

DEVELOPMENT AND SUBDIVISION REGULATIONS FOR WINCHESTER/CLARK COUNTY

Revised and Prepared by the

WINCHESTER/CLARK COUNTY PLANNING COMMISSION

and

BLUEGRASS AREA DEVELOPMENT DISTRICT

and

CDP

Based on the October 1973 Edition

Revised March 1995

Revised October 2005

Revised February 2018

as amended through January 2020

TITLE: Development and Subdivision Regulations for Winchester/Clark County

AUTHORS: Winchester/Clark County Planning Commission,
Bluegrass Area Development District and CDP Engineers

SUBJECT: Regulation of design and processing of development plans and subdivision
plats within Winchester and Clark County, Kentucky

DATE: March, 1995; update and revision of 1973 edition

Amendments:

August 1998, May 1999, July 2000, August 2000, December 2002,
September 2004, October 2005, December 2012

REGIONAL PLANNING AGENCY: Bluegrass Area Development District

SOURCES OF COPIES: Winchester City Hall
Winchester, Kentucky

Bluegrass Area Development District
699 Perimeter Drive
Lexington, Kentucky 40517

PLANNING COMMISSION MEMBERS:

Larry Disney, Chair
Doug Christopher, Vice-Chair
Walter Newell, Jr., Secretary
Steve Berryman, Treasurer
A. Dwain Wheeler
Paul Deaton
Mark Poole
Glenn Ferrin

DEVELOPMENT AND SUBDIVISION REGULATIONS
TABLE OF CONTENTS

<u>ARTICLE</u>		<u>Page</u>
ARTICLE I: PURPOSE, AUTHORITY AND JURISDICTION		
100	PURPOSE	1
110	SHORT TITLE	1
120	AUTHORITY AND ADMINISTRATIVE AGENCY	1
130	AREA OF JURISDICTION	1
140	AMENDMENTS	2
150	FEES SCHEDULES	2
ARTICLE II: DEFINITIONS		
200	PURPOSE	3
210	DEFINITIONS	3
ARTICLE III: DEVELOPMENT PLAN PROCEDURES		
300	PURPOSE	8
310	PRE-APPLICATION CONFERENCE PROCEDURES	8
320	GENERAL DEVELOPMENT PLAN PROCEDURES	8
330	PRELIMINARY DEVELOPMENT PLAN PROCEDURES	9
340	FINAL DEVELOPMENT PLAN PROCEDURES	10
350	AMENDMENTS TO DEVELOPMENT PLANS APPROVED BY THE PLANNING COMMISSION	10
ARTICLE IV: CONTENT AND FORMAT OF DEVELOPMENT PLANS		
400	PURPOSE	11
410	BASIC REQUIREMENTS FOR ALL DEVELOPMENT PLANS	11
420	PRELIMINARY DEVELOPMENT PLAN MATERIALS	13
430	FINAL DEVELOPMENT PLAN MATERIALS	13
ARTICLE V: MAJOR AND MINOR CLASSES OF SUBDIVISIONS ESTABLISHED FOR PROCESSING PURPOSES		
500	PURPOSE	16
510	PROCESSING CLASSES FOR SUBDIVISIONS	16
ARTICLE VI: SUBDIVISION PLAT PROCEDURES, FORMAT, AND CONTENT		
600	PURPOSE	18
610	PROCEDURES FOR SUBMITTAL AND REVIEW OF SUBDIVISIONS PLATS	18
620	FORMAT FOR SUBDIVISION PLATS	18
630	CONTENT REQUIRED FOR SUBDIVISION PLATS	18

ARTICLE VII: DESIGN STANDARDS	22
700 PURPOSES AND SUITABILITY OF LAND	22
710 STREET DESIGN STANDARDS	22
720 LOT DESIGN STANDARDS	26
730 EASEMENT DESIGN STANDARDS	27
740 COMMUNITY FACILITIES DESIGN STANDARDS	27
750 PUBLIC SITES AND OPEN SPACE	28
760 LOW IMPACT DEVELOPMENT DESIGN STANDARDS	29
ARTICLE VIII: PHYSICAL IMPROVEMENTS	36
800 PURPOSE	36
810 COMPLETION OF IMPROVEMENTS	36
820 IMPROVEMENTS CLASSIFICATION OF SUBDIVISIONS	36
830 GENERAL DESCRIPTION OF REQUIRED IMPROVEMENTS	37
840 SPECIFICATIONS FOR STREET AND DRAINAGE CONSTRUCTION	39
850 STORM WATER DRAINAGE	55
860 PLANS REQUIRED FOR THE CONTROL OF EROSION AND SEDIMENTATION	47
ARTICLE IX: GENERAL PROVISIONS	50
900 PURPOSE	50
910 VARIANCES	50
920 AMENDMENTS	51
930 VIOLATIONS AND PENALTIES	51
940 SEPARABILITY	52
950 PREVIOUS REGULATIONS	52
960 EFFECTIVE DATE	52
APPENDIX A	53
APPENDIX B	56
APPENDIX C	64
APPENDIX D	65
APPENDIX E	68
APPENDIX F	69

DEVELOPMENT AND SUBDIVISION REGULATIONS

These regulations take priority over and repeal any other city and county regulations, resolutions, orders, ordinances, or codes that conflict with the guidance contained herein. Included in these regulations are the:

- A. Means for adopting and amending these regulations,
- B. Definition of essential words and phrases commonly used in the development and subdivision of land.
- C. Procedures for submitting and approving development plans and subdivision plats,
- D. Design standards and principles for the layout of development plans and subdivision plats to include surveying and platting requirements,
- E. Process for recording subdivision plats,
- F. Requirements for installation of certain improvements to include necessary guaranteed construction agreements,
- G. Method for administrating and enforcing these regulations (including violation penalties).

DRAFT

ARTICLE I

PURPOSE, AUTHORITY AND JURISDICTION

100 PURPOSE

Approval of a development plan and subdivision of property are the first steps in the process of community development. Once plans have been approved and land has been divided into lots, streets, and open spaces, a pattern has been established that determines how well community needs for residence, business and industry will be met. It also determines to a great extent, how well the community will be able to meet the demand for home sites, and how efficiently and economically it will be able to provide the many required services.

After plans have been approved, land has been subdivided, and lots recorded, it is very difficult and costly to correct defects and deficiencies in the development layout and in the facilities provided. In addition, a developed area sooner or later becomes a public responsibility since roads and streets must be maintained and public services must be provided. The welfare of the entire community is affected in many important aspects. The guidance of land development in harmony with community objectives is a matter of serious public concern. It is in the interest of the public, the developer, and the future property owners that development is designed and constructed in accordance with sound rules and proper standards. These development and subdivision regulations are designed to provide for the harmonious development of the community by ensuring the coordinated layout of streets and utilities, convenient open space for recreation, access for emergency equipment, adequate water, drainage, sewer facilities, and reduction of potential flood damage.

110 SHORT TITLE

The full title of these regulations shall be the "Development and Subdivision Regulations of the Winchester/Clark County Planning Commission of Winchester and Clark County, Kentucky." As a short title, these regulations shall be known, and may be cited as the "development and subdivision regulations."

120 AUTHORITY AND ADMINISTRATIVE AGENCY

These development and subdivision regulations were prepared and approved by the Winchester/Clark County Planning Commission pursuant to the authority granted by Chapter 100 of the Kentucky Revised Statutes. They shall be administered by the Winchester/Clark County Planning Commission upon their adoption.

130 AREA OF JURISDICTION

The Winchester/Clark County Planning Commission shall have jurisdiction and control over the development and subdivision of all land in the City of Winchester, Kentucky, and the County of Clark, Kentucky, which area also shall be designated the planning area of said Planning Commission.

140 AMENDMENTS

The Planning Commission may amend or modify these development and subdivision regulations by holding a public hearing on the proposed changes after giving notice as required by Kentucky Revised Statutes, Chapter 424.

150 FEE SCHEDULES

The Planning Commission shall adopt a fee schedule to cover the cost of reviewing development plans and plats, inspections, and other costs to the Planning Commission related to the development and subdivision of land. **Please contact the Planning and Community Development Office for a copy of the fee schedule.**

DRAFT

ARTICLE II

DEFINITIONS

200 PURPOSE

The purpose of this article is to define certain words and phrases commonly used in the development and subdivision of land. The words and terms expressed in the present tense include the future tense. The words and phrases expressed singular in number include the plural number. The word "may" is permissive, while "shall" and "will" are mandatory.

210 DEFINITIONS

The following words or phrases as used herein shall be defined and interpreted as follows:

Agencies, governmental and private: Governmental and private agencies referred to herein mean those agencies having regulations relating to or having an effect upon subdivision and development of land. These agencies include, but not exclusively, Winchester/Clark County Planning Commission, City of Winchester, Clark County Fiscal Court, Winchester Municipal Utilities, and similar agencies.

Architect, Landscape: A landscape architect shall be a person licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky to practice landscape architecture as defined by KRS 323A.010 in the Commonwealth of Kentucky.

Building: Any man-made physical structure or part thereof, affixed to the land and intended for man's work, residence, or other use.

Building setback line: A building setback line is a line within the boundaries of a lot which determines the minimum distance the primary structure may be located from the property line.

City: City means City of Winchester, Kentucky.

City engineer: Licensed engineer appointed by or employed by the City of Winchester.

Clark County Conservation District: That body of government created by KRS Chapter 262.

County: The County means County of Clark, Kentucky.

Developer: A developer is an individual, partnership, corporation or other legal entity or agent thereof, which undertakes the activities covered by these regulations. Inasmuch as the plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "developer" includes "subdivider", "owner", "builder", etc., even though the persons and their precise interests may vary at different project stages.

Development plan: A development plan is the written and graphic material for the provision of a development, including the following: location and size of buildings and other structures, intensity of use, density of development, streets, lots, parking facilities, signs, drainage of surface water, access points, screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

Engineer: An engineer is any person licensed to practice as an engineer in the Commonwealth of Kentucky.

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

Green infrastructure: Infrastructure and storm water design approaches and technologies that mimic the natural hydrologic cycle by a network of natural ecosystem processes of rainfall infiltration, evapotranspiration and reuse with an emphasis on interconnectivity to support long-term sustainability.

Implementation devices: Implementation devices are the Winchester/Clark County Zoning Ordinance, Development and Subdivision Regulations of Winchester/Clark County, FEMA floodplain maps, office maps, etc., adopted or established by the Planning Commission and/or governmental units of Winchester and Clark County to implement the Comprehensive Plan as set forth in Chapter 100 of Kentucky Revised Statutes (KRS 100).

Improvements: Improvements are 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 development and subdivision regulations would be grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewers, utility lines of all types, street name signs, property number signs, etc.

Infrastructure: The large scale public systems, services, and facilities of a community that are necessary for economic activity, including power and water supplies, public transportation, telecommunications, drainage and sewer, roads, and schools.

Jurisdiction, Agency with: Agencies having their own regulations relating to certain phases of development and subdivision of land. These include, but are not limited to, City of Winchester, Clark County Fiscal Court, Winchester Municipal Utilities, Clark County Health Department, Kentucky Transportation Cabinet, Federal Emergency Management Agency, and the Environmental Protection Agency.

Land surveyor: A land surveyor is any person currently licensed as a land surveyor by the Commonwealth of Kentucky.

Lot: A lot is a portion of a subdivision plat or the basic unit thereof, intended for transfer of ownership or for development.

Lot area: The lot area is the amount of land contained within the designated property lines of a lot, which may include utility easements, but shall not include street right-of-way.

Lot, Corner: A lot abutting upon two or more streets at a street intersection, or abutting upon two adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees. The depth of a lot is the maximum horizontal distance between the front and rear property lines of a lot.

Lot, Double frontage: A double-frontage lot is any lot having two or more of its non-adjacent property lines abutting upon separate streets.

Lot, Reverse frontage: A reverse frontage lot is a double frontage lot having its vehicular access point limited to the street which is not faced by the building situated thereon.

Lot width: The width of a lot is the distance measured between the two side property lines of a lot at the front yard building setback line.

Low impact development: A storm water management planning approach for commercial and residential development that emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small scale hydrologic controls to replicate the pre-development hydrologic regime of a watershed through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

Paved street/road: A street or road that is constructed on compacted subsoil with a minimum of 8 inches of dense grade aggregate (DGA), a minimum of 2.5 inches of asphalt base, and a minimum of 1.5 inches of asphalt surface.

Planner, Community: The community planner is any person who shall be either a member or associate member in good standing of the American Planning Association.

Plan, Comprehensive: The Comprehensive Plan is the plan, or parts thereof, adopted by the Winchester/Clark Planning Commission to implement the future physical development of the City of Winchester and the County of Clark, Kentucky in regard to transportation, land use, community facilities, utilities and other physical needs, as defined in KRS 100.187.

Planning Commission: The Winchester/Clark County Planning Commission.

Public Right-of-Way: consist of any street, avenue, boulevard, highway, alley or the like which is owned or controlled by a governmental entity. The dimensions of a street right-of-way is measured from the centerline of the road out left to right. For example, a 30-foot right-of-way is measured from the centerline 15 feet to the left and fifteen feet to the right.

Roadway: Roadway is that portion within the street right-of-way consisting of the street pavement, curb and gutter (or open ditches), which is accordingly used as a channel for vehicular movement and water drainage.

Secretary: The secretary is that person designated or appointed as such by the Planning Commission.

Soil survey: The report developed by USDA - SCS in cooperation with UK Experiment Station and the Clark County Conservation District. (Series 1961, No. 11, Issued Oct. 1964).

Stormwater manual: A document to provide standards for the design and construction of stormwater infrastructure as well as describe the approval process for stormwater infrastructure. This manual is adopted by the Planning Commission by reference. When the manual is cited by these development and subdivision regulations, the current edition or latest revision shall be referenced.

Street: In its general sense herein, is an area of land designated for public use within defined limits in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street shall include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any

street shall be coincident to the property line of the adjacent or the abutting lot. Streets are classified specifically herein as follows:

- A. Expressways: Expressways rank first in the classification of streets, and are used only for vehicular movement without access to abutting properties. Interchange of traffic

DRAFT

between expressways and other streets (only arterial streets when possible) is accomplished by grade separated interchange with merging deceleration and acceleration lanes.

- B. Arterials: Arterial streets rank second in the classification of streets, and are used primarily for vehicular movement and are used secondarily for vehicular access to abutting properties. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than allowing each abutting property to have its own individual access thereto. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control and right-of-way limits.
- C. Collector streets: Collector streets rank third in the classification of streets and are principally used for vehicular movement; however, access to abutting properties are planned and controlled so that minimum disturbance is made to the traffic flow on said collector street. Collectors are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way widths, and speed control.
- D. Minors: Minor streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on minor streets should have an origin or destination in the immediate vicinity, whereas all types of through traffic should be eliminated. Minor streets are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Minor streets require the least amount of vehicular movement and may be further classified into five categories as follows:
 - 1. Continuing streets have two open ends; each end generally connects with different streets. One or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.
 - 2. Marginal access streets generally have two or more access points to the major street system by connecting to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.
 - 3. Loop streets have two open ends each and generally connect with the same street. No other streets intersect between the two ends and property abuts on both sides of the street.
 - 4. Cul-de-sacs have only one open end that provides access to another street, and a closed end that provides a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation for an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Planning Commission.
 - 5. Alleys generally have two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides of the alley.

Subdivision: Subdivision means the division of land into two or more parcels for the purpose of sale, use or building development, whether immediate or future, and includes re- subdivision of existing subdivided land. For platting purposes, subdivisions are classified

herein under minor and major subdivisions. For physical improvement purposes, major subdivisions are further classified into special classes in Article VIII.

Subdivision plat: A document, drawn to scale, that maps the location and boundaries of individual parcels of property along with the streets, alleys, easements, and rights of use over the land. A subdivision plat must be recorded at the Clark County Courthouse to become a legal document. ~~All major subdivision plats must be approved as final development plans by the Planning Commission prior to being recorded. All subdivision plats must receive final approval by Planning Staff and/or the Planning Commissioner prior to being recorded, as determined by these regulations.~~

DRAFT

ARTICLE III

DEVELOPMENT PLAN PROCEDURES

300 PURPOSE

The purpose of this article is to establish the procedures which shall be followed by the developer and the Planning Commission in preparing, reviewing and approving all development plans. The overall purpose of this article is to foster and encourage better physical design in the transformation of open land to developed areas. Developers must work closely with ~~the Planning Commission, its staff, and with qualified planning and design professionals to arrive at the most efficient and pleasing physical design which resolves potential land use, circulation, and other design issues related to development~~ the approving authority, as determined by Article 8.63 of the Winchester/Clark County Zoning Ordinance, in order to arrive at the most efficient and qualifying plan adhering to any and all ordinances, rules, and regulations concerning development found within these regulations and the Winchester/Clark County Zoning Ordinance.

310 PRE-APPLICATION CONFERENCE PROCEDURES

The purpose of the pre-application conference is to afford the developer an opportunity to obtain advice and assistance from ~~the Planning Commission~~ planning staff before making formal application for development plan approval. This pre-application conference will also assist in determining the approving authority of the development plan, as designated by Article 8.63 of the Winchester/Clark County Zoning Ordinance. The developer should consult with potentially interested parties, such as attorneys, engineers, land surveyors, landscape architects, lenders and community planners, in an effort to reach firm conclusions as to the type of market demand to be served, the suitability of the location of the proposed development, and the general arrangement of streets, lots and other features proposed. ~~For Planning Commission purposes, t~~ There are only two steps involved at the pre-application conference:

- A. Development plan: The developer should prepare a development plan indicating the boundaries of the tract, streets, lot patterns, and other physical information relating to the proposed development.
- B. Office visit: The developer should visit the Planning and Community Development Office to discuss the development plan with ~~the planning~~ staff. This informal discussion shall not constitute a formal application and will be considered confidential. The developer should also consult with utility companies and other local agencies at this stage.

320 GENERAL DEVELOPMENT PLAN PROCEDURES

The following shall be the procedures for ~~Planning Commission~~ the consideration of any development plan (preliminary and/or final).

- A. Formal application and submission: To secure formal action on the development plan, the developer shall submit a complete application to the Planning and Community Development Office. ~~Development Plans requiring variances must be submitted~~ by the monthly deadline for ~~Planning Commission~~ Board of Adjustments public hearings. The deadline is ~~typically~~ the first ~~Tuesday~~ ~~Thursday~~ of each month, applications shall be

submitted one month in advance of the meeting ~~to be placed on the agenda for the first Tuesday of the following month~~. Development plans submitted alongside a zoning map amendment must be submitted by the monthly deadline for Planning Commission public hearings. The deadline is typically the first Tuesday of each month, applications shall be submitted one month in advance of the meeting. Holidays and elections may alter the day, check with staff for specific dates.

B. Design plans: The developer shall have an engineer, land surveyor or landscape architect licensed to practice in the Commonwealth of Kentucky prepare the development plan in conformance with the format, design, and improvement requirements of Articles VI, VII, and VIII. All engineering data shall be supplied by a licensed engineer. Utility companies and other concerned city and county agencies should be consulted before these are prepared. Applications shall be submitted electronically through the application portal located on the City's website. Physical copies of applications may be accepted, if so, at least one (1) digital copy and one (1) physical plan shall be submitted to the Planning and Community Development Office. The complete application shall contain the following at a minimum:

1. Development Plan: ~~Nineteen copies including four (4) full sets and fifteen (15) sets containing the site plan and grading plan~~. One (1) digital file.
2. Drainage report: Two (2) complete sets including computations. One (1) digital file. Not required to be submitted with preliminary development plans, shall be submitted and approved prior to final development plan approval.
3. Plans for stormwater, erosion and sediment control: ~~Four (4) complete sets~~. One (1) digital file. Not required to be submitted with preliminary development plans, shall be submitted and approved prior to final development plan approval.

C. Technical Review ~~Committee~~: Copies of the development plan shall be distributed by staff to ~~the Technical Review Committee~~ representative from all parties involved in the application, as well as public safety institutions such as engineering, building, fire, police, public works, utilities, and the like. Each representative shall review the proposed plan(s) in correlation with standards and requirements in place for each institution, as well as standards and requirements found within Articles VI, VII, and VIII of these regulations. ~~The Technical Review Committee shall review and make its own recommendation to the Planning Commission for approval, conditional approval (with conditions noted), postponement, or disapproval~~. The development plan shall not be approved, or when applicable, placed on the agenda with either the Board of Adjustment or Planning Commission until after the plan(s) have been through technical review and found to meet the standards and requirements of each institution involved. A *Technical Review Comments/Adjustment Worksheet* (found in Appendix G) shall be completed by those in attendance. A copy of each worksheet will be given to the applicant/developer in order to make the required updates/changes. It is recommended that the developer or a representative attend the ~~Technical Review Committee meeting review~~ to discuss specific aspects of the plan being considered. ~~A copy of the Technical Review Committee's recommendations shall be given to the developer in order that the necessary changes can be made to the development plan. Three copies of the revised~~ When a hearing is required, the revised development plan(s) shall be submitted to ~~the planning~~ staff for review in advance of the ~~Planning Commission meeting hearing~~. The revised plan(s) may be submitted electronically through the application portal found on the City's website.

Technical ~~Review Committee meetings~~ reviews are typically held on the second Tuesday of each month. Holidays and elections may alter the day, check with staff for specific dates.

330 PRELIMINARY DEVELOPMENT PLAN PROCEDURES

Development plans may receive their first official consideration ~~by the Planning Commission~~ as "preliminary" development plans. Preliminary development plans are less detailed than final development plans. The developer may choose this option to gain approval for the concept prior to finalizing the details required to begin construction. ~~The Planning Commission may take any of the following actions after reviewing a preliminary development plan.~~

- A. Approval means a grading permit may be issued by the Engineering Department if all stormwater documentation has also been approved. No developer shall proceed with any construction work on the proposed development, including grading, before obtaining ~~final plan~~ approval ~~from the Planning Commission~~ and a grading permit ~~from the Engineering Department~~. Lots shall not be sold at this time. Sale of lots shall occur only after ~~a final development plan has been approved by the Planning Commission~~ final plan approval and a subdivision plat has been recorded at the Clark County Courthouse.
- B. Conditional approval means the developer may not proceed as outlined above in Section 330 (A) until the specified conditions have been met. A revised plan may be required but no completely new application is required.
- C. Postponement means action is delayed for definite reasons which shall be noted by ~~the Planning Commission~~ ~~the approving authority~~. Certain specified changes may have to be made to the preliminary development plan but no new application is required.
- D. Disapproval means denial of the preliminary development plan. For further action, the developer must rework the preliminary development plan. The reworked preliminary development plan must be re-submitted as a completely new plan.

340 FINAL DEVELOPMENT PLAN PROCEDURES

~~Development plans shall receive their last review by the Planning Commission as "final development plans.~~ The developer may choose to bypass the preliminary development plan review by initially submitting an application that meets the more stringent requirements of a final development plan.

No developer shall sell or agree to sell any lot until after a final development plan has been approved ~~by the Planning Commission~~ and, where required, a subdivision plat has been recorded at the Clark County Courthouse. The ~~Planning Commission~~ approving authority may take any of the following actions after reviewing a final development plan.

- A. Approval means the developer may apply for a grading permit, building permit, and/or begin the process of recording a subdivision plat. ~~Planning Commission approval~~ Approval shall not be deemed to constitute or effect an acceptance of the dedication of any street or other proposed space offered for dedication since such acceptance is the prerogative of the city and county legislative bodies.
- B. Conditional approval means the developer may not proceed as outlined above in Section 340 (A) until the specified conditions have been met. A revised plan may be required but no completely new application is required.
- C. Postponement means that the ~~Planning Commission~~ approving authority has deferred action ~~until some future Planning Commission meeting~~ in order ~~that for~~ clarifications ~~can~~ to be made in regards to the final development plan. ~~The Planning Commission may require specific changes to the development plan, but no~~ No new application is required.
- D. Disapproval means denial of the final development plan. The developer must re-work the final development plan to conform to ~~Planning Commission~~ the requirements found in these regulations and the zoning ordinance. ~~and re-submit it as a completely new final development plan.~~ The plan must be resubmitted, a new application is required.

350 AMENDMENTS TO DEVELOPMENT PLANS ~~APPROVED BY THE PLANNING COMMISSION~~

Amendments to approved development plans can be made only ~~by official Planning Commission action in accordance with these regulations and the zoning ordinance.~~ Content, format, and procedures shall be the same as those for the original submission. ~~Amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved by the Planning Commission staff without further action by the Planning Commission.~~

~~Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments shall not:~~

- A. Decrease the overall land area in yards, or other open spaces;
- B. Increase building footprint or height; or increase the number of dwelling units;
- C. Increase the number or size of signs;
- D. Change the location of any street and shall not increase the number, or change the location of, street access points; except that shifts in the approved access location

~~not exceeding 25' may be approved as a minor amendment where the access point is not located on an arterial street.~~

DRAFT

ARTICLE IV

CONTENT AND FORMAT OF DEVELOPMENT PLANS

400 PURPOSE

The purpose of this article is to describe the content and format of development plan materials and the information which must be placed thereon. Conformance to these requirements provides maximum capability for thorough review and expedient processing. All development plans shall adhere to these specifications unless the ~~Planning Commission grants permission for modifications due to unusual and special circumstances~~ approving authority allows for discretion to be applied as referenced in KRS Chapter 100.275. Development plans which are flagrantly or repeatedly lacking specified data shall be returned to the developer immediately after review by ~~the planning staff without waiting for technical review by the Technical Review Committee or the Planning Commission~~.

410 BASIC INFORMATION REQUIREMENTS FOR ALL DEVELOPMENT PLANS

- A. Application ~~form~~: This ~~form~~ may be obtained from the Planning and Community Development office or from the website www.winchesterky.com. One copy shall be filled out completely and accurately, and submitted as part of the development plan materials. Applications shall be submitted electronically through the application portal located on the City's website www.winchesterky.com. Physical copies of applications may be accepted, if so, at least one (1) digital copy and one (1) physical plan shall be submitted. A pdf form may be obtained from the Planning and Community Development Office or from the City's website (referenced above).
- B. Stormwater pollution protection plan: Four (4) copies must accompany the ~~final~~ development plan ~~if~~ the applicant wishes to apply for a grading permit following ~~Planning Commission~~ approval.
- C. Paper prints Format of development plan: ~~Nineteen (19) sets of prints (four (4) complete sets and 15 partial sets containing the site plan and grading plan) shall be submitted, and the sheet size shall be 24" x 36" unless the staff approves another size due to unusual or special circumstances. If necessary, more than one sheet may be used as long as a key is provided that relates each sheet to the entire planned area. The development plan should include, at a minimum, the following information:~~ Digital submissions of a development plan must be scaled appropriately, as referenced in subsection 4 below, and shall be set to print at either 17" x 22" or 24" x 36". All details must include, at a minimum, the following information:
 - 1. Title Block: The title should be placed on the bottom right-hand corner of the plan, and shall contain the following information:
 - a. Development Name: The proposed name of the development, which shall not duplicate nor closely approximate (phonetically or in spelling) the name of any other development in Clark County. The plan shall be titled "Development Plan of ".
 - b. Property Identification: The record name and mailing address of the property being developed.

- c. Identification: The name, mailing address, and phone number of the property owner, developer, engineer, and anyone else directly involved in the development.
- d. Date of preparation, prepared by, and date of revisions.

2. Vicinity map showing the location of the proposed development (in relation to the surrounding area) shall be placed on the sheet in the upper, right-hand corner. The vicinity map shall be drawn at a scale large enough to show the proposed development's relationship to existing and proposed community features such as shopping areas and industrial areas. Typically one inch should not exceed 2,000 feet.

3. Legend.

4. The written scale between (1" = 10' and 1" = 50').

5. North arrow.

6. Design engineer's certification should be signed, dated, stamped and read as follows:
"This development plan was prepared by me or under my direction and has been designed to meet the requirements of the Winchester/Clark County Zoning Ordinance and the Winchester/Clark County Development and Subdivision Regulations."

7. Owner's certification shall be signed, dated, and witnessed as follows:
"I (we) do hereby certify that I am (we are) the only owner(s) of record of the property platted hereon, said property being the same (or a portion of) property conveyed to me (us) by _____, dated _____, and recorded in Deed Book _____, Page _____, in the Clark County Clerk's Office; and I (we) do hereby adopt this as my (our) development plan for this property."

8. ~~Planning Commission Approving~~ certification to be signed and dated by the ~~Planning Commission secretary approving authority~~ if the development plan is approved:
"I do hereby certify that this development plan ~~was approved by the Planning Commission~~ adheres to the objective standards set forth within the Winchester/Clark County Zoning Ordinance and the Development & Subdivision Regulations, and is hereby approved."

9. Existing conditions on and adjacent to the tract: The following information detailing existing conditions shall be shown (property and other lines off the tract should be shown as dashed lines):

- a. The boundary lines of the tract should be shown by a special line style and weight (i.e. heavy solid line) which will provide quick and easy distinction between the developer's property and any adjacent property.
- b. Existing easements: location, width, and purpose of all easements.
- c. Names of all adjacent property owners.
- d. All buildings, parking lots, sidewalks, access points from public right-of-ways, fences, etc.

- e. Zoning classification of site and all adjacent properties.
- f. Streets: Location, name, pavement width, and right-of-way width.
- g. Utilities: The location of sanitary and storm sewers; water mains, gas lines, fire hydrants, electric lines, communication towers fiber optic lines.
- h. Other Conditions: Water courses, marshes, rock outcrops, wooded areas, isolated trees of six inch caliper or greater, houses, barns, and other significant features. Indicate which will be retained and which removed.
- i. FEMA flood plain areas and base flood elevations on and adjacent to the tract. Flood map number shall be referenced.

420 PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS

In addition to the basic information requirements for all development plans (as detailed in Section 410), the following information for proposed development shall be shown on preliminary development plans:

- A. Building locations and dimensions.
- B. Access points from public right-of-ways.
- C. Parking lots and sidewalks.
- D. Streets: The **existing and proposed** **street** names (which shall not be the same or approximate the name of any other street in the county), pavement widths, and right-of-way widths.
- E. Easements: Include the location, width and purpose.
- F. Utilities.
- G. Public Sites: The name, acreage, and use of any sites proposed for public use such as parks, playgrounds, etc.

430 FINAL DEVELOPMENT PLAN REQUIREMENTS

In addition to the basic information requirements for all development plans (as detailed in Section 410), the following information shall be shown on final development plans:

- A. Existing Conditions on and adjacent to the tract: The following information detailing existing conditions shall be shown (property and other lines off the tract should be shown as dashed lines):
 1. Accurate survey data for all boundary lines – seconds, lineal dimensions to hundredths of feet, radii, internal angles, points of curvature, tangent bearing, lengths of arcs, lengths of chords.
 2. **Existing** Streets: Classification of street, locations of culverts and gutters, elevations and locations of centerlines, elevations of curbs.
 3. Utilities: The location, size and invert elevations of sanitary and storm sewers;

location and size of water mains; gas lines; fire hydrants; utility poles and lines; and street lights. If water mains and sewers are not adjacent to the tract, indicate the direction and distance to them, provide size of nearest ones.

4. Sinkholes: Provide the location of all sinkholes. If sinkholes are present, staff and/or the Technical Review Committee may require the developer to provide technical information about subsurface conditions. The required information may include, but not be limited to, subsurface soil, rock, and ground water conditions.

- B. The following information detailing proposed development shall be provided:
 1. Drainage report including all calculations: Two (2) copies.
 2. Building locations, dimensions, and finished floor elevations.
 3. Access points from public right-of-ways.
 4. Parking lots and sidewalks: Provide calculations for required parking, slope, ADA compliant provisions such as handicap parking and ramps, signage, directional arrows, dimensions of spaces and drive lanes, calculations for interior landscape requirements.
 5. **Proposed Streets:** The proposed approved names (which shall not be the same or approximate the name of any other street in the county be given final approval prior to the submission of the final development plan), right-of-way and roadway widths; grades, traffic calming devices, signage, and directional arrows (where needed). All street design shall be in accordance with Section 830(A).
 6. Easements: Include the location, width and purpose.
 7. Utilities: Alignment and location of all utilities.
 8. Benchmarks: Location and elevation of all benchmarks; there shall be at least one per development.
 9. Public Sites: The name, acreage, and use of any sites proposed for public use such as parks, playgrounds, etc.
 10. Drainage Structures and Facilities: All design shall be in accordance with Section 850, "Storm Water Drainage."
 11. Landscape plan showing location of landscape materials, a planting schedule indicating species, size, and number. Provide location of street and parking lot lights to insure no conflict exists between lights and trees. Provide planting details and notes detailing maintenance and warranty responsibilities.
 12. Construction Drawings
 - a. Street Profiles: The plan and profile of each proposed street (indicating the existing ground surface and proposed street grade surface) at a horizontal

scale equal to the horizontal scale of the plan/plat and a vertical scale of 10 times the horizontal scale, with finish grades indicated.

- b. Street Cross Sections: A cross section of each proposed street at 50 foot intervals, at a scale of one inch equals ten (10) feet (or less), showing the width of pavement, the location and width of sidewalks, and rights-of-way.
- c. Sewers and Storm Water Drainage: The plans and profiles of proposed sanitary sewers and storm water sewers or other drainage ways, at a horizontal scale equal to the horizontal scale of the plan/plat and at a vertical scale of 10 times the horizontal scale, with grades and sizes indicated. If a piped system of sewers is not proposed, then an alternate system including green infrastructure and low impact development shall be properly illustrated as required by City engineer.
- d. Other Utilities: Plans and line sizes of other proposed utilities shall be shown.
- e. ADA Handicap compliant details indicating materials, slopes, etc.

ARTICLE V
MAJOR AND MINOR CLASSES OF SUBDIVISIONS
ESTABLISHED FOR PROCESSING PURPOSES

500 PURPOSE

The purpose of this article is to establish different classes of land subdivisions on the basis of their relative importance to the community's overall development. This will then permit the establishment of ~~requirements~~ ~~objective standards~~ for subdivision plat preparation and approval which varies for the different classes.

510 PROCESSING CLASSES FOR SUBDIVISIONS

In accordance with the definition found in Kentucky Revised Statutes Chapter 100.111, a subdivision of land within Clark County and the City of Winchester means: "the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;"

The statutes further provide that no land shall be subdivided, transferred, sold or agreed to be sold until after a plat of such land is prepared and approved in conformance with requirements ~~found within these regulations as~~ established by the Planning Commission. Metes and bounds descriptions of the land shall not be used on contracts for the above purposes in order to replace the required plats. All plats must be reviewed, approved, and recorded before it can be used as a basis for subdivided land to be transferred or sold. All division of land shall comply with the area and dimension requirements as described in the zoning district for which the property is located, as found in the Winchester/Clark County Zoning Ordinance. Thus, these regulations are intended as the requirements established by the Planning Commission for the preparation and approval of subdivisions of land.

In order to proceed towards establishing such requirements, ~~subdivisions shall be further classified as follows~~ the following regulations and classification shall be followed:

- A. **Approving Authority:** the approving authority for subdivision plats which require the construction, improvement, extension, or widening of streets shall be the Planning Commission. The approving authority involving subdivision plats meeting the minimum requirements found within these regulations and the Winchester/Clark County Zoning Ordinance shall be Planning Staff. When discretion is needed due to circumstances referenced in KRS Chapter 100.241, 100.243, and 100.275 the approving authority shall be the Board of Adjustments, a variance is required for such an application.

B. Major Subdivisions proposing new streets/public rights-of-way shall be reviewed as a development plan prior to subdivision plat submittal. Article 8.6 of the Winchester/Clark County Zoning Ordinance shall be followed, as well as Articles III and IV of these Development and Subdivision Regulations.

A.C.

Major subdivisions: ~~Any shall be any~~ subdivision of land for multi-family residential, commercial, industrial, or professional uses; or into four (4) or more single-family residential lots/parcels; ~~or any subdivision of land, including agricultural uses, that requires the construction, improvement, extension, or widening of streets; or that requires new off site utility easements.~~ Major subdivisions shall conform specifically to the requirements established in Article VI of these development and subdivision regulations in addition to any and all objective standards set forth in the Winchester/Clark County Zoning Ordinance.

B.D.

Minor subdivisions: ~~shall be those subdivisions of land which are generally of minor planning significance to the community's future development and~~ include only the subdivisions as described below. The division of a tract of land into three (3) or fewer single family residential lots. Such minor subdivisions shall conform specifically to the requirements established in Article VI of these development and subdivision regulations in addition to ~~any other applicable regulations any and all objective standards set forth in the Winchester/Clark County Zoning Ordinance.~~

1. Consolidation minor subdivisions shall be solely for the purpose of transferring a portion of the subdivided land to an adjoining property with which it is to be consolidated. Such adjoining property shall have a common boundary with the portion of the subdivision intended for transfer and ~~shall not constitute as a building lot. no new, buildable lots are created~~ Buildable lots/parcels shall adhere to the objective standards as applied within the zoning district for which the property is located.
2. Rural Minor Subdivisions shall be those single family subdivisions characterized by the following conditions:
 - a. Division of land taking place in the Agricultural Zoning District (A-1) which results in property(s) containing less than five (5) acres. The resulting divisions shall contain at least one acre (43,560 sq. ft.) of land.
 - b. The resulting divisions shall be used for residential and/or agricultural purposes only and shall contain three (3) or fewer single family residential lots.
 - c. All resulting divisions shall front on a paved street or road dedicated to and maintained by the public. No new streets or roads shall be permitted. ~~When parcels of less than five (5) acres are created, a common entrance onto a public street or road shall be required and so indicated on the plat. Exceptions to these requirements are: Entrances shall be approved by the~~

governmental body having jurisdiction of the public right-of-way.

- d. Divisions approved as "family farm home sites" are exempt from the frontage requirement subject to an access easement placed on the plat and an accompanying note that states a private entrance is granted in accordance with Section 8.85 of the Winchester/Clark County Zoning Ordinance.
- e. The subdivision shall be in conformance with the Comprehensive Plan, implementation devices, and other applicable regulations/~~objective standards~~, including any necessary dedication for street right-of-ways. Where existing streets or roads do not meet current standard requirements for the proposed development, the developer may be required to bring to street or road into compliance with all current requirements. ~~Any subdivision of land, including agricultural uses, that require the construction, improvement, extension, or widening of streets will be reviewed by the Planning Commission as a major subdivision plat.~~
- f. All plats for property not served by a sanitary sewer system must have the following note: No residential construction is permitted until sanitary sewer approval is given by the Clark County Health Department.

E. Division of Land for Agricultural Use: property located in the Agricultural Zoning District (A-1) that is divided into lots or parcels of five (5) or more acres and not involving a new street shall not be deemed a subdivision. The property(s) involved shall be divided and shown on a record plat drawn and signed by a licensed engineer or surveyor, signed by the property owner(s), reviewed by Planning Staff, and signed by the ~~Planning Commission Secretary~~ approving authority. When the ~~Planning Commission is determined the approving authority, the Secretary shall sign the plat. When the~~ Secretary is not available, the Chair or Vice-Chair of the Planning Commission may sign the record plat. The signed record plat will need to be recorded at the Clark County Court House, one (1) copy of the recorded plat will be given to the applicant and one (1) copy of the recorded plat will be filed in the Planning Office.

F. ~~Any subdivision of land, including agricultural uses, that require the construction, improvement, extension, or widening of streets shall be reviewed by the Planning Commission as a major subdivision plat.~~

ARTICLE VI

SUBDIVISION PLAT PROCEDURES, FORMAT, AND CONTENT

600 PURPOSE

The purpose of this article is to establish procedures for plat submittal and review. The requirements for the format and content of subdivision plats are included in order that the plats may be prepared and processed efficiently.

610 PROCEDURES FOR SUBMITTAL AND REVIEW OF SUBDIVISION PLATS

The step-by-step procedures listed below shall apply to all subdivision plats unless otherwise indicated. Major subdivision plats ~~requiring the construction, improvement, extension, or widening of streets~~ shall only be submitted following ~~Planning Commission~~ approval of a final development plan for the property.

- A. Plat preparation: The developer shall have a licensed land surveyor prepare a record plat in conformance with these regulations.
- B. Submission: ~~The developer shall submit two prints of the original plat, a completed application, a fee for review, and a fee for recording to the Planning and Community Development office. Applications shall be submitted electronically through the application portal located on the City's website. Physical copies of applications may be accepted, if so, at least one (1) digital copy and one (1) physical plat shall be submitted to the Planning and Community Development Office. The application fee and recording fee must be submitted alongside the application, whether physically or electronically.~~
- C. Staff review: The staff shall review the plat for conformance to these regulations, ~~mark both prints marking the plat~~ with any necessary changes, ~~return one print to the developer, and retain one for office files~~ a file is returned to the applicant/developer and retained in the office. As soon as the plat conforms to these regulations, four final prints and one digital formatted copy (Appendix D) shall be submitted ~~by the applicant/developer~~ to be recorded. The four prints must be signed and stamped by the surveyor and signed by the owner(s).
- D. ~~Secretary's Approving authority~~ signature: ~~As determined by Article V, Subsection A of these regulations, the approving authority shall sign the The Secretary of the Planning Commission shall sign the Planning Commission's C certification~~ on all four plats to signify ~~the Planning Commission's~~ approval and make it eligible to be recorded. One copy shall be kept for the office files, one returned to the developer, one retained with the Clark County Clerk, and one retained by the Clark County Property Valuation Administrator.
- E. Recording: The signed plat shall be recorded in the exact form as previously approved.

620 FORMAT FOR SUBDIVISION PLATS

The plat shall be drafted in a manner that will produce a print that contains dark, stable lines that cannot be smudged or removed by ordinary handling. Four (4) prints shall be

submitted and the sheet size shall be 17" x 22".

630 CONTENT REQUIRED FOR SUBDIVISION PLATS

- A. New parcels shall be assigned addresses by Clark County Geographical Information System (GIS). The e-mail address is stephenberry@ccgisonline.com.
- B. The subject property shall be placed in the center of the plat with the boundaries of the subdivision shown in a heavy, solid line; the boundaries of the remainder of the parent tract shall be shown in a lighter dashed line;
- C. Provide a 3"x3" space in the bottom, right corner labeled "County Clerk" for the recording date and time stamp.
- D. The title block shall be placed along the right side of the plat. It shall include the name of the subdivision as Record Plat of (name of property). The plat shall also show the mailing address of the property being subdivided, the owner, and the surveyor. The title block shall show the date of preparation and all dates of revisions.
- E. The plat shall have a north arrow, legend, written and graphic scale (between 1" = 10' and 1" = 100') and provide the source of title.
- F. A vicinity map shall be placed in the upper, right corner of the plat and show the relationship of the subject property (drafted in solid black) to a sufficient number of streets or highways in the area to enable one to quickly identify the section of Clark County. An appropriate scale is typically one inch equals 2,000 feet (or less).
- G. All divisions shall have their acreage and a number or letter designation marked thereon.
- H. Lot Layout and Building Setbacks: The location and distances for lot lines; lot numbers and block numbers; building setback lines with dimensions.
- I. The plat shall provide the name of the owner(s) of adjoining property(s) or the name of an adjacent major subdivision including the recorded plat and deed information.
- J. The name, and right-of-way width, and typical cross sections of all streets dedicated to public use which abut, adjoin or are included within the subdivision.
- K. Where the tract shown on a subdivision plat represents only a portion of the developer's entire holding, an additional sketch shall be required as a means of showing the proposed street layout for the remainder of the tract.
- L. The purpose, width, location and full extent of all easements shall be provided.
- M. A dedicated right-of-way of at least thirty (30) feet, **measured from the centerline of the road 15 feet in each direction left to right**, shall be required for existing roads.
- N. All boundaries shall be surveyed in the field; accurate bearings and distances shall be placed on each property line.
- O. On consolidation plats, land consolidation hooks shall be shown on the parcel which is to be transferred and consolidated. In addition, the plat shall have the following notation, "Parcel #_____ shall be consolidated with adjoining parcel #_____ and not

conveyed as a separate parcel".

- P. The plat shall show all existing major physical improvements including, but not limited to, existing utilities, structures, property corners, as required to meet the Kentucky "Standards of Practice for Land Surveyors";
- Q. Proposed and existing roadway entrances shall be indicated on the plat along with certification that the proposed entrance(s) have been approved by the agency having jurisdiction. **If entrances cannot be shown on the plat, the following notation shall be included: "No construction is permitted until roadway entrance approval is given by the agency having jurisdiction."**
- R. Where any property lying partly in Clark County and partly in an adjoining county is divided into two or more parcels, any parcel resulting from such division that lies partly within Clark County shall be subject to these regulations.
- S. All plats for property not served by a sanitary sewer system must have the following note: No residential construction is permitted until sanitary sewer approval is given by the Clark County Health Department.
- T. Protective Covenants: When the developer intends to regulate land use in the subdivision ~~and otherwise protect the development, one copy of the final protective covenants shall be submitted as part of the final plan/plat materials beyond what is regulated within the Zoning Ordinance and these regulations, the developer must submit the protective covenants to the Clark County Clerk's Office for recording.~~ (update the text or remove this line altogether)
- U. Certifications required on all plats:

1. **PLANNING COMMISSION APPROVING AUTHORITY CERTIFICATION**

~~"I do hereby certify that this record plat conforms to regulations pertaining to the subdivision of property within Winchester/Clark County of the Winchester/Clark County Planning Commission, and that it has been approved to be recorded by the Clark County Court Clerk."~~

Planning Commission Secretary

Date

2. **LAND SURVEYOR'S CERTIFICATION**

~~"I do hereby certify that the survey shown hereon was performed by me, or under my direction, by the method of random traverse and all monuments indicated hereon actually exist and their size, location, and material are correctly shown. The unadjusted mathematical error of closure ration of the random traverse was _____ and the bearings and distances shown hereon have been adjusted for closure. The survey as shown hereon is a Class _____ survey and the accuracy and precision of said survey meets all the specifications of this class. The basis of the bearings shown hereon is in relation to _____."~~

Land Surveyor's Signature

Date

INCLUDE SURVEYOR'S ORIGINAL SEAL

3. OWNER'S CERTIFICATION

"I (we) do hereby certify that I am (we are) the only owner(s) of record of the property platted hereon, said property being the same (or a portion of) property conveyed to me (us) by _____, by _____ dated _____, and recorded in Book _____ Page _____, in the Clark County Clerk's Office; and do hereby adopt this as my (our) record plat for this property."

Owner(s) Signature and Address

Date

Witness Signature and Address

DRAFT