

**CITY OF MADISONVILLE**

**SUBDIVISION REGULATIONS**

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Hopkins County Joint Planning Commission  
56 North Main Street  
Madisonville, Kentucky 42431

**Madisonville Subdivision Regulations  
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SUBDIVISION REGULATIONS  
OF THE CITY OF MADISONVILLE, KENTUCKY

**ARTICLE I - PROVISIONS**

**Section 1. Title and Authority**

These regulations shall be known as, referred to and cited as “The Land Subdivision Regulations of the City of Madisonville, Kentucky” under authority granted by the Commonwealth of Kentucky through Kentucky Revised Statutes (KRS) Chapter 100.

**Section 2. Purpose**

The purpose of these regulations is to protect the public health, safety and general welfare of the citizenry and to establish rules and standards to guide and integrate land subdivision in order to ensure orderly growth and development by implementing or facilitating the provisions in the Hopkins County Comprehensive Plan. These regulations shall provide for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan of Hopkins County, Kentucky; for minimum requirements of the preliminary and final plats and construction plans; adequate open spaces for traffic, utilities, fire-fighting apparatus, recreation, light and air; and for a distribution of population and traffic.

**Section 3. Jurisdiction**

These regulations shall govern all subdivision of land within the boundaries of the City of Madisonville, Kentucky. Within these regulations, the term “subdivision” shall include re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

**Section 4. Interpretation**

In the interpretation and application, the provisions of this regulation shall be held to the minimum requirements. Unless otherwise specified or outlined, all Best Management Practices (BMPs) shall be abided by.

**Section 5. Compliance with Other Codes, Statutes, and Regulations**

Nothing in these regulations shall be construed to exempt any development from compliance with all local, state, and federal codes, statutes, and regulations.

**Section 6. Conflict of Regulations**

Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this regulation or of any applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

**Section 7. Separability**

The provisions of this regulation are separable. If a section, sentence, clause, or phrase of this regulation is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this regulation.

**Section 8. Amendments**

The Planning Commission has the authority to amend the provisions imposed by these regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

## **Section 9. Variance**

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, it may reduce or otherwise vary the requirements of these regulations. Such variances may be granted only if the Planning Commission finds the request is without detriment to the public health, safety and welfare; does not impair the purposes and basic objectives of the regulations; is not generally applicable to other property; does not in any manner vary from provisions of the zoning ordinance or other adopted regulations; and does not impair the desirable general development of the neighborhood and community as proposed by the Comprehensive Plan.

### **9.1. Procedure:**

- A. A petition for any such variance shall be submitted in writing by the subdivider at the time when a plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- B. In granting such variance, the Commission may attach and require whatever conditions it deems necessary to reasonably assure the basic objectives of these regulations. Any variance granted shall be noted in the Commission's official minutes along with the reasons for the granting of the variance.

## **Section 10. Approval Required**

No person or his agent shall subdivide any land before securing approval from the Planning Commission for a plat designating the areas to be subdivided, and no plat of a subdivision of land shall be recorded by the Hopkins County Clerk until it has been approved by the Commission.

No person, or his agent, owning land composing a subdivision shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded in the Hopkins County Clerk's office.

## **Section 11. Appeal**

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the Hopkins County Circuit Court. KRS 100.347(2)

## **Section 12. Complaints Regarding Violations**

Any person may file a written complaint alleging violation of these regulations. Such complaint shall state fully the cause and base thereof and be filed with the Planning Commission. The Planning Director shall properly record such complaint, investigate, and take action thereon as provided by these regulations. If found to be in violation, the Developer shall be notified and given reasonable time to correct any violations.

## **Section 13. Enforcement and Penalties**

The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by the subdivider or the landowner where subdivision regulations have been violated. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars but not more than five hundred dollars for each conviction. Each day of violation shall constitute a separate offense.

## ARTICLE II - DEFINITIONS

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### **Section 1. General**

For this purpose, certain words and terms are herewith defined; words used in the present tense include the future, the singular includes the plural and the plural includes the singular, the word “shall” is mandatory and not directory.

Administrative Officer: A person authorized by the Planning Commission to act on its behalf.

Agriculture Use: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.

Any deed or plat that uses the agricultural exemption as per KRS 100.111 shall have a notice on the plat or deed that reads as follows: “This property has not been approved by the Hopkins County Joint Planning Commission for any residential development other than the dwellings for persons and their families who are engaged in agricultural use of the property as described in KRS 100.111(2).”

Alley: A right-of-way, no more than twenty (20) feet wide, providing a secondary means of access to any property abutting upon it and remaining the responsibility of the homeowner’s association.

Best Management Practices (BMPs): Activities or structural improvements that help reduce the quantity and improve the quality of storm water runoff. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond: A financial surety that the required improvements will be completed by the developer. A warranty bond guarantees the workmanship/materials of the improvements for a specified time period.

Building: Any structure built/placed/erected for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Line: A line in the interior of the lot which is generally parallel to, and a specified distance from, the street right(s)-of-way. No building shall be placed in the space between the building line and the right(s)-of-way. This denotes the location of the front yard and/or street side yard.

City: The City of Madisonville, Kentucky.

City Engineer: The City of Madisonville Engineer.

Clear Sight Triangle: A triangular-shaped portion of land established at street intersections, in accordance with the FHWA, in which nothing is allowed to be placed in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Comprehensive Plan: The adopted Comprehensive Plan indicating the general locations recommended for the streets, parks, public buildings, land uses, and other similar information.

Construction Plans: A set of plans showing the specific location and design of improvements to be installed in the subdivision in accordance with these requirements and other adopted requirements of the City.

Contiguous: Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

County: The County of Hopkins, Kentucky.

Cul-de-sac: A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.

Deed Restrictions: Private legal restrictions on the use of land contained in the deed to the property and/or otherwise formally recorded in the County Clerk's Office.

Design Engineer: A licensed professional engineer, licensed by the Commonwealth of Kentucky, to practice engineering.

Easement: Authorization by a property owner for another to use the owner's property for a specified purpose.

Environmentally Sensitive Area: Any area that, due to its natural or physical setting, may have environmental problems with regard to its development. Lands in question shall include, but are not limited to, areas of steep slope (over 10%), floodplains, areas of poor soils, improper fill, sinkholes, blue-line streams, creeks, lakes, and other natural waterways. Such areas, if included in a proposed subdivision, shall require setbacks as determined by the city engineer.

Flag Lot: A lot, not of a uniform pattern, having the required road frontage as its maximum width to an area where the lot widens to provide an adequate building site and to where the lot meets all requirements. Illustration 1 denotes a typical flag lot configuration.

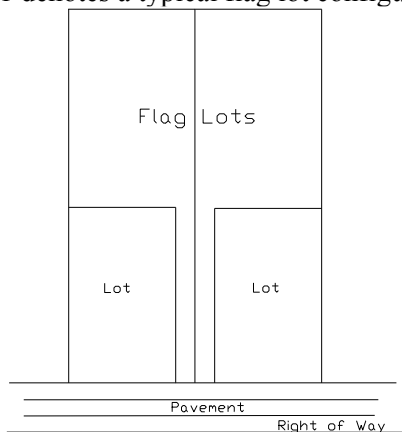


Illustration 1.

Floodplain: An area susceptible to being inundated with water from a flood having a one percent chance of being equaled or exceeded in any given year (a 100-year flood).

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot. 'Floodway' may also be referred to as 'regulatory floodway'.

Flood Hazard Area: also known as "Special Flood Hazard Area": All land subject to periodic inundation

by the overflow of natural waterways.

Frontage Street: Any street which provides the required road frontage and from which the front yard is determined. (see Perimeter Street for corner lots)

Health Department: The Commonwealth of Kentucky Department of Health or the Hopkins County Health Department.

Improvements: Physical changes made to land in order to make the land more suitable for the proposed use. Typical improvements include grading, ditches, culverts, bridges, sanitary sewers, storm sewers, water lines, utility lines, streets, curbs, gutters, sidewalks, streetlights, and all other appropriate improvements.

Lot: A parcel or portion of land in a subdivision, or plat of land, intended for transfer of ownership, or possession, or for building development.

Corner Lot: A lot situated at the intersection of two (2) or more streets or roads. One street shall be the frontage street and all others shall be the perimeter street(s).

Double Frontage Lot: A lot having two or more of its non-adjoining property lines abutting a street or streets.

Lot Depth: The average horizontal distance between front and rear lot lines.

Lot Frontage: The distance measured along the right(s)-of-way, between the side property lines or between the front and street-side property lines.

Lot Width: The average horizontal distance between the side lot lines.

Major Subdivision Plat: The division of a tract of land into more than five (5) lots or any division which requires the construction of or extension of public utilities and/or streets.

Minor Subdivision Plat: The division of a tract of land into not more than five (5) lots from the originally undivided tract as established at the time of subdivision regulation adoption (circa 1970), fronting on an existing public street, and does not require the construction of or extension of public utilities and/or streets. Lot line amendments and remnants of land surveyed for conveyance or record purposes are also considered as minor subdivision plats. Minor plats shall not alter any approved, yet incomplete, major subdivision plats.

Monument: An object (concrete, iron pin or pipe) set in the ground to mark the boundaries of real estate or to mark a survey station. All monumentation must meet current Kentucky Board of Registration Standards of Practice for Professional Land Surveyors (SPPLS).

Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial.

Performance Criteria: Regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.

Perimeter Street: The side street abutting a corner lot from which the street-side yard is determined.

Planning Commission: The Hopkins County Joint City-County Planning Commission.

Plans: All drawings, including general plans, cross sections, profiles, working details, and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of the proposed construction of the improvements required in these regulations.

Plat: A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, prepared by a licensed professional land surveyor or prepared by a licensed



professional engineer if road, utility, site plan, or drainage design is required in the division of property.

Preliminary Plat: A tentative, and overall development, plat of a proposed subdivision in its entirety for presentation to the Planning Commission for its consideration. Plans for construction of improvements may be included at this stage.

Final (Record) Plat: The completed subdivision plat in form for approval and recording. Construction plans have been approved and the bond has been posted or improvements completed. Final plats may be developed in Phases with Planning Commission approval.

Record Flood: The latest, identified flood of record.

Remnants: Any vacant remnants of land surveyed for conveyance or record purposes that do not meet the minimum lot requirements of the zoning district in which they are located or do not meet the minimum road frontage requirements shall be labeled “Not for conveyance or building development by itself, but for attachment to adjacent land in the same ownership.”

Resubdivision: Any change to an approved or recorded subdivision plat that affects any street layout, lot line, or area reserved for public use, or any further division of the originally divided tract.

Right-of-Way: The land occupied or intended to be occupied by a public street or public road which usually includes sidewalk, drainage way, railroad, street pavement, and underground and aboveground utilities, or any other special use.

Road/Street: Any vehicular way that: 1) is an existing federal, state, or local designated and maintained public roadway; or 2) is shown upon a record plat approved by the Hopkins County Joint Planning Commission pursuant to subdivision regulations and recorded in the Hopkins County Clerk’s Office.

Road Classification:

Parkway: A system of major travel routes between and across urban areas, but not providing access to adjacent land, and intended to carry the highest traffic volumes and serve the longest trip lengths.

Principal Arterials: A continuous route system between, across and within urban areas intended to carry high traffic volumes and serve longer trip lengths.

Minor Arterials: Moderate volume streets that interconnect with and augment the principal arterial system and emphasize the movement of traffic.

Collectors: Urban streets which collect and distribute trips from arterials to the local street system, provide access to adjoining land, and penetrate neighborhoods and the urban core.

Locals: Streets used primarily for access to abutting properties and not intended to carry through traffic.

Cul-de-sac Street: A local street with a turn-around and only one outlet.

Screening: A strip of densely planted, or natural growth, shrubs or trees at least three (3) feet high at the time of planting and that will form a year-round dense screen of at least six (6) feet in height; or an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Screening shall not be located within the right-of-way.

Setback: The distance between any building and the street line(s) and property lines. Determined by individual zoning districts.

Front Setback: The distance between the building and Frontage Street line.

Street-side Setback: The distance between the building and the Perimeter Street line and shall equal the front setback.

Side Setback: The distance between the building and the interior property line perpendicular to the frontage street line.

Rear Setback: The distance between the building and the interior property line parallel to the frontage street line and extending between the side yard(s) or side yard and street-side yard.

Subdivider, Applicant, Developer: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for him/herself or for another.

Subdivision: The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building development; or if a new street, to provide the required road frontage, or public improvement/infrastructure 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 of any tract or of the originally divided tract and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Subdivision Improvement Agreement: A contract entered into by the Planning Commission, the subdivider/applicant/developer, and the City of Madisonville wherein the applicant is bound to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.

Surveyor: A licensed land surveyor licensed, by the Commonwealth of Kentucky, to practice land surveying.

Temporary Turnaround: A temporary, gravel turnaround provided in place of a permanent, paved turnaround, for future extension.

Variance: An action, requested by the developer, to vary from the adopted requirements of the Subdivision Regulations and may only be granted by the Planning Commission. A completed Application for Variance shall be submitted.

**Section 1. Submittal**

Unless otherwise identified or noted in a separate document, all submittals are assumed to comply with the provisions of these regulations. Failure to follow prescribed procedures may result in the return of submittals. Seven copies of the minor plat shall be prepared and submitted to the Planning Director along with the completed Application for Review, completed checklist signed and dated by the developer and the surveyor, review fee, recording fee, copy of deed(s) for the property under consideration, and a digital copy of the plat in AutoCad .dwg format.

**Section 2. Review**

Within two working days of submittal, the Planning Director or staff designee, will review the minor plat for content compliance and then forward the minor plat to the City Engineering Department for their engineering review. After Technical Review Committee, the Planning Director will notify the owner or preparer of the plat if there are any changes or additions that shall be addressed. Once addressed, or if there are none, the Director will approve or disapprove the minor plat. If approved, the plat will be recorded in the County Clerk’s office. If disapproved, the applicant may make appropriate revisions/modifications and submit the plat for additional review. Any decision of the Director may be appealed to the Planning Commission within thirty days of the decision.

**Section 3. Distribution**

Upon approval and filing of the minor plat, one copy shall be retained in the Planning Commission office, one copy returned to the applicant, and the remaining copies to be distributed among the appropriate agencies/departments.

**Section 4. Minimum Content**

The minor plat shall be drawn to a scale of 1”=100’ or less and on paper not larger than 24”x 36” nor smaller than 11”x 17” and shall contain the following:

- a. Name of the subdivision with type plat;
- b. Name, address, phone number of owner, developer, and preparer;
- c. Dated signature and stamp of land surveyor;
- d. Date of the field survey;
- e. Deed book and page number of all properties to be subdivided;
- f. If plat is an amendment to or a resubdivision of a recorded plat, the cabinet and slide number of the previously recorded plat;
- g. Vicinity map showing the general location of the subdivision in relation to the surrounding area and community features such as major traffic routes, parks, schools, residential areas;
- h. Reference from one corner of the subdivision to a durable physical object, corner of a parent tract, or primary control network;
- i. Accurate bearings and distances of all subdivision boundaries and lot lines based on KY State Plane Coordinate System, NAD83, South Zone. Bearings shall be shown in degrees, minutes, and seconds; distances shall be shown to the nearest 100<sup>th</sup> of a foot;
- j. Accurate location, description, and materials of all monuments in accordance with the Standards of Practice for Professional Land Surveyors;
- k. Street names, pavement width(s), right-of-way width(s) of all streets within and adjacent to the subdivision;
- l. Location, width, and purpose of all known easements within and adjacent to the subdivision;
- m. Location of all setback lines with dimensions;
- n. Total acreage of the land being subdivided;
- o. Lot sizes, in square feet if less than one acre;
- p. Lots numbered in consecutive order;
- q. Location, size, and identification of all utilities;
- r. North point and basis for north;
- s. Written and graphic scale;

- t. PVA tax map and parcel identification;
- u. Zoning;
- v. Location of existing buildings;
- w. Adjoining property lines shown by dashed lines;
- x. Record name, subdivision name, lot number, and deed book/page number for adjoining property owners;
- y. Location of 100-year floodplain;
- z. Standard floodplain note: “This property is not (is) located in an area designated as a flood hazard area, as shown on FIRM Community Map/Panel Number \_\_\_\_\_ / \_\_\_\_\_, effective date \_\_\_\_\_.”;
- aa. Location of water courses;
- bb. Location and identification of environmentally sensitive areas;
- cc. Highway Connection note: “An encroachment permit shall be obtained from the Kentucky Department of Highways, District 2”;
- dd. Certificates.

**Section 1. Submittal**

Unless otherwise identified or noted in a separate document, all submittals are assumed to comply with the provisions of these regulations. Failure to do so may result in the return of submittals. Prior to the submission of the preliminary plat for Planning Commission action, the developer, the design engineer/surveyor shall prepare a rough sketch of the proposal and meet with the Planning Commission staff and the City Engineer to discuss subdivision requirements, procedures, and possible issues related to the development of the property in question. Only after this pre-application conference will the preliminary plat be accepted for review.

The developer, design engineer, or surveyor shall submit seven blue-line prints of the proposed preliminary plat to the Planning Commission staff by the deadline. Also required for submission is a completed Application for Review, a completed checklist signed and dated by the developer and the surveyor/design engineer, a digital copy of the layout of the proposed plat in Auto Cad .dwg format, review fee, and copy of deed(s) for the property being subdivided.

**Section 2. Review**

Preliminary plats will be reviewed for content by the Planning Commission staff and then forwarded for appropriate review to the City Engineer and other appropriate and affected agencies within five working days of the submission deadline. Any additions, changes, or modifications requested by the reviewing agencies shall be reflected on revised blue-line prints. When all requirements have been met, the planning director shall place the preliminary plat on the Planning Commission agenda.

**Section 3. Action**

The Planning Commission will review the preliminary plat and approve, approve with conditions, postpone, or disapprove the plat within ninety (90) days of the agenda placement. Reasons for approval with conditions, postponement, or disapproval shall be noted in the minutes and made available to the developer, the design engineer/surveyor, and the City Engineer in writing.

**Section 4. Time Allotment**

Approval of the preliminary plat authorizes the developer to proceed with the preparation and submission of construction plans, but in no manner does it constitute approval of construction plans or the final plat. The developer has two years within which to file an approved final plat or the preliminary plat becomes void. If the final plat is submitted in phases, an automatic extension(s) of two years is given to the remaining preliminary phase(s). At any time, if the approval of the plat becomes void, the plat may be submitted as new.

**Section 5. Minimum Content**

Preliminary subdivision plats shall be drawn to a scale of 1"=100' or less on paper no larger than 24"x 36" and shall contain the following:

- a. Subdivision name with type plat. The name shall not duplicate or closely approximate the name of any subdivision on file in the Hopkins County Clerk's office;
- b. Name, address, and phone number of owner, developer, and design engineer/surveyor;
- c. Dated signature and stamp of design engineer/surveyor;
- d. Date of field survey;
- e. Deed book and page number of all properties to be subdivided;
- f. If plat is an amendment to or a resubdivision of a recorded plat, the cabinet and slide number of the previously recorded plat;
- g. Vicinity map showing the general location of the subdivision in relation to the surrounding area and community features such as major traffic routes, parks, schools, and residential areas;
- h. Reference from one corner of the subdivision to a durable physical object, corner of a parent tract, or primary control network;
- i. Accurate bearings and distances of all subdivision boundaries and lot lines based on KY State

- Plane Coordinate System, NAD83, South Zone. Bearings shall be shown in degrees, minutes, and seconds; distances shall be shown to the nearest 100<sup>th</sup> of a foot;
- j. Accurate location, description and materials of all monuments in accordance with the Standards of Practice for Professional Land Surveyors;
  - k. Street names, pavement width(s), right-of-way width(s) of all streets adjacent to the subdivision;
  - l. Street names, pavement width, right-of-way width for all proposed streets within the subdivision;
  - m. Location, width, and purpose of all known easements within and adjacent to the subdivision;
  - n. Location of all setback lines with dimensions;
  - o. Total acreage of land being subdivided, total acreage of land in right-of-way/open space;
  - p. Lot size, in square feet if less than one acre;
  - q. Lots numbered in consecutive order;
  - r. Location and size of existing sanitary and storm sewers, water mains, fire hydrants, gas lines, street lights, and underground wires within and adjacent to the subdivision;
  - s. Location and size of proposed sanitary and storm sewers, water mains, fire hydrants, gas lines, street lights, and underground wires within and adjacent to the subdivision;
  - t. North point and basis for north;
  - u. Written and graphic scale;
  - v. PVA tax map & parcel identification;
  - w. Zoning;
  - x. Location of existing buildings;
  - y. Adjoining property shown by dashed lines;
  - z. Record name, subdivision name, lot number, deed book and page number for adjoining property owners;
  - aa. Location of 100-year floodplain;
  - bb. Standard floodplain note: "This property is not (is) located in an area designated as a flood hazard area, as shown of FIRM Community Map/Panel Number \_\_\_\_\_/\_\_\_\_\_, effective date \_\_\_\_\_.";
  - cc. Location of watercourses;
  - dd. Location and identification of any environmentally sensitive areas;
  - ee. Highway Connection note: "An encroachment permit shall be obtained from the Kentucky Department of Highways, District 2";
  - ff. Certificates;
  - gg. Location of proposed lots;
  - hh. Location of any proposed storm water detention/retention basin and/or stream relocation;
  - ii. Location and identification of any areas intended for public use or dedication and for common use of property owners;
  - jj. Contours at vertical intervals of not more than two (2) feet;
  - kk. Letter from appropriate authority that public water and/or public sewer is available for connection;
  - ll. Index sheet if more than one sheet is required;
  - mm. Any requested variances.

**Section 1. Submittal**

Any major subdivision not involving new public streets or other utility improvements may omit this stage and proceed with final plat preparation and submission.

Unless otherwise identified or noted in a separate document, all submittals are assumed to comply with the provisions of these regulations. Failure to follow prescribed procedures may result in the return of submittals. The developer or design engineer shall submit seven blue-line prints, a completed Application for Review, a completed checklist signed and dated by the developer and design engineer, and one digital copy in Auto Cad .dwg format of complete construction plans showing all public improvements associated with the subdivision to the Planning Commission for review. Construction plans shall be prepared and stamped by a licensed professional engineer and fully comply with these regulations.

**Section 2. Review**

Within ten days of submittal, the City Engineer shall review the plans, red mark one set to be retained in the engineer’s office, red mark one set to be distributed to the Planning Commission, and red mark one set to be returned to the design engineer. The design engineer shall submit revised/modified plans, along with the redlined copy and a letter of address of the comments. Upon complete compliance with these regulations, the City Engineer shall provide written notification of such compliance, and the construction plans shall be placed on the Planning Commission agenda.

**Section 3. Pre-Construction Meeting and Authorization**

Prior to construction of the required improvements, the design engineer, contractors completing the improvements, and the developer shall meet with the City Engineer and the resident project representative. The developer shall submit to the City Engineer, during this meeting, a schedule of construction phases, shop drawings, installation of erosion control, and difficulties that may arise during construction. Shop drawings may be submitted ten (10) work days prior to pre-construction meetings in order to have shop drawing approval by the meeting. Upon written consent of the City Engineer, the developer is authorized to proceed with construction.

**Section 4. Time Allotment**

All public improvements, as shown on the approved construction plans, shall be satisfactorily installed no later than two (2) years after the final plat has been approved for recording. Upon satisfactory installation of the required improvements, as-built plans shall be submitted to the City Engineer.

**Section 5. Minimum Content**

All improvements shall be designed and constructed in accordance with the City of Madisonville Guidance for Development, Water and Sewer Standards Manual, Electrical Guidance, and all other applicable standards. Construction plans shall be sufficient to show the locations, sizes, types grades, and general design features of each facility, must be drawn to a horizontal scale of 1”=50’ and a vertical scale of 1”=5’, on a 24”x 36” sheet with the following:

- a. Title Sheet with name of subdivision and type plans; name, address, and phone number of developer/owner and design engineer; date of preparation; vicinity map; index of sheets; certificates; name, address and phone number of utility companies;
- b. Grading and Erosion Control Plans showing the existing and proposed contours with intervals of not more than two feet; buildings, infrastructure, and other topographic features as “to remain” or “to be removed”; location of all erosion and sediment control facilities with detail drawings of each type of facility being used; soil types and classifications. Scheduling and specifications of sodding, seeding, and other vegetative BMPs shall be indicated;
- c. Street Plan and Profile of each proposed street in the subdivision. The plans shall show all edges of pavement, rights-of-way, centerline designation, stationing, equation stations, utility conflicts, names, sidewalks, storm sewers, property lines, approximate street grades, horizontal and vertical curve data, and, if applicable, ditch lines and toe of slope. The profile shall show all elevations

- and distances for the existing ground and the proposed grade surface, special ditches, storm sewers, driveway tiles, and utility crossings.
- d. Typical Street Cross-Sections of each proposed street shall show the width of pavement and right-of-way; the depth of rock, base asphalt and surface asphalt; the location, depth, and width of sidewalks; details of curb and gutters; and the location of all proposed utilities.
  - e. Sanitary Sewer plans shall show pipe size, pipe material, connection to existing facilities, and all facilities relating to the system, including, but not limited, to manholes and pump stations. The profile of sanitary sewers shall show the grades and invert elevations of sewer lines as well as the elevations of the sewer lines where they cross a storm sewer, drainage channel, water line, other utility line, or roadway.
  - f. Water plans shall show the location and size of water mains, the connection to existing facilities, the location of valves, fire hydrants, and other information as may be required by the Kentucky Division of Water or by the City of Madisonville. The plans of the water system shall show the elevations of the water lines where they cross a storm sewer, drainage channel, sanitary sewer, other utility line, or roadway.
  - g. Storm Water Drainage plans shall show the location and profiles of proposed storm sewers, culverts, drainage channels, or other drainage ways within the proposed subdivision. All plans must indicate the following, as applicable:
    - 1. Drainage calculations signed and stamped by the design engineer;
    - 2. Drainage appurtenances such as drop boxes, curb and gutter inlets, flumes, headwalls, and street culverts;
    - 3. Pipe and ditch details;
    - 4. Direction of flow;
    - 5. Retention/detention areas;
    - 6. Drainage easements.
  - h. Other Utilities The plans shall indicate the existing and proposed location of electric lines and poles, street lights, gas lines, telephone, cable television, stop signs, street name signs, and all other private/public utilities.
  - i. Itemized Construction Cost shall be submitted by the design engineer with stamp and signature.
  - j. Access Permit from the County/City/State onto the respective existing street.
  - k. Details: use of standard City of Madisonville details unless otherwise approved.



**Section 1. Submittal**

Prior to completion of required improvements, the developer may submit the final plat with an acceptable surety.

Unless otherwise identified or noted in a separate document, all submittals are assumed to comply with the provisions of these regulations. Failure to do so may result in the return of submittals. The developer, the design engineer, or the surveyor shall submit seven blue-line prints of the proposed final plat to the Planning Commission staff by the deadline. Also required for submission is a completed Application for Review, a completed checklist signed and dated by the developer and surveyor/design engineer, a digital copy of the plat in Auto Cad .dwg format, review fee, recording fee, and a letter from City Engineer attesting to the completion of the required improvements or an acceptable surety.

**Section 2. Review**

Final plats will be reviewed for content by the Planning Commission staff and then forwarded for appropriate review to the City Engineer and other appropriate and affected agencies within five working days of the submission deadline. Any additions, changes, or modifications requested by the reviewing agencies shall be reflected on revised blue-line prints. When all requirements have been met, the planning director shall place the final plat on the Planning Commission agenda. The final plat shall be approved or disapproved within ninety (90) days of the agenda placement. Any action of disapproval shall be stated in writing and made available to the developer and the City Engineer. Upon approval, the plat shall be recorded in the Hopkins County Clerk’s office.

**Section 3. Distribution**

Once approved and recorded, one copy of the final plat will be retained in the Planning Commission office, one copy will be returned to the applicant, and the remaining copies will be distributed among appropriate agencies/departments.

**Section 4. Minimum Content**

Final plats shall be drawn to a scale of 1”=100’ or less on paper no larger than 24”x 36” with the following:

- a. Subdivision name with type plat;
- b. Name, address, and phone number of owner/developer, design engineer, surveyor;
- c. Dated signature and stamp of design engineer/surveyor;
- d. Date of field survey;
- e. Deed book, page number, and legal description of all properties being subdivided;
- f. If plat is an amendment to or a Resubdivision of a recorded plat, the cabinet and slide number of the previously recorded plat;
- g. Vicinity map showing the general location of the subdivision in relation to the surrounding area and community features such as major traffic routes, parks, schools, and residential areas;
- h. Reference from one corner of the subdivision to a durable physical object, corner of a parent tract, or primary control network;
- i. Accurate bearings and distances of all subdivision boundaries and lot lines based on KY State Plane Coordinate System, NAD83, South Zone. Bearings shall be shown in degrees, minutes, and seconds; distances shall be shown to the nearest 100<sup>th</sup> of a foot;
- j. Accurate location, description, and materials of all monuments in accordance with the Standards of Practice for Professional Land Surveyors;
- k. Street names, pavement width(s), right-of-way width(s) of all streets within and adjacent to the subdivision;
- l. Location, width, and purpose of all easements within and adjacent to the subdivision;
- m. Location of all setback lines with dimensions;
- n. Total acreage of the land being subdivided, total acreage within right-of-way/open space;
- o. Lot sizes, in square feet if less than one acre;

- p. Lot numbers, in a consecutive order, continuing from Phase to Phase;
- q. Location and size of existing and proposed sanitary and storm sewers, water mains, fire hydrants, gas lines, street lights, and underground wires within and adjacent to the subdivision;
- r. North point with basis for north;
- s. Written and graphic scale;
- t. PVA tax map & parcel identification;
- u. Zoning;
- v. Location of existing buildings;
- w. Adjoining property shown by dashed lines;
- x. Record name, subdivision name, lot numbers, deed book/page number for adjoining property owners;
- y. Location of 100-year floodplain;
- z. Standard Note: "This property is not (is) located in an area designated as a flood hazard area, as shown on Community Map/Panel Number \_\_\_\_\_/\_\_\_\_\_, effective date \_\_\_\_\_."
- aa. Location of watercourses;
- bb. Location and identification of environmentally sensitive areas;
- cc. Highway Connection note: "An encroachment permit shall be obtained from the Kentucky Department of Highways, District 2";
- dd. Certifications;
- ee. Location and identification of any areas intended for public use or dedication and for common use of property owners;
- ff. Index sheet if more than one sheet is required;
- gg. Note any variances granted;
- hh. Subdivision covenants/restrictions;
- ii. Executed Subdivision Improvements Contract;
- jj. Surety/Bond;
- kk. All informative or restrictive notes numbered in sequential order and grouped in one list.

**Section 1. Purpose**

Subdivision shall be designed to create desirable neighborhoods with peace, quiet, safety, and beauty wherein suitable residential, commercial, or industrial values may be maintained over a long period of time. These minimum standards are established to promote this purpose.

**Section 2. Development Character**

Lands unsuitable for development due to flooding, improper drainage, steep slopes, adverse topography, utility easements, inadequate off-site infrastructure, or other features which are harmful to the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate solutions to solve the problems created by unsuitable land conditions are provided by the applicant.

**Section 3. Streets**

**3.1 Relation to Adjoining Street System.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided). Offset streets should be avoided. The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All proposed street names shall avoid duplication or close approximation of other street names in the entire county unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.

**3.2 Design.** The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the following requirements and standards:

**See Appendix B for Minimum Street Design Standards Table**

Base and Surface

All streets and public ways shall be constructed in accordance with the Kentucky Transportation Cabinet's *Standards for Road and Bridge Construction*. The minimum shall consist of twelve inches of compacted subgrade, six inches of compacted Dense Grade Aggregate (DGA), three inches bituminous binder and one inch bituminous surface.

Right-of-Way

See Appendix B

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum width requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

Alleys

Alleys may be allowed in a residential block but only as a secondary means of access to property and not as the road frontage or primary means of access. Alleys are allowed in the rear of business lots, unless other adequate provisions are made for service and deliveries, and shall have a right-of-way no greater than twenty (20) feet.

Sight Distance

See Appendix B.

Design Speed

See Appendix B.

Grades

See Appendix B. Grades at intersections shall not exceed three (3) percent for a distance of fifty (50) feet from the intersection of the street centerlines.

### Horizontal Curves

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet at a design speed of 20 mph. Greater design speeds shall require appropriate radii determined in accordance with AASHTO guidelines.

### Vertical Curves

See Appendix B. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4.5) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals fifty (50) feet horizontal, and one inch equals five (5) feet vertical, is required.

### Intersections

See Appendix B. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees. Property line radii at street intersections shall not be less than twenty (20) feet, and where the angle of street intersections is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. Intersections involving more than four basic street approaches are prohibited.

### Tangents

See Appendix B.

### Curb and Gutter

Curbs shall be constructed in all major subdivisions to provide permanent six (6) inch concrete curbs with twenty-four (24) inch integral concrete gutters or standard rolled curbs and gutters. Valley gutters two (2) feet wide shall be constructed meeting the same requirements as the pavement base and prime coat of the adopted street specifications. The ground between valley gutters and the property line shall be adequately sloped to the edge of the valley gutter. Details of curb and gutter are available in the *Standards and Guidance for Development* manual from the City of Madisonville.

EXCEPTION: A continuation of a currently active development under the same ownership is not required to install curb and gutter.

### Street Jogs

Street jogs with centerline offsets of less than one hundred (100) feet shall not be allowed.

### Dead End Streets

Minor terminal streets or courts designed to have one end permanently closed shall be determined by the density accessed from said street as follows:

USE	LENGTHS
Single family	60 feet per lot access/max 1500'
Two family	80 feet per lot access/max 1250'
Multi family	80 feet per lot access/max 1000'
Commercial	50 feet per lot access/max 1000'
Industrial	200 feet per lot access/max 1200'

Dead end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet and a street right-of-way diameter of at least eighty (80) feet, or the

Planning Commission may approve an alternative design so long as it meets these regulations. Where adjoining property is subject to future development, proposed streets shall be extended by dedication to the boundary of such property. Such streets for extension shall be provided with a temporary turn-around having a roadway diameter of at least sixty (60) feet. Temporary turn-around shall be paved within two (2) years of the preliminary plat approval unless the next final plat phase has been filed.

#### Private Streets and Reserve Strips

There shall be no private streets or reserve strips platted in any subdivision.

#### Blocks

No block shall be less than two hundred fifty (250) feet nor more than fifteen hundred (1500) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. Blocks shall be wide enough to allow two (2) rows of lots except where reverse frontage on major streets and roads is provided or where prevented by topographical conditions or size of the property, in which case the Planning Commission may approve a single row of lots of minimum depth.

#### Dedication and Acceptance

The subdivider shall provide for the complete construction of the roads, streets, drainage, right-of-way, and roadside improvements to adopted standards. Five days written notice shall be given to the City Engineer for a final inspection of the construction. Dedicated road systems shall not be accepted until inspected by the City Engineer and determined that the improvements are constructed in accordance with the approved construction plans. Within forty-five (45) days of final inspection by the City Engineer, the Council may accept the street by action or by default.

#### Restriction of Access

Where property along a collector or arterial street is to be used for residential purposes and a minor street is required, the arrangement of lots shall be such that the lot's rear yards abut the major street.

### **3.3 Lots**

#### Adequate Building Sites

Each lot shall contain a building site outside the limits of any existing easement or building setback lines as required, and above the elevation of the record flood. Fill may be used to raise such site to flood-free elevation. The introduction of fill shall require approval as necessary by the appropriate regulatory agency. Lot access shall be outside or above the record flood.

#### Arrangement

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curve street lines.

#### Frontage

Each lot must front upon a publicly dedicated/accepted or publicly maintained street or road for a distance as established in the individual zoning districts, except that lots fronting on the turn-around of a cul-de-sac street shall have a minimum frontage of thirty (30) feet, unless otherwise specified in the adopted zoning regulations of the City of Madisonville.

#### Size

The size, shape and orientation of lots shall be such as to allow the installation of the required utilities and infrastructure and as to allow adequate building sites. Minimum sizes are as established in the individual zoning districts.

#### Sewer

The subdivider shall connect with the public sanitary sewer system and provide connections to each lot.

### Corner Lots

Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average size lot in the subdivision. One interior lot line shall be considered the rear line and one shall be considered the side line determined by the positioning of the principle structure.

### Building Setback Lines and Side Yards

All setbacks and yards shall conform to the requirements of the zoning districts within the City of Madisonville.

### Flag Lots

Flag lots are not encouraged but shall be allowed under the following guidelines:

1. In no case shall there be more than two (2) contiguous flag lots.
2. The minimum road frontage is required for each flag lot.
3. Where two flag lots are contiguous, only one common driveway shall be allowed.
4. The maximum number of flag lots allowed in a subdivision is three (3) lots or fifteen (15) percent of the total number of lots, whichever is greater.

### Utility Easements

When the location of poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities is required along rear and/or side lot lines, easements of at least ten feet in width along the rear lot lines and at least five feet in width along the side lot lines shall be dedicated. Easements of at least twenty feet shall be dedicated along all rights-of-way except in the Central Business District where the easement requirement will be determined by the Planning Commission.

### **3.4 Parking Facilities**

Parking shall conform to the minimum requirements of the adopted zoning regulations.

### **3.5 Public Use and Service Areas**

Where a school, neighborhood park or recreation area, shown on an official map or in a plan adopted by the Planning Commission, is located in whole or in part in the applicant's subdivision, the Planning Commission shall require the dedication or reservation of such open space within the subdivision up to a total of ten (10) percent of the gross area of the plat for park, school or recreation purposes.

### **3.6 Community Assets**

In all subdivisions, due regard shall be shown for all natural features such as large trees and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.

### **3.7 Cemeteries**

Cemeteries shall be identified and require a ten foot buffer/setback around the perimeter.

### **3.8 Large Tracts or Parcels**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

### **3.9 Deed Restrictions/Covenants**

Deed restrictions or covenants shall be included with the plat and made a part of such plat; provided however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lots shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants, nor shall they contain any requirements less strict than those of any locally adopted regulation or ordinance.

### **3.10 Easements Along Streams/Watercourses**

Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course. Under no circumstances shall the easement be less than ten (10) feet as measured outward from both stream banks at the top of bank point. Any alteration or other work performed on the stream/watercourse shall be permitted by the appropriate agency.

### **3.11 Sidewalks**

Sidewalks shall be required in all major residential subdivisions and shall be located in the street right-of-way, on both sides of the street, to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line. All sidewalks shall be constructed as follows: concrete sidewalks shall be four (4) feet wide and four (4) inches thick.

EXCEPTION: A continuation of a currently active development under the same ownership is not required to install sidewalks.

### **3.12 Utilities**

#### Street Lights

Street lights shall be installed in accordance with the Electric Utility Service Policies and Procedures. Pole spacing shall be determined by the Electric Department.

#### Stop Signs and Street Name Signs

All stop signs and street name signs are the responsibility of the developer and shall be located on the preliminary plat, construction plans and final plat. Installation shall be in accordance with the Manual on Uniform Traffic Control and city standards.

#### Telephone, Cable System, Electric

All telephone, cable, and electric lines shall be placed within the twenty-foot utility easement adjacent to the public right-of-way.

*Optional:* All utility lines may be placed underground in a trench with adequate pipe for joint use by any providers.

#### Sanitary Sewer System

Each lot within a subdivision shall be provided with a connection to an approved sanitary sewer system. The design and construction of all sanitary sewer systems shall be in accordance with the Standards Manual for the planning, design and construction of sanitary sewage facilities.

#### Water Distribution System

Each lot within a subdivision shall be provided with a connection to an approved water system. The design and construction of all water supply systems shall be in accordance with the Standards Manual for the planning, design and construction of water distribution systems. Connections to the water system shall be installed for every lot in a subdivision so that future connections will not require digging up or tunneling under streets or interruption of service to other connections on the system. An adequate system of fire mains shall be provided as part of the development. Every attempt shall be made to establish a gridiron layout, preferably looped, with a minimum of dead-end lines. Fire hydrants shall be spaced at a maximum of five hundred (500) feet apart so that adequate fire protection to all buildings may be provided. Fire hydrants shall be located where they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways or parking facilities.

#### Storm Water Drainage System

The plat shall be laid out so as to provide drainage of the area being subdivided. Drainage improvements shall maintain any natural water course and shall prevent the collection of water in any low areas. The

means for disposing of the storm water shall comply with all KPDES, Phase II requirements. The satisfactory drainage of storm water shall be made by means of underground conduits or surface ditches. The storm water drainage system shall be designed and constructed by the developer and shall be designed to meet the design specifications as outlined in the City of Madisonville *Standards and Guidance for Development* Manual. Plans for improvements shall be prepared by the design engineer and installed by the developer, all in accordance with the provisions of these regulations.

An adequate drainage system, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be designed and constructed to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The following requirements and methods shall be followed:

- a. Report required. A subdivision plat shall not be considered for final approval until the subdivider has submitted a report by the design engineer as to the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision, in order to handle the additional runoff created by the development of the land. Additional information shall be submitted indicating that provisions have been made for the disposal of surface water without any damage to the developed or underdeveloped land down stream of the proposed subdivision. The use of sink holes as runoff outlets is prohibited. The report shall include an estimate of the quantity of storm water entering the subdivision naturally from areas outside the subdivision and the quantities of flow at each pickup point (inlet), and the location, sizes, and grades of required culverts, drainage sewers, and other required appurtenances.
- b. Grading. No final grading or sidewalk, curb and gutter, pavement construction, or installation of utilities shall be permitted in any proposed subdivision until the preliminary plat has been approved by the Planning Commission. The subdivider shall grade each subdivision in order to establish street, block, and lot grades in proper relation to each other and to topography. The grading of the roadway shall extend the full width of the right-of-way. Planting strips between the back of curb and sidewalks shall be graded at a gradient of not less than two (2%) percent upward from curb to sidewalk or property line. All ditches shall be graded to ensure the adequate flow of surface water runoff.
- c. Design. Culverts and storm sewers in all streets shall be designed on a ten-year, 24-hour storm event and checked for a 100-year frequency to ensure no structures will be inundated by flood waters. The minimum capacity for curb and gutter inlets and open channels shall be computed on a rainfall intensity of four inches per hour. Ditches shall be sloped not less than three to one and back slopes shall be not less than two to one. Cross drains shall be provided to accommodate all natural and post development water flow, and shall be of sufficient length to permit full width roadway and the required slopes. In no case shall the pipe be less than fifteen (15) inches. Cross drains shall be built on straight line and grade, and shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched too provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed.
- d. Road drainage. The road storm sewer system shall serve as the primary drainage system and shall be designed to carry roadway, adjacent land, and building storm drainage under developed conditions. No storm sewer shall be permitted to run into the sanitary sewer system. Curb drainage inlets and catch basins shall be provided at intervals along roadways. The spacing of inlets and catch basins shall be adequate to limit the spread of water to two feet into the roadway. Storm drainage inlets shall be placed so that



crosswalks will not be flooded during the design intensity of four inches per hour. Ditches and open channels shall be seeded or sodded and material and construction specifications for all drainage projects shall be in compliance with KDOH. The post-development rate of run-off shall not exceed the pre-development levels.

- e. Off-road drainage. The design of the off-road drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the road right-of-way, the subdivider shall make provisions for dedicating an easement to provide for the future maintenance of the system. The size and location of all off-road water courses and ditches running through the subdivision shall be enclosed or left open subject to the approval of the Planning Commission. If a water course or ditch is left open, it may be required to be protected by a fence as determined by the Planning Commission. The watercourse or ditch easement shall be wide enough to contain ample clearance for the operation of maintenance equipment.
- f. Protection of drainage systems. Ditches and open channels shall be seeded, sodded, or paved depending on grades/slopes and types of soils. As a general rule, ditches and channels with grades between four (4%) to eight (8%) percent shall be sodded and those with grades over eight (8%) percent shall be paved.
- g. Materials. Material and construction specifications for all drainage projects shall be in compliance with the *Standard Specifications for Road and Bridge Construction* manual.

### **3.13 Off-Site Improvements**

When a proposed subdivision is located on a road, sanitary sewer system, water line or storm water system determined by the City to be substandard and incapable of handling the proposed increase, the developer shall be advised and the proposed subdivision may not proceed. The City shall make no guarantee to make off-site improvements; however, the developer and City may enter into an agreement to make off-site improvements which would allow the proposed subdivision to be developed.

### **3.14 Survey Monuments**

All subdivision boundary corners and all points of tangency and points of curvature of all curves of streets and street intersections shall be marked with permanent monuments. A permanent monument shall consist of ½ inch minimum diameter steel rod or rebar of 24” minimum length with an SPPLS identifying cap encased in a concrete filled 6” minimum diameter hole of 2 feet minimum depth. Should conditions prohibit the placing of monuments on the line, witness monumentation will be permitted; provided however, that exact offset courses and distances are shown on the subdivision plat. Steel rods or rebar of ½ inch minimum diameter and a minimum of 18” length with SPPLS identifying cap shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before the final plat is recorded, unless bonded.

### **3.15 Surety/Bond Requirement**

No final plat of any subdivision shall be submitted, approved, and recorded unless:

1. The improvements have been installed to the satisfaction of the City prior to such approval, or
2. The subdivider has entered into a contract with the Hopkins County Joint Planning Commission and satisfactory to the City to construct all necessary roads, drainage, grading, graveling, paving, storm and sanitary sewerage systems, and water systems; and the subdivider has filed with the Planning Commission a property or insurance bond, letter of credit, cashier’s check, or a certified check upon a solvent Kentucky bank conditioned to secure the construction of the improvements listed below in a satisfactory manner not to exceed two years. No such bond shall be accepted unless it is enforceable by or payable to the Hopkins County Joint Planning Commission in a sum at least one hundred

twenty (120) percent of the cost of constructing the improvements as estimated by the design engineer with the approval of the City Engineer and in form with surety and conditions approved by the City Attorney. No such letter of credit or check shall be accepted unless it is enforceable by or payable to the Hopkins County Joint Planning Commission in a sum at least one hundred five (105) percent of the cost of constructing the improvements as estimated by the design engineer with the approval of the City Engineer and in form with surety and conditions approved by the City Attorney. The surety/bond may be renewed one time for one year. Prior to surety/bond release, all required improvements shall be inspected and verified by the City Engineer and as-builts shall be provided.

#### Reduction in Amount

Two reductions in the amount of the surety will be permitted during the construction period. Any request for reduction shall be accompanied by an accurate account of the cost of improvements for which the reduction is sought and a signed statement by the City Engineer, after field inspection and verification, that said improvements have been installed satisfactorily.

#### Warranty

The developer shall provide a one-year period, from the official acceptance date of the public improvements, as a warranty period. During that time the developer will be responsible for the correction of any defects found. A minimum of ten (10) percent of the original surety amount shall be maintained throughout the warranty period. At the time the warranty period expires and all defects have been corrected, the remainder of the surety shall be released to the developer.



**CERTIFICATION OF ACCURACY**

I hereby certify that this plat was prepared by me or under my direction; that all monuments indicated hereon actually exist; that the information shown hereon is correct to the best of my knowledge and belief; is a Class \_\_\_\_\_ survey completed by \_\_\_\_\_ method; and that all requirements of the Subdivision Regulations have been fully complied with.

\_\_\_\_\_  
Date                                      Licensed Surveyor                                      Stamp

**CERTIFICATION OF APPROVAL**

I hereby certify that this preliminary plat has been reviewed and is shown to be in accordance with the regulations administered by the Hopkins County Joint Planning Commission.

This plat void unless final plat based hereupon filed by \_\_\_\_\_.

\_\_\_\_\_  
Date                                      Planning Commission Chairman

**CERTIFICATION OF CITY OF MADISONVILLE ENGINEER**

I hereby certify that the preliminary plat for this subdivision has been reviewed by me and is in accordance with standard engineering practice.

\_\_\_\_\_  
Date                                      Madisonville City Engineer

**CONSTRUCTION PLAN CERTIFICATIONS**

**CERTIFICATION OF DESIGN ENGINEER**

I hereby certify to the best of my knowledge and belief that the construction plans shown and described hereon are true and correct to the accuracy required by the Subdivision Regulations.

\_\_\_\_\_  
Date                                      Signature of Engineer                                      Stamp

**CERTIFICATION OF CITY OF MADISONVILLE ENGINEER**

I hereby certify that the plans for construction of public improvements for (Name of Subdivision) have been reviewed and are proposed in an acceptable manner according to the Subdivision Regulations and other adopted regulations.

\_\_\_\_\_  
Date                                      Madisonville City Engineer

**CERTIFICATION OF APPROVAL**

I hereby certify that the plans for construction of public improvements for (Name of Subdivision) have been approved by the Hopkins County Joint Planning Commission according to adopted regulations.

\_\_\_\_\_  
Date                                      Planning Commission Chairman



APPENDIX A

**APPLICATION FOR SUBDIVISION REVIEW**

Hopkins County Joint Planning Commission  
56 North Main Street  
Madisonville, Kentucky 42431

Submission Date: \_\_\_\_\_  
Approval Date: \_\_\_\_\_  
\_\_\_\_ Minor plat                      \_\_\_\_ Preliminary Plat                      \_\_\_\_ Construction Plans  
                    \_\_\_\_ Final Plat

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Title of Subdivision \_\_\_\_\_  
Owner(s) of Property \_\_\_\_\_  
Owner(s) Address \_\_\_\_\_  
\_\_\_\_\_  
Owner(s) Phone \_\_\_\_\_  
Design Engineer & KY Registration No. \_\_\_\_\_  
Surveyor & KY Registration No. \_\_\_\_\_  
Address or Description of Property to be Subdivided \_\_\_\_\_  
\_\_\_\_\_

Original Tract Deed Book and Page Number \_\_\_\_\_  
Number of Acres in Development \_\_\_\_\_  
Number of Lots Created \_\_\_\_\_  
Zoning \_\_\_\_\_

This application must be accompanied by the appropriate checklist for the type of plat being submitted for review. This checklist must be completed, signed, and dated by the Design Engineer and Surveyor.

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application.

\_\_\_\_\_  
Design Engineer

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Owner

**APPLICATION FOR VARIANCE**

Hopkins County Joint Planning Commission  
56 North Main Street  
Madisonville, Kentucky 42431

Date Received \_\_\_\_\_

Action Taken \_\_\_\_\_

Title of Subdivision \_\_\_\_\_

Owner(s) of Property \_\_\_\_\_

Owner(s) of Address \_\_\_\_\_

Owner(s) Phone \_\_\_\_\_

Location of Property \_\_\_\_\_

**Findings Necessary for Granting Variances**

Before granting variances, the Planning Commission must determine that the request is without detriment to the public good; does not impair the purposes and basic objectives of the regulations; is not generally applicable to other property; does not in any manner vary from provisions of the zoning ordinance or other adopted regulations; and does not impair the desirable general development of the neighborhood and community as proposed by the comprehensive plan. In the space below, describe the impact the proposed variance will have on the neighborhood and state the reason for approving this request. This explanation should address:

1. The special circumstances of the proposed use;
2. Site constraints that would make the strict adherence to the requirements infeasible; and,
3. Whether the variance would supplement the purpose of enhancing the public welfare.

The Planning Commission may also consider other factors it may deem relevant in making this decision.

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I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) do hereby understand that a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

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Signature of Property Owner(s)