

### **ARTICLE III SUBDIVISION PROCEDURE**

Any person desiring to subdivide any lot, tract, or parcel of land, or to change or rearrange any lot, tract, or parcel of land within Pendleton County, shall comply with the procedures established in this article and other applicable articles and sections of these regulations and in the specified sequence.

**SECTION 3.0 PRELIMINARY INFORMATION:** The subdivider is encouraged to notify the planning commission, or its duly authorized representative, of their intention to subdivide a property prior to submission of the Preliminary Plat. Such notification should include mention or illustration of any aspect or feature which will affect the design or layout of the subdivision. For clarity, the subdivider may utilize a map to illustrate various features or aspects of the property.

**SECTION 3.1 SUBMISSION OF PRELIMINARY PLAT:** The subdivider shall file fifteen (15) copies of the Preliminary Plat with the planning commission's duly authorized representative, prepared in accordance with the requirements of Article 3.0, at least twenty-eight (28) consecutive days prior to the next regular meeting of the planning commission. Such submission shall be considered the date of official filing. At this time, the following material shall also be filed with the commission's duly authorized representative, where applicable.

**A. APPLICATION FOR PRELIMINARY PLAT APPROVAL:**

An application (provided by the commission) shall be submitted. At the time of submission, the commission's duly authorized representative shall note on the application the date of submission and signature of the subdivider.

**B. INDIVIDUAL ON-SITE DISPOSAL SYSTEM PERMIT:**

Where individual on-site disposal systems have been approved, as per Section 7.1 of these regulations, the following note shall be included on the plat: "Plat approval for building development on lot(s) is contingent upon issuance of a final sewage construction permit and inspections by the Pendleton County Health Department based upon a site evaluation and approved system.

**C. PRELIMINARY PLAT FEES:**

Preliminary Plat and Certificate of Land Use Restriction fees shall be submitted as established by the planning commission's By-Laws.

**SECTION 3.2 PROCESSING OF THE PRELIMINARY PLAT:** Within three (3) working days after the date of filing of the Preliminary Plat, the planning commission's duly authorized representative shall notify the local and state governmental agencies, and other organizations of the public meeting, and transmit copies of the proposed Preliminary Plat (number of agencies notified including copies forwarded shall be determined from a checklist on the application provided by the planning commission's duly authorized representative).

The local and state governmental agencies and other affected organizations shall forward their recommendations and/or comments, if any, to the planning commission or its duly authorized

representative prior to or at the meeting of the planning commission at which the issue will be heard.

The Preliminary Plat, the application, and all other required information, shall be checked by the planning commission's duly authorized representative for compliance with: (1) the requirements of the Preliminary Plat as per Article IV; and (2) any other pertinent sections of applicable regulations.

**SECTION 3.3 PLANNING COMMISSION ACTION:** The commission's duly authorized representative shall review the Preliminary Plat, including determination of its conformance to the requirements of these regulations, and shall consider the recommendations and/or comments of all applicable local and state governmental agencies and other applicable organizations, and shall forward such recommendations and/or comments to the planning commission along with its recommendations. The planning commission shall then review the recommendation of its duly authorized representative and/or comments of all applicable local and state governmental and other affected organizations, and take one of the following actions: (1) approve the plat; (2) approve the plat, subject to conditions; or (3) disapprove the plat; within two consecutive meetings from date of official filing, unless such time is extended by agreement between the planning commission and the subdivider.

In the event of approval, conditional approval, or disapproval of the Preliminary Plat, a statement, in writing, by the planning commission or its duly authorized representative, setting forth the conditions of approval, or reasons for disapproval, shall be submitted to the subdivider.

Approval or conditional approval of a Preliminary Plat shall be valid and not subject to additional requirements for a period of twenty-four (24) consecutive calendar months, except that if a portion of an approved Preliminary Plat is approved or conditionally approved as Improvement Drawings and Specifications or a Final Plat, said approval or conditional approval of the remainder of the Preliminary Plat shall be valid for twenty-four (24) consecutive calendar months after the date of approval or conditional approval of said Improvement Drawings and Specifications or Final Plat. The planning commission may, upon receipt of a request by the subdivider, grant an extension to this twenty-four (24) month period if prevailing conditions have not changed appreciably.

**SECTION 3.4 SUBMISSION AND PROCESSING OF PRELIMINARY GRADING PLANS AND/OR EROSION AND SEDIMENTATION CONTROL PLANS:** Following approval or conditional approval of the Preliminary Plat, the subdivider may elect to proceed with preliminary grading of the area to be subdivided, provided that plans for erosion and sedimentation (as per Section 7.12) are submitted to the planning commission's duly authorized representative who shall check the erosion and sedimentation plans for preliminary grading to insure their conformance with the approved or conditionally approved Preliminary Plat and other pertinent sections of these regulations. Following this review, the planning commission's duly authorized representative shall take one of the following actions: (1) approve the erosion and sedimentation plans for preliminary grading; (2) cause to revise or approve the erosion and sedimentation plans for preliminary grading, subject to conditions; or (3) disapprove the erosion and sedimentation plans for preliminary grading. In the event of conditional approval or disapproval, a statement, in writing, by the planning commission's duly authorized representative, setting forth the conditions of approval or the reasons for disapproval, shall be

submitted to the subdivider. Three (3) copies of Grading Plans and/or Erosion and Sedimentation Control Plans, for final approval with conditions as required, shall be submitted to the planning commission's duly authorized representative prior to start of construction.

**SECTION 3.5 SUBMISSION OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS:**

Following approval or conditional approval of the Preliminary Plat by the planning commission, the subdivider may elect to submit the Improvement Drawings and Specifications to the planning commission's duly authorized representative for review and approval, prior to the submission of the Final Plat. It shall also be the responsibility of the subdivider to submit copies of the Improvement Drawings and Specifications to the applicable local and state governmental agencies and other organizations affected by the subdivision. Said Improvement Drawings and Specifications shall include at least the area intended for processing as a Final Plat. At this time, the subdivider shall submit to the planning commission's duly authorized representative the following:

1. One (1) copy of the Sanitary Sewerage and Storm System Plans and Profiles (as per Sections 7.1 and 7.0).
2. One (1) copy of the Water System Plans (as per Section 7.2).
3. One (1) copy of the Street Plans and Profiles, including typical cross sections (as per Section 7.3).
4. One (1) copy of the Drainage Report, including computations (as per Section 7.0).
5. One (1) copy of grading plans including control of erosion and sedimentation (as per Section 7.12) if not submitted previously for processing as per Section 3.4.
6. Plan review and construction review fees as established by the planning commission's By-Laws.

**SECTION 3.6 PROCESSING OF IMPROVEMENT DRAWINGS AND SPECIFICATIONS:**

The planning commission's duly authorized representative shall check the Improvement Drawings and Specifications to insure they are in conformance with the approved or conditionally approved Preliminary Plat and that they meet all applicable requirements established in these regulations. The planning commission's duly authorized representative shall cause to have the subdivider's engineer incorporate requirements of all applicable local and state governmental agencies and other organizations as they pertain to the proposed Improvement Drawings and Specifications. Following these reviews, the planning commission's duly authorized representative shall take one of the following actions: (1) approve the Improvement Drawings and Specifications; (2) cause to revise or approve the Improvement Drawings and Specifications, subject to conditions; or (3) disapprove the Improvement Drawings and Specifications. In the event of revisions, conditional approval, approval or disapproval, a statement, in writing, by the planning commission's duly authorized representative, setting forth the reasons for such action shall be submitted to the subdivider. Three (3) copies of Improvement Drawings and Specifications shall be submitted to the planning commission's duly authorized representative, for final approval, with all conditions as required prior to start of construction.

**SECTION 3.7 SUBMISSION OF THE FINAL PLAT:**

- A. **GENERAL:** Except as provided herein, the Final Plat shall only be submitted after the Preliminary Plat has been approved, or conditionally approved. The Final Plat shall

conform to the approved or conditionally approved Preliminary Plat and shall include all changes, additions, deletions, or approvals as may be required per conditional approval by the commission, or its duly authorized representative and shall be prepared in accordance with Article V and other applicable sections of these regulations. Resubdivisions of previously approved or recorded Final Plats which do not involve new building development may be submitted without a Preliminary Plat and processed in accord with Section 3.8 of these regulations.

- B. PREPARATION: The subdivider may cause, within twenty-four (24) consecutive calendar months after the approval or conditional approval of the Preliminary Plat or Improvement Drawings and Specifications, the subdivision or any part thereof, to be surveyed and a Final Plat thereof to be prepared. Except as required within Section 7.3 J regarding street interconnection/extension, the Final Plat shall contain only that portion of the approved or conditionally approved Preliminary Plat and Improvement Drawings and Specifications, where applicable, which the subdivider wishes to have approved, recorded and developed at that time. Final Plats which are a portion of the approved or conditionally approved Preliminary Plat shall be named and listed as "SECTION NO. (XX) of (*Name of Subdivision*)". Final Plats which are resubdivisions of approved and recorded Final Plats shall be labeled as "RESUBDIVISION OF (*Appropriate Listing Title* - lots, Section No., Subdivision Name)". The subdivider shall ensure that the Final Plat is prepared under the supervision of a registered land surveyor.
- C. FILING: The subdivider shall submit, to the planning commission's duly authorized representative, two (2) copies of the Final Plat drawing prepared in accordance with Article V of these regulations for review. At this time, the following material shall also be filed with the commission's duly authorized representative, unless otherwise noted:
1. Application for Final Plat approval: An application (provided by the commission) shall be submitted. At the time of submission, the commission's duly authorized representative shall note, on the application, the date of submission and signature of the subdivider.
  2. Traverse sheets or other closure documentation: As referenced on the plat. In no case shall the unadjusted linear error of closure of the actual field traverse be less than a minimum ratio of 1:5000 for a class B survey and 1:10000 for a class A survey. The closure accuracy required shall include a closed traverse of the subdivision boundaries (as per Article V).
  3. Improvement Drawings and Specifications: Improvement Drawings and Specifications will be required, if not submitted previously for processing, in accord with Section 3.5.
  4. Record Copies of Improvement Drawings: Where the Improvement Drawings and Specifications were previously submitted and approved prior to the submission of the Final Plat, and where construction of the public improvements reflect significant changes from the originally approved improvement drawings, the subdivider shall submit one (1) reproducible mylar of Record Copies of Improvement Drawings including

plans and profiles for streets, sanitary sewerage and storm system and water system.

5. Special Testing Reports: All required testing reports including soils (i.e., embankments, subgrade, utility trenches), sanitary sewers (i.e., low pressure air acceptance) storm sewers (i.e., larger than 30 - diameter) and concrete street paving (i.e., strength, slump, air content and cylinder tests).
6. Fees: Plan review, plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws.
7. Guarantee: A guarantee (if applicable) per Section 7.16 of these regulations.

**SECTION 3.8 PROCESSING OF THE FINAL PLAT AND WHERE APPLICABLE, THE IMPROVEMENT DRAWINGS AND SPECIFICATIONS:** The planning commission's duly authorized representative shall check the Final Plat as to conformity with the approved, or conditionally approved, Preliminary Plat and all other pertinent aspects as required in Article V and other applicable sections of these regulations. Following review, the planning commission's duly authorized representative shall recommend one of the following actions: (1) approve the Final Plat; (2) cause to revise the Final Plat, subject to conditions; or (3) disapprove the Final Plat. Should the planning commission's duly authorized representative decide to cause revisions to be made or recommend disapproval of the Final Plat, written notice of such action, including the revisions or reasons for disapproval shall be mailed to the subdivider by the planning commission's duly authorized representative. Where applicable, the planning commission's duly authorized representative shall also check the Improvement Drawings and Specifications, drainage plans, plans for erosion and sedimentation control and the Record Copies of Improvement Drawings (required as per Section 3.7 C.4) for their conformity to the Final Plat.

**SECTION 3.9 PLANNING COMMISSION ACTION:** Following the review of the Final Plat the planning commission's duly authorized representative shall take one of the following final actions:

- A. FINAL APPROVAL -- final approval of a plat shall be recommended in one of two ways:
  1. After completion of improvements: After the subdivider has obtained approval or conditional approval and has completed all required improvements and the required improvements have been inspected and found to be in compliance with these regulations, the planning commission's duly authorized representative shall recommend final approval. The original drawing of the Final Plat shall then be signed and dated by the chairman or other duly authorized officer of the planning commission.
  2. Before completion of improvements: The planning commission's duly authorized representative may recommend final approval before all required improvements are completed, provided that a guarantee is provided for the purpose of assuring completion of such improvements. The amount of the

guarantee shall be based on an estimate made by the subdivider's engineer. Type of guarantee shall be a good and sufficient surety bonds acceptable to the planning commission's legal counsel. All guarantees shall be approved by the planning commission's duly authorized representative. Upon determination that all requirements of these regulations have been met, the planning commission's duly authorized representative may recommend final approval. The original drawing of the Final Plat may then be signed and dated by the chairman or otherwise duly authorized officer of the planning commission. The guarantee shall not be returned to the subdivider until all improvements have been completed, inspected, and found to be in compliance with these regulations.

**SECTION 3.10 EFFECT OF APPROVAL:** After the Final Plat has been reviewed by the planning commission's duly authorized representative, and all changes, additions, deletions, etc. made, two (2) sets of original reproducible mylars and six (6) paper copies for Final Plats and condominium property regime plats shall be submitted for final approval. Said mylars or originals shall include all certificates, acknowledgements, endorsements, and notary seals and all signatures completed in original ink, except for signatures of the chairman or other duly authorized officer of the Commission and county clerk (e.g., copies of plat signatures are not acceptable by the county clerk for recording). Following this review, the Final Plat may be recommended for approval by the planning commission's duly authorized representative, and signed by the chairman or other duly authorized officer of the planning commission. Disposition and recording shall be as specified in Sections 3.11 of these regulations.

**SECTION 3.11 DISPOSITION AND RECORDING OF APPROVED FINAL PLAT:** After approval of the Final Plat signed by the chairman or other duly authorized officer of the planning commission, the planning commission's duly authorized representative shall forward one (1) original mylar to the county clerk's office for recording. Copies of Final Plats and condominium property regime plats shall be forwarded to the legislative body, post office, and related utilities (i.e., Union Light Heat & Power Co., or Owen Electric Cooperative, water district or agency and Cincinnati Bell, Inc.) by the planning commission's duly authorized representative following final action at regular monthly meetings.

**SECTION 3.12 ACCEPTANCE OF IMPROVEMENTS FOR MAINTENANCE AND/OR LAND OFFERED FOR DEDICATION:** After all improvements have been installed in accordance with the approved Improvement Drawings and Specifications and the record copies of drawings have been submitted, and the inspector has indicated that inspections were made and approved (as per Section 7.13), the applicable legislative body or other applicable public body should accept the improvements for maintenance (or in the case of lands to be dedicated, may accept such lands in fee simple, by easement, or other such instrument approved by the applicable governmental body), pursuant to applicable state statutes and other applicable regulations. Acceptance of any street or other public ground is regulated by KRS 100.277(4).

**SECTION 3.13 SUBMISSION AND PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS:**

- A. **GENERAL:** In accord with the Horizontal Property Law (KRS 381) whenever a developer, the sole owner, or the co-owners of a building or buildings constructed or to

be constructed, expressly declare, through the recording of a master deed or lease, a condominium property regime may be established. Once the property is submitted to the condominium property regime, a unit in the building(s) may be individually conveyed and may be the subject of ownership possession or sale and other acts as if it were sole and entirely independent of the other units in the building(s) of which they form a part and the corresponding individual titles and interest shall be recordable. It is the purpose of the condominium property regime plat to provide a process whereby two or more apartments, town-houses, rooms, office spaces, or other units in existing or proposed buildings or structures may be subdivided and offered or proposed to be offered for sale in accordance with requirements as established by these regulations. In order to be processed as a condominium property regime plat, the following requirements must be met in addition to other requirements of these regulations and applicable state statutes:

1. For proposed projects including buildings involving private or public improvements, prior to the review of a condominium property regime plat, a Preliminary Plat and Improvement Drawings and Specifications are required to be submitted for processing in accord with these regulations.
2. For existing building conversions not involving public improvements, submission and processing shall be in accord with Section 3.13 B and C, respectively.

**B. SUBMISSION OF CONDOMINIUM PROPERTY REGIME PLATS:** In addition to the above requirements, the developer shall submit to the planning commission's duly authorized representative, two (2) copies of the Condominium Property Regime Plat drawing prepared in accordance with Article V of these regulations bearing the certification of a registered land surveyor for review. In addition to other requirements of these regulations, the Condominium Property Regime Plat shall show the location of the building or buildings proposed for the condominium project. Simultaneously, with the submission of the Condominium Property Regime Plat, there shall be attached two (2) copies of a set of floor plans of the building or buildings in accord with state statutes bearing the certification of a registered architect or professional engineer. In addition to other requirements, elevations based upon the North American Datum of 1929 or latest revision, shall be noted on the plats or plans as a reference on each floor or unit for sale.

At this time, the following information shall be filed with the planning commission's duly authorized representative:

1. Application for Condominium Property Regime Plat Approval: An application form provided by the commission, shall be submitted at the time of filing for Condominium Property Regime Plat approval.
2. Traverse Sheets or other closure certification referenced on the plat. The closure accuracy required shall include a closed traverse of the condominium project boundaries (as per Section 5.0).

3. Condominium Property Regime Plat Fees: Plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws, where applicable.

C. **PROCESSING OF CONDOMINIUM PROPERTY REGIME PLATS:** The planning commission's duly authorized representative shall review the condominium property regime plats for conformance to the applicable requirements of Article V, the requirements of this section, other pertinent sections of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the planning commission's duly authorized representative shall recommend one of the following actions: (1) approve the condominium property regime plats; (2) cause to revise the condominium property regime plats subject to conditions; or (3) disapprove the condominium property regime plats. Should the planning commission's duly authorized representative recommend revision or disapproval of the condominium property regime plats, written notice of such action, including the reasons for revision, disapproval, shall be mailed to the subdivider by the planning commission's duly authorized representative. The action shall be entered in the official records of the planning commission's duly authorized representative and the planning commission. After final review of the condominium property regime plats by the planning commission's duly authorized representative, the subdivider shall submit two (2) reproducible mylars and ten (10) copies of plats to the planning commission's duly authorized representative for disposition per the requirements of Section 3.11. If approved and signed by the chairman or other duly authorized officer of the planning commission, the original condominium property regime plats may be recorded in the office of the county clerk.

#### **SECTION 3.14 SUBMISSION AND PROCESSING OF IDENTIFICATION PLATS:**

A. **GENERAL:** It is the purpose of the identification plat to provide a process whereby parcels may be subdivided (i.e. subdivisions) without having to be processed through preliminary and final plat procedures, as established in these regulations. In order for a subdivision to be processed as an identification plat, the following requirements must be met in addition to other requirements of these regulations:

1. The parcel to be subdivided shall not involve construction of any public improvements including water lines, storm and sanitary sewers, and streets, etc. for which preliminary and final plat processes are required.
2. In areas not served by a public sanitary sewer system, land surveyed for conveyance which is less than one (1) acre shall be labeled "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership".
3. Tracts or parcels surveyed in areas approved or conditionally approved as a Preliminary Plat that are not for building development by themselves but are for attachment to adjacent land in the same ownership, shall contain the following statement: "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership. Any development within tract or further subdivision must comply with



previously approved Preliminary Plat with conditions on file at planning commission offices unless amended via submission of revised plans".

4. Except as noted in item 3 (above) the identification plat process shall not be permitted in areas already approved or conditionally approved as a preliminary plat.

B. **SUBMISSION OF THE IDENTIFICATION PLAT:** The subdivider shall submit to the planning commission's duly authorized representative, two (2) copies of the identification plat at a size measuring 8-1/2" x 11" or 8-1/2" x 14" (intended for attachment to a deed), prepared in accordance with the applicable requirements of these regulations and minimum standards of practice for Land Surveying in Kentucky, latest revision, as defined in KRS 322. In addition, the identification plat shall also contain the following information:

1. A statement by a registered land surveyor preparing the plat that the parcel contains no proposed public improvements.
2. A statement by a registered land surveyor preparing the plat that plat approval for residential building development is contingent upon issuance of a sewage construction permit from the Pendleton County Health Department, where applicable.
3. In areas not served by a public sanitary sewer system, land surveyed for conveyance which is less than one (1) acre shall be labeled "Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership".
4. Sufficient information shall be included to locate the parcel being subdivided in relation to the previous subdivided parcels, as well as their location within the tract of land as it existed on the effective date of these regulations.
5. Existing rights-of-way widths shall be determined from existing deeds or lots of record and other statutes or agencies establishing such widths. Subdivisions platted along existing streets shall dedicate additional right-of-way, if necessary, to meet the minimum street width requirements set forth in the applicable section(s) of these regulations. Such dedication shall be in accordance with the following: a. At least the minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way width, measured from the centerline of the right-of-way, shall be dedicated. However, the owner or owners of such property shall not be required to dedicate more than one-half (1/2) of the required rights-of-way width.

6. A vicinity map drawn at a scale of one (1) inch to two thousand (2,000) feet or greater (e.g., one (1) inch to one thousand (1,000) feet) on the plat showing, within one-half (1/2) mile of the proposed subdivision, existing roads and other significant features (e.g., streams, lakes, etc.).
- C. At this time, the following information shall also be filed with the planning commission's duly authorized representative:
1. Application for Identification Plat Approval: An application (provided by the commission) shall be submitted at the time of submission. The commission's duly authorized representative shall indicate on the application the date of submission and signature of the commission's duly authorized representative.
  2. Traverse Sheets or other closure certification referenced on the plat: The closure accuracy required shall include a closed traverse of the subdivision boundaries as per Section 5.0.
  3. Description: One copy of the description written by a land surveyor for the purpose of defining complete land boundaries accurately describing the actual boundary survey.
  4. Identification Plat Fees: Plat review, construction review and recording fees shall be submitted as established by the planning commission's By-Laws.
- D. PROCESSING OF IDENTIFICATION PLAT: The planning commission's duly authorized representative shall review the identification plat as per the applicable requirements of these regulations and minimum standards of practice for land surveying in Kentucky. Following the review, the planning commission's duly authorized representative shall recommend one of the following actions: (1) approve the identification plat; (2) cause to revise the identification plat subject to conditions; or (3) disapprove the identification plat. Should the planning commission's duly authorized representative recommend revision or disapproval of the identification plat, written notice of such action, including the plat revisions or reasons for disapproval shall be mailed to the subdivider by the planning commission's duly authorized representative. After final review of the identification plat by the planning commission's duly authorized representative, two (2) originals and one (1) copy of the plat shall be submitted to the planning commission's duly authorized representative for final approval and disposition, per the requirements of Section 3.11. The action shall be entered in the official records of the planning commission's duly authorized representative and the planning commission. If approved and signed by the chairman or other duly authorized officer of the planning commission, the planning commission's duly authorized representative shall deliver the plats to the Pendleton County clerk where they may be recorded with the deeds or other documents.