

*McCracken County  
Planning Commission*



**Application Packet  
For A Subdivision  
Plan**

Last Update: 2/8/19

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### Color Codes

**Blue Box**    **Tips For Getting It Right;  
Or Answers To A Frequently Asked Question**

**Red Box**            **Critical Information – Pay Special Attention**

**Red Letters**        **Sheet To Be Returned With Application**



*Planning Commission*

McCracken County, Kentucky  
300 Clarence Gaines St  
Paducah, KY 42003  
v (270) 448-0125  
f (270) 443-0803  
[gcannon@mccrackenky.com](mailto:gcannon@mccrackenky.com)

DO NOT WRITE IN THIS AREA

Pre-Conf Date \_\_\_\_\_

App Date \_\_\_\_\_

Hearing Date \_\_\_\_\_

# APPLICATION FOR A SUBDIVISION PLAN

P L E A S E   P R I N T   O R   T Y P E

Applicant Information	_____
	Name _____
	Mailing Address _____
	Daytime Phone Number _____

Property Owner Information	_____
	Name _____
	Mailing Address _____
	Daytime Phone Number _____

Property Information	_____
	Property Address _____
	If Platted, Plat Book Number, Page Number _____

Current Zoning	Current Zoning -
	<input type="checkbox"/> AG <input type="checkbox"/> RR <input type="checkbox"/> UR <input type="checkbox"/> C <input type="checkbox"/> ML <input type="checkbox"/> MH <input type="checkbox"/> MR

I hereby certify that the information contained in this application, the attached subdivision plan and all other required submittals in support of this application, are to the best of my knowledge and ability true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**



## Development Plan Checklist

**THE PLANNING COMMISSION WILL GENERALLY HEAR ALL APPLICATIONS WITHIN 60 DAYS FROM THE RECEIPT OF THE COMPLETED APPLICATION.**

THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE McCracken County Planning Commission and is to be provided by the applicant:

- Completed Application. The applicant must submit the application form in its entirety. Incorrect or inaccurate information may result in dismissal of the application.
- A copy of the latest deed or plat (plat preferred) for the property or properties involved in the request.
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, all lots within the subdivision, and all elements required by the McCracken County Subdivision Regulations for subdivision approval.
- An Original copy of the legal notice published in the Paducah Sun not less than 14 or more than 21 days prior to the hearing
- The names and mailing addresses of all adjoining property owners to the subject property.
- A completed "Certificate of Land Use Restriction". A recording fee of \$50.00 is required per KRS 100.3681.
- A completed and recorded "Ownership & Maintenance Certification".
- Check for the Subdivision Plan with Storm Water and/or Erosion Control and any other applicable fee as established in the fee schedule in Section 190.081 of the McCracken County Code of Ordinances.

**THE FOLLOWING INFORMATION WILL BE PROVIDED TO THE APPLICANT BY THE McCracken County Zoning Administrator's Office:**

- An Application Packet with an application form, sample letters and sketches and documents you will need for the hearing to prepare for the public hearing.
- Hearing date, which will be the next applicable agenda date. All applications will be heard within 60 days from receipt of the completed application.

**CERTIFICATE OF LAND USE RESTRICTION**

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

_____	_____
_____	_____
_____	_____
_____	_____

2. ADDRESS OF PROPERTY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. TYPE OF RESTRICTION (S)

(Check all that apply):

\_\_\_ Zoning Map Amendment  
to \_\_\_ Zone

\_\_\_ Conditional Zoning Condition

\_\_\_ Development Plan

\_\_\_ Other

specify \_\_\_\_\_

\_\_\_ Unrecorded Subdivision Plat

\_\_\_ Variance

\_\_\_ Conditional Use Permit

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

McCracken County Zoning Administrator  
300 Clarence Gaines St  
Paducah, KY 42003

Form of Certificate per KRS 100.3681  
A Recording Fee of \$50.00 shall be collected at the time application is made (KRS 100.3681 (1), (2))

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing Official  
(Type or print)

**DECLARATION OF MAINTENANCE OBLIGATIONS**

**THIS DECLARATION OF MAINTENANCE OBLIGATIONS** (“Declaration”) is dated the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, and issued by \_\_\_\_\_ (hereafter referred to as the “Owner”).

**WHEREAS**, Owner is the owner or real property generally located at \_\_\_\_\_ and further described as follows:  
\_\_\_\_\_  
\_\_\_\_\_ (hereafter referred to as the “Real Property”).

**WHEREAS**, Owner has submitted a stormwater management plan (“Plan”) to the McCracken County Fiscal Court (“County”) via submittal to the McCracken County Planning Department for approval under the McCracken County Code of Ordinances, Section 150.085 – 150.094 Stormwater Conveyance and Management (“Ordinance”).

**WHEREAS**, Under Section 150.091 – Storm Water Management Plan of the Ordinance, the Plan must address the ownership and maintenance responsibilities for all stormwater management control structures for the development.

**WHEREAS**, the County’s approval of the Plan is contingent upon the Owner signing, issuing and recording this Declaration, and accepting all maintenance obligations for the stormwater management facilities located on the Real Property (the “Facilities”).

**NOW, THEREFORE**, in consideration of the foregoing premises, and further valuable considerations, the adequacy and sufficiency of which is hereby acknowledged by all parties hereto, it is agreed as follows:

1. Owner shall perpetually maintain the Facilities in good repair, condition and working order, and shall furnish all maintenance, repairs, replacements (including replacement of the Facilities at the termination of their useful life), parts and services required therefore, at Owner’s expense. Without limiting the foregoing, Owner shall: (i) establish sufficient vegetative cover to control erosion and promptly repair any eroded areas; (ii) regularly cut, trim and maintain the vegetative cover of the basin; (iii) periodically visually inspect any detention basin and all discharge pipes; (iv) remove any sediment build-up in any detention basin when capacity is reduced to maintain the approved design volume; (v) clean out any Facilities and drainage pipes as needed.
2. If any portion of the Real Property is conveyed to a successor, assign or transferee of the Owner, or if any other person or entity obtains or receives an ownership interest in the Real Property, such successor, assign, transferee, person or entity shall assume all of the Owner’s obligations under this Agreement with respect to all Facilities located on or about the Real Property received by such successor, assign, transferee, person or entity. Owners of fractional or undivided interests shall be jointly and severally responsible.
3. The obligations of the Owner, the Owner’s successors, assigns, or transferees, or any other person or entity that obtains or receives an ownership interest in the Real Property under this Declaration shall be binding upon their respective successors, assigns, and transferees, it being

the parties' intent that the obligations in this Declaration constitute covenants running with and binding upon the land. Upon execution, Owner shall record this Declaration in the McCracken County Clerk's Office.

- Nothing in this Agreement shall be construed to be an acceptance of the Facilities by the County, ownership of the Facilities by the County or use of the Facilities by the County, or any responsibility of the County for the maintenance or inspection of the Facilities. Owner, its successors and assigns shall be solely responsible for maintenance and operation of the Facilities and shall indemnify and hold harmless the County from all claims, including those for property damage, personal injury and death, relating thereto.

I, hereby execute this certificate on the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

STATE OF KENTUCKY

COUNTY OF McCracken

The foregoing document was acknowledged before me by \_\_\_\_\_

On this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Expires

I hereby certify that this  
Instrument has been prepared by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print



## Step-by-Step Process Short Description

1. Arrange a pre-application conference with the Planning and Zoning Administrator. You will receive an application and all of the requirements. Please call (270) 448-0125 or email to [gcannon@mccrackencountyky.gov](mailto:gcannon@mccrackencountyky.gov)
2. Complete an application. Include:
  - a. A completed Application Form
  - b. Names, addresses, and Affidavit of adjacent property owners
  - c. A copy of the deed or plat (plats preferred)
  - d. A Preliminary Subdivision Plan
3. Only after you have completed step two above, will you be placed on the Planning Commission Agenda.
4. The Planning Commission will receive and file the application and set a date for the public hearing.
5. Advertise the public hearing in the Paducah Sun at least 14 days, but not more than 21 days, ahead of the hearing. Submit original tear sheet from newspaper.
6. Attend the public hearing and present your case.

### *Frequently Asked Question:*

This looks complicated; do I need a team of lawyers and engineers to prepare my application?

**Answer:** No. It is not required. In modest developments, property owners can usually present a very competent case for the change. But some people do use attorneys and engineers to help them present the very best case they can. They often do this if the development is so large that an engineer or other professionals are already involved. If you feel that you cannot do this, and the project is critical to you economically, then get professional help.

## Sample Public Hearing Notice

### Notice of Public Hearing Smith Cove 125 Lexington Ave.

On Wednesday, July 24, 2002 at 1:30 PM in the McCracken County Emergency Management Building at 3700 Coleman Road, Paducah, KY, a public hearing will be conducted on the application of James Smith for Smith Cove subdivision development located at 125 Lexington Ave. All interested parties may appear and be heard. Call (270) 448-0125 for more information.

McCracken County Planning Commission

#### ***Tips For Running An Advertisement and Getting It Right***

The Planning office will write the ad when the application is submitted. It is the applicant's responsibility to get it to the newspaper.

This must be published at least 14 days and not more than 21 days before the hearing.

Generally you must submit this to the Paducah Sun before 12 Noon on the day before you want this published. They are located at 408 Kentucky Ave. Their FAX number is 443-7465. Their PHONE number is 270-575-8600. The law requires you to use the newspaper with the widest circulation -- the Paducah Sun.

**You must provide an original copy of the published advertisement *prior* to the hearing. Include the entire page, so we can see the date.**

You will be responsible for paying the Paducah Sun.

## Notifying the Neighbors

As required by the ordinance, the adjacent property owners shall be notified by First Class Mail. It is your responsibility to accurately identify all of the adjacent property owners.

The Zoning Administrator will write and mail the letters to the addresses you supply.

The adjacent property owners are all the ones on either side of your property and to the rear of your property, including across the street. In some cases, the Zoning Administrator may decide that properties across the street do not qualify as “adjacent” for the purpose of the case. Also, if the property abuts another City or County, they must be identified.

There is only one approved method of determining the adjacent property owners:

Visit the Property Valuation Office, located in the Court House Annex at 621 Washington Street to research the addresses of all of the owners.

P L E A S E                      P R I N T                      O R                      T Y P E

	<b>Adjacent Owner Name</b>	<b>Property</b>	<b>Mailing Address</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			
<b>4</b>			
<b>5</b>			

**USE ANOTHER SHEET IF NECESSARY**

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

# Adjacent Property Owners Affidavit

**Commonwealth of Kentucky**  
**McCracken County**

This \_\_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year)

I, \_\_\_\_\_  
(Owner or Authorized Agent)

hereby make oath that the list of adjacent property owner(s) within 200' (two-hundred feet) of all portions of the subject property, including the subject property, all property immediately across the street or road of the subject property, other city or county jurisdictions which abut the subject property, is a true and accurate list as submitted with the zoning change application.

\_\_\_\_\_  
(Owner or Authorized Agent)

COMMOMWEALTH OF

KENTUCKY COUNTY OF \_\_\_\_

Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_, 20 \_\_\_\_, in my County and State aforesaid, by the forenamed principal.

Notary Public

My Commission Expires: \_\_\_\_\_

**RETURN THIS SHEET WITH THE COMPLETED APPLICATION**

# The Development Plan

The content of a development shall include:

1. A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer, and a written and graphic scale;
2. The boundary of the subject property and the zoning and owner names and addresses for all adjoining property;
3. Date, appropriate North point, and graphic scale.
4. A vicinity, or key map, oriented in the same direction as the design scheme, scale not smaller than 1"= 2,000'.
5. Topography, with contours at an interval of not greater than five (5) feet. USGS quadrangles may be used as a base. This requirement may be waived by the discretion of the County.
6. Drawn to a scale of one hundred (100) feet to one (1) inch or larger.
7. Location, arrangement and approximate dimensions of existing and proposed streets, roads, driveways, sidewalks, and parking areas. As well as profiles and cross-sections of proposed streets or roads.
8. Perimeter screening, recreational, and other open spaces.
9. Approximate size, location, floor area, and use of proposed and existing buildings.
10. Location of lot lines for projects anticipated to involve land subdivision.
11. Location and dimensions of all existing and proposed easements.
12. Location and sizes of existing and proposed utilities.
13. Minimum building setback lines.
14. Floodplain as determined by Federal Emergency Management Agency, (FEMA.), and classification, as per FEMA codes – if applicable.
15. Approximate location and dimensions of storm drainage areas, conceptual drainage controls and stormwater retention – if applicable.
16. Plats shall be submitted not larger than 24 x 36 inches in size. Often plans can be submitted on a standard 8 1/2 x 11 sheet of paper.

17. Owners Certificate: "I (We) hereby certify that I (we are) the owner(s), or authorized agent(s), of the property shown and described hereon, and that I (we) hereby adopt the Development Plan with my (our) free consent, with the exception of the such variances or other conditions of approval, if any, as noted hereon or in the Minutes of the McCracken County Planning Commission. I (We) further understand that building permits for construction can only be issued following this plan and that amendments to the plan can be made only by the procedure described in the McCracken County Zoning Ordinance."
18. Chairperson's Certificate: "I hereby certify that the Development Plan show hereon has been found to comply with the McCracken County Zoning Ordinance, with the exception of such variances or other conditions of approval, if any, as are noted hereon or in the Minutes of the McCracken County Planning Commission and that it has been approved as the official plan."

***Tips For Preparing An Acceptable Drawing***

You may purchase inexpensive drawing aids, such as scales and/or graph paper, at local office supply stores. Another good place to go is Paducah Blueprint, located at 999 Broadway. They have everything you will need to prepare an acceptable document.

Also readily accessible graphics programs can be found that work nicely.

**S U B M I T**

**2**

**COPIES WITH  
THE APPLICATION**

## The Planning Commission Meeting

Only after a proper application is accepted by the Planning and Zoning Administrator, will a Subdivision Plat be placed on the agenda.

The meeting conducted by the Planning Commission is generally an informal affair, but will be orderly. You will be asked to present your case. You should cover the following information:

1. Identify the existing zone of the subject property.
2. Characterize the site conditions of the subject property.
3. Present the subdivision plat. Show your drawing, and describe the future use of the property. You should describe parking, traffic flow, storm drainage controls.

Remember, the commission can demand conditions. Think ahead about what is really important to the project and what conditions you are willing to negotiate.

Before Subdivision Plats are approved and granted by the Planning Commission, they shall consider and find:

1. That the proposal is compliance with the comprehensive plan.
2. That the proposal is in compliance with all zoning requirements.
3. That the proposal is in compliance with all other McCracken County Ordinances and policies.
4. That in the granting of the request for special consideration and relief, the purpose and intent of this ordinance is not subverted or undermined; but rather that the development plan promotes efficiency and flexibility in development of the site; and that the public's interest is secured.

## Contact List

### Planning and Zoning Administrator's Office

Voice (270) 448-0125

Fax (270) 444-4737

Email [gcannon@mccrackencountyky.gov](mailto:gcannon@mccrackencountyky.gov)

Greg Cannon

### Road Supervisor

Voice (270) 442-9163

Fax (270) 443-0803

Email [rwilliams@mccrackencountyky.gov](mailto:rwilliams@mccrackencountyky.gov)

Randy Williams



# Excerpt from McCracken County Subdivision Regulations

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## **ARTICLE III. ADMINISTRATIVE PROCEDURES**

### **Section 30. Advisory Meeting with Planning Commission**

Before preparing a Preliminary Plat and submitting it to the Planning Commission for approval, the sub-divider should meet and consult informally with the Planning Commission or the County Planner for the purpose of ascertaining the locations of proposed major streets, parks, playgrounds, school sites and other planned projects which may affect the property being considered for subdivision.

At this meeting, the sub-divider should review with the Planning Commission or County Planner, the minimum standard of subdivision design set forth in Article IV. This informal review should prevent unnecessary and costly revisions in the layout and development of the subdivision.

Formal application or filing of a plat with the Planning Commission or the County Planner is not required for this informal advisory meeting.

### **Section 31. Preliminary Plat Approval**

After meeting informally with the Planning Commission or the County Planner, the sub-divider shall prepare a Preliminary Plat prior to the making of any street improvements or the installation of any utilities.

#### **31.10 - Preliminary Plat Data**

The Preliminary Plat shall meet the standard of design as set forth in Article IV and shall show the following information:

- a. Scale of one hundred (100) feet to one (1) inch or larger.
- b. Name of subdivision, names and addresses of the owners, the land surveyor, source of title and the owners of adjacent property.
- c. Date, approximate north point, and graphic scale.
- d. Total acreage of land to be subdivided.
- e. Boundary lines of area to be subdivided and their bearings and distances and locations to nearest existing intersecting street.
- f. Existing and proposed easements and their locations, widths and distances.

- g. Streets on and adjacent to the tracts and their names, widths, and other dimensions may be required.
- h. Utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utility poles and wires shall be required wherever possible.
- i. A vicinity or key map, scale not smaller than 1" = 2000' showing physical development, corporate lines and any other adjacent public or private uses such as buildings or structures with distances to perimeter of lot line of plat.
- j. Purpose and intent of the subdivision such as for residential, commercial, industrial purposes.
- k. Contours at an interval of not greater than five (5) feet. USGS Quadrangles may be used as a base.
- l. Flood Areas as determined by Federal Emergency Management Act (FEMA) and classification, as per FEMA codes.
- m. Location, size, direction of flow of storm and sanitary drainage structures and systems.
- n. Location and size of water lines.
- o. Lot lines and lot numbers.
- p. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses. Sites, if any, for semi-public, commercial or multi-family uses.
- q. Minimum building setback lines.
- r. Copies of proposed deed restrictions, if any, shall be attached to the Preliminary Plat.
- s. Profiles of proposed grade lines of all streets and improvements, if required by the Commission.
- t. Plats shall be submitted no larger than twenty-four (24) by thirty-six (36) inches in size.

### 31.11 - Procedure

- a. Two (2) copies of the Preliminary Plat and supplementary materials specified shall be submitted to the County Planner of the Planning Commission with an application for preparatory review by the County Planner at least ten (10) days (excluding Saturdays, Sundays and Holidays) prior to the Planning Commission meeting.

- b. Ten (10) copies of the corrected Preliminary Plat and supplementary materials specified shall be submitted for conditional approval to the County Planner at least (4) days prior to the Planning Commission meeting (excluding Saturday, Sundays and Holidays).
- c. The County Planner shall notify the sub-divider of the time and place of the hearing not less than five (5) days before the date fixed for the hearing. Similar notice shall be given the owners of the land immediately adjoining the area proposed to be platted as shown on the proposed subdivision.
- d. The Planning Commission shall approve, disapprove or approve subject to modification. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the Planning Commission shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One returned to the sub-divider and the other retained by the Planning Commission.
- e. Approval of the Preliminary Plat shall not constitute acceptance of the Final Plat. The approval of the Preliminary Plat shall lapse unless a Final Plat based thereon is submitted within one (1) year from the date of such approval. An extension of time may be applied for by the sub-divider and granted by the Planning Commission.

#### 31.12 - Subdivision of a Portion of a Larger Tract

Whenever a part of a tract is proposed to be subdivided and it is intended that additional parts of the tract be subdivided in the future, a sketch plan for the entire tract shall be submitted to the Planning Commission at the same time the Preliminary Plat for the first part of the tract to be platted is submitted.

### **Section 32. Final Plat Approval**

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 sub-divider proposes to record and develop.

#### 32.10 - Final Plat Data

The Final Plat shall give the following information:

- a. The plat shall be at a scale of one hundred (100) feet to one (1) inch or larger.
- b. Date, title, name and location of subdivision, graphic scale, and true north line.
- c. All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given.
- d. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sides with accurate dimensions to the nearest one

hundredth of a foot; bearings or deflection angles, radii, arcs and central angles of all curves with dimensions to the nearest minute. The subdivision shall be tied to the center line of the nearest street intersection, monument or permanent physical boundary.

- e. Name and right-of-way width of each street, easement or other right-of-way.
- f. Lot numbers, lot lines and lot areas.
- g. Purpose for which sites, other than residential lots, are dedicated or reserved.
- h. Minimum structure set back lines.
- i. Location and description of existing and set monuments.
- j. Names and locations of adjoining subdivisions and streets, the location of adjoining unplatted properties, and the names and addresses of the owners of adjoining unplatted properties.
- k. Notarized on plat of title showing that the applicant(s) are all the property owner(s) and a statement by such owner(s) dedicating streets, easements, rights-of-way and any other sites for public use.( Form 1)
- l. Certification on plat by land surveyor as to the accuracy of survey and plat (Appendix 2 - Form 2).
- m. Certification by the Planning Commission when individual sewage disposal or water systems are to be installed (Form 1).
- n. Certification that the developer has complied with one of the following requirements:

**ORDINANCE NO. 2015-6**

- (1) Developers funded by financial institutions shall be required to execute the following documents in the precise form authorized by the McCracken County Planning Commission and the McCracken County Fiscal Court:
  - i. The McCracken County Subdivision public Improvements Completion Agreement. See Appendix “A”
  - ii. The McCracken County Subdivision Letter of Credit Agreement. See Appendix “B”
  - iii. The McCracken County Irrevocable Stand-by Letter of Credit. See Appendix “C”.
- (2) Developers that elect to use their own self-provided funding and not relying on funding of a financial institution shall be required to execute the following documents in the precise form authorized by the McCracken County Planning and the McCracken County Fiscal Court:
  - i. The McCracken County Subdivision Public Improvements Completion Agreement. See Appendix “A”
  - ii. The McCracken County Application for Self-funded Bond Guarantee.

See Appendix “D”

iii. The McCracken County Self-funded Bond Guarantee.  
See Appendix “E”.

### 32.11 - Procedure

Submission of a Final Plat shall follow the same procedure as for a Preliminary Plat:

- a. Two (2) copies for preparatory review by the County Planner submitted ten (10) days (excluding Saturdays, Sundays, and Holidays) preceding the Planning Commission meeting.
- b. Ten (10) copies of corrected plat (submitted four (4) days (excluding Saturdays, Sundays, and holidays) preceding meeting.
- c. Four (4) copies after approval of final plat, if no corrections are made (or eight (8) copies if corrections are made).
- d. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, public way or ground.
- e. When the Final Plat has been approved by the McCracken County Fiscal Court and certified thereon, one (1) copy shall be returned to the sub-divider for filing with the County Clerk as an official plat of record.

### 32.12 - Required Improvements Prerequisite to Final Approval

A perfectly prepared and recorded subdivision or plat means little to a prospective lot purchaser until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the sub-divider spare the community a potential tax liability. The following tangible improvements are required to be installed by the developer before Final Plat approval in order to assure the physical reality of a subdivision which approval and recording will establish legally.

#### A. Monuments - Type

1. Concrete monuments at least thirty-six (36) inches in length and (4) inches in diameter or four (4) inches square with a copper dowel or center marked shall be set at all corners on the plat.
2. Iron Pin or wrought or galvanized iron pipe monuments not less than three-fourths (3/4) inch in diameter and not less than twenty-four (24) inches in length shall be set at all lot corners not marked by concrete monuments.

#### B. Concrete Monuments - Location

1. Monuments shall be placed so that the scored or marked point shall coincide exactly with the intersection of the lot or property line at that point and shall be set so that the top of the monument is level with the surface of the surrounding ground.
2. At the intersection of all angles in the boundary line of the survey.
3. At the intersection of street property lines.
4. At the beginning and ending of all curves where streets and alleys are so surveyed.
5. At all angles in property lines of street and alleys.

C. Streets

1. Grading Specifications:

All Streets, roads, and alleys shall be graded and prepared according to applicable County and State regulations to their full widths by the sub-divider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Planning Commission. Center line grades shall be established and staked by the sub-divider.

2. Minimum Pavement Widths:

Pavement widths shall be measured between curbs, and minimum pavement widths to be provided are:

Collector	22 feet
Minor Streets	20 feet
Marginal Access Streets	20 feet
Alleys, industrial and commercial	18 feet

3. Construction of Streets:

The sub-divider shall provide streets which shall be designed to carry the expected traffic loads and which shall conform with the standards established by the McCracken County Fiscal Court as set up by the Planning Commission.

4. Curbs and Gutters:

The sub-divider shall provide curbs and gutters. Curbs shall not be less than six (6) inches in height and shall be constructed of Portland cement concrete or bituminous concrete. Back-fill shall be higher than the curb and shall slope toward the curb in order to insure that surface water drains into the storm system.

The Planning Commission may waive the requirements for curbs and gutters if they are not deemed necessary for the proper drainage of storm water or in cases where all lots have a width of one hundred (100) feet or more.

5. Sidewalks:

For the safety of pedestrians in residential and commercial subdivisions, the sub-divider shall build Portland cement concrete sidewalks on both sides of the street to meet the following specifications:

(a) Single-Family or Duplex Housing Development:

Four (4) feet wide and four (4) inches thick.

(b) Multi-Family or Group Housing Development:

Five (5) feet wide and four (4) inches thick.

(c) Commercial Development:

Twelve (12) feet wide and four (4) inches thick.

The Commission may waive construction of sidewalks.

D. Utilities and Drainage Facilities

1. General Requirements for Installation of Utilities:

Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

After grading is completed and approved and before any pavement base is applied, all of the in-street underground work -- water mains, gas mains, etc., and all service connections -- shall be completely installed and approved throughout the length of the street and across the flat section. Where the utility mains are outside the pavement area, the sub-divider may be allowed to omit the installation of service connections provided that at such time as these connections are needed, they may be jacked across the street without breaking or weakening the existing pavement. Where the rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the Planning Commission shall require the complete installation of service connections before any base is applied. In cases where underground utilities must be provided within the right-of-way of streets, they shall not be installed under the paved portions of such streets.

2. Water Supply System:

Where, in the opinion of the Planning Commission, the public water supply is reasonably accessible or available to the proposed subdivision, the sub-divider shall construct a complete water distribution system which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected with the public water supply. Where a public water supply is not within a reasonable distance or otherwise available, the sub-divider shall normally be required to construct a similar water distribution system and connect it with an alternate supply approved by the Planning Commission.

3. Sanitary Sewers:

Where, in the opinion on the Planning Commission, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the sub-divider shall construct a subdivision sewer system to adequately serve all lots and connect the subdivision system to the public system after the County or other appropriate sewer agency official has approved the size of the lines. Where lots cannot be served by the extension of an existing public sanitary sewer, the sub-divider shall obtain approval of lot sizes for individual septic tanks and disposal fields from the Planning Commission.

E. Street Name Signs

The Planning Commission shall require the installation of durable street name signs at all intersections. Streets signs shall meet all MUTCD manual requirements.

1. Lettering shall be at least four (4) inches high
2. Sign shall be reflectorize or illuminated
3. Letters shall be white with a green background

4. In Residential areas at least two (2) street name sign posts with double mount shall be mounted at each intersection. All street signage must be approved by the County Road Supervisor.

F. Completion of Improvements Prior to Approval of the Final Plat

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Clerk until the required improvements listed above are constructed in a satisfactory manner and approved by the appropriate official. In lieu of such prior construction, the Fiscal Court may accept a security bond, or certified check, or irrevocable letter of credit to the County in an amount equal to the estimated cost of installation of the required improvements whereby the improvements may be made and utilities installed without cost to the County in the event of default on the part of the subdivider. The bond or check shall be subject to the conditions that the improvements will be completed within two (2) years after approval of the Final Subdivision Plat.

### **Section 33. Variances**

33.10 - Exceptional Conditions

The Planning Commission may grant a variance to these regulations where by reason of the unusual shape of a specific piece of property, or where by reason of exceptional topographical conditions, the strict application of these regulations would result in extreme practical difficulties and undue hardship upon the owner of such property; provided, however, that such relief may be granted without detriment to the public good and without substantially impairing the modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is not proof of hardship within the purpose of these regulations.

33.11 - Group Housing, Planned Unit Developments, Office and Business Complex Developments

Comprehensive group housing, office and business developments, together with necessary drives and ways of access, including drives and ways of access privately maintained but dedicated for public use may be approved by the Planning Commission although the design of the project does not include standard street, lot, and subdivision arrangements, provided that departure from the standards of these regulations can be made without destroying their intent. If the drives and ways of access are to be privately maintained, the plat of the subdivision shall specifically indicate that said drives and ways are dedicated for public use and that they will be developed and maintained at the expense of the owners; and that any owner of a lot in the subdivision shall have the right to enforce the development or maintenance of said drives and ways by proceeding in law or in equity against all other owners of lots in the subdivision.

33.12 - Procedural Variance

Where a proposed subdivision would contain no new streets and no more than five (5) lots, the procedure of preparing a preliminary plat may be waived by the Planning Commission.



## **Waiver of Subdivision Plats and Surveys Qualifying for a Procedural Variance**

- A. Plats of property containing 100 acres or less shall be drawn to a scale of no less than one (1) inch per one hundred (100) feet. Over 100 acres plats may be drawn to a scale of more than one (1) inch per one hundred (100) feet to keep the drawing on the maximum sheet size of twenty-four (24) inches by thirty-six (36) inches provided clarity is not sacrificed. Multiple sheets may be used if deemed necessary to portray vital and accurate information clearly. Smaller parcels should be drawn to a maximum scale to accommodate the sheet size being used and half sized sheets of eighteen (18) inches by twenty-four (24) inches may be used in these instances. Minimum size of script used on these plats shall be one-tenth (1/10) of an inch in height for both upper and lower case letters and numerals.
- B. Name and street addresses of the owners / applicants, as available from the McCracken County Property Valuation Office, of the property to be subdivided, and legal source of title to the subject property shall be shown on the plat. Owners of record of all property abutting the subject sites and the legal source of title to those properties will be indicated on the plat. Name, address, and phone number of the Professional Land Surveyor responsible for the field survey and plat preparation shall be indicated on the plat.
- C. Date field survey made, date plat prepared, north arrow and basis of same and any bearings shown by the plat will be indicated on the face of the plat. Provide a brief statement on the face of the plat as to the Intent of the Drawing to identify the specific lines being created and/or abolished by the plat along with easements and other dedications that are being granted by the drawing.
- D. Area of each lot or parcel of land indicated by the plat shall be shown in square feet and the acreage equivalent, accurate to two (2) decimal places, shall also be indicated.
- E. Boundary lines, lot parcel numbers or designations of the various properties shown on the plat, bearings and/or angular relationships, line lengths and curve data, if appropriate, shall be shown along with the distance from the subject property to the nearest existing intersecting street or roadway. Also, the distance and bearing or angle from one new division line and/or corner created by the plat to a boundary line corner of the parent property from which the tracts or lots are subdivided shall be indicated or shown.
- F. All existing or proposed easements crossing the subject property or properties shall be shown along with their locations, widths and distances, etc., along with a notation for each easement indicating if the easement is being dedicated by the plat or is existing by prior dedication. If easements presently exist, note their source of dedication such as a prior plat or recorded legal document. If record source of easement or easements are not known or unobtainable, add a note to indicate such.
- G. Show all streets or roadways on or adjacent to subject tracts or lots along with their names, widths and any other pertinent information, dimensions, etc.
- H. Vicinity or key map at a scale not smaller than one inch (1) per two thousand feet (2,000) with the scale of the map indicated with a north arrow and any major adjacent physical development and corporate boundary lines.
- I. All existing primary buildings, accessory buildings or structures and major improvements on the subdivided tracts or lots, including those that may be on the parent property if the buildings or improvements are in close proximity to the newly established boundary lines,

shall be shown on the plat. Also, indicate the distance from these buildings, structures, or improvements to the nearest relevant boundary lines.

- J. Present zoning designation of the subdivided property, the parent tract, in the case of residual acreage, and all adjacent property shall be indicated on the plat. The minimum building set-back line or minimum yard line dimensions for the subject property and its parent tract for the various uses indicated by the most current regulations of the McCracken County Zoning Ordinance shall also be shown and/or noted on the plat.
- K. Flood areas as indicated by Flood Boundary Maps published by the Federal Emergency Management Agency (FEMA) with the flood classifications shown by those maps shall be shown on the plat.
- L. Notation that the subject properties are served by a public water supply system and/or a public sanitary sewer system if said properties are so served. If the properties are not served by such systems, notation relative to this fact shall be shown on the plat.
- M. Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses shall be shown and noted on the plat. Sites, if any, reserved for semi-public, commercial, or multifamily uses should also be shown and noted on the plat.
- N. In the event it becomes necessary to close and vacate any public utility easement and/or private roadway easement, Professional Land Surveyor shall obtain the approval of all utility agencies and/or grantees of said easements, as the case may be, as will be indicated by an executed certificate on the plat signed by the utility company representatives and/or grantees of said easements.
- O. Proposed or existing property restrictions or covenants shall be shown on the plat or in a form suitable for recording in the McCracken County Clerk's Office. If restrictions or covenants other than those contained in the McCracken County Zoning Ordinance exist, the place of recording of those restrictions and covenants should be shown by the plat.
- P. Plats shall be submitted on sheet sizes no larger than twenty-four inches (24) by thirty-six inches (36) in size.
- Q. In the case of any residual acreage of any parent tract of land after the proposed lots or tracts of land are deducted there from, Professional Land Surveyor shall show or indicate on the plat that the residual property will still be in compliance with the McCracken County Zoning Ordinance with respect to the remaining area and any other pertinent dimensions required as stated by said ordinance for the particular zoning category of the property. When the property to be subdivided contains three acres (3) or less, the entire boundary line of the tract of land shall be surveyed, monumented, and shown on the plat even though all of the tract of land may not be the subject of the lot or lots and parcels being subdivided by the plat. In the event there are several separate tracts or parcels of land described within the deed or legal document to the property being subdivided, the Professional Land Surveyor shall indicate which of the tract or tracts the subject property is being subdivided and that the residual acreage, if any, from said tract or tracts will still be in compliance with the aforesaid Zoning Ordinance with respect to area and any other pertinent dimensions stated by said Ordinance. Additionally, it is suggested that the Professional Land Surveyor consult with his client's legal representative or other entity to determine if the entire tract or parcel of land from which the subject property is being subdivided should be surveyed and plated in order to avoid a conflict with Chapter 100 of the Kentucky Revised Statutes.

- R. All plats shall meet or exceed the “Minimum Standards of Practice for Land Surveys in Kentucky” (latest revision) as indicated by 201 KAR 18:150 as mandated by the Board of Licensure for Professional Engineers and Land Surveyors. In the case of a conflict between these regulations for Waiver of Subdivision Plats and any other ordinance, regulation or standard of practice, the most stringent provision relative to the particular conflict will control and prevail.
- S. All plats shall contain the necessary and pertinent certifications and certificates as outlined by the latest revision of the McCracken County Subdivision Regulations and the aforesaid “Minimum Standards of Practice for Land Surveys in Kentucky”.
- T. Show the location of buried septic facilities, if known and if not known as to location, place a note on plats that buried facilities do exist locations are unknown. If the buried facilities are known as to location and if it is appropriate, an easement for the facility should be shown and described on plats if the facilities are to be left in place and the facilities would affect title to newly subdivided lots.
- U. Two (2) plat copies required for record in the County Court Clerk's Office shall be signed by the property owner and/ or applicant prior to approval signatures by the Planning and Zoning Commission Chair and County Judge Executive's execution. Exceptions to this requirement may be made on a case-by-case basis depending upon circumstances that have caused the property owner and/ or applicant's failure to sign the plat or plats. Copies of the plat submitted for consideration and approval may be filed without the property owner and / or applicant's signature.
- V. Statement to be added on the face of the plat: **“NO REVISIONS OR MODIFICATIONS ARE TO BE MADE TO PLATS SIGNED BY CHAIRMAN OR JUDGE EXECUTIVE WITHOUT APPROVAL FROM CHAIRMAN OR JUDGE EXECUTIVE”**
- W. Sections 20.00, all of section 21.00, sections 31.12, 32.12 (a), (b), 33.10, 33.11, 33.13, 40.10, 40.11, 41.13(a), 43.10, 43.11, 43.12, 43.14, 44.00, 45.10, 47.00, 48.00, 49.00, 60.10, 61.00, 62.00, and 63.00 of the McCracken County Subdivision Regulations shall also be applicable to the Waiver of Subdivision Plats and Surveys.

The plat shall meet all other regulations if and when adopted. After the Planning Commission's approval, the County Judge Executive or Designee shall approve the plat for recording in the office of the County Court Clerk.

### 33.13 - Public Utilities Variance

Variances in lot size and access easements for service roads may be granted when the subdivision or property is for the purpose of creating a lot or parcel of land to be owned or leased and maintained by a public utility to provide electric, water, sanitation, gas, telephone, cable television service, or telecommunications service to the general public, provided however, that no private sanitary disposal system (septic tank & field) shall be installed on any substandard lot (less than one (1) acre in area). The Planning Commission may waive lot size when alternate methods of sanitary sewage are proposed.