objectives of these regulations. No modifications shall be granted that would be detrimental to promotion of public health, safety or general welfare.

### **110 Application to Plats filed prior to original effective date of this ordinance:**

Any plat for the development of land in Trimble County, Kentucky, that was filed prior to the original effective date of these subdivision regulations in 1998 for which no development has taken place by the effective date of this amendment in December 2002, shall be subject to all regulations contained herein and the developer of any such development shall be required to apply to the Trimble County Fiscal Court for authorization to proceed with development and shall comply with all regulations contained herein unless otherwise waived by order of the Trimble County Fiscal Court.

**ARTICLE II**  
**Administration and Enforcement**

**200 Governing Body**

The Trimble County Fiscal Court shall be the governing body to have oversight of the Subdivision Regulations.

**201 Appointing Authority**

**202 Term of Office**

The term of office for the governing body shall be the same as their official tenure in office.

**203 Vacancies**

Vacancies shall be filled according to the laws currently stating the appointment of Fiscal Court members.

**204 Oath of Office**

All members of the Trimble County Fiscal Court, before taking office, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of peace within Trimble County.

**205 Removal**

**206 Meetings/Procedure**

The Trimble County Fiscal Court shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance. Issues concerning the affairs of these regulations will be included on the agenda of the regular meetings of the Trimble County Fiscal Court. Special called meetings may be called to efficiently provide for time needed to address the needs and concerns of these regulations. The Trimble County Fiscal Court shall keep minutes of its procedures, including regulations, transactions, findings, and determinations, and the number of votes for and against each question and if any member is absent or disqualified from voting, indicating the fact.

A simple majority of the total membership of the Trimble County Fiscal Court (three) shall constitute a quorum. A member having a financial interest in the outcome of any application shall disclose the nature of the interest and shall disqualify himself/herself from voting on the

question, and shall not be counted for purposes of a quorum. If it is discovered that a member failed to properly excuse himself/herself, his/her vote on the issue will be void.

### **207 Duties**

The Trimble County Fiscal Court shall be responsible for administering these regulations, including approval of any amendments to this ordinance.

### **208 Employing Planners or Other Persons**

The Trimble County Fiscal Court may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

### **209 Finances**

The Fiscal Court may appropriate out of general revenues for the expenses and accommodations necessary for the work required in this ordinance. The Fiscal Court shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the Commonwealth of Kentucky, including the U. S. Government, for the purpose of carrying out its duties.

### **210 General Procedures**

The review of subdivisions within Trimble County shall follow the procedures outlined in Sections 211-214 below.

### **211 Informal Advisory Meeting**

In addition to these formal requirements, the subdivider has the option of submitting an informal proposal to the Trimble County Fiscal Court in order to determine the reasonableness of proceeding with a formal application. The subdivider should notify the Trimble County Fiscal Court at least ten (10) working days prior to its regularly scheduled meeting of his intention to subdivide property and request an advisory meeting for review of a sketch plat.

The sketch plat may be in pencil, on a sheet of paper of adequate size to show the subdivided area at a scale of 100 ft. per inch, or other suitable scale. The sketch plat should include (as a minimum) the following information.

- a. Name of the subdivision, date, direction, scale.
- b. Name and addresses of property owners.
- c. A vicinity sketch map showing general location, existing roads, surrounding property and major physical features.
- d. A generalized layout of the property showing shape, approximate dimensions and total acreage.
- e. Generalized layout of proposed streets and lots.
- f. Available and proposed utilities.



- g. Relationship to services, including schools, parks, etc.
- h. Intended use for all parcels of land.

### **212 Minor Plat Requirement**

At the time an application for subdivision is filed (including a request for informal advisory meeting) the Judge/Executive shall determine whether the proposed subdivision constitutes a major or minor subdivision. In the case of a minor subdivision, the lesser impact on the long-range development of the county is considered justifications for simplifying and expediting the processing of such plats. Subdivision plats submitted for commercial or industrial developments shall be considered major plats and are subject to preliminary and final plat approval.

To qualify for consideration as a minor plat, a subdivision must meet one of the following requirements:

- a. Where a subdivision contains no more than three (3) lots (counting the remainder of the original tract) fronts on an existing public street and involves no opening, widening or extension of streets or utilities.
- b. Where a subdivision provides for the transfer of land between adjacent property owners and does not involve the creation of any new lots or building sites.
- c. Where up to and including three (3) lots of record are consolidated to create a lesser number of parcels and involve no new public improvements.
- d. Where there is a need to make technical revisions to a recorded final plat of an engineering or drafting nature or similar small change.

**212.1 Minor Plat Processing** – Upon determination that a proposed subdivision meets the above requirements, the following procedures may be followed by the Trimble County Fiscal Court.

The Trimble County Fiscal Court may waive the Preliminary Plat procedure. In this case, the subdivider shall proceed directly with the preparing of a final plat as described in Section 214.

### **213 Preliminary Plat**

The purpose of the preliminary plat is to provide the Trimble County Fiscal Court with a graphic statement of the proposed improvements to the subject tract of land. Once the sketch plat has been approved, no improvements shall be made on the land to be subdivided until the preliminary plat has been approved. In the case of a minor plat, improvements may take place following the approval of the final plat. The preliminary plat is “preliminary” in the sense that the Trimble County Fiscal Court may make suggestions or request suggestions from other qualified agencies towards improving the design or improvements standards presented by the subdivider. Upon Trimble County Fiscal Court approval of the pre plat, the subdivider is authorized to proceed with the development of the approved plan and construction of public facilities.

**213.1 Processing**

**213.11 Submittal** – Within six months of the advisory meeting (if applicable), the subdivider shall file an application for the consideration of a preliminary subdivision plat in the form described in Section 213. An extension of six months may be granted provided the subdivider submits a written request of the Trimble County Fiscal Court and they approve such request. Such application shall be filed with the Trimble County Fiscal Court along with the plat and information specified in Section 207.18 at least ten (10) working days prior to a regular scheduled meeting date of the Trimble County Fiscal Court. The preliminary plat shall be prepared by a qualified registered engineer or surveyor, at a scale of not less than one hundred (100) ft. per inch and shall be on one or more sheets 24 x 36 inches in size.

**213.12 Number of Copies** – The subdivider shall submit eight (8) copies of the preliminary plat and minor plat with required supplementary information to the Judge Executive for distribution to the Trimble County Fiscal Court members for the purpose of review and recommendations.

**213.13 Plat Review** – The Trimble County Fiscal Court review the report and received other information at its regular public meeting. The subdivider or an authorized representative is expected to be present at the meeting to answer questions or provide additional information.

In determining whether a preliminary plat shall be granted approval, the Trimble County Fiscal Court shall consider the following:

- a. Conformance with plat requirements.
- b. Adequate allocation of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business, and industry.
- c. Distribution of population and traffic in a manner to create conditions favorable to, health, safety, convenience, and the harmonious development of the community.
- d. Review comments from agencies and officials. Notice shall be given to the city government if the subdivision includes a street extending into the city's jurisdiction.
- e. Comments expressed by the public at the Trimble County Fiscal Court review meeting.

**213.14 Board Action** – Within sixty (60) days of the Trimble County Fiscal Court meeting on the preliminary plat, it shall take one of the following actions: (1) approve the plat, (2) approve the plat subject to conditions, (3) disapprove the plat, unless such time is extended by agreement of the Trimble County Fiscal Court and the subdivider, or (4) postpone taking action for specific stated reasons for up to thirty (30) days. If the Trimble County Fiscal Court finds that the preliminary plat does not meet the requirements of the regulations, it shall either disapprove the plat, or conditionally approve the plat, subject to

specified revisions, within the same time period. Failure of the Trimble County Fiscal Court to act on the plat within the specified time shall be considered as approval of the plat.

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

In the event of disapproval or conditional approval of the preliminary plat, a statement in writing by the Trimble County Fiscal Court, setting forth the reasons for disapproval or the conditions of approval, shall be entered into the records of the Trimble County Fiscal Court.

**213.15 Effective Period of Approval** – At such time as a preliminary plat has been approved by the Trimble County Fiscal Court one copy shall be returned to the subdivider for compliance with final approval requirements. Such approval shall be effective for one (1) year from the date of approval. During that time, the general terms and conditions under which the preliminary approval was granted will not be affected by any changes to these regulations. An extension of six (6) months may be granted provided the subdivider submits a written request to the Trimble County Fiscal Court and they approve such request.

**213.16 Adjustment of Preliminary Plat Requirements** – The Trimble County Fiscal Court may waive the requirements in any individual case where, in the Trimble County Fiscal Court's judgment, such a waiver would be in the public interest and would eliminate undue hardship. No waiver shall be granted which will have the effect of nullifying the intent and purpose of the regulations. In granting any adjustment, the Trimble County Fiscal Court shall attach such conditions as are necessary, in its judgment, to secure substantially the objectives of the standards or requirements so adjusted.

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

**213.17 Amendment of Preliminary Plat** – If, after the Trimble County Fiscal Court has approved a preliminary plat, the subdivider desires to make a change in the number of lots, alignment or other substantial changes of streets, or use of previously dedicated property, an "Amended Preliminary Plat" must be filed in accordance with procedures previously described.

## **214 Final Plat**

The final plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements have been met. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop. No final plat shall be approved until at least two (2) weeks following the approval of the preliminary plat.

**214.1 Submittal** – Within one (1) year of approval of the Preliminary Plat, the subdivider shall file the Final Subdivision Plat for review and action by the Trimble County Fiscal Court. Failure to submit the final plat within a year’s time shall require reapproval of the expired preliminary plat. An extension of six (6) months may be granted provided the subdivider submits a written request to the Trimble County Fiscal Court and they approve such a request. Application for processing must be filed with the Trimble County Fiscal Court at least ten (10) working days prior to the review meeting. The plat shall contain the information specified in Section 209.

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

**214.3 Plat Review** – Sufficient copies of the final plat shall be transmitted to the Trimble County Fiscal Court who will check said plat as to computations, certification, monuments, etc. and will insure that all the required improvements have been completed to the satisfaction of county engineering standards. In case a security bond, or certified check, or irrevocable commercial letter of credit has been posted, the Trimble County Fiscal Court will verify that it is sufficient to cover the cost of the required improvements.

**214.4 Board Action** – Within thirty-five (35) days after the review of the final plat, the Trimble County Fiscal Court shall make written recommendations whether to approve or disapprove the plat. Failure of the Fiscal Court to act upon this final plat within forty-five (45) days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Fiscal Court, and the developer will be notified of the reasons for disapproval. Approval by the Fiscal Court shall not constitute acceptance by the public of the dedication of any streets, other public way, or ground. When streets have been constructed, inspected, and approved, the dedicated street or public way shall be accepted for maintenance by the county within forty-five (45) days and shall be a public way for all purposes.

**215 Plat Requirements**

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

- | Prelim                   | Final                    |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. Name of subdivision, date, label “Preliminary Plat,” graphic scale north arrow, acreage to be divided.              |
| <input type="checkbox"/> | <input type="checkbox"/> | B. Name and address of property owner, subdivider (if other than owner), and developer.                                |
| <input type="checkbox"/> | <input type="checkbox"/> | C. Name, address, and seal of the registered professional engineer or land surveyor responsible for preparation of the |

plan and supplementary plans.

- D. Names and adjacent property owners of record and abutting subdivisions and streets.
- E. Vicinity sketch map, at a scale of two thousand (2,000) feet per inch or greater, showing the subject property and surrounding land within one-half (1/2) mile, and including existing roads with at least one intersection of common reference, scale, north arrow, streams, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown, along with how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and prepared shopping facilities, schools and parks should be designated. The Trimble County Fiscal Court may waive the requirement of the vicinity sketch map or any parts of the above requirement and in its discretion may accept a USGS map as a substitute for the vicinity sketch map, provided that at least one (1) original USGS map shall be submitted with the preliminary plat.
- F. The proposed subdivision shall be shown at a scale of not less than one hundred (100) feet per inch. Boundaries of the tract will be drawn showing approximate bearings and distances. Provided however that a scale greater than 100 feet per inch shall be permitted if it is necessary to place all required information on one plat sheet. However, in any event, a scale must be used that permits all required information to be easily readable without any magnification.
- G. The plat will show physical features, including streams, wooded areas, existing structures, ponds and sink holes.
- H. Existing topographic contours at an interval of not greater than ten (10) feet shall be shown for the subject property. Where topographic conditions warrant, a contour interval of five (5) feet may be required.
- I. Location, dimensions, and names of existing streets, railroads, easements, municipal boundaries, or other public properties, and significant features shall be shown within and adjacent to the plat for a minimum distance of two hundred (200) feet.
- J. Location of existing sewers, fire hydrants, water mains, storm drains, and power transmission lines with capacities (as applicable)
- K. Location, right of way and pavement width of proposed streets, fire hydrants, and utility and drainage easements laid out according to sound planning principles.
- L. Radii of streets, points of curvature, lengths of arc.
- M. Street names selected so as not to duplicate any other within the County.

- N. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and front, side and rear building setback lines. Side and rear setback lines may be written in on the deed. Lot or parcels shall be laid out according to sound planning principles.
- O. Designation and acreage of all parcels and areas to be used for nonresidential purposes, including parcels reserved or dedicated for public use and utility installations. All such parcels shall be assigned parcel numbers.
- P. Location of monuments and pins, which shall be placed at the intersection of property lines, the intersections of street corner lines, changes in street direction, and the intersections and angles of the subdivision boundary.
- Q. Note indicating the lot number and area in square feet of the smallest lot in the subdivision.
- R. Subdivision plats being submitted for industrial or commercial development shall include additional information as required by the Trimble County Fiscal Court.
- S. Soil Erosion Control Plan.

The following items of supplementary information shall be submitted with and considered as part of, the plat (as applicable):

- | Prelim                   | Final                    |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | a. Copy of completed subdivision application form.   |
| <input type="checkbox"/> | <input type="checkbox"/> | b. No description of physiographic characteristics, including soil types, slope, permeability rates, ground water, depth to bedrock, sink holes, flood frequency shall be required of the person presenting the plat. The responsibility for inspection of the property prior to purchase of any lot or tract of land shall be with the purchaser of the land. Provided however, that the provisions of other sections of these Regulations, with regard to certification as to public water supply, approval for septic disposal systems, and ingress and egress from state or federal highways, must be complied with. |
| <input type="checkbox"/> | <input type="checkbox"/> | c. Statement of deed restrictions and protective covenants, if any.  |
| <input type="checkbox"/> | <input type="checkbox"/> | d. Typical street cross-sections showing roadbed construction, curbs, gutters, sidewalks, and relationship of underground utilities.   |
| <input type="checkbox"/> | <input type="checkbox"/> | e. A plan showing provisions for sanitary sewage disposal, storm water disposal, and domestic water supply.  |

- f. Certification on plat showing that streets and utilities have been approved by the appropriate agencies and conform to general requirements and minimum standards of design. Property fronting on a state or federal highway must receive approval from the State Highway Department of Transportation for ingress and egress.
- g. Certification on plat of title showing that the applicant is the owner, and a statement by such owner dedicating streets, rights of way, and any other sites for public use. See appropriate form.
- h. Certification on plat by the County Health Officer when individual sewerage disposal or water systems are to be invited. See appropriate form.
- i. Certification on plat surveyor or engineer as to the accuracy of survey and plat. See appropriate form.
- j. Certification that the subdivider has complied with one of the following alternatives:
  - 1.) All the improvements have been installed in accordance with the requirements of these regulations, or
  - 2.) A security bond, certified check, or irrevocable commercial letter of credit has been posted with the county in sufficient amount to assure such completion of all required improvements.
- k. Certification on plat by County Judge/Executive that the plat has been approved for recording in the office of the County Clerk.
- l. Certification on plat by the County Clerk that the plat is accepted for filing and recording.

NOTE: Everything on the preliminary plat shall also be included on the final plat. The final plat will include additional items and will include revisions pointed out in the preliminary plat review.

## **216 Enforcement**

Chapter 100 of the Kentucky Revised Statutes enables the Fiscal Court to establish standards for local development as well as to establish the procedures necessary for implementing these standards. The Statutes also include specific provisions for the enforcement of these regulations and penalties for the violation thereof. These provisions are set forth in Sections 217-220 below.

## **217 Plats of Record**

Much of the authority for regulating land subdivision comes from the necessity for recording parcels of land with the County Clerk as a condition for transfer of ownership. These conditions are set forth in KRS 100.277 and cited in Section 107 of these regulations.

**217.1 Recording of Plat (KRS 100.344)** – All final plats approved by the Fiscal Court shall be recorded at the expense of the applicant in the office of the County Court Clerk.

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

## **218 Penalties**

The Kentucky Revised Statutes further specify the powers and penalties available to the Fiscal Court for insuring compliance with these regulations.

**218.1 Enforcement by Board (KRS 100.377)** – The Fiscal Court shall have a cause of action for all appropriate relief, including injunctions against any governmental bodies or any aggrieved person who violates this chapter or regulations adopted thereunder.

**218.2 Penalties (KRS 100.991)** – Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction be fined no less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates this chapter 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 the subject of sale or transfer, or a contract for sale or transfer.

## **219 Administrative Personnel**

Kentucky Statutes place the authority of enforcement with the Fiscal Court. The Fiscal Court, however, may delegate its administrative and enforcement authority to various agents responsible to it. In other situations, it depends on other county departments for information and advice.



**220 Appeals**

State statutes also specify the course of action available to persons or entities who disagree or claim to be injured or aggrieved by action of the Trimble County Fiscal Court.

**220.1 Appeals from Fiscal Court Action** – Any person or entity claiming to be injured or aggrieved by any final action of the Fiscal Court shall appeal from the final action to the circuit court of the county in which the property, which is the subject of the Fiscal Court's action, lies. Such appeal shall be taken within thirty (30) days after such action. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review.

**ARTICLE III  
Design and Improvements**

**300 Purpose**

The Fiscal Court is authorized under Kentucky Revised Statute 100.281 to specify design requirements for streets, lots, utilities, recreation areas, other public facilities, and hazardous areas, including land subject to flooding within Trimble County. Furthermore, the Fiscal Court is responsible for insuring that such standards are enforced during development as a condition of subdivision approval.

**301 Minimum Standards**

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

**302 Developer's Responsibility**

Generally, the developer shall be responsible for providing the land and constructing those public improvements required to serve his development. It is also the developer's responsibility to notify the proper governmental agency when improvements are underway so that the work can be inspected to insure compliance with this ordinance. Similarly, the developer is required to notify the appropriate governmental agency when work is completed so that a final inspection can be conducted.

**303 Site Conditions**

**303.1 Land Suitability** - If the Trimble County Fiscal Court finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, or other such conditions which may endanger health, life or property, the Trimble County Fiscal Court shall not recommend the land for subdivision unless adequate methods are proposed by the subdivider for solving problems that will be created by the development.

The Trimble County Fiscal Court may refuse to recommend approval what is considers to be scattered or premature subdivision of land which would involve danger or injury to the public

health, safety, or welfare, by reason of a lack of water supply, schools, proper drainage, adequate roads or transportation facilities, or other public services, or which would necessitate an excessive expenditure of public funds for the supply of such services.

**303.1 Natural Features** – The street plan and lot arrangement of a proposed subdivision shall be so designed as to preserve natural features such as trees, streams, natural lay of the land, and disposition of the topsoil.

### **304 Lot Development**

The size, proportion, and orientation of individual parcels of land and the buildings placed on them will vary with intended type of land use and with the geologic characteristics of the land. Other principles of lot use and layout are more generally applicable and are basic to principles of good subdivision design.

**304.1 Lot Width** – All lots in the county shall front on a public street for a minimum distance of two hundred (200) feet save and except that any lot fronting on a public street in a cul-de-sac shall have a minimum frontage of forty (40) feet, provided however that on any lot fronting on a public street in a cul-de-sac where the frontage is less than one hundred (100) feet, the minimum width between the two lot lines that radiate from the right of way at the cul-de-sac shall be one hundred twenty-five (125) feet at a point one hundred twenty-five (125) feet from the right of way line at the cul-de-sac.

**304.2 Lot Area Requirements** – The minimum lot area for development in the county is one (1) acre. A greater area than that specified above may be required if, in the opinion of the County Health Officer, there are potential health hazards due to drainage, soil, or other factors. Provided however that any person transferring a lot or parcel to one of the relatives specified in Section 107 (1) above shall not be subject to these minimum lot sizes.

**304.3 Single Building Per Lot** – Each separate principle use building shall be situated on a separate and single subdivided lot of record.

### **305 Lot Layout**

**305.1 Lot Lines** – All side lines of lots should be at right angles to straight streets and radial to curved street lines.

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

**305.3 Double Frontage Lots** – Lots shall not be laid out so that they have frontage on more than one street except: (1) corner lots, or (b) when the rear of the

lot faces an arterial, freeway, or railroad right-of-way and the front of the lot faces on a minor street.

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

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

### **306 Building Setback Line**

Where not otherwise specified by other requirements, the minimum building setback line from the street right-of-way shall be twenty-five (25) feet.

### **307 Lot Identification**

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

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

**307.3 Property Numbering System** – Individual lots shall be given a street address by the County 911 Office. This number will be assigned once the drive entrance has been established.

### **308 Transportation**

Proposed streets shall be considered in their relationship to existing and planned streets, to topography, public convenience, and safety, and in relationship to proposed land uses to be served. Where it is desirable, consideration shall be given to other modes of transportation, including pedestrian and bicycle.

**308.1 Streets** – Streets, as ways for the movement of vehicular traffic, serve two principle functions: (a) the movement of people and goods and (b) access to adjoining properties. Unfortunately, these two functions are of a conflicting nature because the smooth movement of traffic is interrupted by vehicles entering or leaving traffic from or to adjacent property.

To satisfy the competing street functions of movement and access, sound traffic engineering principles require the use of a street classification system of several levels. Each street classification serves a combination of the two functions.

**308.11 Street Classification System** – The following functional street classification shall be considered in the planning of a subdivision:

a.) **Federal and State Highways** – Primarily designed to move vehicles at moderate speeds and connect communities.

b.) **County Roads** – Primarily designed to move vehicles at moderate speeds and to channel local traffic from rural communities and subdivisions to highways.

c.) **Frontage or Service Roads** – Roads that are designed to provide access to property adjacent to major highways at moderate rates of speed. They normally run parallel to the major highways and have access to it at intersections with other highways or county roads.

d.) **Local Streets** – Streets that are located within subdivision and primarily designed to provide access to individual lots. Cul-de-sac streets (streets with only one end open to traffic and the other end terminated by a turnaround) are allowed.

*See County Road  
Right of Way  
Ordinance #620.11  
Dated 5-18-15*

**308.12 Street Classification Standards**

TYPE OF STREET	MINIMUM RIGHT OF WAY (FT)	MINIMUM PAVEMENT WIDTH (FT)	MINIMUM LANE WIDTH (FT)		GRADE		NUMBER OF LANES
				MAX.	MIN		
Highways/ Arterials	100	24	12	6%	0.5%	2-4	
County Roads	40	18	10	8%	0.5%	2	
Local (Subdivision)	40	18	10	12%	0.5%	2	
Cul-de-sac(a)	50	24	10	15%	0.5%	2	
Frontage/ Service Roads	40	20	10	8%	0.5%	2	

(a) Turn around diameters are 140 feet Right of Way and 100 feet of solid paved surface.

**308.13 Conformance with Plan** – The arrangement, location, character, width, grade, and construction of all streets shall conform to the County’s Road Standard Plan and shall be considered in relationship to existing and planned streets, topography, access to adjacent land, and public convenience and safety.

**308.14 Responsibility for Streets** – The developer shall construct all subdivision streets including all clearing, grading, laying of subbase, base, pavements, culverts, bridges, and related structures, sewer mains, and structures in accordance with current county standards.

a. **308.15 General Street Design Criteria** – The following guidelines shall be used in the review of subdivision layout:

b. **Blocks** – The width of a residential block should accommodate two (2) tiers of lots. Block length should be at least four hundred (400) feet, but not exceed twelve hundred (1,200) feet.

c. **Street Intersections** – Multiple intersections involving the junction of more than two (2) streets shall be avoided; street intersections shall be aligned opposite one another, otherwise offsets between intersections shall be greater than one hundred twenty-five (125) feet between center lines.

Minimum safe sight distance at an intersection shall be determined as a straight line of unobstructed view measure in each direction across the corner between points, each along the right of way line twenty (20) feet from the intersection. The space so described shall not be blocked by bushes, trees, structures, or other obstructions.

c. **Street names** – Street names shall be selected which will not duplicate nor be confused with names of other existing streets in Trimble County. Proposed streets which are clearly in alignment with existing streets shall bear the name of that street. Generally, no street should change direction by 90+ without a name change.

d. **Street signs** - Subdivisions shall have permanent signs installed by the developer according to county standards.

e. **Dedication of Right of Way** – Subdivisions along existing county roads or federal/state highways shall dedicate such additional right of way as needed to meet the standards set by the Transportation Plan. When the subdivision is located on only one side of an existing street, only one-half of the additional right of way shall be provided.

f. **Dead-End Streets** – Dead-end streets, other than complete cul-de-sac streets, shall only be permitted as part of a continuing street plan and only if a temporary turnaround satisfactory to the Trimble County Fiscal Court is provided. Dedicated rights of way on dead-end streets shall extend to the tract boundary and reserve strips which might be used to control access to adjacent property are prohibited.

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

**308.16 Street Construction** – Streets shall be constructed in conformance with the following requirements.

a. **Grading and embankments** - The area on which streets are to be constructed should be cleared of all vegetation for a depth of at least three (3) inches and disposed of outside

of the limits of the typical section. Prior to construction of embankments, any unsuitable material on which the embankment will be superimposed should be removed and the area should be stabilized by conventional methods. The embankments shall be formed by placing material in successive horizontal layers of not more than twelve (12) inches in thickness (loose depth). Each layer shall be thoroughly compacted by rolling with a ten ton three wheel roller, sheeps-foot roller, or other approved type roller.

- b. Cut Section Excavation – Cut sections should be excavated to the required typical section and any unsuitable material encountered shall be removed and the area backfilled in six (6) inch horizontal layers and thoroughly compacted before successive layers are placed.
- c. Solid Rock Excavation – If solid rock is encountered in connection with the grading operation, the solid rock shall be removed to a depth of six (6) inches below subgrade elevation and back filled to meet the requirements above.
- d. Subgrade Preparation – Prior to the construction of either rigid or flexible type surface course construction, the subgrade shall be shaped to the required typical section and thoroughly compacted. Any subgrade found to be unstable or irregular shall be corrected ahead of the various types of base or pavement construction.
- e. Concrete Streets – Shall meet requirements of Class “A” Kentucky Department of Transportation Bureau of Highways, Standard Specifications, Current Edition.
- f. Bituminous Concrete on Macadam Base – The macadam base shall consist of four (4) inches of #3 stone and four (4) inches of D.G.A. or eight (8) inches of D.G.A. for a total after compaction of eight (8) inches. Provided however, that with the approval of the Trimble County Road Foreman or Supervisor, six (6) inches of creek rock plus four (4) inches of D.G.A. may be substituted for the specifications listed above. For streets primarily serving industrial and commercial areas, the base will be a total of twelve (12) inches after compaction. Upon this base apply 0.35 gallons per square yard of RT-2 light prime emulsion or equal. After two (2) to three (3) days of curing time, place two (2) inches of Bituminous Concrete Class I (black base or binder) and one (1) inch of sand-mix based blacktop after compaction, and then compacted with a five (5) to ten (10) ton roller. The developer will notify the responsible county official in charge of streets at least seventy-two (72) hours before putting down the base or blacktop.

### **308.17 Ingress Egress Permits from State or Federal Highways**

Prior to any real estate closing or the recording of any deed for a lot or parcel of land that fronts on a state or federal highway, a certification must be provided by the Kentucky Department of Transportation stating whether or not they will permit ingress and egress to the lot or parcel of land from the state or federal highway.

**308.2 Walkways** - If sidewalks are provided, they shall meet the following requirements and shall be the responsibility of the developer.

**308.21 Residential Subdivisions** – In residential areas, sidewalks shall be provided on both sides of the street where the predominant lot width is less than one hundred twenty (120) feet. Sidewalks shall be required on one side of the street where the predominant lot width is under two hundred (200) feet. Sidewalks will not normally be required where the predominant lot width is over two hundred (200) feet.

Where a residential block exceeds nine hundred (900) feet in length, a through sidewalk in a ten (10) foot easement may be required by the Trimble Fiscal Court.

**308.22 Commercial Development** – Sidewalks shall be required for all commercial lots by the Trimble County Fiscal Court.

**308.23 Standards** – Sidewalks shall be constructed of concrete, at least four (4) inches thick and four (4) feet wide, poured over a compacted four (4) inch dense grade gravel subbase.

**308.3 Bikeways** – A bikeway may be substituted for a sidewalk in areas where schools, parks or other public facilities exist and may cause a high volume of bicycle traffic, to insure the safety of cyclists and encourage greater use of the bicycle as an alternate means of transportation.

**308.31 Bicycle Paths** – Shall include only those bicycle facilities whereby a separate right of way is set aside for the exclusive use of cyclists to the exclusion of motorized vehicles and pedestrians. One-way bike paths shall be at least four (4) feet wide and paved with concrete or bituminous paving material. Two way bike paths shall be at least eight (8) feet wide.

**308.32 Bicycle Lanes** – Shall include those bicycle facilities where a portion of a street is designated by a raised curb or painted lane stripe, for the exclusive use of cyclists. Bike lanes shall be prominently marked as such and be one-way in direction on each side of the street and a minimum of four (4) feet wide.

**308.33 Bicycle Routes** - Shall include those existing or proposed streets that are determined by specific analysis to be suitable for the safe operation of bicycles. Bike routes do not provide for the exclusive use of bicycles but require sharing the street with other vehicles, and are designated by a map of public distribution and/or by the official “Bike Route” sign.

### **309 Public Utilities/Facilities**

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

**309.1 Sanitary Sewage Treatment Service** – Where a public sanitary sewer system is available, as determined by the Trimble County Fiscal Court, sanitary sewers shall be installed by the developer to adequately serve all lots with connections to the public system.

**309.2 Package Treatment Plants** – Where a public sanitary sewer system is not reasonably accessible, a neighborhood or “Package” disposal system may be installed according to standards determined by the County Health Officer and the Natural Resources and Environmental Protection Cabinet. When a package treatment plant is to be used, the developer shall provide a system for financing future operation/maintenance costs.

**309.3 Individual Disposal Systems** - Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed, subject to the approval and conditions of the County Health Officer and/or Kentucky Department of Health,

based on the review of a soils analysis and percolation data or other pertinent data for each lot in the proposed subdivision. Provided however, that no real estate closing may take place and no deed for the transfer of any lot or parcel of land may be recorded unless there has been certification from the Health Department with regard to the proper method of septic disposal for that lot or parcel of land.

**309.4 Future service** – Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

**309.5 General Standards** - Subject to a specific determination to the contrary by the Trimble County Fiscal Court or other agency, the following general standards shall apply: The minimum size sewer pipe connection to any parcel shall be four (4) inches inside diameter (i.d.) The maximum sewer pipe line to be used in a residential subdivision shall be eight (8) inches i.d., except that a six (6) inch i.d. line may be used to serve no more than four (4) dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

**309.6 Plans Required** – The subdivider shall submit plans for the proposed sanitary sewer treatment facilities with the filing of the preliminary plat for Trimble County Fiscal Court approval. Such plans shall be prepared by a registered civil engineer and shall show pipe sizes, type of pipe, the location, type, and size of all lift or pumping stations and treatment facilities, if on site. Such plans shall be designated as a logical extension of the public sewer system, including trunk lines as needed to serve the subject tract and future extensions of the system.

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

**309.7 Oversized facilities**- When it is determined necessary, the developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision. In these cases, the County may reimburse the developer for the difference in cost between facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

### **310 Storm Water Drainage System** –

Provision shall be made by the developer for the collection and channelization of storm water runoff by means of a storm water drainage system designed to handle runoff from storms occurring on an average frequency of ten (10) years. The proposed system shall be subject to the review and approval of the Trimble County Fiscal Court.

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

**310.2 Plans Required** – The subdivider shall submit plans for the purposes storm water drainage system with the filing of the preliminary plat for Trimble County Fiscal Court review. Such plans shall show contours, inlets, drainage easements, pipe, storm drains, ditches, and



holding ponds indicating size and material, culverts and headwalls, bridges, pump stations, and discharge points. Drain boxes shall be constructed in accordance with specifications provided by the county. Any culvert pipe buried six (6) feet or more in depth shall either be reinforced concrete or double coated (inside and out) corrugated metal.

**310.3 Oversized Facilities** – When it is determined necessary, the developer may be required to install drainage structures in excess of those required to serve the subdivision. In these cases, the County may reimburse the developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

### **311 Water Supply System**

Where public water supply is available, the subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the county's or rural water district's distribution system. The distribution system shall be in accordance with the current county standards, as well as the Natural Resources and Environmental Protection Cabinet and the State Fire Rating Bureau.

**311.1 Plans Required** – The subdivider shall submit plans for the proposed water system. These plans shall show location of connections to existing systems, location and size of proposed mains, and fire hydrants. The subdivider shall have a professional engineer certify whether or not there will be sufficient fire flow (minimum of 250 gallons per minute for two hours plus consumption at the maximum daily rate) for the installation of fire hydrants. If the fire flow is determined to be insufficient, no fire hydrants shall be installed. However, in the case of commercial and industrial development, fire hydrants shall be provided and shall meet the requirements of Section 311.3.

**311.2 Certification as to water availability** – No real estate closing may take place and no deed shall be recorded for the sale of any lot or parcel of land until there has been certification by the water company serving the lot or parcel as to whether or not there is public water available to the lot or parcel.

### **311.3 Residential Subdivisions (Includes Mobile Home Parks)**

#### **311.20 Water Supply**

- a. Water mains shall be installed in conformity with the requirements of the water company serving the lots or parcels to be developed and the developer of the proposed subdivision shall provide certification from the water company as to the following matters:
  - (1.) That water is available from the water company to serve the subdivision and the size of the water main that will be installed in the subdivision.
  - (2.) Whether or not the water mains that will be installed will be adequate to allow installation of fire hydrants, and if so the number and location of the fire hydrants to be installed.
  - (3.) The arrangement of water mains within the subdivision so described as to permit determination of the distances between intersecting mains and the number of valves to be installed so as to avoid interruption of service in the event of a breakdown within the water system.

- b. Wherever the water company certifies that the following standards are possible, the following standards shall be followed in construction of water lines in subdivisions.

(1.) Water mains shall be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of eight hundred (800) feet, eight (8) inch or larger mains must be used.

(2.) Eight (8) inch mains shall be used where dead-end and poor circulating gridironing is likely to exist for a considerable period of time, or where the layout of the streets and topographical characteristics are not well adapted to a circulating system.

(3.) The distribution system shall be equipped with a sufficient number of valves so located that breakage or interruption will not cause the shut-down of any portion of a main greater than eight hundred (800) feet.

(4.) Approval of the county shall be obtained prior to the issuance of a building permit.

**311.21 Fire Hydrant Intallation** – Where the servicing water company has certified that water mains are adequate to permit the installation of fire hydrants, fire hydrants shall be spaced not farther than one thousand (1000) feet apart as measured over hard surface roads. In no event shall the distance between a fire hydrant and a building exceed three hundred (300) feet as measured on an all weather road.

- a. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the water company and the county.
- b. Fire hydrants shall be able to deliver two hundred fifty (250) gallons per minutes with a friction loss of not more than two and one half (2 ½) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and outlet.
- c. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and a large pumper outlet of four and one-half (4 ½) inch i.d.
- d. A gate valve with box must be installed between the main and the hydrant.

### **Industrial, Commercial and High Density Residential Development**

#### **311.30 Water Supply**

- a. Water mains shall be not less than eight (8) inches in diameter and fire hydrant branch connections shall be not less than six (6) inches. Water supply and water main sizes will be subject to reasonable additional requirements relative to the degree of density of development and use.
- b. Approval of the county shall be obtained prior to the issuance of a building permit.

**311.31 Fire Hydrant Installation**

- a. Fire hydrant installation shall be not less than that required for residential areas referred to above, and in addition, each building shall have hydrants within the following distances:
  1. 300 feet distance – 1 hydrant
  2. 500 feet distance – 3 hydrants
  3. 1000 feet distance – 5 hydrants
- b. No part of the exterior of a building, other than dwellings, shall be farther than five hundred (500) feet from a hydrant. Distances are to be measured along the shortest feasible exterior route (never measured through a building) for laying hose.
- c. Fire hydrants must be located at least twenty-five (25) feet from the exterior wall of any masonry buildin, and at least fifty (50) feet from an exterior wall of frame or equivalent construction, including brick and stone veneer.
- d. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the County.
- e. Fire hydrants shall be able to deliver one thousand (1000) gallons per minute with a friction loss of not more than two and one-half (2 ½) pounds per square inch in the hydrant, and a total loss of not more than five (5) pounds per square inch between the street main and the outlet.
- f. Fire hydrants shall be equipped with not less than two (2) two and one half (2 ½) inch outlets and a large pumper outlet of four and one-half (4 ½) inches i.d.
- g. A gate valve with box must be installed between the main and the hydrant.

**311.32 Administrative Procedure**

- a. During the installation of all water lines and fire hydrants and other related equipment, the developer and/or his contractor must notify the county so they can inspect said improvements. No improvements shall be covered or concealed until they have been approved by the county.
- b. Upon completion and approval, the county must certify in writing that all improvements have been accepted and approved by the Trimble County Fiscal Court.
- c. No building permits may be approved until this certification is made.

**311.33 Oversized facilities** – Whenever the county or rural water district deems it appropriate and necessary, the subdivider may be required to install water mains, fire hydrants, and valves in excess of state requirements. In these cases, the water utility may reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of water facilities necessary to provide for planned future development.

**311.34 Public Water Unavailable** – In subdivisions where rural water district supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance and approval from the State Health Department must be submitted with the preliminary plat. Wells should be located a minimum of twenty-five (25) feet from property lines, one hundred (100) feet uphill from septic tanks or other sewage systems and forty (40) feet from lakes or drainage ways.

### **312 Electric, Telephone and Gas Service**

Electric and telephone services shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the plat. Telephone, electric and street lighting wires, etc. may be constructed underground.

### **313 Provision of Utility and Drainage Easements**

The subdivider shall set aside permanent easements for placement and access to maintenance of public and private utilities and drainage in accordance with the requirements of these regulations. The specific use of the easement shall be indicated on the plat.

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

**313.2 Dimensions of Easements** – The minimum width for utility easements shall be twenty (20) feet to permit access by maintenance vehicles. Where such easements follow lot lines, they may be split with ten (10) feet provided on each lot. Dead end easements shall not exceed one hundred fifty (150) feet in length. Drainage easements must be at least fifteen (15) feet in width.

**313.3 Restriction** – No fences, principle or accessory buildings, or other structures shall be permitted within easements. Any overhanging or obstructing limbs, shrubbery, or vegetation may be removed within the limits of the easement at the sole discretion of the appropriate maintenance personnel.

### **314 Community Facilities and Open Space**

The process of land subdivision and development represents a long-term commitment to a particular land use and movement pattern, good or bad. It is, therefore, the point in time of a county's development that the planning process is actually implemented with respect to securing the land needed for public services.

**314.1 Reservation of Land** - Where a proposed park, playground, school site, or other public use is to be located completely or in part in a proposed subdivision, such proposed public use, if not dedicated to public use or conveyed to the appropriate public body, may be reserved by the Trimble County Fiscal Court for a period not more than two (2) years from the date of approval of the final subdivision plat. During this time the affected public agency may acquire the reserved area for its fair market value or by another appropriate method.

After the two (2) year period has elapsed, if the affected public agency has not acquired such land or arranged with the owner for satisfactory extension of such period, the owner may dispose of the property in conformance with the law.

The subdivider shall give consideration to dedicating or reserving the land for facilities which will be needed by the future residents, such as public buildings, shopping facilities, and churches.

**314.2 Unforeseen Development** – Where considered essential by the Trimble County Fiscal Court, in its review of large scale or planned unit development not anticipated in the adopted plans, the Trimble County Fiscal Court may require the reservation for purchase of such areas of an extend and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two (2) years.

### **315 Construction Guarantees**

**315.1 Completion of Improvements** – Prior to the submission of the final plat or minor plat to the Trimble County Fiscal Court for approval, the developer shall complete all required improvements to the satisfaction of the appropriate county agency who will certify their satisfactory completion in writing to the Trimble County Fiscal Court.

**315.2 Performance Bonds** - The developer may execute and file guarantees of construction with the county in lieu of actual installation or completion of the required improvements when requesting approval of the final plat or minor plat. However, on structure on a lot can be sold for occupancy until such time as all improvements applicable to that lot are completed.

A bond shall be filed with the county in an account not less than one hundred fifteen per cent (115%) of the cost as the Trimble County Fiscal Court shall estimate and determine to be reasonably necessary to complete all of the improvements required to be done by the developer (including measures to control erosion and sedimentation, when applicable) and also the Trimble County Fiscal Court's fees, for field inspection. The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or Irrevocable Commercial Letter of Credit approved by the Subdivision Advisory Board or County Attorney. The bond shall be executed by the developer or principal, and if a surety bond, shall be executed by a corporation authorized to act as surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint bond and severally obligates faithful performance of any and all work and the construction and installation of all improvements required to be done by the developer together with all engineering and inspection costs and fees incurred by the county. The bond shall contain the further condition that should the developer fail to complete the work and improvements required to be done by him within twenty-four (24) consecutive calendar months of the date of approval of the Final Plat, or within mutually agreed upon extension not to exceed twelve (12) consecutive calendar months, that the county may at its option cause all required work to be done and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the developer elects to deposit cash, certified check, or approved negotiable United States Treasury Certificates, the county shall be authorized, in the event of any default on the part of the developer in the performance of any work or construction of improvements for which the cash or negotiable bond has been deposited, to cause the required work to be done and to withdraw the amount required for the payment of all costs therefore. The bond shall be filed with the County Clerk.

At such time as the developer has completed such improvements specified in the bond guarantee, he shall notify the County Engineer (or delegated representative) who will inspect the improvements, and, if all are in conformance with the requirements, will notify the Fiscal Court in writing and recommend the release of seventy-five per cent (75%) of the bond. Twenty-five per cent (25%) shall be retained as guarantee of the improvements against the incorporator of faulty materials or poor workmanship for a period of two (2) years after the date that the construction was accepted by the county.

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

**315.4 Liability Insurance** – The developer shall furnish such insurance as deemed necessary by the Subdivision Advisory Board, which shall indemnify and save harmless the county from any and all liability arising from any conditions which may result from the construction or installation of improvements. The insurance shall be of such as determined by the Trimble County Fiscal Court but in no case shall be allowed to expire earlier than one (1) year from the date of construction of improvements for maintenance by the county. A copy of the insurance policy shall be filed with the County Clerk.

## **ARTICLE IV Definitions**

### **400 Definitions**

For the purpose of these Subdivision Regulations, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular

include the plural and words in the plural include the singular; the person includes association, firm, partnership, governmental body, corporation, and organization, as well as individual; the word structure includes building; the word occupied includes arranged, designed, or intended to be occupied; the word used includes arranged, designed or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive. Other words and terms shall have the following respective meanings.

**Administrative official** – any department, employee or advisory, elected or appointed body which is authorized to administer any provision of the subdivision regulations, and if delegated any provision of any housing or building regulation or any other land use control legislation.

**Agricultural use** – See “Subdivision”.

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

**Bikeway** – A way or portion of a way intended and designated primarily for bicycle traffic.

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

**Cities** – Refers to incorporated areas of the Cities of Bedford and Milton as they existed at the time of the adoption of these regulations and including any revisions thereto.

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

**Comprehensive Plan** – Plans, or portions thereof, adopted by the Planning Commission and City Councils of Bedford and Milton in accordance with KRS 100.183- 100.197 showing the general location and extent of present and proposed physical facilities including housing, commercial and industrial uses, major streets, parks, schools and other community facilities. This plan also establishes the goals, objectives, and policies of the community.

**County** – Refers to the territory of Trimble County

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

**Development Plan** – Development plan means a written and graphic material for provision of a development including any or all of the following: location and bulk of building and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

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

**Easement** – Authorization by a property owner for the use by others, of any designated part of his property, for a specified purpose and time as described in the conveyance of land by such easement.

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

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

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

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

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

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

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

**Lot, Through or Double Frontage** – A lot of which the opposite ends abut on streets.

**Lot width** – The distance between the two side property lines of a lot measured along the building setback line.

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

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

**Plat** – The map of a subdivision.

**Sketch plat** – a preliminary sketch indicating the subdivider's general objectives and desires in regard to the future development of his land, presented to the Trimble County Fiscal Court for its informal consideration.



**Preliminary plat**- The drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Trimble County Fiscal Court for its consideration.

**Final subdivision Plat** – The final map, drawing, or chart upon which the subdivider’s plan of subdivision is presented to the Trimble County Fiscal Court for approval, and which, if approved, will be submitted to the County Clerk for recording.

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

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

**Seasonal Recreational Park** – An area where part time seasonal campsites are established for recreational purposes (Campgrounds will not be considered as subdivisions.)

**Setback line** – See “Building Setback line.”

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

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

**Street classification** – See Section 308.11 of these regulations.

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

**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 should not be deemed a subdivision. The term shall related to the process of subdivision or to the land subdivided; any division or redivision of land occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. Agricultural use means the use of a tract of at least ten (10) contiguous acres, and is registered with the USDA with an assigned farm number, for the production of agricultural or horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, bees or bee products, grain, hay, pastures, soybeans, or other legumes, tobacco, timbers, orchard fruits, vegetables, flowers or ornamental plants, vineyards and any other agricultural or horticultural practices designed for the production of animals or crops for sale at market including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

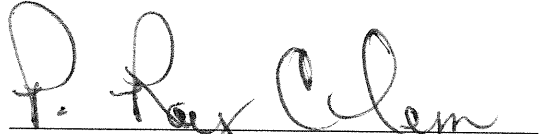
**Trimble County Fiscal Court** – The legally constituted body of five members, the Judge/Executive and four magistrates having oversight to carry out the subdivision regulations as described in this ordinance and authorized by Chapter 100 of the Kentucky Revised Statutes.

**Unit** – A portion of a subdivision for development as one (1) of a series of stages.

**THIS ORDINANCE NUMBER 930.1 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.**

**GIVEN SECOND READING AND ADOPTED** at a duly convened meeting of the Fiscal Court of Trimble County, Kentucky held on the 2ND day of January 2003 and of record in the Fiscal Court Order Book 930.3, page     .

*Ordinance*

  
P. Ray Clem  
Trimble County Judge/Executive

Attest:

  
Trimble County Fiscal Court Clerk

Approved as to form and content by the undersigned, Trimble County Attorney.

  
Perry R. Arnold, Trimble County Attorney